

**IN THE FOURTH SESSION OF THE SIXTH
PARLIAMENT OF
THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE SELECT COMMITTEE ON
ENVIRONMENT, SCIENCE AND
TECHNOLOGY**

ON THE

**HAZARDOUS AND ELECTRONIC WASTE
CONTROL AND MANAGEMENT BILL,
2016**

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1.0. INTRODUCTION

The Hazardous and Electronic Waste Control and Management Bill, 2016 was presented to Parliament and read for the first time on Tuesday, 7th June, 2016. In accordance with article 75 of the Constitution and Order 185 of the Standing Orders of Parliament, the Bill was referred to the Committee on Environment, Science and Technology by the Rt. Hon. Speaker for consideration and report to the House.

2.0. DELIBERATION

In considering the Bill, the Committee first requested for memoranda from the general public and had stakeholder engagement to solicit their inputs. The Committee met on Thursday, 9th June, 2016 and deliberated on the Bill. The Committee is grateful to the Hon. Minister for Environment, Science, Technology and Innovation, Mr. Mahama Ayariga, Mr. Daniel Amlalo, the Executive Director of EPA and the technical team from Environmental Protection Agency (EPA), the representatives from the Ministry of Justice and Attorney General's Department as well as the Environmental Service Providers Association (ESPA) for their assistance and inputs during the deliberations.

3.0. REFERENCE DOCUMENTS

The Committee had recourse to the under-listed documents during the deliberations:

- a. The 1992 Constitution
- b. The Standing Orders of Parliament
- c. The Environmental Protection Agency Act, 1994 (Act 490)
- d. The Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and their Disposal
- e. Memorandum from the Environmental Service Providers Association (ESPA)

4.0 BACKGROUND INFORMATION

- 4.1. Hazardous waste generally refers to waste with properties that make it potentially dangerous or harmful to human health or the environment. Hazardous wastes can be liquids, solids or gases which cannot be treated or disposed of by common means like other types of waste.
- 4.2. The management of hazardous wastes has been on the international environmental agenda from the early 1980s, when it was first included as one of the three priority areas in the United Nations Environment Programme's (UNEP) Montevideo Programme on Environmental Law in 1981. According to UNEP, more than 400 million tons of hazardous wastes is estimated to be produced globally annually of which about 1% is shipped across international boundaries, due to the increasing cost of treating

hazardous wastes in industrialised countries, to unsuspecting countries that do not have adequate regulations on wastes management.

- 4.3. However, following the awakening of environmental awareness and corresponding tightening of environmental regulations in the industrialized world in the 1970s and 1980s, coupled with the discovery in Africa and other parts of the developing world of deposits of toxic wastes imported from abroad which led to increasing public resistance to the disposal of hazardous wastes, the “Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal”, often referred to as “The Basel Convention” was adopted in 22nd March, 1989 (Basel Switzerland) and entered into force in 2nd May, 1992.
- 4.4. The Basel Convention is an international treaty designed to place obligation on member countries to control and reduce the amount of hazardous wastes generated and specifically to prevent or minimize transfer of hazardous waste from developed to less developed countries (LDCs).
- 4.5. Again, the Convention obliges countries to ensure adequate disposal facilities are available to prevent unsound disposal of hazardous waste and to punish offenders of illegal traffic of hazardous and other wastes. The Convention also seeks to assist and protect the less developed countries from illegal dumping of hazardous wastes.

- 4.6. Globally, discarded electrical and electronic equipment such as computers, mobile phones, refrigerators and television sets, end-of-life vehicles, used automobile tyres containing new and complex hazardous substances that are classified among the fastest growing waste challenges in both developed and developing world with estimated five to ten percent (5-10%) increase in global electronic waste (e-waste) annually.
- 4.7. In Ghana, according to Environmental Protection Agency (EPA), containers shipped into the country from developed countries under the false label of “second-hand goods” filled with old broken-down computers, monitors, mobile phones are dumped in Agbogbloshie, which is believed to be Africa’s Biggest E-waste Dump site.
- 4.8. According to Ghana e-Waste Country Assessment (March 2011), out of the 215,000 tons of electrical and electronic equipment imports into Ghana in 2009, thirty percent (30%) comprised of new products and seventy percent (70%) second hand electrical and electronic equipment. Out of the seventy percent (70%), fifteen percent (15%) are unsellable (i.e. would not respond to power, broken or outdated). This statistics continue to grow on yearly basis posing varying environmental and economic challenges in the country.

- 4.9. Exposure to hazardous substances coupled with unsound e-waste management practices in and around dismantling sites exposes thousands of poor Ghanaians to numerous health and safety risks which many of them are unaware and work as either waste collectors, recyclers in both the formal and informal sectors or live with in neighbouring communities.
- 4.10. The Ministry over the years has tried to find an innovative and best modular solution that can address the growing health and environmental challenges faced by the country especially at the Agbogbloshie e-waste slum which is the main source of food stuff consumed in Accra and its environs.
- 4.11. It is in the light of the above that Parliament is being urged to pass a law to control and manage hazardous and electrical and electronic wastes to ensure a sound waste management and recycling system to save our environment for future generations.

