Legislative System of Waste Management in Japan

YASUHI SA 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)

Legislative Diet

Executive Cabinet

Judiciary Courts

Sovereignty Citizen

Separation of Powers

election

checks and balances

popular review

public opinion

checks and balances

checks and balances
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.
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

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

循环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,
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

Waste

General Waste
Municipal solid waste, human waste, etc.

Industrial Waste
20 items designated by law and decree, such as sludge, plastics, metals, waste oil, C&D debris, etc.

Household Waste

General Waste from Businesses
Commercial waste, waste from offices, etc.

General/Industrial Wastes Under Specific Control
Hazardous wastes such as PCBs, asbestos, infectious waste, flammable waste, etc.
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

- Generator of Industrial Waste
- Licensed Treatment Facility
- Licensed Landfill

- Dehydration
- Pulverization
- Incineration etc.

- Building Contractors
- Manufacturers
- Hospitals etc.
Businesses who generate industrial wastes must check that the waste have been disposed of properly.
Containers and Packaging Recycling Law

包装容器リサイクル法

- Households
- Municipalities
- Recycling Plants
  - Responsible for separate collection
  - Responsible for recycling
  - Recycling costs

- Producers
  - Producers of PET Bottles, Bottling Companies, etc.

- JCPRA
  - Japan Containers and Packaging Recycling Association
  - Recycling plants
  - Recycling costs

Packaging wastes
- PET Bottles,
- Steel Cans,
- Aluminum Cans,
- Glass Bottles,
- Plastic Bags,
- Wrapping Paper, etc.

Cans and glass bottles are sold.
Home Appliance Recycling Law

Households → Retailers → Designated Places → Recycling Plant → Manufactures

Costs

Home Appliances:
- Air conditioner
- TV set
- Refrigerator
- Washing machine

Responsibility:
- Retailers: responsible for taking back
- Designated Places: responsible for recycling
**Construction Material Recycling Law**

- **Construction works to be regulated**
  - Demolition of a building: 80m² or more (total floor space)
  - Construction of a new building or extension: 500m² or more (total floor space)
  - Repairing or Remodeling of a building: 100 million yen or more (contracting fee)
  - Other construction work: 5 million yen or more (contracting fee)

---

The diagram shows a flowchart with nodes labeled as follows:

- **Governor (Mayor)**
- **Client**
- **Contractor**

Arrows indicate the sequence of interactions and roles involved in the construction process.
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