**Compilation of comments received from members and observers of the expert working group on the review of annexes on the January 2020 thought starter by Canada on the review of Annex III to the Basel Convention**

**(status 4 September 2020)**

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# **Colombia**

Bogotá, Colombia

24th July, 2020

***Ref. Comments for the review of the annexes I and III of the Basel Convention***

Dear Ms. Kohler,

First, I would like to thank the Expert Working Group on the review of the Annexes for its work, and the support provided by the Co-chairs and the Secretariat.

I am pleased to submit views with regard to: Canada's thought starter on the review of Annex III, general issues and detailed proposals regarding the review of Annexes I and III and whether any additional constituents or characteristics in relation to plastic waste should be added to Annex I or III.

These views are therefore preliminary and specific comments are without any prejudice to any future proposals that could be submitted by Colombia.

1. **COMMENTS ON CANADA'S THOUGHT STARTER ON THE REVIEW OF ANNEX III**

Colombia appreciates the proposal prepared by Canada on which it presents the following comments:

1. GHS vs UN Model Regulations on the Transport of Dangerous Goods

Colombia considers the proposed approach to be appropriate in that it includes not only the characteristics of physical hazards but also those related to health and environmental hazards that are considered relevant to the objectives of the Convention, based on the GHS criteria.

1. Precedence of hazardous characteristics

As a further measure for the protection of workers and the environment, Colombia considers it appropriate to include in the Annex indications regarding the precedence of hazard characteristics for the effects of packaging requirements; the above given that hazardous wastes may have more than one relevant hazard characteristic. We would agree to include rules of precedence based on the guidelines of the United Nations *Model Regulations on the Transport of Dangerous Goods*.

1. Acute toxicity

Colombia would agree to incorporate the classification criteria of hazard characteristic "acute toxicity" of GHS categories 1 to 4, but in a single hazard class (current H6.1). Therefore, the inclusion of the new hazard class H14 is not considered necessary.

1. New hazard characteristics

Colombia agrees with the inclusion of new hazard characteristics in Annex III, particularly those referring to health and environmental hazards. We also consider that it is not necessary to distinguish between hazard categories "A" or "B", as the main categories (1 and 2) provide sufficient information on the corresponding hazard classes.

1. De minimis concentration values

Colombia finds it complex to assign absolute concentration limit values to determine the health and environmental hazard characteristics of waste, due to the great heterogeneity of the waste and to the fact that usually hazardous waste is a mixture of different compounds and not a pure substance. Therefore, it is considered appropriate to estimate these hazards taking into account the contribution of the hazardous components in the waste and to use the concentration limits suggested by the GHS above which it would be classified as hazardous.

1. Specific comments on the proposal

The proposed definitions for the physical hazard classes are based on the United Nations Model Regulations for the Transport of Dangerous Goods. Given that alignment with the GHS is desired, which incorporates most of the classification criteria of the transport regulations, we consider that all physical hazard classes, with the corresponding definitions and classification criteria in accordance with the GHS, should be included in the Annex.

We consider that GHS categories 1 to 4 should fall into the acute toxicity class, not only 1 and 2. In that sense, the proposed new class H14 would not be considered. We agree with the inclusion of other health and environmental hazard classes, based on the GHS.

In relation to the proposed new classes H23 and H24, these refer to types of chemical compounds and not to hazard characteristics. Additionally, they would already be covered by several of the already established hazard categories. Therefore, we do not consider convenient the inclusion of these new categories.

1. Tests and classification principles

Regarding testing and classification principles, Colombia considers very important to include references on recommended test methods to characterize the hazards included in the Annex. The recommended test methods should be standardized as much as possible by recognized organizations (e.g. United Nations, OECD, ASTM, ISO/IEC).

We also suggest the future development of guidance for those hazard characteristics that do not have them.

1. **COMMENTS ON GENERAL ISSUES AND DETAILED PROPOSALS REGARDING THE REVIEW OF ANNEX III (UNEP/CHW/RA\_EWG.3/7)**

Colombia appreciates the proposal presented by the UE+SM, on which it makes the following comments:

The proposal is considered very complete and the proposed amendments enrich the annex in the sense that they extend its scope to the characteristics of health and environmental hazards that are relevant to the objectives of the Convention and complement and organize the information to facilitate its correct interpretation.

