



# Policy effectiveness assessment of selected tools for addressing marine plastic pollution

Extended Producer Responsibility in South Africa

**Inclusion of the informal waste sector in the EPR scheme and regulations**



ENVIRONMENTAL LAW PROGRAMME





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# 1 Introduction

It is estimated that between 60,000 and 90,000 informal waste pickers are active in South Africa, engaged in the recovery of primarily paper and packaging waste.<sup>1</sup> They perform an important function by removing and recovering materials of potential value, and can generate positive economic and environmental impacts by reducing the volume of waste-to-landfill, providing an alternative and free collection service and supporting reduced municipal collection and disposal costs.<sup>2</sup> In recognition of this important role, the most recent Extended Producer Responsibility (EPR) Regulations<sup>3</sup> require Producer Responsibility Organisations (PROs) to incorporate various requirements that directly or indirectly pertain to waste pickers within their respective EPR schemes.

This brief report<sup>\*</sup> builds on the broader EPR Report of January 2021 (EPR Report)<sup>4</sup> by focusing on how to operationalise the waste picker requirements of the EPR Regulations prior to the finalisation of the relevant EPR schemes on 5 November 2021. It also explores how to operationalise the integration of waste pickers more generally within the wider EPR regime, with a view to analysing the report's recommendations and suggestions at a workshop to be convened by IUCN. For that reason, this report is deliberately brief, building upon the background, context, and discussion set out in the EPR Report. It concentrates on proposed suggestions, drawn from international best practices, as well as extensive research conducted within South Africa. Specifically, this note refers extensively to the Waste Picker Integration Guideline (the Guideline) that was finalised by the Department of Forestry, Fisheries and the Environment in 2020.<sup>5</sup> It draws on its recommendations duly adapted to the present EPR context, not only because it is tailored to the national circumstances, but because it also reflects and incorporates extensive stakeholder comments and views.<sup>6</sup> The recommendations made in this report are neither intended to be definitive nor are they the only suggestions put forward. Specifically, the report does not propose detailed suggestions or recommendations, but rather prioritises what are considered to be the key considerations which PROs and related EPR schemes may wish to engage with in the coming months as they finalise their EPR schemes. As such, the recommendations focus on transparency and inclusion, institutional structures, and fees, with a view to the latter forming a basis for further detailed discussions on how they may be operationalised in the future.

In the context of the above, this report contains a brief overview of the meaning of integration and the EPR Regulations insofar as they concern waste pickers, and why integration is important for PROs. It then proposes actions that would facilitate inclusion and participation, the strengthening of organisational structures, and addresses the question of fees. It concludes with a list of recommendations that summarise the previous points as well as a number of new points for discussion.

## 2 What is integration

National policy has evolved from an approach that initially focused on formalising individual waste pickers through formal employment, towards a more systemic approach for integration.<sup>7</sup> Formalisation incorporates waste pickers into the waste value chain through formal employment. It seeks to create

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\* This report was prepared by Climate Legal on behalf of and in coordination with the IUCN Environmental Law Centre.

<sup>1</sup> OECD (above note 5).

<sup>2</sup> Waste Picker Guideline.

<sup>3</sup> GN 1184 of 5 November 2020.

<sup>4</sup> To read the Full report please visit: [https://www.iucn.org/sites/dev/files/south\\_africa\\_policy\\_assessment.pdf](https://www.iucn.org/sites/dev/files/south_africa_policy_assessment.pdf)

<sup>5</sup> Department of Environment, Forestry and Fisheries and Department of Science and Innovation (2020). *Waste picker integration guideline for South Africa: Building the Recycling Economy and Improving Livelihoods through Integration of the Informal Sector*. DEFF and DST: Pretoria

<sup>6</sup> The Guideline is the outcome of six participatory stakeholder working group workshops facilitated by Dr Melanie Samson (University of the Witwatersrand), who wrote the Guideline.

