

Legislative System of Waste Management in Japan

YASUHISA TSUKADA

Waste Management Division

Bureau of Environment

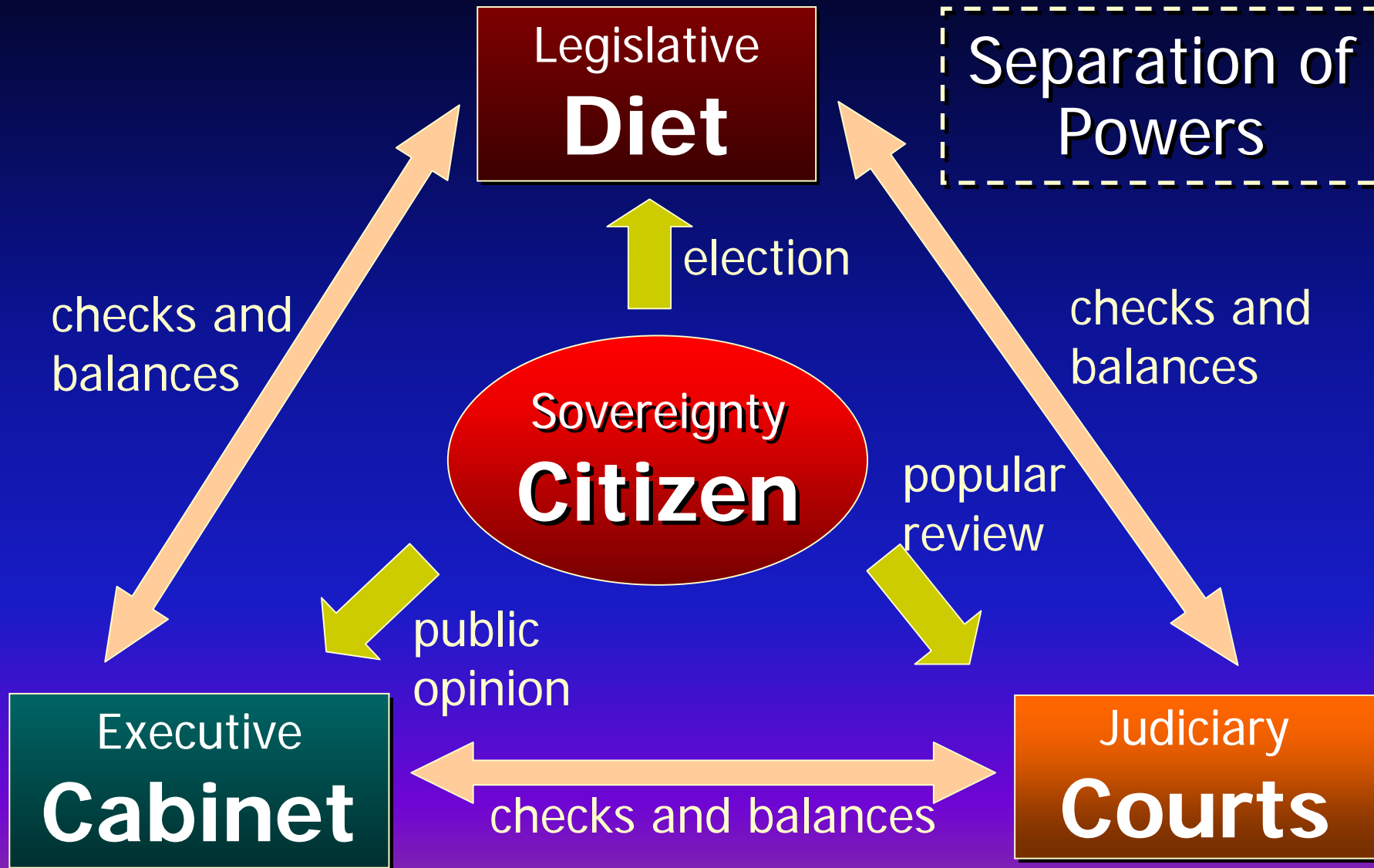
Tokyo Metropolitan Government

1. System of Government

The Constitution of Japan

- *The Diet shall be the highest organ of state power, and shall be the sole law making organ of the State.(Art.41)*
- *Executive power shall be vested in the Cabinet.(Art.66)*
- *The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.(Art.76)*

System of Government in Japan(1)



System of Government in Japan(2)

Relationship between the Diet and the Cabinet

- *The cabinet shall be collectively responsible to the Diet.*
- *The Diet chooses the prime minister from among its members.*
- *The House of Representatives has the right to resolve a motion of no confidence against members of the cabinet.*

Relationship between the Cabinet and the Courts

- *The Cabinet appoints all members of the Supreme Court.*
- *The Courts can investigate the decisions of the Cabinet for legality.*

Relationship between the Courts and the Diet

- *The Courts can investigate the constitutionality of laws enacted by the Diet.*
- *The Diet can initiate impeachment proceedings to dismiss a judge.*

System of Local Government(1)

