

LEGAL ISSUES IN RECYCLING

By: Ir. Kazal Sinha and Ir. Khew Swee Lian, Engineering Service Department, Ministry of Health, Malaysia



ABSTRACT

Without appropriate resources and implementation, solid waste management has become a burden to the Local Governments. Suitable sites for disposal facilities are scarce due to the rapid urbanisation process. Recycling is emerging as one of the crucial solutions in solid waste management. At the moment, Ministry of Housing and Local Government is re-launching the National Recycling Program to another phase but there is no direct recycling law in the current legislation in Malaysia. Nevertheless, there are related acts and policies that require the implementation of recycling activities. This paper reviews some of the prominent issues for the success of the recycling program.

Keywords:

Recycling, legislation, issues, solid waste management, local authority and environment.

INTRODUCTION

Malaysia has pledged to achieve the status of an industrialised nation by the year 2020. This objective has stimulated the migration of the rural population to major towns. As a result, the urban population which was less than 40% in the early 1960 has rapidly increased to more than 60% in the year 2000. This increase is generating more than 15,000 tons of waste per day throughout the nation [1] and is becoming one of the major concerns of local authorities over the years due to the rapid process of urbanisation. Waste generation varies from 0.5 to 1.5kg/capita/day.

In contrast to the increase of waste generated, disposal sites are decreasing in number. In Peninsular Malaysia alone, the number of landfills has been dropping from 230 in 1988 to less than 170 in 2000 [2]. Most of these landfills have a working life span shorter than two years. The way we used to handle waste in the past cannot work now as the waste composition is getting more complex and more difficult to manage. Recycling is seen to be one of the approaches to reduce waste. However, there is no direct law to deal with recycling in Malaysia.

DEFINITION

In general, recycling is one of the three components under the 3R activity: reduce, reuse and recycle. The concept of 3R has been widely accepted internationally as a must to minimise contamination to the environment. With this activity in place, natural resources including the forest can be preserved for the future generation. The usage of energy required to process virgin material can be reduced greatly if we practice recycling in our daily life. Recycling [3] can be defined as:

'... a series of activities that includes collecting recyclable materials that would otherwise be considered waste, sorting and processing recyclable into raw materials such as fibres, and manufacturing raw materials into new products.'

LEGISLATION ON SOLID WASTE MANAGEMENT

Under the current Constitution [4], solid waste management or public cleansing, to be specific, is under the State List. Under the Ninth Schedule, List 1 Item 6 of the Constitution, the Federal Government is empowered to establish services common to two or more states. The Concurrent List contains items on which the Federal and State Governments may make laws under the Article 74. However, at the moment, the government is relying directly on the following acts in the management of solid waste.

Local Government Act

The Local Government Act 171 [5] was adopted in 1976. The act has provided Local Authority with a better institutional and legal framework to carry out their duty in solid waste management.

The act prohibits the public from the depositing of waste in any stream, channel, drain or river. Under the Clause 72, the Act also provides power to the Local Authority to maintain cleanliness in towns and to put up sanitary services for the removal of waste in their operational areas.

Under the act, State Governments and Local Authorities are empowered

to enact by-laws to assist them in carrying out their duties. One such by-law is the Uniform Building By-Laws (1984).

Street, Drainage and Building Act

The Street, Drainage and Building Act [6] was enacted in 1974 for the prevention of waste disposal in any form in public areas. The purpose of the Act is to strengthen the Local Authority in enforcing their duties especially in dealing with waste management.

Environmental Quality Act

Enacted in 1974, The Environmental Quality Act [7] is meant for the prevention, abatement and control of environmental pollution and to enhance the general quality of the environment. Under Section 51 of the Act, the Minister of Science, Technology and Environment is empowered to make regulations in upkeeping the quality of the environment.

Town and Country Planning Act

The Town and Country Planning Act 172 [8] was enacted in 1976 for the proper control and regulation of town and country planning and development in Local Authority areas.

The Act requires the preparation of a draft structure plan which, among other things, spell out measures for improvement of the physical environment and communications.

MAJOR POLICIES RELATED TO RECYCLING

The issue of solid waste management has been recognised in the Eight Malaysia Plan [9] and the Third Outline Perspective Plan [10]. These plans emphasise the need to adopt strategies and measures to improve waste disposal and to minimise waste generation. Based on these plans, the Ministry of Housing and Local Government (MHLG) had

implemented a National Strategic Plan Study in the year 2001, in which the aspect of recycling has not been neglected. Other policies related to recycling are listed as follows:

Privatisation Policy

The Privatisation Policy [11], which was announced in 1983, is aimed at relinquishing the government's financial and administrative burden. One such program under this policy is the privatisation of solid waste management throughout the country. Under the program, there are going to be four different zones under different consortia upon the full implementation of solid waste management privatisation. Recycling is one of the important components as spelt out in the agreement that hold the consortia responsible in carrying it out.

National Development Programs

The National Development Policy [12] was drafted to promote new sources of growth so as to strengthen and diversify the industrial base while maintaining traditional sources of growth. Apart from ensuring economic progress, the Policy also emphasise on other aspects of development including the quality of life and the environment. Reuse of waste is always in the agenda of government policies in minimising waste in industry. Producing energy by biomass from palm oil waste has been touted as one of the innovations of local technology to reduce environmental deterioration.

