



**Presidency of the Republic sub-Sofia  
Civil House  
for Legal Affairs**

**LAW No. 12,305, OF AUGUST 2, 2010.**

Regulations

Institutes the National Solid Waste Policy; amending Law n the 9.605 of February 12, 1998; and makes other arrangements.

**THE PRESIDENT OF THE REPUBLIC** Let me know that the National Congress decrees and I sanction the following Law:

TITLE I

GENERAL PROVISIONS

CHAPTER I

OBJECT AND FIELD OF APPLICATION

Art. 1 the This law establishes the National Solid Waste Policy, providing for its principles, objectives and instruments as well as on the guidelines for the integrated and management of solid waste management, including hazardous, the responsibilities of generators and power public and applicable economic instruments.

§ 1 The individuals or companies, of public or private law, directly or indirectly responsible for the generation of solid waste and those who develop actions related to integrated management or solid waste management are subject to compliance with this Law.

§ 2 the The Act does not apply to radioactive waste, which are regulated by specific legislation.

Art. 2 the apply to solid waste, in addition to the provisions of this Law, the Laws n. 11,445 of January 5, 2007 , 9974, to June 6, 2000 , and 9966, of April 28, 2000 , the norms established by the bodies of the National Environment System (Sisnama), the National Health Surveillance System (SNVS), the Unified Agricultural Health Care System (Elesa) and the National Metrology, Standardization and Industrial Quality System (Sinmetro).

CHAPTER II

DEFINITIONS

Art. 3 the For the purposes of this Act, the following definitions apply:

I - sectoral agreement: an act of a contractual nature signed between the government and manufacturers, importers, distributors or traders, with a view to implementing shared responsibility for the product's life cycle;

II - contaminated area: place where there is contamination caused by the disposal, regular or irregular, of any substances or residues;

III - contaminated orphan area: contaminated area whose responsible for the disposition are not identifiable or individualizable;

IV - product life cycle: series of steps that involve product development, obtaining raw materials and inputs, the production process, consumption and final disposal;

V - selective collection: collection of solid waste previously segregated according to its constitution or composition;

VI - social control: set of mechanisms and procedures that guarantee to society information and participation in the processes of formulation, implementation and evaluation of public policies related to solid waste;

VII - environmentally appropriate final disposal: disposal of waste that includes reuse, recycling, composting, recovery and energy recovery or other destinations accepted by the competent bodies of Sisnama, SNVS and Elasa,

including the final disposal, observing specific operational rules in order to avoid damage or risks to public health and safety and to minimize adverse environmental impacts;

VIII - environmentally appropriate final disposal: orderly distribution of waste in landfills, observing specific operational rules in order to avoid damage or risks to public health and safety and to minimize adverse environmental impacts;

IX - solid waste generators: individuals or companies, of public or private law, that generate solid waste through their activities, including consumption;

X - solid waste management: set of actions exercised, directly or indirectly, in the stages of collection, transportation, transshipment, treatment and environmentally appropriate final disposal of solid waste and environmentally appropriate final disposal of waste, in accordance with the municipal integrated management plan solid waste or solid waste management plan, required under this Law;

XI - integrated solid waste management: set of actions aimed at finding solutions for solid waste, in order to consider the political, economic, environmental, cultural and social dimensions, with social control and under the premise of sustainable development;

XII - reverse logistics: an instrument of economic and social development characterized by a set of actions, procedures and means designed to enable the collection and return of solid waste to the business sector, for reuse, in its cycle or in other productive cycles, or other environmentally appropriate final destination;

XIII - sustainable patterns of production and consumption: production and consumption of goods and services in order to meet the needs of current generations and allow better living conditions, without compromising environmental quality and meeting the needs of future generations;

XIV - recycling: process of transformation of solid waste that involves changing its physical, physical-chemical or biological properties, with a view to transforming them into inputs or new products, observing the conditions and standards established by the competent bodies of Sisnama and, if necessary, fit, SNVS and Meusa;

XV - tailings: solid residues that, after all the possibilities of treatment and recovery by available and economically viable technological processes have been exhausted, do not present any possibility other than the environmentally appropriate final disposal;

XVI - solid waste: material, substance, object or discarded good resulting from human activities in society, the final destination of which proceeds, proposes to proceed or is obliged to proceed, in solid or semi-solid states, as well as gases contained in containers and liquids whose particularities make their release into the public sewerage network or into bodies of water unfeasible, or require solutions that are technically or economically unfeasible in view of the best available technology;

XVII - shared responsibility for the life cycle of products: set of individualized and linked responsibilities of manufacturers, importers, distributors and traders, consumers and holders of public services for urban cleaning and solid waste management, to minimize the volume of waste solids and waste generated, as well as to reduce the impacts caused to human health and environmental quality resulting from the life cycle of products, under the terms of this Law;

XVIII - reuse: the process of using solid waste without biological, physical or physical-chemical transformation, subject to the conditions and standards established by the competent bodies of Sisnama and, if applicable, SNVS and Elasa;

XIX - public service of urban cleaning and solid waste management: set of activities provided for in [art. 7 of Law No. 11,445, of 2007.](#)

## TITLE II

### OF THE NATIONAL SOLID WASTE POLICY

#### CHAPTER I

#### GENERAL PROVISIONS

Art. 4 <sup>the</sup> The National Solid Waste Policy brings together the set of principles, objectives, instruments, guidelines, goals and actions adopted by the Federal Government alone or in cooperation arrangements with States, Federal District, municipalities or individuals, with a view to management integrated and environmentally sound management of solid waste.

Art. 5 <sup>the</sup> The Solid Waste National Policy is part of the National Environmental Policy and articulates with the National Environmental Education Policy, regulated by [Law n. <sup>the</sup> 9.795 of April 27, 1999](#) , with the Sanitation Federal Policy Basics , regulated by [Law No. 11,445, 2007](#), and the [Law n. <sup>the</sup> 11107 of April 6, 2005](#).