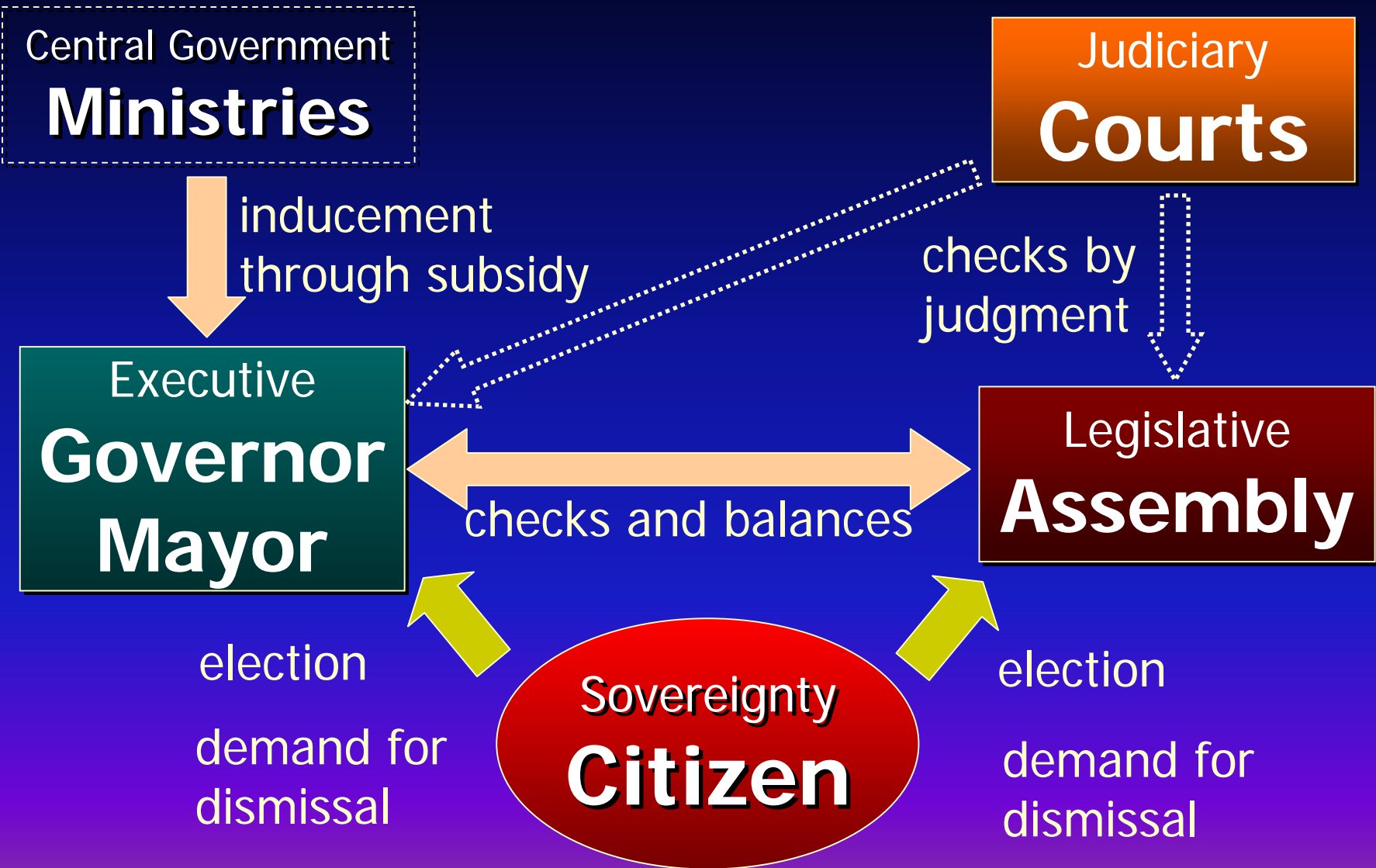
Legal status (The Constitution Art.92-94)

- *Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.*
- *The local public entities shall establish assemblies as their deliberative organs, in accordance with law.*
- *Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.*

Local entities (Prefectures and Municipalities)

- *Prefectures are the upper-level local entities comprising municipalities.*
- *Municipalities are primary level local entities which take charge of all local administration.*

System of Local Government(2)



2. Legislative System of Waste Management

Fundamental Law for Establishment of a SMC Society

The purpose of this law is to promote comprehensively and systematically the policies for the establishment of a Sound Material-Cycle Society and thereby help ensure healthy and cultured living for both the present and future generations of the nation, through articulating the basic principles on the establishment of a SMC Society, in conformity with the basic philosophy of the Basic Environment Law, clarifying the responsibilities of the State, local authorities, businesses and citizens, and articulating fundamental matters for making policies for the formation of a SMC Society, including those for establishing the fundamental plan for establishing a SMC Society.

History of Japanese Legislation(1)

1900 Public Cleansing Law

1954 Sanitation Law

1970 Waste Management Law

(Waste Management and Public Cleansing Law)

**1991 Law for Promotion of Utilization of
Recycled Resources**

**1995 Containers and Packaging
Recycling Law**

1998 Home Appliance Recycling Law

History of Japanese Legislation(2)

**2000 Fundamental Law for Establishing
a Sound Material-Cycle Society**

**Law for the Promotion of Effective
Utilization of Resources**

(amendment of "Law for Promotion of Utilization of Recycled Resources")

Construction Material Recycling Law

Food Waste Recycling Law

2002 End-of-Life Vehicle Recycling Law

Protecting public health (1900 ~)

Ensuring good living environment (1970 ~)

Encouraging resource recycling (1991 ~)

Legal Framework

廃棄物・リサイクル関連法の体系

Fundamental Law for Establishing a Sound Material-Cycle Society

Waste Management Law

Law for the Promotion of
Effective Utilization of Resources

- Containers and Packaging Recycling Law
- Home Appliance Recycling Law
- Construction Material Recycling Law
- Food Waste Recycling Law
- End-of-Life Vehicle Recycling Law