<sup>7</sup> Guideline at page 2.

jobs by formalising the role of waste pickers and expanding the role of small and medium sized enterprises and cooperatives in waste management.<sup>8</sup> By contrast, integration can be defined as:

*“the creation of a formally planned recycling system that values and improves the present role of waste pickers, builds on the strengths of their existing system for collecting and revaluing materials, and includes waste pickers as key partners in its design, implementation, evaluation and revision. Waste picker integration includes the integration of waste pickers’ work, as well as the political, economic, social, legal and environmental integration of waste pickers.”<sup>9</sup>*

In practice, instead of including individual reclaimers into a whole new formally planned system that would use a “top-down” approach, integration means having the formally planned system and programme incorporated with existing practices and systems that have already been developed by waste pickers, through a process of learning from and negotiating with them.<sup>10</sup>

Integration gives recognition to the fact that waste pickers are key actors extracting recyclables from the waste stream and it promotes the achievement of a number of key government priorities.<sup>11</sup> It is also global best practice. Countries such as Serbia, Brazil, Tunisia and the Philippines are engaging with waste picker integration as a primary component of recycling systems, and it is also advocated by the World Bank, Inter-American Development Bank and OECD as an important component of EPR.<sup>12</sup>

For integration to succeed, it must respond to the real needs of waste pickers and improve their conditions and incomes. The most effective way of ensuring this is for pickers to be centrally involved as partners in all phases of waste picker integration, initiatives and recycling programmes.<sup>13</sup> It also requires meaningful participation by municipal and industry representatives, which includes openness to changing their assumptions about waste pickers and informal recycling systems, their visions of what a recycling system should look like, and their historical ways of relating to waste pickers.<sup>14</sup> At a practical level, it also includes integrating the “separation outsource”<sup>15</sup> systems that waste pickers have created within regulated systems, such as the current EPR Schemes.<sup>16</sup>

### 3 The EPR regulations

The EPR Regulations seek to establish a framework for the development, implementation, monitoring and evaluation of EPR schemes; ensure the effective and efficient management of identified products (also referred to as obligated products) at the end of their lifecycle; and encourage and enable the implementation of the circular economy initiatives.<sup>17</sup> Producers are required to establish and implement an EPR scheme “that includes the entire value chain”, or to join a PRO that has such a scheme.<sup>18</sup> Although the Regulations only apply to “producers”,<sup>19</sup> they include numerous other actors within the

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<sup>8</sup> Department of Environmental Affairs *National Waste Management Strategy* (2011)

<sup>9</sup> Guideline at page 47.

<sup>10</sup> Ibid.

<sup>11</sup> Guideline at page 2.

<sup>12</sup> Guideline at page 3 and sources cited therein.

<sup>13</sup> Guideline at page 26.

<sup>14</sup> Guideline at page 27.

<sup>15</sup> Meaning the informal system created by waste pickers working in streets, open spaces and landfills to salvage recyclable and reusable materials mixed into the waste stream, and to separate, clean and transport them to either sell, use themselves, or make new products.

<sup>16</sup> Guideline at page 27.

<sup>17</sup> Regulation 2 of the EPR Regulations.

<sup>18</sup> Regulation 5(1)(a) of the EPR Regulations.

<sup>19</sup> Defined in the EPR Regulations as “any person or category of persons, including a brand owner, who is engaged in the commercial manufacture, conversion, refurbishment (where applicable) or import of new or used identified products as identified by the Minister by Notice in the Government Gazette in terms of section 18 (1) of the Act, and a producer includes, where relevant, the same as defined in the specific section 18 Notice for each of the identified products as gazetted by the Minister in terms of section 18 (1) and (2) of the Act”. In turn a



economy by reference, such as municipalities, waste pickers, waste collectors, small businesses and entrepreneurs. The Regulations govern how the PROs are to engage with these actors within the value chain, by specifying that they must:

- integrate informal waste collectors, reclaimers and pickers into the post-consumer collection value chain;
- compensate waste collectors, reclaimers or pickers who register with the National Registration Database for collection services and environmental benefits through the collection service fee, by November 2022;
- by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
- contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
- manage services that have been awarded to service providers in particular, including collection and recycling by waste management companies;
- cooperate with all municipalities (where applicable), to increase the recovery of identified products from municipal waste;
- implement transformation within those entities with whom PROs contract, with a special focus on women, youth and persons living with disabilities; and
- prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities.<sup>20</sup>