## CHAPTER II

### PRINCIPLES AND OBJECTIVES

Art. 6 <sup>The following</sup> are principles of the National Solid Waste Policy:

I - prevention and precaution;

II - the polluter pays and the protector-receiver;

III - the systemic vision, in the management of solid waste, which considers the environmental, social, cultural, economic, technological and public health variables;

IV - sustainable development;

V - eco-efficiency, through the compatibility between the supply, at competitive prices, of qualified goods and services that satisfy human needs and bring quality of life and the reduction of the environmental impact and the consumption of natural resources to a level, at least, equivalent to the planet's estimated carrying capacity;

VI - cooperation between the different spheres of public power, the business sector and other segments of society;

VII - the shared responsibility for the products' life cycle;

VIII - the recognition of reusable and recyclable solid waste as an economic good and of social value, generating work and income and promoting citizenship;

IX - respect for local and regional diversity;

X - society's right to information and social control;

XI - reasonableness and proportionality.

Art. 7 <sup>The</sup> objectives of the National Solid Waste Policy are:

I - protection of public health and environmental quality;

II - non-generation, reduction, reuse, recycling and treatment of solid waste, as well as environmentally appropriate final disposal of the waste;

III - encouraging the adoption of sustainable patterns of production and consumption of goods and services;

IV - adoption, development and improvement of clean technologies as a way to minimize environmental impacts;

V - reduction of the volume and dangerousness of hazardous waste;

VI - incentive to the recycling industry, with a view to promoting the use of raw materials and inputs derived from recyclable and recycled materials;

VII - integrated solid waste management;

VIII - articulation between the different spheres of public power, and these with the business sector, with a view to technical and financial cooperation for the integrated management of solid waste;

IX - continued technical training in the area of solid waste;

X - regularity, continuity, functionality and universal provision of public urban cleaning and solid waste management services, with the adoption of managerial and economic mechanisms that ensure the recovery of the costs of the services provided, as a way to guarantee its operational and financial sustainability , in compliance with [Law 11,445, of 2007](#) ;

XI - priority, in government procurement and contracting, for:

a) recycled and recyclable products;

b) goods, services and works that consider criteria compatible with socially and environmentally sustainable consumption patterns;

XII - integration of waste pickers of reusable and recyclable materials in actions involving shared responsibility for the life cycle of products;

XIII - encouraging the implementation of the product life cycle assessment;

XIV - incentive to the development of environmental and business management systems aimed at improving production processes and the reuse of solid waste, including energy recovery and recovery;

XV - encouraging environmental labeling and sustainable consumption.

### CHAPTER III

### INSTRUMENTS

Art. 8 The following are instruments of the National Solid Waste Policy, among others:

I - solid waste plans;

II - inventories and the annual solid waste reporting system;

III - selective collection, reverse logistics systems and other tools related to the implementation of shared responsibility for the products' life cycle;

IV - encouraging the creation and development of cooperatives or other forms of association of collectors of reusable and recyclable materials;

V - environmental, health and agricultural monitoring and inspection;

VI - technical and financial cooperation between the public and private sectors for the development of research on new products, methods, processes and technologies for management, recycling, reuse, waste treatment and environmentally appropriate final disposal of waste;

VII - scientific and technological research;

VIII - environmental education;

IX - tax, financial and credit incentives;

X - the National Environment Fund and the National Scientific and Technological Development Fund;

XI - the National Information System on Solid Waste Management (Sinir);

XII - the National Basic Sanitation Information System (Sinisa);

XIII - environmental councils and, where applicable, health councils;

XIV - municipal collegiate bodies for the social control of solid urban waste services;

XV - the National Register of Hazardous Waste Operators;

XVI - sectoral agreements;

XVII - where applicable, the instruments of the National Environment Policy, among them: a) environmental quality standards;

b) the Federal Technical Registry of Potentially Polluting Activities or Users of Environmental Resources;

c) the Federal Technical Register of Environmental Defense Activities and Instruments;

d) the assessment of environmental impacts;

e) the National Environment Information System (Sinima);

f) the licensing and review of effective or potentially polluting activities;

XVIII - the terms of commitment and the terms of conduct adjustment; XIX - encouraging the adoption of consortia or other forms of cooperation between the federated entities, with a view to increasing the scales of use and reducing the costs involved.

TITLE III  
OF THE GUIDELINES APPLICABLE TO SOLID WASTE

CHAPTER I

PRELIMINARY PROVISIONS

Article 9<sup>o</sup> In the management and management of solid waste, the following order of priority must be observed: no generation, reduction, reuse, recycling, treatment of solid waste and environmentally appropriate final disposal of waste.

§ 1<sup>o</sup> Technologies aimed at the energy recovery of urban solid waste may be used, provided their technical and environmental feasibility has been proven and with the implementation of a toxic gas emission monitoring program approved by the environmental agency.

§ 2<sup>o</sup> <sup>the</sup> The National Solid Waste and Waste Policies Solid States of Policy, Federal District and municipalities will be compatible with the provisions of the **caput** and in § 1<sup>o</sup> <sup>the</sup> of this article and with other guidelines set forth in this Law.

Art. 10. The Federal District and the Municipalities are responsible for the integrated management of solid waste generated in their respective territories, without prejudice to the control and inspection powers of the federal and state bodies of Sisnama, SNVS and Elasa, as well as the responsibility of the generator for waste management, as established in this Law.

Art. 11. Observing the guidelines and other determinations established in this Law and in its regulation, it is incumbent on the States:

I - promote the integration of the organization, planning and execution of public functions of common interest related to the management of solid waste in metropolitan regions, urban agglomerations and micro-regions, under the terms of the state supplementary law provided for in [§ 3 of art. 25 of the Federal Constitution](#);

II - control and inspect the activities of generators subject to environmental licensing by the state agency of Sisnama.

Single paragraph. The performance of the State in the form of the **caput** must support and prioritize the initiatives of the Municipality of solutions consortium or shared between 2 (two) or more Municipalities.

Art. 12. The Union, the States, the Federal District and the Municipalities will jointly organize and maintain the National Information System on Solid Waste Management (Sinir), articulated with Sinisa and Sinima.

Single paragraph. It is incumbent on the States, the Federal District and the Municipalities to provide the federal agency responsible for coordinating the Sinir with all the necessary information on waste under their sphere of competence, in the form and periodicity established by regulation.