Waste Management Hierarchy under the Fundamental Law

循環型社会形成推進基本法で定める資源の循環的な利用における優先順位

■ *Basic principle for the sound material-cycle society:*

1. Source reduction or waste prevention

2. Reuse

3. Recycling

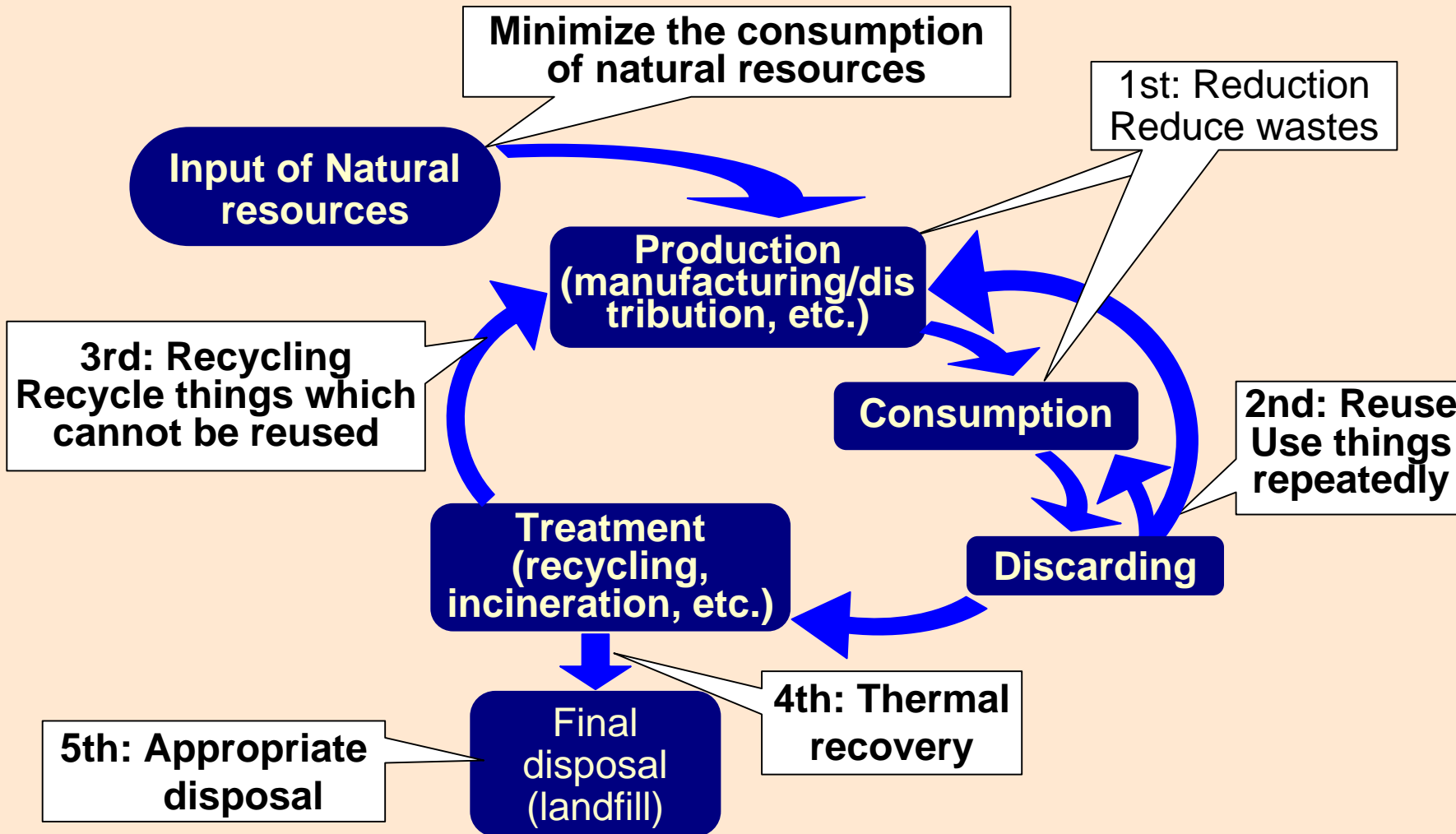
4. Thermal recovery

5. Appropriate disposal

■ *Extended producer responsibility: EPR*

The sound material-cycle society

A society where the consumption of natural resources is minimized and the environmental load is reduced as much as possible through implementation of 3R measures and appropriate disposal.