The EPR scheme is also required to keep records of the waste that is collected and sorted, and to report on various issues, including recovery rates.<sup>21</sup> PROs are also expected to demonstrate compliance with “programmes planned to contribute to government priorities, including but not limited to job creation; and inclusive economic growth”.<sup>22</sup> PROs are then required to submit an annual external performance audit report which must examine, amongst other things, the number of jobs created.<sup>23</sup> The Regulations further contain requirements for the EPR fee, which is to be paid by producers to fund the scheme’s implementation. It specifies that it must be based on net cost recovery, including the costs of establishing a collection system for the identified/obligated products, as well as actual collection, transport and storage of collected products, together with public communication and awareness raising.<sup>24</sup> The Regulations do not directly specify that the EPR fee levied on producers must include the costs of compensating waste collectors, but arguably this falls within the costs of collection, and because PROs are required to pay waste pickers a “collection services fee”.<sup>25</sup>

The most recent amendments to the Regulations do not clarify the division of responsibilities between municipalities and PROs in relation to recycling. In that context, it is useful to refer to the previously developed EPR Report<sup>26</sup> for an analysis of how the law is unclear on this point. One way to read the legislation, to avoid a conflict of laws, is that it contemplates joint cooperation between industry and municipalities. This cooperation may be exercised with municipalities having general facilitating roles and responsibilities over recycling, such as the placement of containers/receptacles for the collection

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“brand owner” means “a person, category of persons or company who makes and/or sells any identified product under a brand label”.

<sup>20</sup> This list is drawn from the more extensive list of obligations in Regulation 5A.

<sup>21</sup> Regulation 6(8).

<sup>22</sup> Regulation 6(9).

<sup>23</sup> Regulation 8(1)(d).

<sup>24</sup> Regulation 7(3)

<sup>25</sup> “Collection” is defined to include collection by waste pickers.

<sup>26</sup> See the detailed discussion on page 8 of the EPR Report.

of recyclable waste, supporting PROs in the implementation of EPR schemes,<sup>27</sup> and issuing guidelines to households or publishing bylaws on separation at source. Producers would then have more defined roles and responsibilities in relation to the specific products for which they have been charged with exercising EPR, including the collection, sorting, recovery and recycling of those identified/obligated products. The EPR Regulations are also clear that it is PROs that bear legal responsibility for integrating waste pickers into the value chain and compensating them accordingly. The National Domestic Waste Collection Standards (applicable to municipalities)<sup>28</sup> do not impose similar duties on municipalities.

In sum, and for the purpose of this report, the Regulations require PROs to integrate waste pickers into the value chain governed by the EPR scheme, to pay waste pickers for collection and environmental services with a pre-determined fee, and to demonstrate compliance with and report on various components of the scheme. The Regulations are unclear on the exact division of responsibilities between PROs and municipalities over recyclables generally, however they provide the idea that PROs retain the primary legal responsibility for integrating waste pickers within the value chain and compensating them accordingly.

## 4 Why is waste picker integration important for industry EPR plans?

The Guideline argues that if waste separation is exclusively undertaken by contracted private entities that are not waste pickers, there can be profoundly negative effects upon waste pickers, the contractors, municipalities and industry.<sup>29</sup> It lists these risks as including negative effects on producers (and PROs) insofar as a lack of integration can result in inaccurate data on the relevant recycling rate and thus inaccurate record keeping and reporting under the EPR Regulations; negative and possibly hostile relations with waste pickers and waste picker organisations which will influence public perceptions and PROs' social licence to operate,<sup>30</sup> and require post-hoc strategies to address; it will negatively affect the PRO's legal obligation to promote job creation, as the number of waste picker livelihoods lost must be accounted for; and generally it would directly contravene the legal requirement to integrate waste pickers into the post-consumer value chain. For these reasons, careful consideration is required on how to positively integrate existing and new systems under an EPR Scheme. A lack of integration also affects waste pickers themselves, as it impedes their access to materials, forces them to compete with formal systems, decreases their income, and worsens working conditions and livelihoods.<sup>31</sup> Waste pickers also stand to benefit from integration. In doing so there is greater potential for entrepreneurial development and job creation, skills development, a safer and healthier work environment, higher income, and recognition and social inclusion.<sup>32</sup>