Art. 13. For the purposes of this Law, solid waste has the following classification:

I - as to the origin:

a) household waste: those originating from domestic activities in urban residences;

b) urban cleaning residues: those originating from sweeping, cleaning of public places and roads and other urban cleaning services;

c) solid urban waste: those included in items "a" and "b";

d) wastes from commercial establishments and service providers: those generated in these activities, except those referred to in points "b", "e", "g", "h" and "j";

e) wastes from public basic sanitation services: those generated in these activities, except those referred to in item "c";

f) industrial wastes: those generated in production processes and industrial installations;

g) waste from health services: those generated in health services, as defined in regulations or standards established by the bodies of Sisnama and SNVS;

h) civil construction residues: those generated in the construction, renovation, repair and demolition of civil construction works, including those resulting from the preparation and excavation of land for civil works;

i) agrosilvopastoral residues: those generated in agricultural and silvicultural activities, including those related to inputs used in these activities;

j) waste from transport services: those originating in ports, airports, customs, road and rail terminals and border crossings;

k) mining residues: those generated in the activity of exploration, extraction or processing of ores;

II - regarding hazardousness:

a) hazardous waste: those that, due to their characteristics of flammability, corrosivity, reactivity, toxicity, pathogenicity, carcinogenicity, teratogenicity and mutagenicity, present a significant risk to public health or environmental quality, according to the law, regulation or technical standard ;

b) non-hazardous waste: those not covered by item "a".

Single paragraph. Respecting the provisions of art. 20, the waste referred to in item "d" of item I of the **caput** , if characterized as non-hazardous, may, due to its nature, composition or volume, be assimilated to household waste by the municipal government.

## CHAPTER II

### SOLID WASTE PLANS

#### Section I

##### General Provisions

Art. 14. Solid waste plans are:

I - the National Solid Waste Plan;

II - state solid waste plans;

III - the micro-regional solid waste plans and the solid waste plans for metropolitan regions or urban agglomerations;

IV - the inter-municipal solid waste plans;

V - the municipal plans for integrated solid waste management;

VI - solid waste management plans.

Single paragraph. It is ensured wide publicity to the content of solid waste plans, as well as social control in their design, implementation and operation, subject to the provisions of [Law n. 10,650, of April 16, 2003](#) , and [art. 47 of Law No. 11,445, of 2007](#) .

#### Section II

##### The National Solid Waste Plan

Art. 15. The Union will prepare, under the coordination of the Ministry of the Environment, the National Solid Waste Plan, effective for an indefinite period and with a horizon of 20 (twenty) years, to be updated every 4 (four) years, having as minimum content:

I - diagnosis of the current situation of solid waste;

II - proposition of scenarios, including international and macroeconomic trends;

III - targets for reduction, reuse, recycling, among others, with a view to reducing the amount of waste and tailings sent to an environmentally appropriate final disposal;

IV - goals for the energy use of the gases generated in the final solid waste disposal units;

V - goals for the disposal and recovery of landfills, associated with social inclusion and the economic emancipation of collectors of reusable and recyclable materials;

VI - programs, projects and actions to meet the expected goals;

VII - technical rules and conditions for access to Union resources, for obtaining its approval or for access to resources managed, directly or indirectly, by a federal entity, when destined to actions and programs of interest to solid waste;

VIII - measures to encourage and enable the regionalized management of solid waste;

IX - guidelines for planning and other solid waste management activities in integrated development regions instituted by complementary law, as well as for areas of special tourist interest;

X - rules and guidelines for the final disposal of waste and, when applicable, waste;

XI - means to be used for the control and inspection, at the national level, of its implementation and operationalization, ensuring social control.

Single paragraph. The National Solid Waste Plan will be elaborated through a process of mobilization and social participation, including public hearings and consultations.

### Section III

#### State Solid Waste Plans

Art. 16. The elaboration of a solid waste state plan, under the terms provided for by this Law, is a condition for States to have access to Union resources, or controlled by it, for undertakings and services related to solid waste management, or to be benefited by incentives or financing from federal credit or promotion entities for this purpose. ([Validity](#)).

§ 1<sup>the</sup> Priority will be given access to EU resources referred to in the **caput** of the states that establish micro-regions, according to [§ 3<sup>the</sup> art. 25 of the Federal Constitution](#), to integrate the organization, planning and execution of actions in charge of bordering Municipalities in the management of solid waste.

§ 2<sup>o</sup> Complementary rules on access to Union resources as provided for in this article shall be established in regulations.

§ 3<sup>o</sup> Respecting the responsibility of generators under this Law, the micro-regions instituted as provided for in § 1<sup>o</sup> include selective collection, recovery and recycling, treatment and final disposal of solid urban waste, management of construction waste, transport services, health services, agroforestry or other waste, according to the micro-regional peculiarities.

Art. 17. The state solid waste plan will be drawn up for an indefinite period, covering the entire State, with a 20 (twenty) year horizon of action and revisions every 4 (four) years, with minimum content :

I - diagnosis, including the identification of the main waste streams in the State and their socioeconomic and environmental impacts;

II - proposition of scenarios;

III - targets for reduction, reuse, recycling, among others, with a view to reducing the amount of waste and tailings sent to an environmentally appropriate final disposal;

IV - goals for the energy use of the gases generated in the final solid waste disposal units;

V - goals for the disposal and recovery of landfills, associated with social inclusion and the economic emancipation of collectors of reusable and recyclable materials;

VI - programs, projects and actions to meet the expected goals;

VII - technical norms and conditions for access to State resources, to obtain its approval or for access to resources managed, directly or indirectly, by a state entity, when destined to actions and programs of interest to solid waste;

VIII - measures to encourage and facilitate the consortium or shared management of solid waste;

IX - guidelines for planning and other solid waste management activities in metropolitan regions, urban agglomerations and micro-regions;

X - normas e diretrizes para a disposição final de rejeitos e, quando couber, de resíduos, respeitadas as disposições estabelecidas em âmbito nacional;

XI - previsão, em conformidade com os demais instrumentos de planejamento territorial, especialmente o zoneamento ecológico-econômico e o zoneamento costeiro, de:

a) zonas favoráveis para a localização de unidades de tratamento de resíduos sólidos ou de disposição final de rejeitos;

b) áreas degradadas em razão de disposição inadequada de resíduos sólidos ou rejeitos a serem objeto de recuperação ambiental;

XII - meios a serem utilizados para o controle e a fiscalização, no âmbito estadual, de sua implementação e operacionalização, assegurado o controle social.