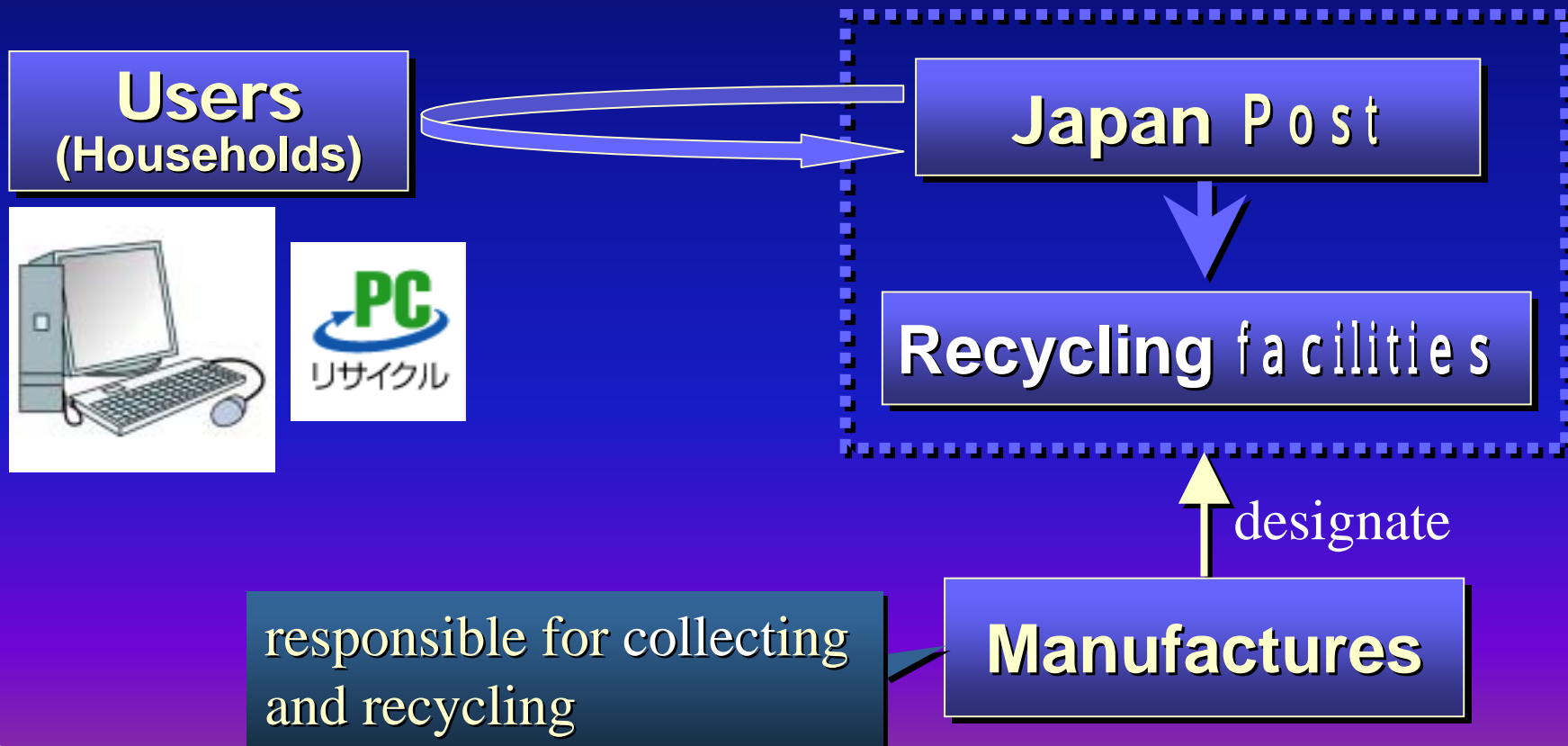
Law for the Effective Utilization of Resources

The law provides that designated industries and manufactures should encourage, following the standards set by the ministry:

- ◆ *reducing by-products,*
- ◆ *utilizing recycled resources,*
- ◆ *reducing waste from end-of-life products, e.g. making products that are resource-saving, durable, easily repaired, etc.,*
- ◆ *making products that are easily recycled, or manufacturing them reusing parts,*
- ◆ *labeling products for promoting recycling,*