Integration creates mutually beneficial synergies. As the OECD has also suggested, there is much to be gained by drawing on the knowledge of waste pickers as they are often the only ones with practical experience; they have the knowledge to maximise recycling under local market conditions, and they have the incentive to adapt quickly to new value chains and market opportunities.<sup>33</sup> Collaboration also

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<sup>27</sup> See Section 4.1 of GN No. 21 of 21 January 2011 in *Government Gazette 33935: Domestic Waste Collection Standards*.

<sup>28</sup> *Ibid.*

<sup>29</sup> Guideline at page 39.

<sup>30</sup> The term "social licence to operate" has been added by the author and does not feature in the Guideline. A social licence to operate refers to the ongoing acceptance of an industry's standard business practices and operating procedures by its employees, stakeholders, and the general public. It is particularly relevant in the current context where high levels of waste picker and community involvement predicate the success of the EPR Scheme.

<sup>31</sup> Guideline at pg 39.

<sup>32</sup> Guideline at pg 33- 39.

<sup>33</sup> OECD. (2016). *Extended Producer Responsibility—Updated Guidance*; ENV/EPOC/WPRPW(2015)16/FINAL. OECD: Paris, France.

enables both parties to maximise the strengths of a separation outsource system, and ensure a smooth and beneficial transition from an informal system to an official separation outsource programme. In the following sections, some of the practical ways that integration could be achieved during the development and implementation of EPR Schemes are addressed.

## 5 Participation and communities of practice

To date, waste pickers have not been seen as key actors in recycling and waste management systems, and have not been included in decision-making processes related to these sectors.<sup>34</sup> It is now widely accepted that waste picker participation in the design, implementation, evaluation and revision of integration initiatives is a crucial component of integration.<sup>35</sup> The nature of the participation should be meaningful, and it has been suggested that simply offering an opportunity to comment on fully developed proposals is insufficient.<sup>36</sup> If waste pickers do not perceive themselves to be partners they often choose not to participate.<sup>37</sup> They are also best placed to give guidance on what their needs are and how they are likely to be affected by a proposal. Moreover, there is no “one size fits all” approach to integration, and as such it requires an iterative dialogue with relevant partners, including waste pickers, in order to ensure their needs are met in the specifics of a plan or programme as it evolves. This is particularly the case for waste picker integration programmes, but also applies more broadly to EPR Schemes.

The design and implementation of EPR Schemes must accordingly be participatory and negotiated. Practically, this means that the PROs should, at an early stage, engage with representatives of waste picker organisations such as the South African Waste Pickers Association (SAWPA) and African Reclaimers Organisation (ARO) representatives to discuss the contents of the scheme and engage on the content insofar as it applies to waste pickers through a partnership dialogue. These two organisations are the two primary organised bodies representing waste pickers in the country. Both organisations work to promote waste pickers’ rights, advocate for systemic reform to provide a healthier, safer and more profitable working environment, strengthen unity amongst waste pickers, and educate the public. Historically these groups have represented waste pickers and advanced reform on a number of issues such as the inclusion of reclaimers within the National Solidarity Fund during the Covid-19 lockdown, and representing waste picker intererests in the SWG during the development of the Guideline. In light of their already recognised roles in the sector, representatives from these organisations could be engaged with during the development of the EPR Schemes. Such engagement could entail providing organised representatives with information on the EPR scheme, early drafts, meetings and other engagement opportunities to discuss and co-design the scheme, joint planning around its implementation, and developing reciprocal relationships. During these engagements there will be a need for a flexible approach and co-ordination amongst PROs and sensitivity to the time constraints of waste picker representative organisations to avoid engaging them in a piecemeal fashion.

Mindful that at present the EPR Regulations only require the PRO board of directors to be composed of producers,<sup>38</sup> organisations may also want to consider including representatives of waste picker organisations within some of their formal structures and/or the strengthening of communities of practice with waste pickers to have a closer organisational alliance. Such alliances should also include other key stakeholders such as the South African Local Governments Association (SALGA), to co-create

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<sup>34</sup> Guideline at page 26.