§ 1º Além do plano estadual de resíduos sólidos, os Estados poderão elaborar planos microrregionais de resíduos sólidos, bem como planos específicos direcionados às regiões metropolitanas ou às aglomerações urbanas.

§ 2º A elaboração e a implementação pelos Estados de planos microrregionais de resíduos sólidos, ou de planos de regiões metropolitanas ou aglomerações urbanas, em consonância com o previsto no § 1º, dar-se-ão obrigatoriamente com a participação dos Municípios envolvidos e não excluem nem substituem qualquer das prerrogativas a cargo dos Municípios previstas por esta Lei.

§ 3º Respeitada a responsabilidade dos geradores nos termos desta Lei, o plano microrregional de resíduos sólidos deve atender ao previsto para o plano estadual e estabelecer soluções integradas para a coleta seletiva, a recuperação e a reciclagem, o tratamento e a destinação final dos resíduos sólidos urbanos e, consideradas as peculiaridades microrregionais, outros tipos de resíduos.

#### Seção IV

##### Dos Planos Municipais de Gestão Integrada de Resíduos Sólidos

Art. 18. A elaboração de plano municipal de gestão integrada de resíduos sólidos, nos termos previstos por esta Lei, é condição para o Distrito Federal e os Municípios terem acesso a recursos da União, ou por ela controlados, destinados a empreendimentos e serviços relacionados à limpeza urbana e ao manejo de resíduos sólidos, ou para serem beneficiados por incentivos ou financiamentos de entidades federais de crédito ou fomento para tal finalidade. ([Vigência](#))

§ 1º Serão priorizados no acesso aos recursos da União referidos no **caput** os Municípios que:

I - optarem por soluções consorciadas intermunicipais para a gestão dos resíduos sólidos, incluída a elaboração e implementação de plano intermunicipal, ou que se inserirem de forma voluntária nos planos microrregionais de resíduos sólidos referidos no § 1º do art. 16;

II - implantarem a coleta seletiva com a participação de cooperativas ou outras formas de associação de catadores de materiais reutilizáveis e recicláveis formadas por pessoas físicas de baixa renda.

§ 2º Serão estabelecidas em regulamento normas complementares sobre o acesso aos recursos da União na forma deste artigo.

Art. 19. O plano municipal de gestão integrada de resíduos sólidos tem o seguinte conteúdo mínimo:

I - diagnóstico da situação dos resíduos sólidos gerados no respectivo território, contendo a origem, o volume, a caracterização dos resíduos e as formas de destinação e disposição final adotadas;

II - identificação de áreas favoráveis para disposição final ambientalmente adequada de rejeitos, observado o plano diretor de que trata o [§ 1º do art. 182 da Constituição Federal](#) e o zoneamento ambiental, se houver;

III - identificação das possibilidades de implantação de soluções consorciadas ou compartilhadas com outros Municípios, considerando, nos critérios de economia de escala, a proximidade dos locais estabelecidos e as formas de prevenção dos riscos ambientais;

IV - identificação dos resíduos sólidos e dos geradores sujeitos a plano de gerenciamento específico nos termos do art. 20 ou a sistema de logística reversa na forma do art. 33, observadas as disposições desta Lei e de seu regulamento, bem como as normas estabelecidas pelos órgãos do Sisnama e do SNVS;



V - procedimentos operacionais e especificações mínimas a serem adotados nos serviços públicos de limpeza urbana e de manejo de resíduos sólidos, incluída a disposição final ambientalmente adequada dos rejeitos e observada a [Lei nº 11.445, de 2007](#);

VI - indicadores de desempenho operacional e ambiental dos serviços públicos de limpeza urbana e de manejo de resíduos sólidos;

VII - rules for transportation and other stages of solid waste management referred to in art. 20, in compliance with the rules established by the bodies of Sisnama and SNVS and other relevant provisions of federal and state legislation;

VIII - definition of responsibilities regarding its implementation and operation, including the stages of the solid waste management plan referred to in art. 20 in charge of the government;

IX - technical training programs and actions aimed at their implementation and operation;

X - environmental education programs and actions that promote non-generation, reduction, reuse and recycling of solid waste;

XI - programs and actions for the participation of interested groups, especially cooperatives or other forms of association of collectors of reusable and recyclable materials formed by low-income individuals, if any;

XII - mechanisms for the creation of sources of business, employment and income, through the valorization of solid waste;

XIII - system for calculating the costs of providing public urban cleaning and solid waste management services, as well as the form of charging for these services, in compliance with [Law No. 11,445, of 2007](#);

XIV - targets for reduction, reuse, selective collection and recycling, among others, with a view to reducing the amount of tailings sent for environmentally appropriate final disposal;

XV - description of the forms and limits of the participation of the local public power in selective collection and reverse logistics, respecting the provisions of art. 33, and other actions related to shared responsibility for the product life cycle;

XVI - means to be used for the control and inspection, at the local level, of the implementation and operationalization of the solid waste management plans referred to in art. 20 and the reverse logistics systems provided for in art. 33;

XVII - preventive and corrective actions to be taken, including a monitoring program;

XVIII - identification of environmental liabilities related to solid waste, including contaminated areas, and respective sanitation measures;

XIX - periodicity of its review, with due regard for the duration of the municipal multi-annual plan.

§ 1<sup>o</sup> <sup>the</sup> The municipal plan for integrated solid waste management can be inserted into the basic sanitation plan provided for in [art. 19 of Law No. 11,445, 2007](#) , subject to the minimum amount provided by items of the **main section** and subject to the provisions of § 2<sup>o</sup> <sup>the</sup> , all of this article.

§ 2<sup>o</sup> <sup>o</sup> For Municipalities with less than 20,000 (twenty thousand) inhabitants, the municipal plan for integrated management of solid waste will have simplified content, in the form of the regulation.