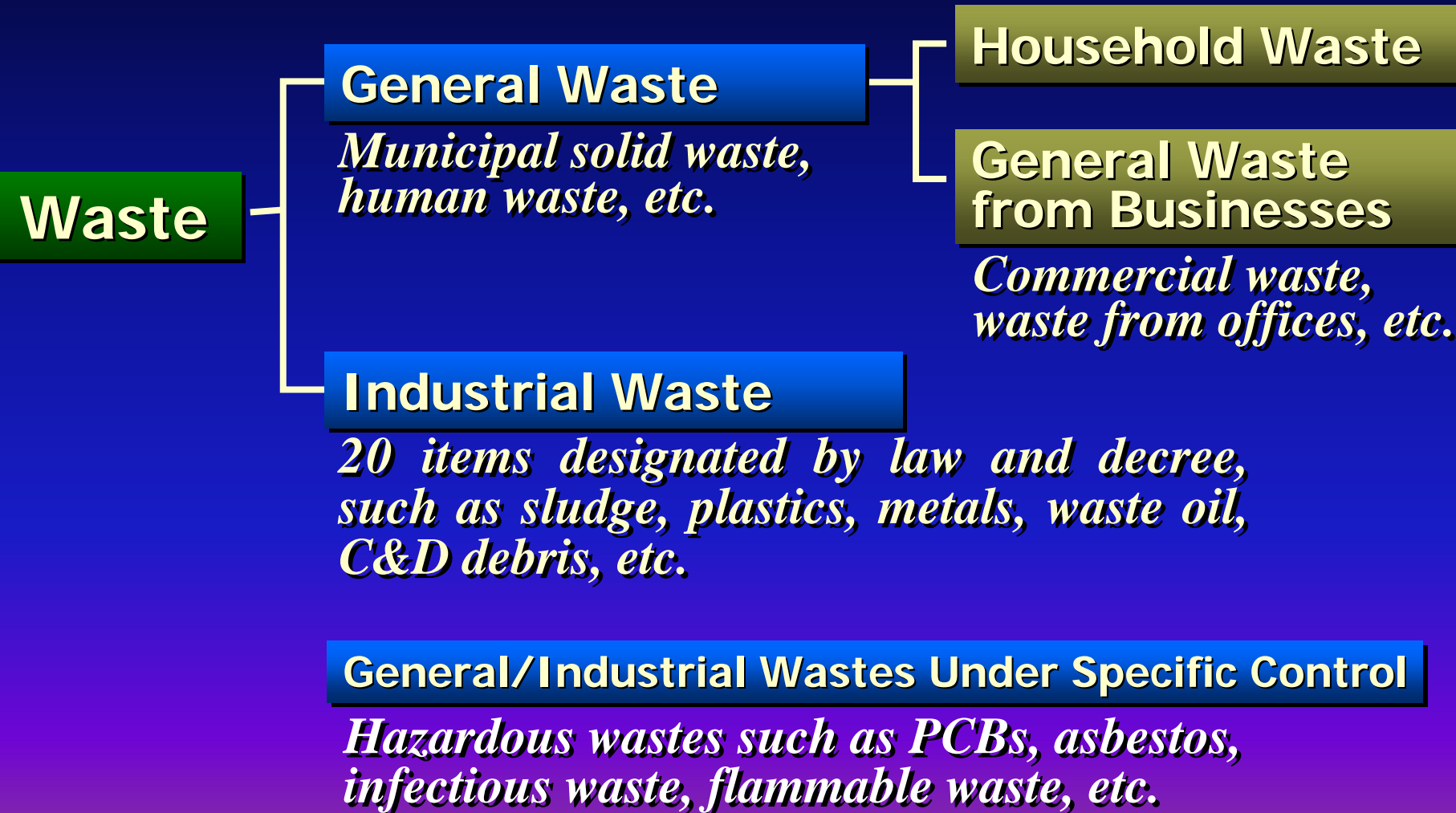
Personal Computers

- Manufacturers have been required to collect and recycle computers discharged from households.
- Computers sold on or after October 1, 2003, and discharged from households are, in principle, to be collected at designated collection spots, free of charge, and recycled.



Classification of Wastes under the Waste Management Law

廃棄物の分類



Roles of National/Local Governments under the Waste Management Law

National Government

- *Defining national waste management policy,*
- *Setting standards for the appropriate waste management,*
- *Financial and technical support to the local government, etc.*

Prefectures

- *Establishing regional waste management program,*
- *Ensuring the appropriate management of industrial waste,*
- *Authorization for industrial waste treatment agents,*
- *Authorization for waste treatment facilities and landfills, etc.*

Municipalities

- *Establishing municipal general waste management program,*
- *Authorization for general waste treatment agents,*
- *Treatment of municipal solid waste & human waste, etc.*

Responsibility for Waste Management under the Waste Management Law

- **The business shall appropriately dispose of the waste left as a result of their business activities.** (Article 3, paragraph 1 of the Law)
- **The municipalities shall collect, transport and dispose of municipal solid waste in their municipal areas before they interfere with the conservation of the living environment, according to the municipal solid waste management plan.** (Article 6-2, paragraph 1 of the Law)

