

**Congress of the United States**  
Washington, DC 20515

October 1, 2020

The President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

As you negotiate a trade deal between the United States and Kenya, we write to express our strong opposition to efforts to weaken Kenya's restrictions on importation or consumption of single-use plastic and other products responsible for plastic pollution.

Plastic pollution is a major global problem. Of the estimated 8.3 billion metric tons of plastic produced in the past 60 years, 6.3 billion metric tons have become plastic waste and much of that has polluted our natural environment leading to major blights on the environment, economies, and health of countries around the world.

Every year, enough plastic – about 8 million tons – escapes into the ocean that five grocery bags full of plastic trash would fit on every foot of coastline around the globe. In addition to ocean pollution, plastic is contaminating every area of the world, including miles above us in the form of micro-plastic pollution found in raindrops that fall in areas as remote as Rocky Mountain National Park.<sup>1</sup> With nearly 400 million tons of plastic produced globally each year and failed policies to reclaim and recycle that plastic, we are creating suffocating amounts of plastic that are harming our environment, our health, and our budgets.

In Kenya, plastic pollution has had a devastating impact on their health, environment, and economy. Plastic bag pollution has led to major issues, such as clogged drainage systems that contributed to mass flooding in rainy seasons. A study supported by the National Environmental Management Agency in 2018 found that more than 50% of cattle near urban areas in Kenya had plastic bags in their stomachs.<sup>2</sup> Plastic beverage bottles and other plastic containers are ubiquitous in landscapes, residential areas, rivers, and beaches.

Some of this pollution can be attributed to plastic that was exported from the United States. In 2019, the United States exported more than 1 billion pounds of plastic waste to 96 countries,

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<sup>1</sup> *It is raining plastic*, by the United States Geological Survey (May 2019), <https://pubs.er.usgs.gov/publication/ofr20191048>

<sup>2</sup> *The prevalence of plastic bag waste in the rumen of slaughtered livestock at three abattoirs in Nairobi Metropolis, Kenya and implications on livestock health*, by the National Environmental Management Agency (October 2018), <http://www.lrrd.org/lrrd30/11/clang30182.html>

including Kenya. While many Americans believe they are recycling their plastic when they sort it at home for collection, this plastic often ends up as waste in developing countries with poor waste management capabilities and ultimately finds its way into rivers, oceans, and landscapes. Indeed, even countries with excellent waste management systems cannot keep up with the ever-increasing amounts of plastic that is impossible to recycle.

As a result, this plastic waste is often buried in landfills, set on fire in open lots, or lost to the ocean and the environment, while many in industry blame these developing countries for the pollution that is found in rivers and oceans. This is a crisis that has captured the attention of the global community. In May of last year, 187 countries took a major step to limit the flow of plastic waste to developing countries under the Basel Convention. Additionally, more than 100 countries have expressed support for a new global agreement to address the full life-cycle of plastics.

In both cases, the United States has not only failed to be a leader, but instead is actively working against progress on tackling this pollution. The United States' solution to the plastic pollution crisis cannot be to simply open more markets abroad for plastic products and find destinations to send increasing amounts of plastic waste. This is totally at odds with the global policy solution to prevent plastic pollution—not to mention climate change.

Kenya's own response to mounting plastic pollution was to take action to restrict plastic bags in 2017 and recently to restrict single-use plastic products in certain protected areas. In addition, Kenya is one of the 187 countries to sign onto the Basel amendments restricting the flow of plastic waste to developing countries.

Actions taken by the United States to undermine global efforts to restrict plastic waste exports and strategies to reduce single-use plastic and other wasteful products may benefit private corporations and for-profit industries that have only share-holder returns in mind, but they are a bad strategy for United States' interests abroad and will make it difficult to reach more equitable trade agreements that promote sustainable jobs and protect our environment.

We strongly oppose using the trade negotiations with Kenya to undermine their domestic efforts to restrict importation or consumption of single-use plastic and other polluting products. We believe the United States should begin efforts to ratify the Basel Convention and cease to undermine the Basel plastic amendments in other forums to which that the United States belongs, such as the Organization for Economic Cooperation and Development. The United States should adopt a position like the European Union of not only prohibiting the export of hazardous waste to developing countries, but also include the recently agreed to plastic waste listings in the Basel Annex II.

The United States should make no attempts to undermine Kenya's, or any other developing nations, domestic laws or regional agreements developed to meaningfully protect the health and

environment of its people, such as bans on plastic bags and restrictions on single-use plastics. The United States should publicly affirm this position and begin a process of joining with other countries to proactively address plastic pollution internationally as well as at home.

Sincerely,



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Tom Udall  
U.S. Senator



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Alan Lowenthal  
U.S. Member of Congress



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Jeffrey A. Merkley  
U.S. Senator



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Steve Cohen  
U.S. Member of Congress



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Earl Blumenauer  
Chairman of the Ways and Means Subcommittee on Trade

Joined by,

Charles E. Schumer  
U.S. Senator

Cory A. Booker  
U.S. Senator

Emanuel Cleaver, II  
Member of Congress

Richard J. Durbin  
U.S. Senator

Deb Haaland  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Patrick Leahy  
U.S. Senator

Mike Quigley  
Member of Congress

Juan Vargas  
Member of Congress

Dianne Feinstein  
U.S. Senator

Jamie Raskin  
Member of Congress

Nanette Diaz Barragán  
Member of Congress

Henry C. "Hank" Johnson, Jr. Member of Congress	Mark DeSaulnier Member of Congress	Donald S. Beyer Jr. Member of Congress
Suzanne Bonamici Member of Congress	James P. McGovern Member of Congress	Nydia M. Velázquez Member of Congress
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Tom Malinowski Member of Congress	Eliot L. Engel Member of Congress	Jesús G. "Chuy" García Member of Congress
Chellie Pingree Member of Congress	Francis Rooney Member of Congress	Andy Levin Member of Congress
Rashida Tlaib Member of Congress	Harley Rouda Member of Congress	Jimmy Panetta Member of Congress
Adriano Espaillat Member of Congress	Bennie G. Thompson Member of Congress	Judy Chu Member of Congress
Eleanor Holmes Norton Member of Congress	Yvette D. Clarke Member of Congress	Veronica Escobar Member of Congress
Grace Meng Member of Congress	Ayanna Pressley Member of Congress	Bonnie Watson Coleman Member of Congress
Alcee L. Hastings Member of Congress	Peter Welch Member of Congress	Suzan Delbene Member of Congress
Ro Khanna Member of Congress	Sharice L. Davids Member of Congress	Michael F.Q. San Nicolas Member of Congress
Lucille Roybal-Allard Member of Congress	Julia Brownley Member of Congress	Thomas R. Suozzi Member of Congress
Salud Carbajal Member of Congress	Diana DeGette Member of Congress	Adam Smith Member of Congress
Pramila Jayapal Member of Congress	Ted W. Lieu Member of Congress	Donna E. Shalala Member of Congress

David E. Price  
Member of Congress

Zoe Lofgren  
Member of Congress

John B. Larson  
Member of Congress

cc:

The Honorable Robert E. Lighthizer, United States Trade Representative

The Honorable Michael R. Pompeo, United States Secretary of State

The Honorable Andrew R. Wheeler, Administrator of the Environmental Protection Agency