§ 3<sup>o</sup> <sup>the</sup> The provisions of § 2<sup>o</sup> <sup>the</sup> not apply to municipalities:

I - members of areas of special tourist interest;

II - inserted in the area of influence of enterprises or activities with significant environmental impact at the regional or national level;

III - whose territory encompasses, totally or partially, Conservation Units.

§ 4<sup>o</sup> <sup>the</sup> The existence of municipal plan for integrated solid waste management does not exempt the municipality or Federal District environmental licensing of landfills and other facilities and members operating facilities of public service urban cleaning and solid waste management by the agency competent Sisnama.

§ 5<sup>a</sup> in the definition of responsibilities in the form of section VIII of the **caput** of this article, it is prohibited to allocate public service urban waste and solid waste management conducting waste management steps referred to in the art. 20 in disagreement with the respective environmental license or with norms established by the bodies of Sisnama and, if applicable, the SNVS.

§ 6<sup>the</sup> In addition to the provisions of sections I to XIX of the **caput** of this article, the municipal plan for integrated solid waste management will include specific actions to be developed within the public administration, with a view to rational use of environmental resources, the fight all forms of waste and minimizing the generation of solid waste.

§ 7<sup>the</sup> The contents of the municipal plan for integrated solid waste management will be available for sinir in the regulations.

§ 8<sup>the</sup> The lack of municipal plan for the integrated management of solid waste can not be used to prevent the installation or operation of projects or activities duly licensed by the competent bodies.

§ 9<sup>the</sup> Under the regulation, the municipality to opt for inter consortium solutions for solid waste management, ensured that the intermunicipal plan meets the requirements set out in items I to XIX of the **caput** of this article, may be exempted from drafting municipal plan integrated solid waste management.

## Section V

### The Solid Waste Management Plan

Art. 20. The following are subject to the elaboration of a solid waste management plan:

I - the solid waste generators provided for in lines "e", "f", "g" and "k" of item I of art. 13;

II - commercial establishments and services that:

a) generate hazardous waste;

b) generate waste that, even if characterized as non-hazardous, due to its nature, composition or volume, is not equivalent to household waste by the municipal government;

III - civil construction companies, under the terms of the regulation or norms established by the bodies of Sisnama;

IV - those responsible for terminals and other facilities referred to in item "j" of item I of art. 13 and, under the terms of the regulation or rules established by the bodies of Sisnama and, if applicable, SNVS, transport companies;

V - those responsible for agrosilvopastoral activities, if required by the competent body of Sisnama, SNVS or Elasa.

Single paragraph. Subject to the provisions of Chapter IV of this Title, specific requirements regarding the hazardous waste management plan will be established by regulation.

Art. 21. The solid waste management plan has the following minimum content:

I - description of the enterprise or activity;

II - diagnosis of solid waste generated or administered, containing the origin, volume and characterization of the waste, including the environmental liabilities related to them;

III - observing the rules established by the bodies of Sisnama, SNVS and Elasa and, if any, the municipal plan for the integrated management of solid waste:

a) explanation of those responsible for each stage of solid waste management;

b) definition of operational procedures related to the stages of solid waste management under the responsibility of the generator;

IV - identification of solutions consortium or shared with other generators;

V - preventive and corrective actions to be taken in situations of incorrect management or accidents;

VI - goals and procedures related to minimizing the generation of solid waste and, in compliance with the rules established by the bodies of Sisnama, SNVS and Elasa, for reuse and recycling;

VII - if applicable, actions related to the shared responsibility for the products' life cycle, in the form of art. 31;

VIII - remedial measures for environmental liabilities related to solid waste;

IX - periodicity of its review, observing, if applicable, the term of validity of the respective operating license under the responsibility of Sisnama's bodies.

§ 1 <sup>the</sup> The waste management plan will meet the requirements of municipal plan for the integrated management of solid waste of the respective municipality, subject to the rules established by Sisnama agencies, the SNVS and Suasa.

§ 2 <sup>the</sup> The lack of municipal plan for the integrated management of solid waste does not prevent the development, implementation or operation of the solid waste management plan.

§ 3 <sup>The following</sup> will be established by regulation:

I - rules on the enforceability and content of the solid waste management plan regarding the activities of cooperatives or other forms of association of collectors of reusable and recyclable materials;

II - simplified criteria and procedures for the presentation of solid waste management plans for micro and small businesses, thus considering those defined in [items I and II of art. 3](#) <sup>the</sup> [Complementary Law n. 123, of December 14, 2006](#) <sup>the</sup>, provided that the activities developed by them do not generate hazardous waste.

Art. 22. For the preparation, implementation, operation and monitoring of all stages of the solid waste management plan, including control of the environmentally appropriate final disposal of waste, a duly qualified technician will be designated.

Art. 23. Those responsible for the solid waste management plan will keep updated and available to the competent municipal agency, the licensing body of Sisnama and other authorities, complete information on the implementation and operationalization of the plan under their responsibility.

§ 1 <sup>the</sup> order to achieve the provisions of **caput**, without prejudice to other applicable requirements by the authorities, will be implemented declaratory system basis, at least annually, in the form of the regulation.

§ 2 <sup>o</sup> The information referred to in the **caput** will be passed on by the public bodies to Sinir, in accordance with the regulation.

Art. 24. The solid waste management plan is an integral part of the environmental licensing process of the enterprise or activity by the competent Sisnama agency.

§ 1 <sup>the</sup> In the enterprises and activities not subject to environmental licensing, approval of the waste management plan for the competent municipal authority.

§ 2 <sup>o</sup> In the environmental licensing process referred to in § 1 under <sup>the</sup> responsibility of the federal or state agency of Sisnama, a hearing from the competent municipal body will be ensured, especially regarding the environmentally appropriate final disposal of tailings.

## CHAPTER III

### RESPONSIBILITIES OF GENERATORS AND PUBLIC POWER

#### Section I

#### General Provisions

Art. 25. The public authorities, the business sector and the community are responsible for the effectiveness of actions aimed at ensuring compliance with the National Solid Waste Policy and the guidelines and other determinations established in this Law and its regulations.

Art. 26. The holder of public urban cleaning and solid waste management services is responsible for the organization and direct or indirect provision of these services, subject to the respective municipal plan for integrated management of solid waste, [Law No. 11,445, of 2007, Art.](#) and the provisions of this Law and its regulation.