National Environmental Policy

The Malaysian Government made an early commitment to address environmental issues by spearheading in 1974, the enactment of the Environmental Quality Act. Since then, a National Policy on the Environment [13] has been formulated in 2002. The policy is aimed at ensuring long-term

sustainability and improvement in the quality of life to be implemented in all Government departments. One of the objectives of this Policy is to achieve a clean, safe, healthy and productive environment both for present and future generations.

Committed to the above, the Department of Environment (DOE) has always championed recycling projects including the incinerator project by government.

National Recycling Program (NRP)

The NRP program [14] had been re-launched in 2000 by the Minister of Housing and Local Government. With the slogan "Think before you throw", the programme aimed to instil the public awareness towards the value of waste as the key for recycling and to acknowledge the benefit of cutting down on waste to sustain long term development. The Minister of Housing and Local Government won an award in the 2001 Asian Waste Management Conference due to his effort in this programme.

Basel Convention

The Basel Convention [15] is radically changing the basis of international trade on recycling materials from developed countries to developing countries, as so-called recycling material could contain many hazardous substances that are dangerous to human health. It was enforced in 1998 to ban intercountry shipping of materials which are classified as hazardous under the Convention.

THE ISSUES

Legislation

Developed countries have already enforced comprehensive and well-documented legislation on recycling. The Resource Conservation and Recovery Act (RCRA), had been enacted in the United States to preserve the quality of the environment. The act had been

revised in 1984 to strengthen the recycling effort. In 1993, a similar law, the Basic Recycling Law had been enacted in Japan as part of the Basic Environmental Law. Further to that, a revised Recycling Law had been introduced in 2000 together with numerous other laws. These Laws has set a high recycling target for the domestic and industrial waste.

However, the establishment of Acts related to solid waste management in Malaysia is still pending despite the urgent need to address the overall issues. This tool will definitely serve as an essential instrument in providing the legal and institutional basis for the success of the recycling program.

Networking

As the recycling activity will be part of the responsibility of the privatised consortia in solid waste management, the networking to collect recyclable material would be dependent on these companies. However, to date the privatisation phase is still in the interim period before full implementation. The Ministry of Housing and Local Government are still directly responsible for the implementation of the program.

There are large numbers of drop-off centres and recyclable collection centres placed at strategic locations but has not been fully utilised fully. During mid-1995, a formal house-to-house collection system of recyclable material had been introduced in the Majlis Perbandaran Petaling Jaya (MPPJ) but it met with failure. This is the main reason why recycling activities demands proper planning and networking. At the moment, recycling is heavily reliant on respective takers to form their own collection networks. In other words, the effectiveness of our recycling program has not been achieved.

Reward or Incentive

There is an increased in participation on the Non-Governmental Organisations on recycling. These activities are

based on the donation of recyclables by the public. There is a debate on whether incentives are to be given as a reward for the recycling effort. It can be noted from the public view that the prices for recyclables are very low; this had been reported in local newspapers. Only manufacturers for newspaper, aluminum and glass have set up reasonable incentives to maintain the network of collection in the country.

Public Input

The public plays an important role in ensuring the efficiency of recycling program. They are the generators of waste besides the industry and agriculture. Under the original National Recycling Program, a target had been set to achieve a 22% recycling rate by the year 2020. Compared to the target achieved by some industrialised nations, the goal is far behind and more effort is needed to overcome resistance in reducing waste. Separation at source could be another effort in assisting the recycling program. All these efforts have been identified under the public awareness program under the MHLG.

Data

Data collection has always been an issue in implementing the recycling program. It is difficult to find the detailed data required in the decision making of various policies. The data required will show the actual amount of recycling to assess the achievement of the recycling effort.

The U.S. Environmental Protection Agency (EPA) has developed a voluntary standard methodology [16] for measuring recycling rates. In the method, conversion factors has been introduced to avoid dispute due to the nature of different materials. This is an essential element to measure the effectiveness of any recycling program.

CONCLUSION

As declared in the Earth Summit in Rio de Janeiro, 1992:

'... where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation'.

Everyone has to double up their effort in ensuring the success of the recycling program. As proper and efficient solid waste management is the key in preserving a clean and healthy environment, let's work together and change our attitudes and habits to ensure sustainable development throughout the country. ■

REFERENCES

1. Ministry of Housing and Local Government's Recycling Leaflet, 2002.
2. Survey on Current Landfill in Local Authorities in Malaysia, JICA, 2002.
3. The U.S. Environmental Protection Agency website on 'Recycling'.
4. Malaysia Constitution, 1957.
5. Local Government Act, 1976.
6. Street, Drainage and Building Act, 1974.
7. Environmental Quality Act, 1974.
8. Town and Country Planning Act, 1976.
9. Eighth Malaysia Plan 2001 - 2005, Prime Minister's Department, Malaysia.
10. Third Outline Perspective Plan 2001 - 2010, Prime Minister's Department, Malaysia.
11. Privatisation Policy, 1983.
12. National Development Policy, 1957.
13. National Policy on the Environment, 2002.
14. National Recycling Program, 2001.
15. Basel Convention, 1989.
16. Measuring Recycling: A Guide for State and Local Governments, USEPA, 1997.