

ASIAN NETWORK WORKSHOP 2018

AKITA, JAPAN

Updates of National Regulations and Implementation Status of the
Basel Convention In Malaysia



Section Convention
Hazardous Substances Division
Department of Environment Malaysia
Ministry of Energy, Science, Technology,
Environment and Climate Change (MESTECC)

Outline

Overview of Law/Regulations & Policy in Malaysia

Plastic Wastes in Malaysia

Project on Enhancing Capacities for the Environmentally
Sound Management (ESM) of Electrical and Electronic
Waste (e-waste) under Basel Convention



Focal point (FP)

Job title: Director General

Department: Department of Environment
Institution: Ministry of Energy, Technology, Science, Environment & Climate Change (MESTECC)



Competent Authority (CA)

Job title: Director

Division/Department: Hazardous Substances Division, Department of Environment

Institution: Ministry of Energy, Technology, Science, Environment & Climate Change (MESTECC)

Country Contacts



Competent Authority (CA)

waste related to Y46- Waste collected from households (Annex II to BC) & plastic wastes

Job title: Director General

Department: Department of National Solid Waste Management

Institution: Ministry of Urban Well being, Housing and Local Government

Laws And Regulations In Malaysia

Any movement of hazardous wastes or other wastes/plastic waste

Scheduled Wastes/ Hazardous Wastes

1. Section 34B, Environmental Quality Act 1974
 - i) Section 34B(1)(b) – Import & Export
 - ii) Section 34B(1)(c) – Transit
2. Environmental Quality (Scheduled Wastes) Regulations 2005
3. Basel Convention on the Control of Transboundary movements of Hazardous Waste and Disposal, 1989
4. Custom (Prohibition of Import) Order 2017
 - 3rd Schedule Part I item 54 for Toxic and/ or HWsCustom (Prohibition of Export) Order 2017
 - 3rd Schedule Part I item 31 for Toxic and/ or HWs

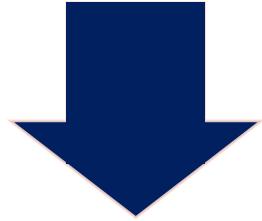
Department of Environment (DOE)

Other Wastes (Y46) & Plastic Wastes

1. Act 672
Solid Waste And Public Cleansing Management Act 2007
“imported solid waste” means any solid waste generated in other countries and imported to Malaysia for processing or disposal;
2. Basel Convention on the Control of Transboundary movements of Hazardous Waste and Disposal, 1989 – Annex II (Y46)
3. Custom (Prohibition of Import) Order 2017

National Solid Waste Management Department
(DNSWM)

Highlighted policy/criteria of the
TBM of Scheduled Waste

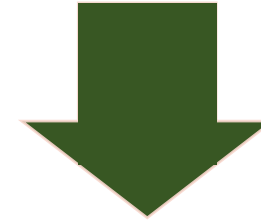


Criteria of
importation

E-Waste

Wire/Cable

Highlighted policy/criteria of the
Importation of Plastic Wastes



Approval
Permit (AP)

National Solid Waste
Management
Department (DNSWM)

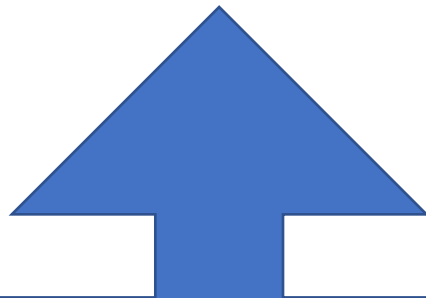
Premise
Compliance

Department of
Environment
compliances under
EQA, 1974

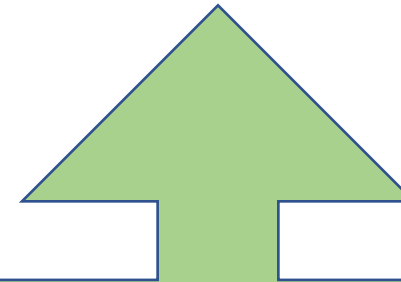
Criteria of importation E-Waste

- (i) The **importer is the Prescribed Premise** (Scheduled Waste) **licensed by the DOE** and has a good track record of **compliance under EQA, 1974** (no 3rd Party is allowed to import).
- (ii) The prescribed premise (importer) **shall comply with Environmentally Sound Manner (ESM) principles** in the handling of residue resulting from recovery activities.
- (iii) The recycling/recovery shall required to achieve **min 95 % recycling/recovery rate**.
- (iv) Importing from **Annex VII Countries is Prohibited** since Malaysia has signed and implemented the BAN Amendment of Basel Convention.
- (v) Importation **from Non-Party Countries** to the Basel Convention **is prohibited except with a bilateral agreement and a non-Annex VII exporting country**.
- (vi) Has an **agreement between the Original Equipment Manufacturer (OEM)** with the (prescribed premise) **importing premises** in Malaysia.

Criteria of importation Wire/Cable



Wire/cables or with plastic insulators containing or contaminated with tar coal, PCB, lead, cadmium, organohalogen compounds are categorized as **scheduled wastes under the Environmental Quality (Scheduled Wastes) Regulations 2005** and subject to the Environmental Quality Act, 1974 and the Regulations.



Importation of copper wire without insulator to Malaysia **does not require a letter from the DOE**. However, subject to the **Customs Order (Prohibition on Import) 2017**.

Criteria of importation Wire/Cable

- (i) The importer shall be **prescribed premises licensed by DOE** that meets the Waste Acceptance Criteria (WAC) for wire / cables and has an Environmentally Sound Management (ESM) technology (no 3rd Party is allowed to import).
- (ii) The premise must ensure that all components of the **environmental pollution control system are operate, maintain** and **comply** with the standards set out in the Environmental Quality Act, 1974.
- (iii) To ensure compliance with pollution control systems in accordance with prescribed standards, premises are required to have a **Competent person in accordance with Section 49A** of the Environmental Quality Act, 1974.
- (iv) The premise shall be **located in the industrial area** and always practice **good housekeeping**.
- (v) Importing from **Annex VII Countries is Prohibited** since Malaysia has signed and implemented the BAN Amendment of Basel Convention.
- (vi) Importation **from Non-Party Countries** to the Basel Convention **is prohibited except with a bilateral agreement and a non-Annex VII exporting country**.

Permitted Criteria for Importation of AP Plastic Wastes - DNSWM

CRITERIA

1. The plastic wastes that will be imported shall be clean, homogenised and not contaminated with any chemical wastes or scheduled wastes which can be reuse/recycling.
2. The importer shall have facilities with technology and recycling process that meets Environmentally Sound Management (ESM) (no 3rd Party is allowed to import).
3. The importer (premise) is require to comply with the legislation under the Environmental Quality Act (EQA), 1974.

The compliance of the recycling plastic wastes premise in accordance with Environmental Quality Act (EQA), 1974



(1) Type of plastic : shall be **clean, homogenised and not contaminated with any chemical wastes or scheduled wastes**

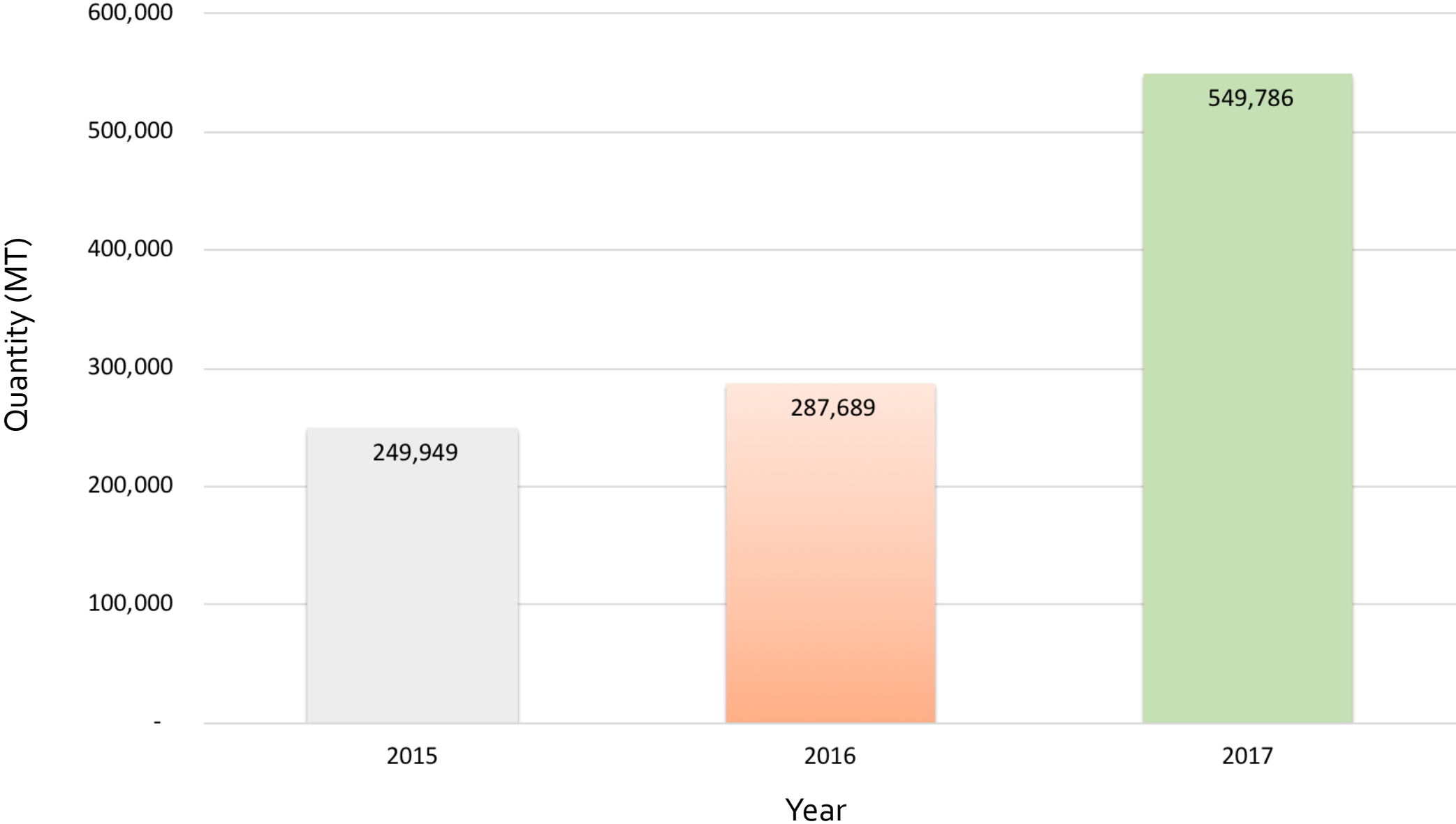
(2) All the components of **environmental pollution control system** are well operated, maintained and comply with the standards set forth in the Environmental Quality Act, 1974.

(3) The premise is required to have a **Competent Person** in accordance with Section 49A, Environmental Quality Act 1974

(4) The site of the premises shall be **located in industrial areas** and always practice **good housekeeping**.

(5) The recycling facilities is required to meet the **standards of environmentally sound management (EMS) of recycling**.

