

Importing Critical Minerals for Recycling

Global demand for critical minerals such as lithium, cobalt, nickel, and rare earths is accelerating as countries race to build AI infrastructure, expand grids, transition to electric vehicles, and modernize military forces. Policy-makers in the United States have voiced concerns with the economic and national security risks posed by the dominant role China plays in the sourcing of such minerals.

President Trump has issued a series of executive orders intended to expand domestic development of mineral resources needed to power the U.S. economy and protect national interests. But the administration could also take steps to facilitate the import of materials suitable for critical minerals recycling to boost domestic recovery of these minerals.

U.S. ratification of the Basel Convention would remove barriers to the import of waste streams containing recoverable critical minerals. The convention governs international waste trade and covers nearly all e-waste, a growing universe of waste batteries, and many other wastes containing critical minerals. The United States signed the treaty, and the Senate has provided advice and consent, but without implementing legislation the country remains a non-party.

Under the convention, the 193 countries who are parties are prohibited from trading in Basel-covered wastes with non-parties absent an alternative agreement providing for environmentally sound management. An OECD Council Decision has preserved U.S. trade in wastes managed for recycling with OECD countries. But except for bilateral arrangements with Malaysia and the Philippines, nearly all countries outside the OECD are obligated to prohibit trade with the United States in Basel-covered wastes.



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“The simplest solution would be to enact legislation needed to ratify the Basel Convention. This would ensure the United States is open for business when it comes to receiving imports of recycling streams containing critical minerals that are essential to U.S. economic security”

Basel parties are considering proposals to add lithium, cobalt, nickel, and their compounds to the list of constituents in the agreement used to presumptively classify wastes as “hazardous.” If adopted, these would further restrict U.S. access to wastes that could be imported for recovery of critical minerals.

Many countries are already modifying their approach to the classification and control of these materials to maximize opportunities for domestic processing. In August, China lifted its ban on the import of material produced from the processing of waste batteries, to take advantage of its enormous processing capacity. Under the new measures, this “black mass” that meets certain standards will qualify as “non-waste” eligible for import. As a result, qualifying black mass can be imported without any waste restrictions into China from any other country that classifies the material as non-waste or non-hazardous.

In June, the EU amended its European List of Wastes to classify black mass as hazardous. Under the amended LoW, EU members will continue to allow the import of black mass for recovery from nearly all countries, provided Basel Convention (or OECD) procedures reflected in EU law are satisfied.

The new measures will prohibit EU countries from exporting black mass to non-OECD countries, boosting the supply of recyclable material available to processors in the EU. Shipments from EU countries to other OECD members will continue to be allowed for recovery.

In contrast, the U.S. non-party status under Basel means most countries outside the OECD are barred from sending many types of wastes suitable for critical mineral recycling to the United States. Black mass is generally considered a waste by EPA but may not qualify as hazardous provided the precursor batteries are separated to remove common sources of contamination, such as batteries containing lead, cadmium, or mercury. If Basel parties follow the EU approach to the classification of black mass, the United States will face new barriers to the import of these wastes.

As an alternative to Basel ratification, the U.S. could consider new bilateral and regional agreements to advance strategic and economic interests. The recently announced Quad Four Critical Minerals Initiative among the U.S., Australia, India, and Japan may provide a starting point for new approaches to promoting critical minerals recovery.