



# Brazil's Emerging Waste Regime

**Latin American Region (LAR)  
Environmental Roundtable**

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# Overview

- National Solid Waste Policy Law
- Product Regulation
- Hazardous Waste
- Site Remediation
- Future Trends



# National Solid Waste Policy Law

# National Solid Waste Policy Law

- Law No. 12.305, August 2, 2010
- Major provisions
  - Waste Management Planning
  - Waste Reduction
  - Reverse Logistics
  - Packaging Restrictions
  - Hazardous Waste Management
  - Contaminated Site Remediation
- Fast-track implementation

# Principles & Objectives

- Polluter pays
- Shared responsibility
- Wastes are economic goods with social value
- Waste reduction
- Sustainable production & consumption
- Integration of “*catadores*”

# Waste Management Planning

- **Public Sector**
  - National, State, Municipal
  - Selective collection
  - Identify liabilities
- **Enterprises**
  - Industrial facilities, mines, health services, others
  - Hazardous waste operators
- **Requirements**
  - Characterize wastes & environmental liabilities
  - Proposed, implemented & monitored professionally
  - Integrated into licensing process

# Waste Reduction

- **Hierarchy**
  - Non-generation, reduction, reuse, recycling
- **Energy recovery:** allowed when shown safe
- **Disposal:** only refuse
  - Refuse (“*rejeitos*”): non-reusable, non-recyclable waste



A stylized map of the Americas, including North and South America, is shown in a light red color against a light blue background. The text "Product Regulation" is overlaid in the center of the map in a bold, dark green font.

# Product Regulation



# Reverse Logistics

- Pesticide & Hazardous Packaging
- Lubricants & Packaging
- Tires
- Batteries
- Fluorescent Bulbs
- Electronic Products
- Other products & packaging to be determined by regulation