Flow of Industrial Waste Treatment

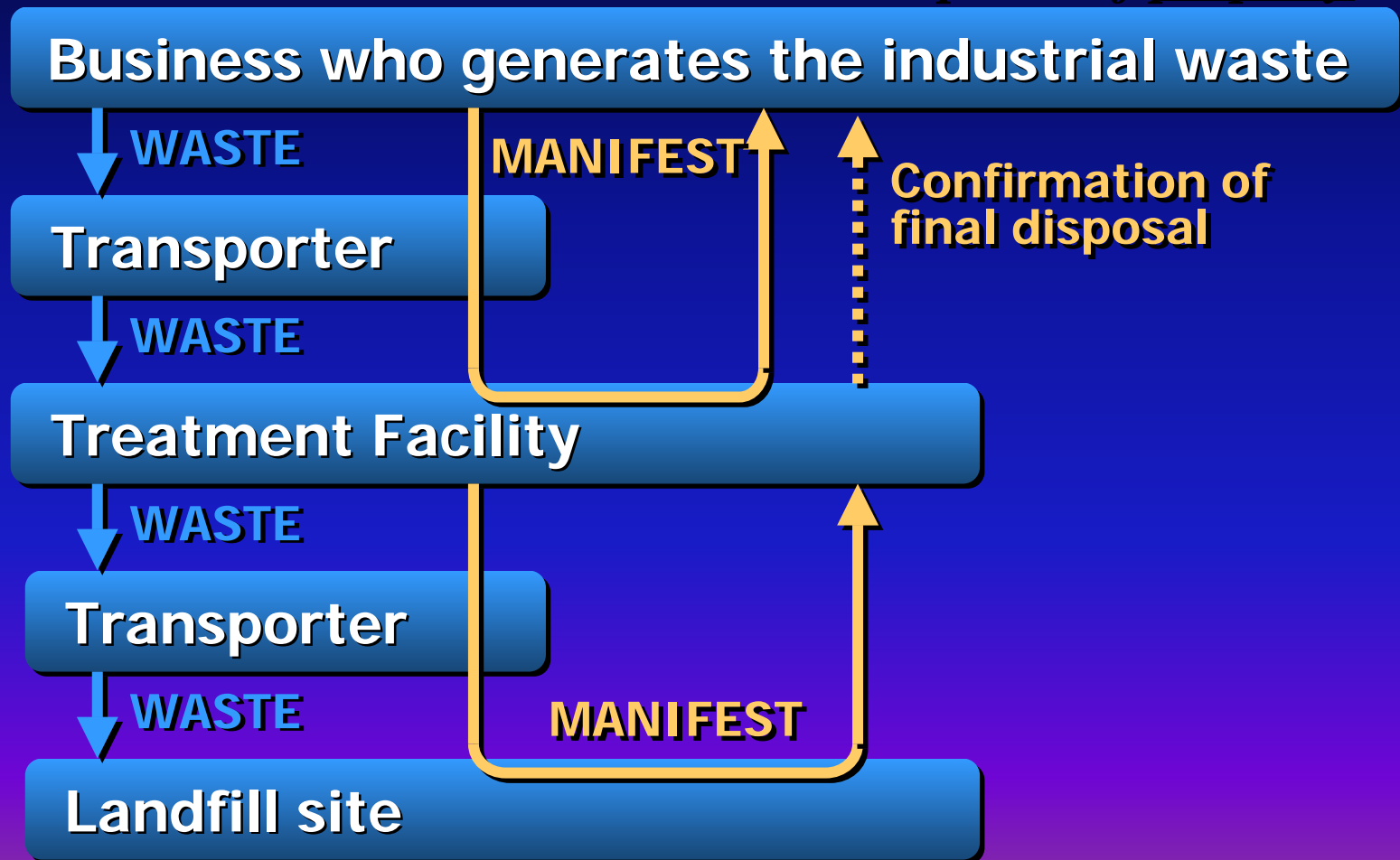


- Building Contractors
- Manufacturers
- Hospitals etc.

- Dehydration
- Pulverization
- Incineration etc.

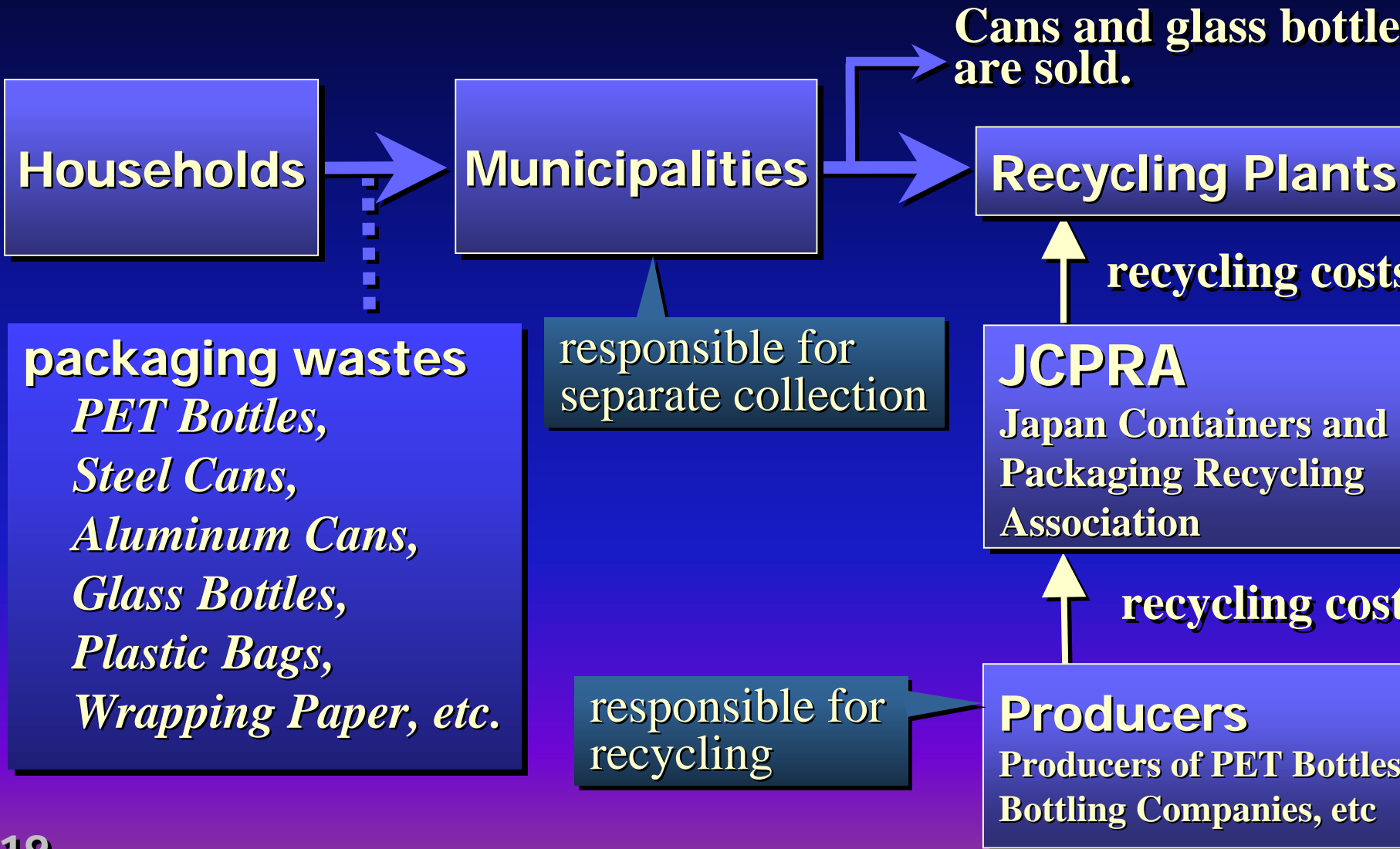
Manifest System

Businesses who generate industrial wastes must check that the waste have been disposed of properly.



