



MEXICO'S NATIONAL WASTE MANAGEMENT PROGRAM

With the formal presentation of Mexico's National Program for the Prevention and Comprehensive Management of Waste, Felipe Calderón's Administration has finally established and defined the Federal Government's Policy in the matter. The Program basically establishes applicable policies and goals, including the adoption of the 3R's policy and the application of the Shared Responsibility principle; thus, it should result in more interaction of the government with the private sector, encouraging management plans and agreements; and, as the corresponding instruments are developed, enforcement actions against certain specific producers and importers may be increased. The Program is a step forward towards a real comprehensive waste management scheme in Mexico; although, there are still many actions to be taken before it can be said that General Waste Law's ambitious goals have been achieved.

MEXICAN FEDERAL GOVERNMENT TAKES ONE IMPORTANT STEP TOWARDS A NATIONAL COMPREHENSIVE WASTE MANAGEMENT POLICY

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On April 14th, 2009, Mr. Felipe Calderón, President of the United Mexican States presented the National Program for the Prevention and Comprehensive Management of Waste (the "Program"), which is an instrument required by the General Law for the Prevention and Comprehensive Management of Waste (the "General Waste Law"). In accordance with the 190 page document, the Program's main objectives may be summarized as follows:

- Develop of actions to reduce waste generation;
- Encourage waste segregation;
- Reuse and recycle;
- Reduction of the amount of waste destined for final disposal; and
- Value recovery of the materials that compose the waste.
- Prevent and minimize the generation of waste through the development of legal and economic instruments (including Management Plans);
- The active participation of the three levels of government and diverse sectors of the private industry that are involved in the generation and management of waste;
- Reduce waste confinement through recycling or reuse;
- Develop sufficient environmental infrastructure for the collection, reuse, recycling and final disposal of waste;
- Develop National Information Services to provide data on comprehensive waste management; and
- Compliance with the responsibilities acquired by Mexico in international treaties related to such matter.

1) The full and complete Spanish version of the Program is available at:
<http://www.semarnat.gob.mx/informacionambiental/Publicacion/SEMARNAT%20Residuos%2009.pdf>

The abovementioned goals are considered and integrated to each strategic line of action that the Program will implement for each category of waste contemplated in the Waste Law, including:

- Urban Solid Waste
- Special Management Waste
- Hazardous Waste
- Metallurgical and Mining sectors' waste.

The Program also includes a summary of the Basic Diagnostic for the Comprehensive Management of Waste (the "Diagnostic"), an instrument also required by article 25 of the General Waste Law, that must contain nationwide generated types of waste, their composition and existing infrastructure for their comprehensive management.

One of the most important changes established by the General Waste Law back in 2003 was the introduction of Special Management Waste ("SMWs") as a new category, defined as those generated in productive processes that are not considered hazardous and cannot be considered as urban solid waste. Certain Industrial non hazardous waste and end-of-life products fall into these categories, including wastewater treatment sludge, construction residual materials and electronic waste. In this regard, it must be considered that information on SMWs contained in the Diagnostic is scarce and deficient since this is a category of recent creation and regulation, enforcement and participation of all sectors within society is insipient; thus, the federal government has little or no information on the matter.

In light of the abovementioned situation, the government has established concrete actions in order to develop and encourage the comprehensive management of the SMWs, including the following:

GOALS:

- Define which waste should be considered as SMWs and should be subject to Waste Management Plans ("MPs"); Mexican Official Standards that will deal with this matter are currently in development;
- Induce the necessary conditions that will allow for the States within the Mexican Republic to take control over SMWs jurisdiction;
- Prevent and minimize the generation of SMWs by creating legal and economic instruments (including MPs);
- Encourage the active participation of the diverse sectors of the private industry;
- Develop the necessary infrastructure to achieve the comprehensive management of SMWs;
- Reduce those SMWs that emit green house gases; and
- Create a Comprehensive Waste Management Information System for SMWs.

STRATEGIES:

- Amend the existing legal framework, create new laws and instruments and develop local Programs for Comprehensive Management of Waste ("Local Programs");
- Instill the necessity to create and design products with an environmental perspective (3Rs policy) in order to prevent and minimize the generation of SMWs;
- Encourage development of Management Plans for SMWs (specially for those that emit green house gases) based on the applicable Official Standards;

- Encourage governmental entities to establish environmental policies (i.e. green acquisitions and recycling);
- Promote scientific and technological research to achieve better comprehensive management.

ACTIONS:

- Create the Mexican Official Standard that will determine which SMWs are subject to Management Plans;
- Strengthen the framework of the Clean Industry Certification process (compliance certification granted by the Mexican Environmental Authorities);
- Develop the required infrastructure to achieve the comprehensive management of SMWs.

In this case, further devolvement of existing legal framework is considered necessary since comprehensive management of SMWs is relatively new; therefore, the Program has contemplated certain actions:

AT A FEDERAL LEVEL:

- Amend the existing legal instruments (proposals include amending the Constitution);
- Create the required NOMs; and
- Execute agreements regarding waste management with different sectors of society (producers, importers, distributors, retailers, consumers and users among others).

AT A LOCAL LEVEL:

- Induce the creation of Local Waste Management Laws & Programs.

AT A MUNICIPAL LEVEL:

- Encourage the creation of municipal regulations and ordinances;
- Execute agreements with State and Federal government.

The 3R's policy has been integrated into the Program, not only for better development of the comprehensive management of waste, but also as a policy that will promote sustainable development, therefore, the following strategies are established to include 3R's policy into the economic cycles.

- Encourage development of designs that will extend the life cycle of products and allow for the use of its waste for production cycles by recycling and reuse of the raw materials;
- Promote the adequate final disposal of waste;
- Create special certificates or eco labels to stimulate the green acquisitions and the use of recycled materials; and
- Induce the participation of all sectors of society (Shared Responsibility Principle²) in order to promote the 3R's policy.

2) Defined by the General Waste Law as: Principle by means of which it is recognized that urban solid waste and special management waste are generated by activities which satisfy society's needs, through value chains of production, process, packaging, distribution, product consumption, and, in consequence, their comprehensive management is a social co-responsibility and requires the joint, coordinated and differenced participation of producers, distributors, consumers, byproducts users, and of the three government levels, as it may correspond, under a market feasibility scheme and environmental, technological, economical and social efficiency". (Art. 5.XXXIV)

Since the Program was created as a dynamic and strategic tool to attend the comprehensive management needs of the different waste' streams, it includes mechanisms that will allow for the evaluation and follow up of the same; giving the government and society the possibility to analyze its outreach. The evaluation of the Program will be specific and will take place after each of its phases have been implemented.