

Establishing effective legislative/regulatory frameworks for environmentally sound recycling of Used Lead-acid Batteries.

**Presented during the Regional Workshop on Environmentally Sound
Management of Used Lead-acid Batteries held in Ouagadougou,
Burkina Faso from 19th to 21st July 2017**

Outline of Presentation

- Why regulate the recycling of Used Lead-acid batteries (ULABs)
- Determining the source of power to make legislation/regulations on ULABs
- Key elements for an effective legislative/regulatory framework

Why regulate the recycling of ULABs

- To protect human health from hazardous exposure
- To protect the environment from the adverse effects of ULABs
- There is economic value in recycling
- Recycling as a source of producing raw material contributes to addressing the question of climate change

Sources of power to make legislation/regulations on ULABs

- Constitution as the supreme law of the land
- Framework Environmental Law
- Chemicals/Hazardous Waste Management Law

Key elements for an effective legislative/regulatory framework

- Definition of key terms
- Regulated Community clearly identified
- Activities and processes to be regulated (or prohibited) are clearly identified and defined
- Clear mechanisms for compliance and enforcement
- Establishment of the regulatory authority
- Sanctions for violations clearly prescribed

Key elements for an effective legislative/regulatory framework – Cont'd

- Provision for public awareness
- Final and transitional provisions

Definition of key terms

- For instance in relation to ULAB waste, you could provide definitions for;
 - Generator
 - Manufacturer/producer
 - Importer
 - Exporter
 - Transporter
 - Collector
 - Recycler
 - Consumer/end-user
 - Lead-acid battery
 - Waste
 - Regulatory Authority
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Activities and processes to be regulated

- Collection
- Storage
- Transportation
- Recycling
- Treatment
- Disposal

mechanisms for compliance and enforcement

- Licenses/permits
- National/regional collection systems and recycling schemes
- Extended producer responsibility including take back schemes
- Use of deposits
- Inspections
- Records and Inventories

mechanisms for compliance and enforcement – cont'd

- Hazardous waste movement document
- Notification and consent procedures
- Use of approved waste disposal sites
- Blood lead testing for workers and other affected populations
- Periodic movement of employees to reduce continuous exposure

Obligations and responsibilities of handlers of ULABs

- Responsibility to collect or take back ULABs
- Responsibility to keep records and inventories and submit regular returns
- Ensuring safe transportation and storage of ULABs
- Ensuring adequate labeling on safety

Obligations and responsibilities of handlers of ULABs – Cont'd

- Providing workers with Personal Protection and Equipment
- Informing end-users about take back schemes or deposits
- Responsibility to obtain the relevant license or permit

The Regulatory Authority

This could be;

- The Minister (a department in the Ministry) – and this could be ministry of environment, trade, industry or other relevant ministry
- The Environment Protection Agency
- A special Authority established for this specific purpose

The Regulatory Authority – Cont'd

The Regulatory Authority could have various powers including;

- Licensing powers
- Powers to conduct inspections
- Promoting research into environmentally friendly and cost-effective recycling
- Promoting and disseminating public education and awareness on the potential effects of ULABs to the environment and human health

Clearly prescribing sanctions for violations

- The law or regulatory framework should specify the consequences of non-compliance.
- This may include;
 - Prosecution and subsequent imprisonment
 - Imposition of fines
 - Revocation/withdrawal of the relevant license/permit
 - Blacklisting of organization from public procurement

Final provisions

- These may include;
 - Date when the law/regulation comes into effect
 - Transitional provisions e.g allowing for transition to new technology
 - Appeals e.g against decision of regulatory authority to issue license
 - General penalties for offences not specifically provided in the body of law/regulation

Thank you



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