Brazil’s Emerging Waste Regime

Latin American Region (LAR) Environmental Roundtable

September 2, 2010

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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
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

LEGEND
- No electronics
- "Special wastes"
- Narrow e-waste law
- Broad e-waste law

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
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
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

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