Likewise, Colombia agrees with:

* That the GHS classification criteria should be included as guidelines for the identification of hazardous characteristics, including methods for assessing such characteristics in hazardous waste that is not a pure substance but a mixture, and the use of GHS concentration limit values for that purpose. The latter will make it easier for the generator to identify the hazardous characteristics of the waste.
* The inclusion of the proposed new hazard classes.
* The introductory text of the Annex, although we do not see the need to make a specific reference to substances that exceed the low POP contents, given that the text already makes reference to "General technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants developed under the Basel Convention”.
* The grouping of several GHS hazard classes into a single characteristic, such as flammables or oxidants, among others.
* The reorganization and codification of the amended Annex, which will facilitate the reading and interpretation of its contents.

Additionally, we recommend the inclusion of substances and mixtures of corrosive metals (H290) in Class HC8 of the characteristic "Corrosive".

We also consider it appropriate to include a note to the effect that desensitized explosives could be included in the scope of HC3.

Finally, concerning the proposals submitted by Canada and the European Union and its member states, Colombia would support the proposal by the European Union and its member states to amend Annex III, as it is considered more appropriate in terms of the identification of the hazardous characteristics of the waste.

1. **COMMENTS ON GENERAL ISSUES AND DETAILED PROPOSALS REGARDING THE REVIEW OF ANNEX I (UNEP/CHW/RA\_EWG.3/6)**

**General issues**

1. We consider coherent and appropriate the proposal made by UE+SM regarding the structure of Annex I (Delete Y1-Y18) and the order of listing for Y entries according to four (4) categories.
2. Regarding to the level of specification of individual Y entries, we support to keep Annex I categories general (status quo), but with some exceptions (for example, for Y29 mercury; mercury compounds to reflect Minamata classification).
3. We also agree to add new Y-entries in order to extend the scope of Annex I, ensuring that all wastes listed have a corresponding entry in Annex VIII.
4. We do not support the possibility to add catch-all entries.

**Detailed proposals:**

1. We support the changes proposed by EU to the entries Y23, Y39, Y40, Y43 y Y44.
2. We would like to propose additional modification for entries Y41 and Y45, shown as follows in track changes:

Y41: Halogenated organic solvents, e.g. carbon tetrachloride; 1,1,1-Trichloroethane, methyl chloroform.

Y45: Organohalogen compounds [e.g. brominated or chlorinated flame retardants; brominated, chlorinated or fluorinated refrigerants, propellants, fire protection, foaming and process agents; other than chemicals referred to in [this annex (e.g. Y39, Y41, Y42 Y43, Y44)]

1. We support the new Y entries proposed by EU, but we have doubts or concerns about the following four new entries and would like to receive more information about the rationale behind these proposals.

* Aluminum in metallic dispersible form (metal powder), aluminum compounds
* Silver compounds
* Other fibers than asbestos capable of causing lung damage through inhalation
* Pharmaceutical, including phytopharmaceutical, or veterinary compounds, e.g. cytotoxic and cytostatic drugs. *In this case it would be important to clarify why the phytopharmaceutical products are considered hazardous waste and if this modification could possibly cause confusion with entry A4030.*

It could be helpful to add some examples in each subcategory in order to illustrate the type of hazardous waste that would be covered by the aforementioned new Y entries.

1. **COMMENTS WHETHER ANY ADDITIONAL CONSTITUENTS OR CHARACTERISTICS IN RELATION TO PLASTIC WASTE SHOULD BE ADDED TO ANNEX I OR III.**

We do not see the need to include a new Y entry in Annex I for plastic waste, since the hazardous substances that can be found in this type of waste (e.g. hexavalent chromium, cadmium, mercury, lead, PBDE) are already included in other categories of this Annex.

Finally, I hope that you will find these comments useful and look forward to participating in subsequent work and discussions on the review of the Annexes.

Yours sincerely,

**Andrea López Arias**

Member of the Expert Working Group on the review of the Annexes

Ministry of Environment and Sustainable Development

# **European Union and its member States**

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# **United States of America**

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# **Basel Action Network**

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# **Hazardous Waste Europe**

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