<sup>35</sup> Guideline at page 26 and sources cited therein.

<sup>36</sup> Guideline at page 26 as well as Chikarmane, P. (2012). ‘Integrating Waste Pickers into Municipal Solid Waste Management in Pune, India’. *WIEGO Policy Brief*, 8: 1–12; Dias, S.M. (2011). ‘Overview of the Legal Framework for Inclusion of Informal Recyclers in Solid Waste Management in Brazil’. *WIEGO Policy Brief (Urban Policies)* No 6; Nzeadibe, T.C. and Adama, O. (2015). ‘Ingrained inequalities? Deconstructing gendered spaces in the informal waste economy of Nigerian cities’. *Urban Forum*, 26: 113-130.

<sup>37</sup> Ibid.

<sup>38</sup> Regulation 11(2)(c).

solutions to shared challenges. To this end, stakeholders may want to consider how to utilise the Waste Picker Integration National Stakeholder Working Group (SWG) as a vehicle for sharing ideas and concerns during the process of developing and finalising the EPR Schemes, or developing a new forum for such exchanges.<sup>39</sup> Alternatively, as a discussion point for the workshop, stakeholders may want to consider establishing a more mandatory form of inclusion within decision-making structures of PROs.

## 6 Strengthening organisations

Meaningful engagement also requires that both parties are adequately represented and capacitated to engage. PROs are required under the Regulations to prioritise the “promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities”. Capacitating and empowering waste picker organisations falls within this legal duty. This could be achieved by supporting waste pickers in strengthening their capacity to organise, represent themselves and more fully participate in discussions about waste management, recycling and waste picker integration. Potentially such support could be woven into respective EPR schemes in order to embed it within the future organisational system of the scheme.

## 7 Fees

It is accepted international good practice for waste pickers to be compensated both for the resource value of the salvaged materials but also for collecting recyclables and associated economic and environmental benefits that accrue to both PROs and municipalities.<sup>40</sup> The EPR Regulations acknowledge this by requiring the payment by PROs of a collection service fee to registered waste pickers. This fee is to reflect compensation for both:

- (i) “collection services” provided; as well as
- (ii) “environmental benefits” accrued as a result of the waste picking activities.<sup>41</sup>

A collection service fee is broadly defined as simply an “agreed fee”<sup>42</sup> payable to waste pickers, implying the need for agreement between PROs and waste pickers on the structure and amount, but not elaborating on the specifics of the fee. The Regulations unfortunately do not specify the frequency or structure of payment of the collection service fee; as such, it is up to the PROs and waste pickers to decide the criteria for determining the collection fee. At this stage all that is known is that it would be an additional fee to the amount that waste pickers are currently receiving when selling materials to buy-back centres. The Regulations also do not specify how the portion of the fee representing the “environmental benefit” would be quantified. It appears that the fee for “environmental benefits” which PROs are required to pay to waste pickers could be considered a “top up” fee insofar as it is notionally separated from the collection service aspect of the fee. Given this lack of clarity, further negotiation and discussion between PROs and waste pickers is critical to reach agreement on the content of the fee (mindful that the Regulations require agreement).

*Some considerations for discussion could include:*

- Paying waste pickers a higher rate to collect recyclables that are not currently salvaged because the sale price is too low: this would support PROs to achieve EPR targets and increase

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<sup>39</sup> To include representatives from waste picker organisations, industry associations, municipalities, national government departments and NGOs.

<sup>40</sup> Waste pickers are paid for their collection services, environmental services, or the savings they generate for municipalities by reducing landfill and transport costs in Bogotá in Colombia, Diadema in Brazil, Buenos Aires in Argentina and Pune in India (Guideline Page 20).

<sup>41</sup> Regulation 5A(1)(p).

<sup>42</sup> Definition of Collection Service Fee in the Regulations.

recycling rates and diversion from landfill.<sup>43</sup> Given that some materials are very light it may be preferable to pay per bag and not per weight.