Art. 27. The natural or legal persons referred to in art. 20 are responsible for the implementation and full operation of the solid waste management plan approved by the competent body in the form of art. 24.

§ 1 <sup>the</sup> Hiring services of collection, storage, transport, transshipment, treatment or disposal of solid waste, or end of waste disposal does not exempt individuals or entities referred to in art. 20 of the liability for damages that may be caused by the inadequate management of the respective residues or rejects.

§ 2 <sup>the</sup> In cases covered by art. 20, the steps under the responsibility of the generator that are held by the public will be duly paid by natural or legal persons responsible, subject to the provisions of § 5 <sup>the</sup> art. 19.

Art. 28. The generator of household solid waste has ceased its responsibility for waste with adequate availability for collection or, in the cases covered by art. 33, with the return.

Art. 29. It is up to the public power to act, in a subsidiary way, with a view to minimizing or stopping the damage, as soon as it becomes aware of an event harmful to the environment or to public health related to the management of solid waste.

Single paragraph. Those responsible for the damage will fully reimburse the public authorities for the expenses resulting from the actions taken under the **caput**.

## Section II

### Shared Responsibility

Art. 30. Shared responsibility for the life cycle of products is instituted, to be implemented in an individualized and linked way, covering manufacturers, importers, distributors and traders, consumers and the holders of public urban cleaning and water management services. solid waste, depending on the attributions and procedures provided for in this Section.

Single paragraph. The shared responsibility for the product life cycle aims to:

I - to reconcile interests between economic and social agents and business and marketing management processes with those of environmental management, developing sustainable strategies;

II - promote the use of solid waste, directing it to its production chain or to other production chains;

III - reduce the generation of solid waste, waste of materials, pollution and environmental damage;

IV - encourage the use of inputs that are less aggressive to the environment and more sustainable;

V - stimulate market development, production and consumption of products derived from recycled and recyclable materials;

VI - enable productive activities to achieve efficiency and sustainability;

VII - encourage good social and environmental responsibility practices.

Art. 31. Without prejudice to the obligations established in the solid waste management plan and with a view to strengthening shared responsibility and its objectives, manufacturers, importers, distributors and traders have responsibility that covers:

I - investment in the development, manufacture and placing on the market of products:

a) that are suitable, after use by the consumer, for reuse, recycling or other environmentally appropriate disposal;

b) whose manufacture and use generate the least amount of solid waste possible;

II - disclosure of information regarding ways to avoid, recycle and eliminate solid waste associated with their respective products;

III - collection of products and remaining residues after use, as well as their subsequent environmentally appropriate final destination, in the case of products subject to a reverse logistics system in the form of art. 33;

IV - commitment, when signed agreements or terms of commitment with the Municipality, to participate in the actions provided for in the municipal plan for the integrated management of solid waste, in the case of products not yet included in the reverse logistics system.

Art. 32. The packaging must be manufactured with materials that allow reuse or recycling.

§ 1 It is <sup>the</sup> responsibility of the respective responsible to ensure that the packaging is:

I - restricted in volume and weight to the dimensions required to protect the content and commercialize the product;

II - designed to be reused in a technically feasible manner and compatible with the requirements applicable to the product they contain;

III - recycled, if reuse is not possible.

§ 2 <sup>the</sup> The Regulation shall provide for the cases in which, due to technical or economic, is not feasible application of the provisions in the **caput** .

§ 3 <sup>the</sup> is responsible for compliance with the provisions in this article all who:

I - manufactures packaging or supplies materials for the manufacture of packaging;

II - puts into circulation packaging, materials for the manufacture of packaging or packaged products, at any stage of the trade chain.

Art. 33. Manufacturers, importers, distributors and merchants are obliged to structure and implement reverse logistics systems, upon return of the products after use by the consumer, independently of the public service of urban cleaning and solid waste management. : [\(Regulation\)](#)

I - pesticides, their residues and packaging, as well as other products whose packaging, after use, constitutes hazardous waste, observing the rules for the management of hazardous waste provided by law or regulation, in standards established by the bodies of Sisnama, SNVS and Elesá, or in technical standards;

II - batteries and batteries;

III - tires;

IV - lubricating oils, their residues and packaging;

V - fluorescent lamps, sodium and mercury vapor and mixed light;

VI - electronics products and their components. [\(Regulation\)](#)

§ 1 <sup>the</sup> In accordance with the provisions in the regulations or in sectoral agreements and terms of commitment signed between the government and the business sector, the procedures referred to in the **caput** will be extended to products marketed in plastic, metal or glass, and other products and packaging, considering, as a priority, the degree and extent of the impact on public health and the environment of the waste generated.

§ 2. <sup>The</sup> Definition of products and packaging referred to § 1 <sup>The</sup> consider the technical and economic feasibility of reverse logistics as well as the degree and extent of impact on public health and the environment from waste.

§ 3 <sup>the</sup> Without prejudice to specific requirements laid down by law or regulation on standards established by the organs of Sisnama and SNVS, or sectoral agreements and terms of commitment signed between the government and the business sector, it is up to manufacturers, importers, distributors and traders of the products referred to in items II, III, V and VI or of the products and packaging referred to in items I and IV of the **caput** and § 1 <sup>o</sup> take all necessary measures to ensure the implementation and operationalization of the reverse logistics system under your charge, as established in this article, and may, among other measures:

I - implement procedures for purchasing used products or packaging;

II - provide reusable and recyclable waste delivery points;

III - work in partnership with cooperatives or other forms of association of reusable and recyclable material collectors in the cases mentioned in § 1 <sup>the</sup> .

§ 4 <sup>the</sup> Consumers should make the return after use, to marketers or distributors of products and packaging referred to in items I to VI of the **caption** , and other products or packaging object of reverse logistics, in accordance with § 1 <sup>a</sup> .

§ 5 <sup>the</sup> Traders and distributors should make a return to the manufacturers or importers of assembled products and packaging or returned in the form of §§ 3 <sup>the</sup> and 4 <sup>the</sup>.