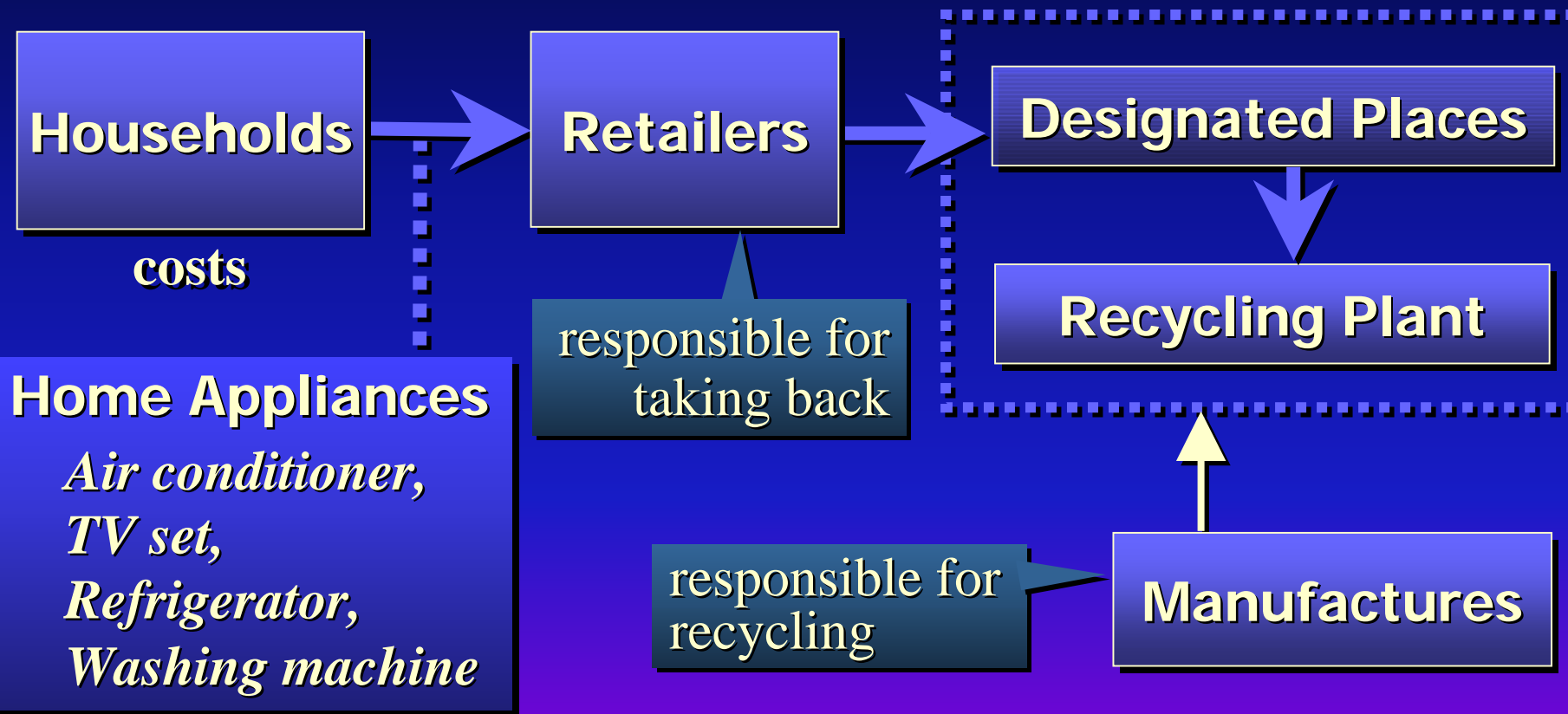
Containers and Packaging Recycling Law

容器包装リサイクル法



Home Appliance Recycling Law

家電リサイクル法



Construction Material Recycling Law

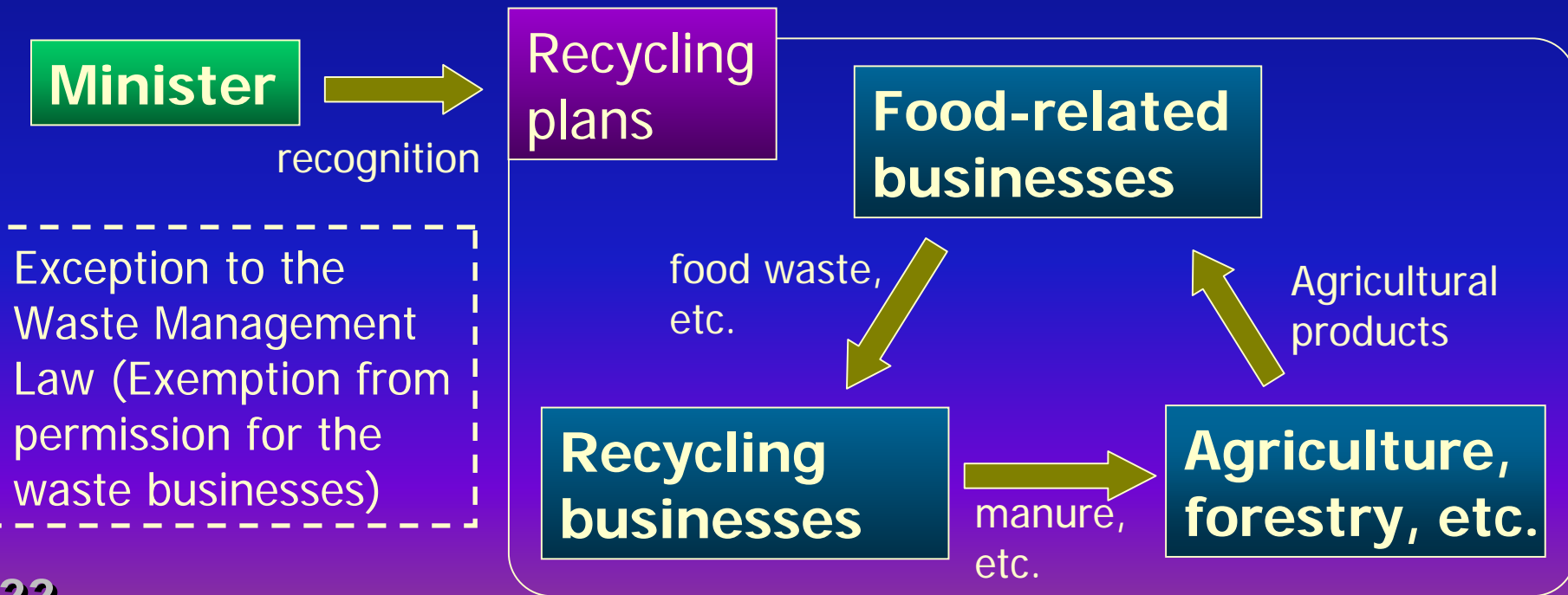
Construction works to be regulated

- Demolition of a building : 8 0 m² or more (total floor space)
- Construction of a new building or extension : 5 0 0 m² or more (total floor space)
- Repairing or Remodeling of a building : 1 0 0 million yen or more (contracting fee)
- Other construction work : 5 million yen or more (contracting fee)