- Recognition that the collection service fee is a legal obligation of the PRO in addition to the costs of material buy-back. When calculating the fee, it should be a quantum amount paid in a sufficiently predictable manner, to provide certainty to waste pickers and recognition of their services in salvaging, transporting and cleaning materials. Doing so could also make it economically viable for waste pickers to start collecting additional types of less lucrative recyclables and reduce time pressures, whilst also assisting PROs to meet EPR targets for the less lucrative materials.
- Calculation of the fee should look systemically at all relevant considerations across the value chain to avoid unintended consequences. Waste pickers should be engaged with to ascertain what these considerations may be.

The Regulations do not specify what would happen in the event that there is no agreement on the fee, nor do they contain a mediation mechanism. Paying a fee that is not agreed to by waste pickers would, however amount to a failure by the PROs to comply with the Regulations, and as such there is a strong imperative to reach consensus. Whilst PROs bear the legal responsibility to pay the collection fee, consideration could also be given to the potential role of Municipalities in contributing to the fee (notwithstanding that they do not have a legal duty to do so), and what the structure for such an arrangement may look like, where for example a collected item is not an identified product under the EPR scheme.

Thought should also be given to weaving the method of payment into the structure of the EPR Schemes.<sup>44</sup> A potential avenue for achieving this, currently being trialled by the Council for Scientific and Industrial Research, is the use of EPR levies to pay waste pickers via registered buy-back centres, as well as the development of a registration system. The Guideline further suggests that such an approach could lay the foundation for other forms of separation outsource, including collection by waste picker cooperatives. In that context it may be useful to have a discussion on the potential for PROs to contract third parties, such as buy-back centres, to facilitate payments and provide ongoing support to waste pickers.<sup>45</sup> This would also facilitate registration and support the gathering of data which PROs are required to retain.<sup>46</sup>

## 8 Recommendations

The above three recommendations, namely on ensuring integration through participatory decision making, participation in formal structures, capacity building, and fee structures are highlighted as three potential priority points for discussion between stakeholders. Stakeholders are invited to bring questions, debate these points, make recommendations and highlight any other key issues they think important to engage on at the outset.

Other important issues related to integration are also highlighted below for further consideration. It is proposed that at the workshop, participants focus on sharing developments to date, their proposals for

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<sup>43</sup> Guideline at page 43.

<sup>44</sup> For example in Bogotá, Colombia, local government created a system to pay individual waste pickers (and subsequently cooperatives) directly into their bank accounts. They were paid for their services as well as a top-up fee based on kilograms collected and sold at registered buy-back centres and aggregation points. (Guideline and Parra, F. (2013). 'Waste pickers' recognition as public waste managers in Colombia', paper presented at the Municipal Services Project Conference *Putting Public in Public Services: Research, Action and Equity in the Global South*. Available online: [https://www.municipalservicesproject.org/userfiles/Parra\\_Waste\\_Pickers\\_recognition\\_in\\_Colombia.pdf](https://www.municipalservicesproject.org/userfiles/Parra_Waste_Pickers_recognition_in_Colombia.pdf) (accessed July 27, 2019).

<sup>45</sup> Guideline at page 43.

<sup>46</sup> Guideline at page 43.

the EPR Scheme, and that a facilitated discussion be held on the priority considerations. Should time allow, or ideally in a follow up session, participants may also want to engage on the additional points below.