This will also enable Ghana fulfill her obligations under the following international Conventions:

- The Basel Convention on the Control of Transboundary Movement of Hazardous Wastes,
- The Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and
- The Stockholm Convention on Persistence Organic Pollutants.

5.0 OBJECT OF THE BILL

The Bill seeks to provide for the control, management and disposal of hazardous and electronic wastes and for other related purposes.

6.0 PROVISIONS OF THE BILL

- 6.1. The bill is divided into two parts. Part one seeks to deal with hazardous wastes, their disposal and to also domesticate the Basel Convention on Transboundary Movement of Hazardous Wastes and their Disposal and the second part deals with electrical and electronic wastes as well as the control and management of Polychlorinated biphenyls.
- 6.2. Part two prescribes the Electrical and Electronic Waste Levy and establishes the Electrical and Electronic Waste Management Fund as well as the Electronic Waste Recycling Plant.
- 6.3. There are five schedules to the Bill that provides for the List of hazardous waste and other wastes, notification form for transboundary movement or shipment of waste, movement document for transboundary movement or shipment of waste, application for the management of hazardous waste and other wastes, classification of Polychlorinated biphenyls waste for segregation and the List of electronic equipment for which a levy is applicable.

7.0. OBSERVATIONS

- 7.1. The Committee observed that Ghana is a party to the Basel Convention on the Control of Transboundary Movement of Hazardous waste, the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants. It is therefore imperative on Ghana to fulfill her obligations under these Conventions to enact legislation on hazardous and electronic waste in order to ensure a sound waste management and recycling system to save our forest and future generations.
- 7.2. The Committee further observed that the tenets of the Basel Convention stipulate that a person cannot export hazardous waste including e-waste into another jurisdiction without the prior informed consent of the receiving country. The importing country may only consent when there are treatment facilities available in that jurisdiction.

The passage of the Bill therefore will enable Ghana avoid the eventuality of being a dumping ground of waste products, especially the hazardous ones, by having actual and objective report(s) on the nature of the shipments, especially when these are declared as ‘used’ ones rather than ‘wastes’. Ghana will be able to apply and enforce measures to properly control the importation of used materials that arrive in the country purportedly to be reused for other purposes.

- 7.3. The Committee noted that the Basel Convention provides for the establishment of Regional and Coordinating Centres for training and technology transfer regarding the management of hazardous wastes and

other wastes and the minimization of wastes generation to cater for specific needs of different regions and sub regions and to also assist and support Parties in the implementation of the Convention. Ghana being a party to the Convention therefore stands to gain immense support from the Centres to develop its human capacity to take full charge of its hazardous and other wastes management.

- 7.6. The Committee again noted that the Bill has provided for the establishment of electrical and electronic waste recycling plant under Clause 29 in the country. The plant, when it is established, will spur new job opportunities directly for those engaged in the collection or recycling facilities and indirectly to those who are engaged in buy-sell trade of recovered materials, such as metals, plastics, and other recyclable materials.

This will be a big boom for the teeming unemployed youth in the country, especially the large unskilled and semi-skilled labour force. For instance, it is estimated that the implementation of the innovative solution to be designed will create jobs for Ghanaians across the country.

- 7.7. The Bill when enacted will also streamline the activities of those in the waste collection and management industry to ensure that adequate safety measures are properly put in place to protect the workers and to minimize or prevent the dangers they are currently exposed to on a daily basis. This will also ensure that harmful elements associated with the hazardous and other wastes products are captured and processed safely, thereby preserving critical ecological components such as, soil, groundwater, flora and fauna.

- 7.8. The establishment of the plant will again enable Ghana develop a market for the hazardous and electrical and electronic wastes in the West African Sub-Region which will bring income in the form of revenues from the recycled materials and other by-products.
- 7.9. The Committee observed that the informal nature of the Waste Electrical and Electronic Equipment (WEEE) recycling sector do not allow the true value of its contributions to reflect in the national GDP. Nevertheless, based on the data on total number of people employed in the refurbishing and WEEE recycling sector and their average incomes, the sector was estimated to contribute between US\$ 105 to 268 million indirectly to the national economy. (Source: Ghana E-Waste Country Assessment, 2011)

The program is therefore envisaged to generate an estimated amount of 100 million USD on average annually to the fund through the Ministry of Environment, Science, Technology and Innovation.

