



The Last Beach Cleanup

California State's Own Data Reveals Consumer Plastics Cannot be Claimed as Recyclable and are Being Exported Illegally

State Agencies Called to Enforce State Laws Intended to Protect Consumers and Plastic Waste Dumping Abroad

February 12, 2024. Today, two waste watchdog groups, the Basel Action Network (BAN) and The Last Beach Cleanup, published a [Fact Briefing](#) detailing that California's recent waste laws, SB343 (1) and AB881 (2), have been consistently violated. Both laws established criteria against violating the Basel Convention, an international treaty that seeks to prevent the global dumping of wastes, particularly from developed to developing countries. However, data collected and reported by the government reveals that California waste facilities are violating the new laws by sending mixed and contaminated plastic wastes to countries like Vietnam, Malaysia, and Mexico.

"While the United States is not a Party to the Basel Convention, California's new rules require consistency with the Basel rules," said Jim Puckett, Executive Director of BAN. "And while we applaud the fact that California has recognized the Basel Convention in its own laws, we cannot applaud the fact that after passage of these laws, California then promptly ignored the implementation and enforcement necessary to fulfill the legal requirements."

The discovery of California being in breach of its own laws was made possible by reporting mandated by the same legislation being violated. The environmental groups made their findings through comprehensive assessments of the legal requirements of California SB343 and AB881, the linked requirements of the United Nations' Basel Convention, data from CalRecycle SB343 Material Characterization Study Preliminary Findings (SB343 Report)(3), as well as the most recent California plastic waste export statistics.

Key Findings:

1. **All California plastic waste bales are illegal to export from California to any other country other than Canada due to their being too mixed and contaminated.** Yet such exports take place on a daily basis from California to countries such as Mexico and Vietnam and no exports take place to Canada.
2. **All California consumer plastic waste bales fail under SB343's requirement to be consistent with Basel Convention requirements and therefore cannot be considered "recyclable"** under California law and cannot be labelled as such.

3. **Exported California plastic waste bales should not be claimed for diversion under California law AB881 as they all fail AB881 criteria of being legal in all jurisdictions.** They are not when exported to Basel Parties. Yet CalRecycle reports high statewide waste diversion rates of 40% based on the export of plastic waste, including to Mexico. (4)
4. **PET bottles that may be recyclable are being collected for domestic or foreign recycling together with PET thermoform plastics and other wastes that cannot be recycled with PET bottles.** As much as 64% of unrecyclable PET and other contaminants accompany the PET bottle shipments to countries like Mexico meaning that Mexico receives as much as 64% of unrecyclable trash in each bale.

"As a State, California is still misleading its own citizens and the world when it comes to pretending to be able to recycle most of our plastic wastes," said Jan Dell, an independent engineer and Founder of The Last Beach Cleanup. *"It is high time we stop the disingenuous games and enforce the truth in recycling laws the citizens called for."*

The watchdog groups concluded that it is illegal for California agencies to fail to enforce compliance with California law. They urge the following immediate actions to remedy the violations:

1. The California State Attorney General (AG) must investigate illegal diversion reporting under AB881 by municipalities, material recovery facilities, and other plastic waste exporters.
2. The California State Attorney General (AG) must ensure that exports of Y48 wastes to Mexico are legal to receive in Mexico prior to allowing their export. Mexico currently does not have a valid bilateral agreement with the US to receive Basel Y48 plastic wastes from the US.
3. CalRecycle must acknowledge that none of the eight categories of plastic waste are consistent with the Basel Convention's trade rules, and therefore no type of consumer plastic material and form meets the "recyclable" requirements of CA SB343. (5)
4. CalRecycle must require the separation of PET thermoforms into a unique category of material type and form since they cannot be recycled with PET bottles.
5. CalRecycle must correct other errors and improve transparency in future reporting as highlighted in the Fact Briefing.



Plastic waste imports are now plaguing Malaysia. California is illegally exporting plastic waste with high contamination to Vietnam, Malaysia, Mexico, and other countries with relatively weak economies. Photo Credit: Basel Action Network

“CalRecycle’s mission to achieve high waste diversion rates has pushed harmful plastic waste exports to developing countries for years under the pretense of recycling,” said Jan Dell. “With the passage of SB343 and AB881 this was supposed to stop. It’s unacceptable for the agency to now make a mockery of these laws by refusing to enforce them.”

Footnotes:

- (1) California Code, [Public Resources Code - PRC § 42355.51](#)
- (2) California Code, [Public Resources Code § 41781.4](#)
- (3) CalRecycle, [SB343 Material Characterization Study Preliminary Findings, December 28, 2023](#)
- (4) CalRecycle, [“State of Disposal and Recycling in California, Calendar Year 2021”](#)
- (5) California Code, [Public Resources Code - PRC § 42355.51](#)

For more information:

[Fact Briefing: California State's Own Data Reveals Consumer Plastics are not Recyclable and are Being Exported Illegally](#)

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About Basel Action Network

Founded in 1997, the Basel Action Network (BAN) is a 501(c)3 charitable organization of the United States, based in Seattle, WA. BAN is the world's only organization focused on confronting the global environmental justice and economic inefficiency of toxic trade and its devastating impacts. Today, BAN serves as the information clearinghouse on the subject of waste trade for journalists, academics, and the general public. Through its investigations, BAN uncovered the tragedy of hazardous electronic waste dumping in developing countries. For more information, see www.BAN.org.

About The Last Beach Cleanup

The Last Beach Cleanup volunteers lead catalytic initiatives to move from awareness on plastic pollution to widescale action and achievement. Founded by an independent engineer, The Last Beach Cleanup focuses on bringing the facts to the forefront to promote proven and practical solutions to plastic pollution. For more information, see www.lastbeachcleanup.org.

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