*Priority considerations:*

1. The **design and implementation of EPR Schemes must be participatory and negotiated**. This means that the PROs should, at an early stage, engage with waste picker representatives to discuss the contents of the scheme and engage on the content insofar as it applies to waste pickers through a partnership dialogue. This entails engaging with representatives of waste picker organisations, to ascertain needs and how these might be differentiated across the sector, for example between those within landfills and those on streets. It would also be important to include local government within any such discussions, including representatives of SALGA.
2. PROs may also want to consider including **representatives of waste picker organisations** within some of their formal structures and/or the **strengthening of existing or new multi-stakeholder communities of practice** (such as the existing SWG) with waste pickers to have a closer organisational alliance.<sup>47</sup>
3. PROs should **support waste pickers to strengthen their capacity to organise**, represent themselves and more fully participate in discussions about waste management, recycling and waste picker integration. The nature and form of support can be articulated within EPR Schemes.
4. Early negotiation and discussion between PROs and waste pickers is critical to reach the required **agreement on the makeup and value of the collection service fee** that PROs are required to pay, acknowledging that the collection service fee is in addition to payment for the value of materials sold. Discussions should also include considerations of the adequacy of what is already paid per volume sold. Considerations for these discussions include:
  - a. Agreement on what is fair and reasonable to compensate for collection services *and* environmental benefits, as required by the Regulations;
  - b. Discussions on paying waste pickers a higher rate to collect recyclables that are not currently salvaged because the sale price is too low. Given that some materials are very light it may be preferable to pay per bag and not per weight.
  - c. Method of payment of the collection service fee, including predictability and potential involvement of third parties such as buy-back centres to facilitate payment.
  - d. Other elements to the fee that may be of relevance to waste pickers, including income protection.

*Other points for discussion (drawn from the Guideline):*

- When proposing measures in the EPR Scheme, PROs should obtain a **comprehensive understanding of the intended and unintended effects of each integrated recycling option** proposed, and make evidence-based decisions when selecting options;
- Where the EPR Scheme contemplates the development of formal systems, ensure that waste pickers and their separation outsource system are **integrated into formal systems** to collect recyclables at all levels of the value chain;

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<sup>47</sup> To include representatives from waste picker organisations, industry associations, municipalities, national government departments and NGOs.

- PROs should embed procedures in the EPR Scheme to **facilitate access to materials**;<sup>48</sup>
- The EPR Scheme should make provision for **basic infrastructure** – this entails creating/providing access to places to safely sort and store materials, providing access to clean water and sanitation facilities for waste pickers at landfills, and ways to make the same provisions for waste pickers working in the streets;
- **Reverse harm** by ensuring that the EPR Scheme addresses the potential for the review of existing programmes or practices within PROs (that may have evolved over time) that may have a negative effect, and provide for their cancellation or revision;
- Ensure that the EPR Scheme works with existing efforts to develop a **registration system**;
- Facilitate an EPR Scheme that contemplates the creation of **localised waste picker integration programmes and integration working groups** that are able to address local contexts and needs;
- Include, within the EPR Scheme’s awareness campaign, **awareness campaigns** to change perceptions of waste pickers within communities and deepen understanding of the importance of waste picker integration;
- Inclusion of provisions within EPR Schemes to protect waste pickers from **exposure to hazardous conditions**;<sup>49</sup>
- Include provisions within the EPR scheme to **regularly assess** the effectiveness of waste picker integration measures and develop a matrix to monitor and track implementation. Parties may also want to discuss the most effective way of **enforcing any agreed outcome** between them, either in the form of requiring compliance with (i) a new set of agreed minimum requirements for waste picker integration formulated from the workshop; (ii) the Guideline, or (iii) some other binding document, and potentially a task force to follow up on implementation;
- Ensure **adequate budget** within EPR Schemes to facilitate the above.

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<sup>48</sup> This includes engaging with municipalities and PROs to allow them to salvage recyclables from the streets, for example by encouraging systems that enable waste pickers to collect separated materials, as well as to salvage materials still placed in rubbish bins. It can also include making arrangements at landfills where waste pickers are already working so that waste pickers can work safely and salvage materials before they are covered; revising the municipal landfill permit to allow waste picking; and engaging with other public stakeholders not to harass waste pickers or confiscate their materials.

<sup>49</sup> This could include mapping and addressing waste pickers’ health risks; providing waste pickers with vaccination against infectious diseases; providing personal protective equipment, modified so as to not compromise waste pickers’ work; prioritising areas where waste pickers work when conducting municipal pest eradication initiatives; collaborating with municipal waste departments and other measures to secure access to ablution facilities and to address other health risks and factors; training on health and safety; providing regular medical check-ups; educating residents on the importance of cleaning materials in order to reduce health hazards for waste pickers; establishing door to door selective collection by waste pickers to reduce their exposure to health risks; implementing safe collection and sorting procedures; conducting research and gathering and analysing data on health risks and challenges.



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