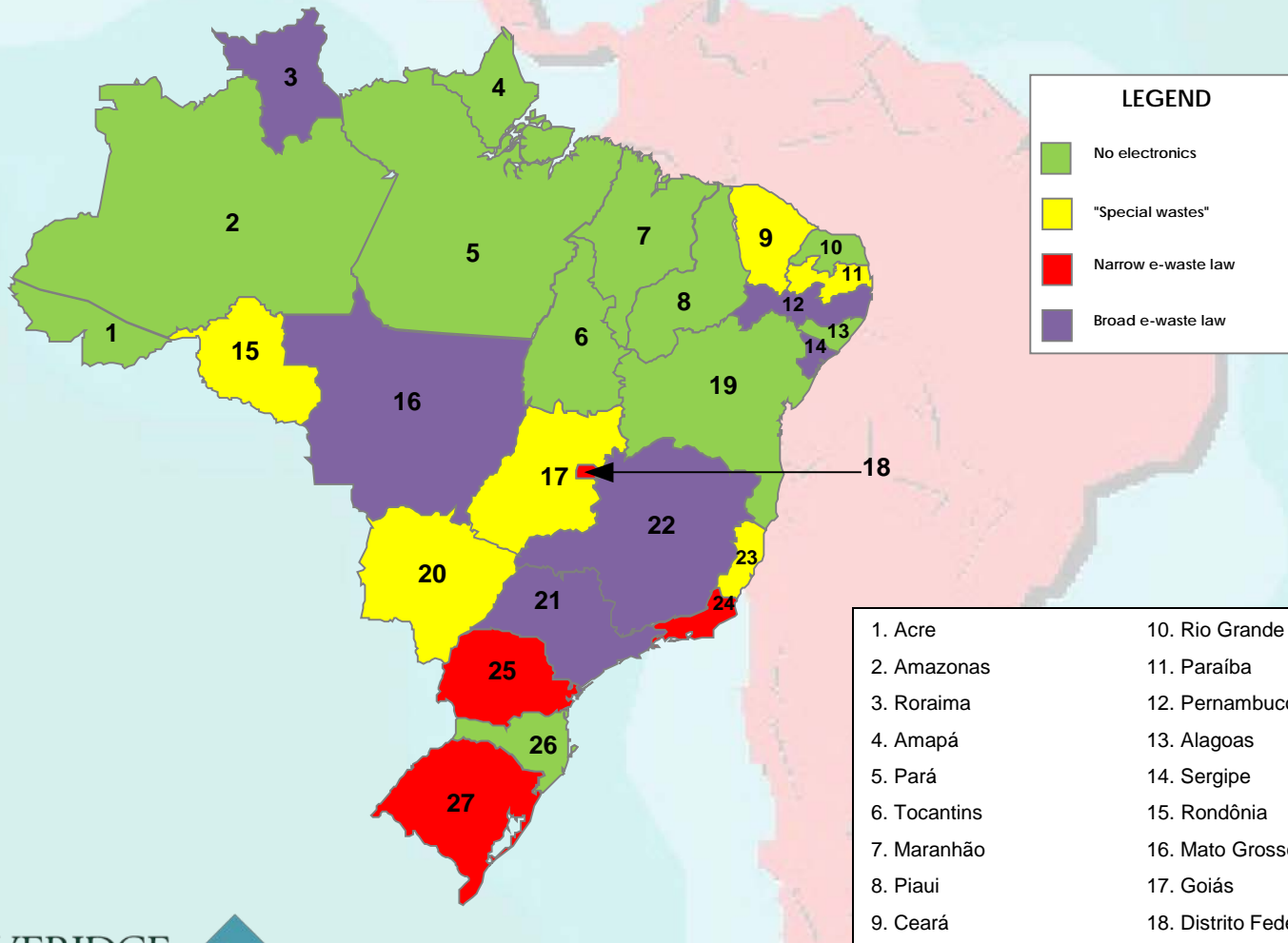
# Reverse Logistics

- Return flow of EOL products through distribution chain
- Merchants: collect, sort & transport
- Manufacturers: treat, reuse, recycle
  - Ensure return flow of products
  - Options: buy-back, collection sites, *catadores*
- Consumers also “obligated” to participate
- Disposal ban

# Existing E-Waste Initiatives

- CONAMA WEEE Working Group
- State Laws:
  - Minas Gerais
  - São Paulo
  - Rio Grande do Sul
  - Paraná
  - “WEEE” states
  - “Special waste” states

# Brazil: State E-Waste Laws



# São Paulo E-Waste Laws

- **Law No. 12300/2006: State Solid Waste Policy**
  - EPR for “special wastes” (Art. 53)
- **Decree No. 54645/2009 (Regulation of Law 12300)**
  - Art. 19: anticipate SMA listing of covered products
- **Resolution SMA-24 (March 30, 2010)**
  - List of “special wastes”: includes “electro-electronic products”
  - Also lubricants, fluorescent bulbs, auto batteries, tires, various packaging
- **Law No. 13576/2009: Recycling, Management & Final Destination of Technological Wastes**
  - Scope: *“appliances and electro-electronic equipment and components for domestic, industrial, commercial or service sector uses”* (comprehensive)
  - *“. . . such as: (1) computer components and peripherals; (2) monitors and televisions; (3) batteries; (4) magnetized products”* (enumeration)

# Packaging Restrictions

- Must use minimum necessary
- Designed for reuse
- If reuse is not feasible: must be recyclable
- Responsible: all who sell packaging
- Some packaging can be exempted

A map of South America is shown in a light red color against a light blue background. The text "Hazardous Waste" is written in a bold, dark green font across the center of the continent.

# Hazardous Waste



# Hazardous Waste under NSWPL

- **Definition**
  - Characteristics: flammability, corrosivity, reactivity, toxicity, etc.
  - “... *that present a significant risk to public health or environmental quality*”
  - In accord with laws, regulations or technical standards
- **Hazardous Waste Operators**
  - Registry, professional standards, management plans
- **Import ban**
  - Total prohibition
  - Basel Convention: incorporated by CONAMA resolution

# Existing Hazardous Waste Laws

- **CONAMA Resolution 313/2002:** Industrial Solid Waste Inventory
- **ABNT NBR 10004:** Waste Classification
  - Class I: both characteristic & listed wastes
- **Other ABNT Standards:** 7503, 10005, 10006, 10007, 12235, 13221
- **ANTT Resolution 420/2004:** Terrestrial Transport of Hazardous Products (includes wastes)
  - Similar regulations for rail, air, marine

A stylized map of the Americas, including North and South America, rendered in a light red color. The map is set against a light blue background with a subtle, darker blue outline of the continents. The text "Site Remediation" is centered over the map in a bold, dark green font.

# Site Remediation

# Site Remediation under NSWPL

- **Contaminated site:** any place with contamination caused by deposit of any substance or waste
- **Municipal authorities:** identify contaminated sites and remediation measures
- **Orphan sites:** agency may remediate, then collect from responsible party

# Federal Remediation Standards

- CONAMA Resolution 420 (December 28, 2009)
- Guidelines for state / local remediation programs
- Remediation plan:
  - Control sources of contamination
  - Current & planned uses of the site
  - Risks to human health
  - Technically & economically viable intervention measures
  - Implementation schedule
- National Database of Contaminated Sites
- Reference values for soil contaminants

# São Paulo Superfund Law

- Law No. 13577 (July 8, 2009)
- “FEPRAC”
- Statewide Contaminated Site Inventory
- Responsible parties: broadly defined
- Remediation process
- Environmental licensing: soil evaluations



# São Paulo Superfund Law

- **Remediation Process:**
  - Identification
  - Evaluation
  - Classification
    - Contaminated Area under Investigation
    - Contaminated Area
    - Area Remediated for the Declared Use
  - Plan / financial guarantees
  - Remediation



# São Paulo Remediation Regulations

- **CETESB Decision No. 103/2007/C/E (July 2007)**
- **Procedure & Manual for Management of Contaminated Areas**
- **Registry of Contaminated Sites**
  - Elaborate classification scheme
- **Multi-stage process:**
  - Preliminary Evaluation
  - Confirmatory Investigation
  - Detailed Investigation
  - Risk Evaluation
  - Remediation
  - Monitoring



# Future Trends

# Future Trends

- Implementation of NSWPL
- More products subject to EPR requirements
- Adaptation of hazardous waste rules
- State action on site remediation (e.g., Minas Gerais)



**Obrigado!**