

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)**

GAZETTE No. 40490 NOTICE No. 1555

NOTICE FOR REGISTRATION OF PERSONS WHO TRANSPORTS WASTE FOR GAIN 2016

SUBMISSION BY PET RECYCLING COMPANY (PTY) LTD (PETCO)

12 January 2017

Summary

It is not clear what problem the proposed legislation is trying to solve, so it is difficult to propose solutions to some of issues we have highlighted below.

We have however highlighted, amongst other things, that the scope of persons who will be required to register is too broad and will result in high levels of non-compliance and criminalisation of a vast number of people in the system, without any apparent benefit to the economy or environment.

The legislation appears to be written with large companies using sophisticated systems in mind, however the reality of the waste sector, and especially the recycling sector in South Africa, is that it is made up of very many informal businesses and individuals. Levels of literacy and access to computers and information systems vary greatly, but our experience suggests that many of those who will be required to register will simply not have the means to comply.

We request that all legislation proposed details the problem that is being solved and how such legislation will solve it. All legislation, including this proposal, should expressly indicate the requirements as relates to all sectors of the value chains, specifically the informal sectors and other small businesses.

DETAILED COMMENTS ON NOTICE FOR REGISTRATION OF PERSONS WHO TRANSPORTS WASTE FOR GAIN 2016

PROVISION	COMMENT	PROPOSAL
Definitions	There is no definition provided for “transporting waste for gain”. Without a definition for what constitutes gain, there will be confusion over who registers and who not. For example, a manufacture might transport their own waste, which is considered a cost and not a gain for that manufacturer. That manufacturer may outsource the transport to a third party. That third party would be transporting for gain.	We cannot propose a solution without knowing what problem this proposed legislation is trying to solve.
3. (1) Any person who transports waste for gain....registered on South African Waste Information System.	This definition is too broad. This would include all trolley pickers, the informal sector, small businesses, co-operatives and transporters who only transport waste ad-hoc. Such a broad definition will likely result in high levels of non-compliance and criminalisation of large sectors of the waste management and recycling economy.	Again, without knowing what the current problem is, it is difficult to propose a specific solution. Thresholds of the amount of waste transported per month should be included at a minimum, so as to bring it in line with the current Waste Information Regulations which place thresholds on minimum waste tonnages generated.
Offences	Coupled with the broad spectrum of 3.(1), it is highly likely that there will be very high levels of non-compliance across of many h transport waste for gain and thus a large proportion of economic operators will be criminalised.	