



environmental affairs

**Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA**

NATIONAL COUNCIL OF PROVINCES

(For written reply)

QUESTION NO. 352 {CW542E}

INTERNAL QUESTION PAPER NO.24 of 2019

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Ms H S Boshoff (Mpumalanga: DA) to ask the Minister of Environment, Forestry and Fisheries:

- (1) Whether her department has any policy on waste management to address the e-waste issue; if not, why not; if so, how has this assisted in addressing the matter;
- (2) whether her department enforces the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and the National Environmental Management Act, 1998 (Act No. 107 of 1998), on manufacturers of electronic products; if not, why not; if so,
- (3) whether the enforcement of the said Acts is monitored; if not, why not; if so, what are the outcomes;
- (4) whether the above guidelines are voluntary; if not, what is the position in this regard; if so,
- (5) whether any plans are in place to revisit the said Acts in order to make the management of e-waste mandatory; if not, why not; if so, (a) what plans and (b) what are the further relevant details?

352. THE MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES REPLIES:

1. The Department has the National Environmental Management: Waste Act, which regulates all waste generated in the country. The Norms and Standards for Disposal of waste by landfill prohibits the disposal of E-waste to landfill. This legislation is a driver for waste diversion and promotes the recycling, reuse, and recovery of waste instead.
2. The Department enforces the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and the National Environmental Management Act, 1998 (Act No. 107 of 1998) through the Environmental Management Inspectorate (EMI). The said legislation applies to all, including manufacturers of electronic products. The Department can through the Waste Act identify products that has the potential to cause detrimental impact on human health and the environment and regulate these. It is for this reason that the Department identified electrical and electronic equipment as one of the waste streams that requires special management through an industry waste management plan.
3. When non-compliance with the above mentioned environmental laws are detected an assessment of the severity of the non-compliance can lead to the following outcomes:
 1. An administrative enforcement notice may be issued which seeks to compel remedial action to be taken (i.e. rehabilitation of a particular area that was affected);
 2. A criminal enforcement investigation and prosecution which seeks to punish an individual for gross and intentional violations of environmental law; and/or;
 3. A combination of a criminal and an administrative enforcement process.
4. These two pieces of legislation: National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), and the National Environmental Management Act, 1998 (Act No. 107 of 1998), are not voluntary and are not guidelines.
5. These said Acts are mandatory.
 - a) The Minister has published a notice requiring the electronic and electrical equipment sectors to prepare an Industry waste management plan (IndWMP)

outlining how e-waste will be managed. These plans have been submitted to the Department for consideration.

- b) Furthermore, the Department has other legislative tools such as extended producer responsibility, norms and standards and regulations that can also be used to regulate management of e-waste

Regards



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MS BD CREECY, MP

MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES

DATE: 5/12/2019

BACKGROUND

E-waste is discarded electronic and electrical equipment that have reached the end of their "useful life" and can no longer be used for their originally intended purposes. E-waste is the fastest growing waste stream in South Africa growing at three times the rate of growth of any other waste form as a result of the increased demand for electronic and electrical equipment (EEE). This has led to a rapid growth in e-waste and an increase in the environmental and health risks posed by e-waste which can contain over 1000 different substances, many of which are toxic.

Most households either mix their e-waste with the general household waste, donate the e-waste to civil society associations, NGOs, family or workers; store in anticipation of future use or drop off at dedicated e-waste collection points. There is strong evidence that household practices regarding management of e-waste is influenced by a lack of understanding of e-waste and its potential impact on the environment as well as the lack of knowledge about where to dispose of the e-waste and lack of access to dedicated e-waste drop off centres. Though some recycling facilities do exist, the department through the implementation of IndWMPs seeks to address the lack of adequate recycling infrastructure and financial resources to effectively manage e-waste in South Africa.

The Waste Act regulates all wastes including e-waste. The National Waste Management Strategy of 2012 identified specific waste streams that are required to be managed through sector plans – industry waste management plans. E-waste and lighting industry waste management plans were drafted by the industry and submitted to the department for consideration and approval for implementation. The intention is that once these sector plans are approved they will ensure that all e-wastes generated in the country are managed in an environmentally sound manner. It is for this reason that the department has not developed a specific waste management policy for e-waste. In the absence of an industry management plan the department may consider developing an e-waste management policy considering that this is a problematic waste stream that is growing at a significant rate.

E-waste is currently managed by formal and informal waste recyclers. The waste is collected from drop-off points and other central locations by SMMEs and informal waste recyclers who then sell it to the bigger more formalised recyclers for further dismantling and processing. E-waste is destined to end up in one or more of the following:

- If it has reuse value then it goes to refurbishers or repair shops who fix and resell the item; e-waste recyclers or scrap metal dealers.

- If it has no value or is problematic to handle then it goes to landfill (hazardous or general); is stockpiled by the generator; is exported to recyclers or is illegally dumped.

The Department issues waste licenses for the e-waste recyclers who handles/processes more than 500 kg per day of hazardous waste and also regulates the storage of waste through Norms and Standards for Storage of Waste. E-waste is classified as hazardous waste due to the fact that it contains toxic components and materials that, if not managed appropriately, may be detrimental to the environment, human health and safety. The lack of any formal collection of e-waste, particularly at household level, means that such waste is either illegally dumped, is stockpiled at source or is sent to landfill for disposal together with other municipal waste, thereby posing potential harm to the environment and health.