



**ARRANGEMENT BETWEEN
THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES
OF AMERICA CONCERNING THE ENVIRONMENTALLY
SOUND MANAGEMENT OF NON-HAZARDOUS WASTE AND SCRAP
SUBJECT TO TRANSBOUNDARY MOVEMENT**

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter referred to collectively as “Participants” and individually as “Participant”;

RECALLING the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, done at Basel on 22 March 1989 (the “Basel Convention”);

RECALLING Article 11(1) of the Basel Convention, which provides that a Party may enter into an agreement or arrangement regarding transboundary movement of hazardous wastes or other wastes with a non-Party provided that such agreement or arrangement does not derogate from the environmentally sound management of hazardous wastes and other wastes as required by the Convention and that such agreement or arrangement stipulates provisions not less environmentally sound than those provided for by the Convention;

RECALLING the *Agreement between the Government of Canada and the Government of the United States of America concerning the Transboundary Movement of Hazardous Waste and Other Waste*, done at Ottawa on 28 October 1986, as amended (“Article 11 Agreement”);

SEEKING to ensure that the transboundary movement, transportation, recycling, recovery, and disposal of non-hazardous waste and scrap continues to be conducted in an environmentally sound manner in order to protect human health and the environment;

RECOGNIZING the Participants’ longstanding commitment to the environmentally sound management of waste and scrap, and their record of successful coordination and cooperation concerning the transboundary movement of waste and scrap, including under the existing Article 11 Agreement;

RECOGNIZING that the transboundary movement of waste and scrap for environmentally sound management, including trade in recyclable and recoverable materials, can yield economic and environmental benefits, including to support sustainable materials management; and

TAKING INTO ACCOUNT the Recommendation of the OECD Council on the Environmentally Sound Management of Waste (OECD/LEGAL/0329) and the associated Guidance Manual on Environmentally Sound Management of Waste;

HAVE REACHED the following understanding:

SECTION I

This Arrangement affirms the environmentally sound management in Canada and the United States of America (referred to collectively as “the countries” and individually as “country”) of non-hazardous waste and scrap subject to transboundary movement between the countries or transit through one country when the waste and scrap is both shipped from and destined for the other country (“transboundary movement”).

For the purposes of this Arrangement, “non-hazardous waste and scrap” means any waste and scrap not covered by the Article 11 Agreement or Appendix 4 of the Decision of the OECD Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations (OECD/LEGAL/0266).

SECTION II

Each Participant confirms that it has and intends to maintain measures to provide for the environmentally sound management, including recycling, recovery and disposal, of non-hazardous waste and scrap in order to protect human health and the environment.

Each Participant intends to manage non-hazardous waste and scrap in an environmentally sound manner, including recycling, recovery and disposal, in its country, in accordance with applicable laws, regulations, and practices.

The Participants intend that the transboundary movement of non-hazardous waste and scrap under this Arrangement be subject to all existing controls normally applied in commercial transactions.

The Participants intend to continue and augment, as appropriate, cooperative activities, using the Canada-U.S. Waste Operational Working Group (or successor group) and other relevant fora, with regard to the environmentally sound management of waste and scrap, such as exchange of information and development of best practices on issues of relevance to this Arrangement.

Each Participant is expected to inform the other Participant in a timely manner of any material changes to its domestic laws or regulations addressing the transboundary movement of non-hazardous waste and scrap.

SECTION III

The Participants intend that all activities carried out under this Arrangement be consistent with applicable law. This document constitutes an arrangement under Article 11 of the Basel Convention and does not impose, and is not intended to impose, any legal obligations on the Participants. The Participants intend to consult with each other as needed regarding the interpretation or implementation of this Arrangement.

This Arrangement forms part of the instruments between Canada and the United States of America in relation to the transboundary movement and the environmentally sound management of waste and scrap, and is complementary to the existing Article 11 Agreement between the Participants.

This Arrangement becomes effective upon signature by both Participants and is intended to remain effective unless discontinued. The Arrangement may be discontinued by either Participant, in which case the Participant seeking to discontinue the Arrangement should provide 180 days' written notice to the other Participant.

The Participants intend to consider whether to review the terms of this Arrangement at the request of either Participant. This Arrangement may be modified by mutual written decision of the Participants.

SIGNED in duplicate at *fatineau* this *26th* day of *October* 2020,
and at *Washington* this *22nd* day of *October* 2020, in the English and French languages.



FOR THE GOVERNMENT
OF CANADA



FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA