

## National Policy for the Environmentally Sound Management of Hazardous Wastes

### 1. Introduction

1.1 The Houses of Parliament are being asked to consider the National Policy for the Environmentally Sound Management of Hazardous Wastes which is attached as Appendix I of this Ministry Paper, and agree that it be tabled as a White Paper.

### 2. Background

2.1 Cabinet, by Decision No. 34/21 dated August 23, 2021, approved the National Policy for the Environmentally Sound Management of Hazardous Waste as a White Paper and directed that it be tabled in the Houses of Parliament.

#### Jamaica and the Basel Convention

2.2 The need to regulate the transboundary movement of hazardous wastes came to the fore in the 1980s due to dumping of such wastes in developing countries that lacked the capacity to manage same. Consequently, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as 'the Basel Convention') was adopted with the overarching objective of protecting human health and the environment from the adverse effects of hazardous wastes and other wastes. At present, one hundred and eighty-eight (188) countries, including Jamaica, are Parties to the Convention.

2.3 Under the Basel Convention, the environmentally sound management (ESM) of hazardous wastes is defined as "taking all practicable steps to ensure that hazardous wastes and other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes".

2.4 Transboundary movements of hazardous wastes within Jamaica's jurisdiction are governed by the Natural Resources (Hazardous Wastes) (Control of Transboundary Movements) Regulations, 2002. These Regulations are aligned to the provisions of the Convention, including its 2015 Ban Amendment. Under the Ban Amendment, the transboundary movements of hazardous wastes, destined for final disposal, reuse, recycling or recovery operations, by Parties and other States which are members of the Organization for Economic Cooperation (OECD), the European Commission and Liechtenstein to non-OECD countries, including Jamaica, are prohibited.

#### Other chemicals-related multilateral environmental agreements and arrangements

2.5 In addition to the Basel Convention and its Amendment, Jamaica is also Party to other chemical-related multilateral environmental agreements and arrangements which speak to the

environmentally sound management of hazardous wastes, including the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Minamata Convention on Mercury, and the Strategic Approach to International Chemicals Management. The sound management of chemicals and waste is also critical to the achievement of Agenda 2030 and the sustainable development goals (SDGs), particularly SDGs 12 (sustainable consumption and production), 3 (good health and well-being), 6 (clean water and sanitation), 11 (sustainable cities and communities), and 14 (life below water). The tenets of these instruments have been incorporated in local legislation, where appropriate, and are reflected in the National Policy for the Environmentally Sound Management of Hazardous Wastes.

### The management of hazardous wastes in Jamaica

2.6 Changing socio-economic and demographic variables have resulted not only in an increase in solid waste generated *per capita* but also changes in the composition of waste, with more non-biodegradable and hazardous wastes being produced. For small island developing states (SIDS), such as Jamaica, the management of hazardous wastes and other wastes remains a challenge due primarily to constraints in capacities and competencies. In light of the potential threats to health and the environment from exposure to these wastes, the National Policy for the Environmentally Sound Management of Hazardous Wastes promotes the management of wastes which are deemed to be hazardous in character and/or constituent(s) throughout their lifecycle, that is, from generation/production to final disposal.

## **3. The National Policy for the Environmentally Sound Management of Hazardous Wastes**

3.1 The National Policy for the Environmentally Sound Management of Hazardous Wastes (hereinafter referred to as 'the Policy') characterizes hazardous wastes in keeping with the definition in the Natural Resources (Hazardous Wastes) (Control of Transboundary Movements) Regulations, 2002 and the Basel Convention. In this regard, hazardous wastes include wastes which: (a) exhibits one or more hazardous characteristics (e.g. explosive, corrosive, infectious, toxic, ecotoxic, flammable, oxidizing); (b) may not exhibit any of the said characteristics but are destined for any one of a number of clearly defined disposal operations; and (c) the Minister may, by Order, declare to be hazardous. Excluded from this definition are: (i) waste generated from the normal operations of a ship, the discharge of which is covered by the Shipping Act, 1999, and (ii) radioactive waste, which is regulated by the Hazardous Substances Regulatory Authority (HSRA) under the Nuclear Safety and Radiation Protection Act, 2015.

3.2 The goal of the Policy is "the environmentally sound management of hazardous wastes in Jamaica in keeping with international and regional best practices, to ensure the protection of public health and the environment". It is underpinned by the following objectives:

1. To establish comprehensive legislative and infrastructural frameworks for the ESM of hazardous and other wastes;

2. To improve information sharing, education and awareness raising at all levels of society to support and facilitate active participation in the decision-making process for the ESM of hazardous wastes;
3. To promote sustainable financing mechanisms for hazardous wastes management; and
4. To develop a comprehensive national data system to provide accurate and current information/data on hazardous wastes throughout its lifecycle to inform decision-making at all levels.

#### **4. Implementation**

4.1 The Policy objectives, as outlined in paragraph 3.2 above, are coupled with actions that are prioritized in a five-year Implementation Plan. The Plan outlines the entities responsible for executing each activity, and the corresponding outcome indicators to measure success upon completion.

4.2 The Policy proposes the establishment of a Hazardous Wastes Management Committee (HWMC), which will have as its mandate, *inter alia*, the coordination of strategies and actions outlined in the document. Establishment of the HWMC, comprising technical personnel from the public and private sectors, and civil society including academia, will foster improved coordination and collaboration among stakeholders, while facilitating a more efficient use of limited human, financial and technical resources. The Ministry with responsibility for the environment (MRE) will be charged with reporting on the Committee's work to Cabinet and the Vision 2030-Jamaica secretariat.

#### **5. Financing**

5.1 The Implementation Plan outlines the costs associated with all activities, totalling approximately J\$418 million over a five-year period. Appendix IV of the draft Policy presents a summary of total costs per year, allocated to each MDA with oversight for the implementation of specific activities listed. The Ministry of Finance and the Public Service (MoFPS) highlighted in its comments that approval has already been granted for about fifty-one percent of the total implementation cost, which accounts for a single activity – the environmentally sound management of end-of-life tyres stored at the Riverton City disposal site.

5.2 The relevant MDAs will request annual allocation/subvention to assist in the implementation of the actions outlined in the Implementation Plan. In addition, the MRE, with the assistance of the Planning Institute of Jamaica (PIOJ), will seek external support, including bilateral and multilateral project funds to support Policy implementation, where appropriate.

#### **6. Consultations**

6.1 Seven consultations were held on the Green Paper between February and September 2019. One consultation was hosted with the public sector, two with the private sector, and four with the general public. Notices were placed in newspapers and on social media, and community-based

organisations were contacted directly to solicit widespread participation in the public meetings. To facilitate the public's access to the Policy, the Green Paper was uploaded to the websites of the MEGJC and the NEPA. Additionally, hard copies were distributed to all parish libraries. Consultation reports were prepared for all seven consultations held and have been uploaded to the website of the Ministry of Housing, Urban Renewal, Environment and Climate Change.

6.2 Representatives from the Pesticides Control Authority, the NSWMA, the Medical Waste Management Unit of the MoHW, and the NEPA participated in all the public consultations held, and responded to questions about hazardous waste issues in relation to their respective portfolios. In addition to the aforementioned consultations, several meetings were held with the NSWMA, MoHW and the NEPA to facilitate a more comprehensive review of the Green Paper.

6.3 The Green Paper has been amended, resulting in the Policy document (Appendix I) which is being recommended for tabling as a White Paper. This process took into account the comments arising out of the consultations as well as the formal written submissions received from several MDAs including the Chief Parliamentary Counsel, the Cabinet Office, the Attorney General's Chambers, the MoHW, the then Ministry of Local Government and Community Development, the Office of Disaster Preparedness and Emergency Management, NEPA, PIOJ and the MoFPS.

A handwritten signature in black ink, appearing to read 'Pearnel Charles Jr.', is written over a solid horizontal line.

Pearnel Charles Jr., MP

Minister of Housing, Urban Renewal, Environment and Climate Change

September 28, 2021