- 7.10. The Committee noted that the Bill Clauses 23-27 provides for the establishment of an Electronic Waste Recycling Fund. The object of the fund is to provide funds to support the management of e-waste on human health and the environment. The sources of the fund include moneys approved by Parliament, fees and charges levied by the Agency in respect of items specified under the Fifth Schedule, and any other moneys due the Agency from the services rendered or any other moneys approved by the Minister for Finance. Again, the fund would be managed by an Administrator to ensure proper disbursement.

7.11. Finally, the Committee observed that waste management is a very capital intensive project and therefore needs a lot of capital injection to commence. Lack or inadequate funding would be a major hindrance in starting and maintaining the waste-recycling program. Therefore, with this initiative, the Ministry is assured of reliable funds from innovative ways of accessing an advance recycle levies in all major exporting countries and channel them into a sustainable recycling programme.

8.0 CONCLUSION

The Committee has carefully examined the provisions of the Bill in the light of its object and purpose and is of the view that they are consistent with the Constitution and other relevant statutes and accordingly recommends its passage by the House.

Respectfully submitted.



HON. SIMON EDEM ASIMAH
CHAIRMAN, COMMITTEE ON ENVIRONMENT,
SCIENCE AND TECHNOLOGY



JOANA A. S. ADJEI (MRS)
CLERK TO THE COMMITTEE

TUESDAY, 22ND JUNE, 2016

APPENDIX 1: AMENDMENT PROPOSED

The following amendments have been proposed by the Committee for the consideration of the House:

1. Page 6, Clause 2 - Amendment proposed:

- (i) In clause 2(1) (d), “line 3, after “manner” insert “or if the importer has identified a certified indigenous hazardous waste management entity to manage and dispose of the waste in an environmentally sound manner;”

2. Page 16, Clause 20 - Amendment proposed:

- (i) In clause 20 (1) (b), line 2, after “equipment” delete “and”.
- (ii) In clause 20 (1), delete paragraph (c) and insert “(c) items specified in the 5th Schedule;”
- (iii) In clause 20 (1), add the following new paragraphs:
 - “(d) items specified by the Minister by Regulations; and
 - (e) pays for the advance eco levy of the item as specified by Regulations.”

2. Page 16, Clause 21 - Amendment proposed:

In clause 21, line 3, delete “on behalf of Government”

3. Page 18, Clause 28 - Amendment proposed:

- (i) In clause 28(b), line 1, delete “thirty” and insert “forty”
- (ii) In clause 28(c), delete and insert:
 - “(c) twenty per cent of the fund shall be allocated to the Agency for activities in furtherance of the object of this Act;”
- (iii) In clause 28(f), line 2, delete “by the Agency” and insert “in furtherance of this Act.”

4. Page 18, Amendment proposed:

Insert new clauses after Clause 28 to read as follows:

(i) “Parliamentary Approval

The Administrator shall submit to Parliament, within three months after the passage of the Appropriation Act, the usage of the Fund for approval.

(ii) Accounts and Audit

- (1) The Administrator shall keep in respect of the Fund books of accounts and proper records in relation to them in the form approved by the Auditor-General.
- (2) The books of account shall be audited by the Auditor-General within three months after the end of each financial year.
- (3) In addition to the annual audit, technical audits shall be conducted on selective basis by the Auditor-General.

(iii) Annual Report

- (1) The Administrator shall submit to the Minister as soon as practicable but not more than six months after the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates
- (2) The report shall include
 - (a) The audited accounts of the Fund and the Auditor-General’s report on the accounts of the Fund, and
 - (b) Any other information the Minister considers necessary
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

5. Page 18, Clause 29 - Amendment proposed:

In clause 29, line 1, after “Minister” delete “may by Legislative Instrument make Regulations” and insert “on the advise of the Agency may make arrangements”

6. **Page 19, Clause 31 - Amendment proposed:**
(i) Headnote, delete and insert “Obligation of the Recycling and disposal”
(ii) In clause 31, lines 1 and 2, after “the” insert “recycling and”
7. **Page 19, Clause 34 - Amendment proposed:**
(i) In clause 34, delete paragraph (f)
In clause 34, add new paragraphs as follows:
(ii) “(i) Fees and Charges payable under this Act;
(j) expand the items under the Fifth Schedule and any other Schedule.”
8. **Page 20, Clause 35 - Amendment proposed:**
In clause 35, Interpretation,
(i) “Basel Convention”, line 1, after “the” delete “Basal” and insert “Basel”
(ii) delete “collection”
9. **Page 23, Interpretation - Amendment proposed:**
(i) “management”, line 1, after “transport” insert “treatment”
(ii) Define “External Service Provider” as specified under clause 21.
“ “External Service Provider” means an entity that is, or has at any time been engaged under Clause 21 of this Act to collect the advance eco levy from e-waste exporting countries.”
10. **Page 33, Schedule to the Act - Amendment proposed:**
In the Fifth Schedule, delete the fourth column specified “Fees (\$)”