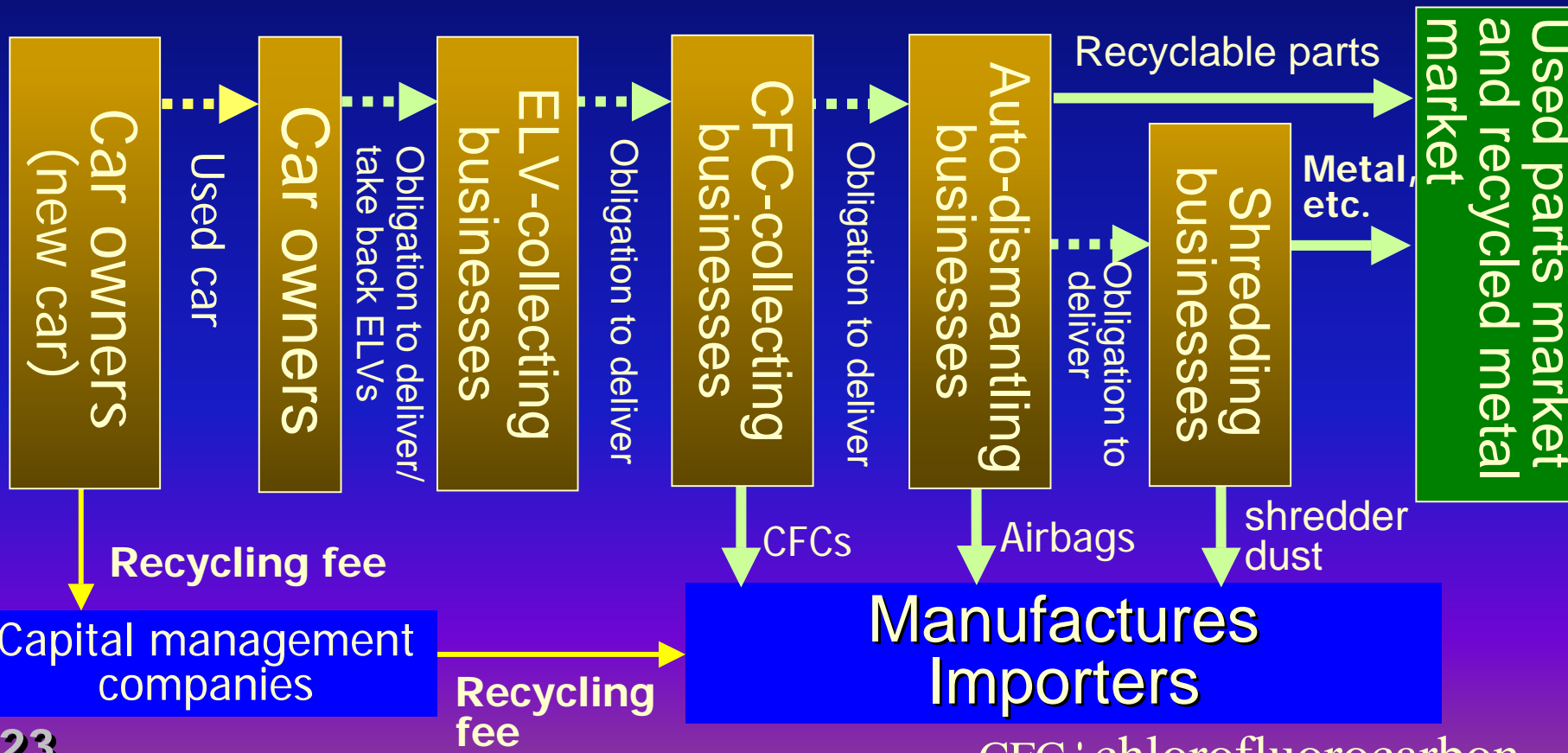
Food Waste Recycling Law

All Food-related businesses engaged in manufacturing and distributing food products or providing restaurant services shall carry out recycling of food waste (through prevention of waste generation, and reduction of final disposal), and raise the recycling rate up to 20 %.



End-of-Life Vehicle Recycling Law

Collecting and recycling CFCs, airbags and shredder dust from ELVs that are manufactured and imported by themselves.



Thank you for your attention