Status of Import Plastic Waste from Year 2015 – 2017



Effort & Way Forward to Address the Problem of Plastic Wastes

Effort

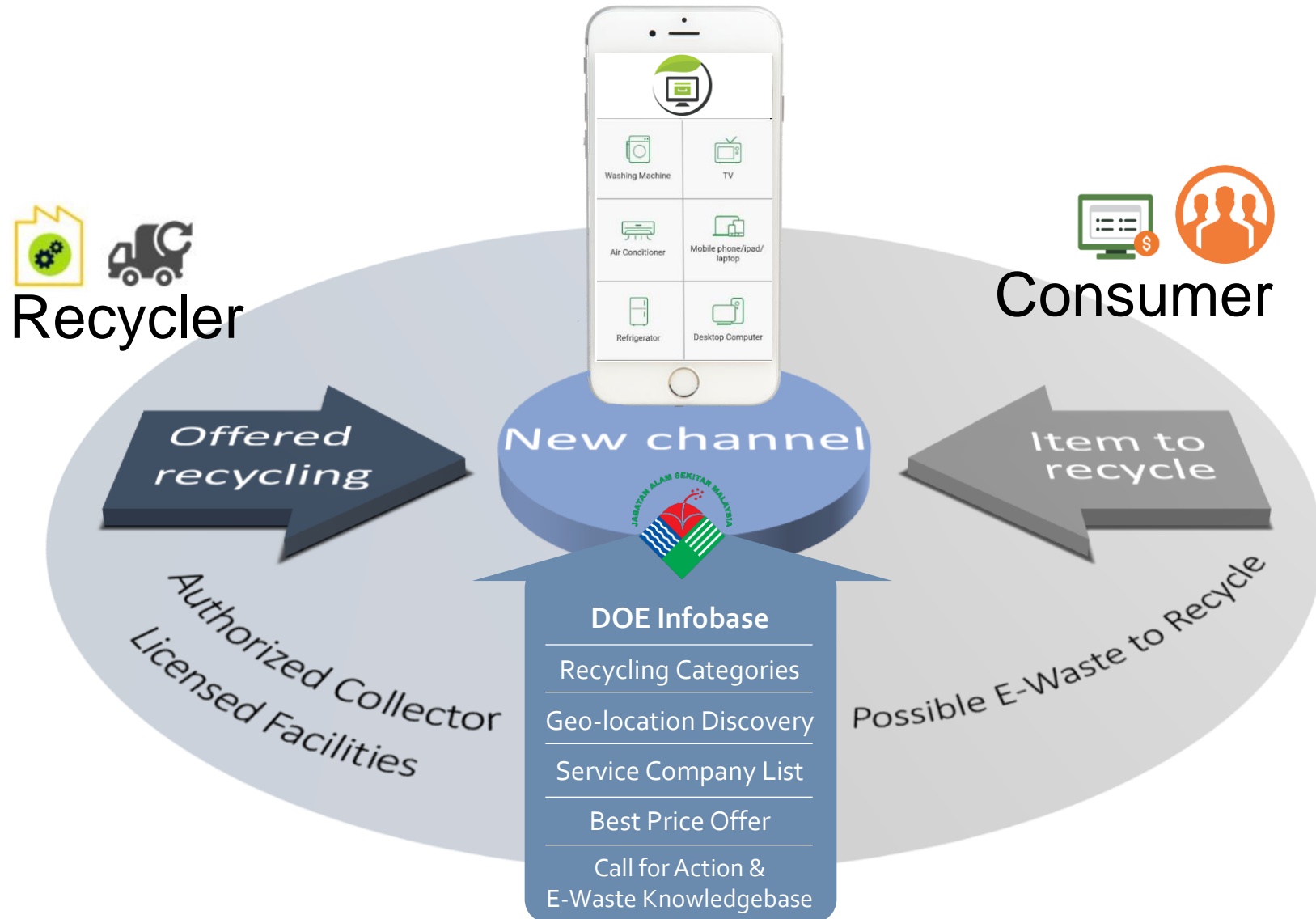
- DNSWM, Ministry of Urban Well being, Housing and Local Government temporary stopped issuing permits for plastic wastes to re-evaluate the existing AP holder e.g. capacity, technology and premise compliance.
- Coordination enforcement within inter agencies and local authorities.
- Regulatory changes for the non-compliance premise and stop operation.
- DNSWM and Local Government have been started gradually for the separation at the source started 01 September 2015.
- Impose no Plastic Day.
- Plastic bag charge or setting up charity recycling booth/point.

Way Forward (still under discussion)

- Introduce new financial instrument for plastic wastes importation.
- Stringent the import plastic wastes criteria.
- Determine the type of plastic wastes.

Introducing the New Way of Discovery

Offered new channel for consumer to discover direct recycling opportunity



BCRC
China/SCRCAP &
DOE, Malaysia



“Mobile Apps. for the Household e-Waste Management” for the Project on Enhancing Capacities for the Environmentally Sound Management (ESM) of Electrical and Electronic Waste (e-waste) under Basel Convention”

Objective

1

- Provide resourceful access of E-Waste & Recycling Information.
- List of Authorized / Licensed Facilities with location-based (GPS) finder via mobile or direct web access.
- Enable private sector to openly shares their competitive pricing for public awareness of recycling value.
- Be the key channel for public to report facilities service, complaints and other environmental issues, where government may use it to channel to the right party for actions (predefined automation or DOE officer review).

Expected Result

2

- Improve the public awareness on E-Waste Recycling Opportunity.
- Gather public response on E-Waste knowledge development and evaluate stage of growth.
- Capture territory / location base information for future analytic (DOE usage only).
- Understanding the public frequency of search on type of E-Waste and others.
- Determine the pattern of recycling activities by territory, sector, E-Waste category, items and frequency.



Thank you!