§ 6 <sup>the</sup> Manufacturers and importers will environmentally proper disposal of products and the collected or returned packaging, with the waste sent for final disposal environmentally appropriate, in the manner established by the competent body of Sisnama and, if any, by the municipal management plan integrated solid waste.

§ 7 <sup>the</sup> If the holder of the public service of urban cleaning and solid waste management for sectoral agreement or term sheet signed with the business sector, to take charge of the manufacturers responsibility activities, importers, distributors and merchants in systems reverse logistics of the products and packaging referred to in this article, the actions of the government will be duly remunerated, in the form previously agreed between the parties.

§ 8 <sup>The</sup> Except for consumers, all participants of the reverse logistics systems keep updated and available to the competent municipal authority and other authorities complete information on the implementation of actions under their responsibility.

Art. 34. The sectoral agreements or terms of commitment referred to in item IV of the **caput** of art. 31 § 1 and in <sup>the</sup> art. 33 can have national, regional, state or municipal coverage.

§ 1 <sup>the</sup> Sectoral agreements and terms of commitment signed at the national level take precedence over those signed at the regional or state level, and these signed on at the municipal level. ([See Decree No. 9,177, of 2017](#))

§ 2 <sup>o</sup> In the application of competing rules according to § 1 <sup>o</sup>, the agreements signed with less geographical coverage may expand, but not slow down, the environmental protection measures contained in the sectoral agreements and terms of commitment signed with greater geographical coverage. ([See Decree No. 9,177, of 2017](#))

Art. 35. Whenever a selective collection system is established by the municipal plan for the integrated management of solid waste and in the application of art. 33, consumers are obliged to:

- I - adequately and in a differentiated manner, the solid waste generated;
- II - make reusable and recyclable solid waste available for collection or return.

Single paragraph. The municipal government may institute economic incentives for consumers who participate in the selective collection system referred to in the **caput**, in the form of municipal law.

Art. 36. Within the scope of the shared responsibility for the life cycle of products, the holder of public services for urban cleaning and solid waste management is responsible, observing, if any, the municipal plan for the integrated management of solid waste:

- I - adopt procedures to reuse reusable and recyclable solid waste from public urban cleaning and solid waste management services;
- II - establish a selective collection system;
- III - articulate with the economic and social agents measures to enable the return to the productive cycle of reusable and recyclable solid waste coming from urban cleaning and solid waste management services;
- IV - perform the activities defined by sectoral agreement or term sheet in accordance with § 7 <sup>the</sup> art. 33, through due remuneration by the business sector;
- V - implement a composting system for solid organic waste and articulate with the economic and social agents ways of using the produced compost;
- VI - to provide an environmentally appropriate final disposal of waste and refuse from public urban cleaning and solid waste management services.

§ 1 <sup>the</sup> order to fulfill the provisions of sections I to IV of the **caput**, the holder of public urban cleaning services and solid waste management will prioritize the organization and functioning of cooperatives or other forms of association of recyclable material collectors and recyclables formed by low-income individuals, as well as their hiring.

§ 2 <sup>the</sup> The contract provided for in § 1 <sup>the</sup> is dispensable bidding under [subsection XXVII of art. 24 of Law n. 8.666 of June 21, 1993.](#) <sup>the</sup>

## CHAPTER IV

### HAZARDOUS WASTE

Art. 37. The installation and operation of an enterprise or activity that generates or operates with hazardous waste can only be authorized or licensed by the competent authorities if the responsible person proves, at least, technical and economic capacity, in addition to the conditions to provide the necessary care management of this waste.

Art. 38. Legal entities that operate with hazardous waste, at any stage of their management, are required to register with the National Register of Hazardous Waste Operators.

§ 1 <sup>the</sup> The register provided for in the **caput** will be coordinated by the competent federal agency Sisnama and implemented jointly by the federal, state and municipal authorities.

§ 2 <sup>the</sup> For registration, the legal persons referred to in **caput** must rely on technically responsible for the management of hazardous waste, its own staff or contractor, duly authorized, whose data will be kept up to date in the register.

§ 3 <sup>the</sup> The records referred to in the **main clause** is part of the Federal Register of Technical Activities Potentially Polluting or Use Environmental Resources and Information System provided for in art. 12.

Art. 39. The legal entities referred to in art. 38 are required to prepare a hazardous waste management plan and submit it to the competent body of Sisnama and, if applicable, of the SNVS, observing the minimum content established in art. 21 and other requirements provided for in regulations or technical standards.

§ 1 <sup>the</sup> The hazardous waste management plan referred to in the **main clause** may be inserted in the waste management plan referred to in art. 20.

§ 2 <sup>The</sup> legal entities referred to in art. 38:

I - keep an updated and easily accessible record of all procedures related to the implementation and operationalization of the plan provided for in the **caput** ;

II - report annually to the competent body of Sisnama and, if applicable, of SNVS, about the quantity, nature and temporary or final destination of the waste under its responsibility;

III - adopt measures aimed at reducing the volume and hazardousness of the waste under its responsibility, as well as improving its management;

IV - immediately inform the competent bodies about the occurrence of accidents or other claims related to hazardous waste.

§ 3 <sup>the</sup> where requested by the competent bodies of Sisnama and SNVS shall be ensured access for inspection of facilities and procedures related to the implementation and operation of hazardous waste management plan.

§ 4 <sup>the</sup> In the case of the position control of federal or state agency of Sisnama and SNVS, information on the content, implementation and operation of the plan provided for in the **caput** will be passed on to the municipal power in the regulations.

Art. 40. In the environmental licensing of undertakings or activities that operate with hazardous waste, the Sisnama licensing agency may require the contracting of civil liability insurance for damages caused to the environment or public health, observing the rules on coverage and limits maximum contractual limits established by regulation.

Single paragraph. The provision in the **caput will** consider the size of the company, according to the regulation.

Art. 41. Without prejudice to the initiatives of other governmental spheres, the Federal Government must structure and maintain instruments and activities aimed at promoting the decontamination of orphaned areas.

Single paragraph. If, after decontamination of an orphan site carried out with funds from the Federal Government or another entity of the Federation, those responsible for the contamination are identified, they will fully refund the amount employed by the public authorities.

## CHAPTER V

## ECONOMIC INSTRUMENTS

Art. 42. The public power may institute inductive measures and lines of financing to attend, in priority, to the initiatives of:

- I - prevention and reduction of solid waste generation in the production process;
- II - development of products with less impact on human health and environmental quality in their life cycle;
- III - implantation of physical infrastructure and acquisition of equipment for cooperatives or other forms of association of collectors of reusable and recyclable materials formed by low-income individuals;
- IV - development of solid waste management projects of intermunicipal character or, under the terms of item I of the **caput** of art. 11, regional;
- V - structuring of selective collection and reverse logistics systems;
- VI - decontamination of contaminated areas, including orphaned areas;
- VII - development of research aimed at clean technologies applicable to solid waste;
- VIII - development of environmental and business management systems aimed at improving production processes and reusing waste.

Art. 43. In promoting or granting credit incentives designed to meet the guidelines of this Law, official credit institutions may establish different criteria for access by beneficiaries to credits from the National Financial System for productive investments.

Art. 44. The Union, the states, the Federal District and the municipalities, within their competence, may establish standards for the purpose of granting tax incentives, financial or credit, subject to the limitations of [Complementary Law n the 101, 4 May 2000](#) (Fiscal Responsibility Law), to:

- I - industries and entities dedicated to the reuse, treatment and recycling of solid waste produced in the national territory;
- II - projects related to product life cycle responsibility, primarily in partnership with cooperatives or other forms of association of collectors of reusable and recyclable materials formed by low-income individuals;
- III - companies dedicated to urban cleaning and related activities.

Art. 45. The public consortia constituted pursuant to [Law n the 11107, 2005](#), in order to facilitate the decentralization and the provision of public services involving solid waste, have priority in obtaining the incentives established by the Federal Government.

Art. 46. Compliance with the provisions of this Chapter will be carried out in accordance with [Complementary Law No. 101, of 2000](#) (Fiscal Responsibility Law), as well as with the guidelines and objectives of the respective multi-annual plan, the goals and priorities established by the laws budgetary guidelines and within the limits of availability provided by annual budget laws.

## CHAPTER VI

## PROHIBITIONS

Art. 47. The following forms of disposal or final disposal of solid or tailings waste are prohibited:

- I - launching on beaches, in the sea or in any water bodies;
- II - open cast **in natura**, except mining waste;
- III - burning in the open or in containers, installations and equipment not licensed for this purpose;
- IV - other forms prohibited by the public authorities.

§ 1 <sup>the</sup> When enacted health emergency, the burning of waste in open sky can be held as long as authorized and accompanied by the relevant organs of Sisnama, the SNVS and, where applicable, of Suasa.



§ 2<sup>o</sup> Ensuring proper waterproofing, the industrial or mining waste or tailing basins, duly licensed by the competent Sisnama body, are not considered to be water bodies for the purposes of item I of the **caput** .

Art. 48. In the areas of final disposal of waste or tailings, the following activities are prohibited:

- I - use of the disposed waste as food;
- II - collection, subject to the provisions of item V of art. 17;
- III - domestic animal breeding;
- IV - establishment of temporary or permanent housing;
- V - other activities prohibited by the government.

Art. 49. The import of solid and hazardous solid waste is prohibited, as well as solid waste whose characteristics cause damage to the environment, public and animal health and plant health, even if for treatment, reform, reuse, reuse or recovery .

#### TITLE IV

##### TRANSITIONAL AND FINAL PROVISIONS

Art. 50. The absence of the regulation provided for in § 3<sup>o</sup> <sup>the</sup> art. 21 does not prevent the performance, under the terms of this Law, of cooperatives or other forms of association of collectors of reusable and recyclable materials.

Art. 51. Sem prejuízo da obrigação de, independentemente da existência de culpa, reparar os danos causados, a ação ou omissão das pessoas físicas ou jurídicas que importe inobservância aos preceitos desta Lei ou de seu regulamento sujeita os infratores às sanções previstas em lei, em especial às fixadas na [Lei nº 9.605, de 12 de fevereiro de 1998](#), que “dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências”, e em seu regulamento.

Art. 52. A observância do disposto no **caput** do art. 23 e no § 2<sup>o</sup> do art. 39 desta Lei é considerada obrigação de relevante interesse ambiental para efeitos do [art. 68 da Lei nº 9.605, de 1998](#), sem prejuízo da aplicação de outras sanções cabíveis nas esferas penal e administrativa.

Art. 53. O § 1<sup>o</sup> do art. 56 da [Lei nº 9.605, de 12 de fevereiro de 1998](#), passa a vigorar com a seguinte redação:

“Art. 56. ....

[§ 1<sup>o</sup>](#) Nas mesmas penas incorre quem:

I - abandona os produtos ou substâncias referidos no **caput** ou os utiliza em desacordo com as normas ambientais ou de segurança;

II - manipula, acondiciona, armazena, coleta, transporta, reutiliza, recicla ou dá destinação final a resíduos perigosos de forma diversa da estabelecida em lei ou regulamento.

.....” (NR)

Art. 54. A disposição final ambientalmente adequada dos rejeitos, observado o disposto no § 1<sup>o</sup> do art. 9<sup>o</sup>, deverá ser implantada em até 4 (quatro) anos após a data de publicação desta Lei.

Art. 55. O disposto nos [arts. 16 e 18](#) entra em vigor 2 (dois) anos após a data de publicação desta Lei.

Art. 56. A logística reversa relativa aos produtos de que tratam os incisos V e VI do **caput** do art. 33 será implementada progressivamente segundo cronograma estabelecido em regulamento. ([Regulamento](#))

Art. 57. Esta Lei entra em vigor na data de sua publicação.

Brasília, 2 de agosto de 2010; 189<sup>o</sup> da Independência e 122<sup>o</sup> da República.

LUIZ INÁCIO LULA DA SILVA  
**Rafael Thomaz Favetti**  
**Guido Mantega**  
**José Gomes Temporão**

**Miguel Jorge**  
**Izabella Mônica Vieira Teixeira**  
**João Reis Santana Filho**  
**Marcio Fortes de Almeida**  
**Alexandre Rocha Santos Padilha**

Este texto não substitui o publicado no DOU de 3.8.2010

\*