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Ministry of Ecology and Environment
115 South Xiao Street
Xizhimen, Xicheng District
Beijing 100035
People's Republic of China

Sent via e-mail: swmd@mep.gov.cn

Re: Comments Regarding Prevention of Environmental Pollution by Solid Wastes

The National Waste & Recycling Association (NWRA) respectfully presents comments in response to the notice posted by the Office of the Ministry of Ecology and Environment (MEE) of the People's Republic of China on the draft law on the Prevention and Control of Environmental Pollution by Solid Waste. NWRA is a not-for-profit trade association representing private solid waste and recycling collection, processing and management companies.

Annex 2 promotes a focus on a circular economy and adhering to the prevention and treatment of waste. NWRA recognizes the need to be vigilant and actively promote measures to support environmental protection. For example, earlier this year, China banned some materials from entering the country and enacted new standards so that valuable materials entering the country would be of high quality. NWRA supports high quality standards for recyclable materials as well as policies necessary to achieve them. Ultimately, we believe that by using high quality standards, China can ensure that its manufacturing sector has the raw materials needed to continue to produce goods while ensuring that its recycling industry remains viable into the future.

Annex 2 also supports reform and innovation. We believe that the draft law could be written to allow some flexibility in order to promote that innovation. Rather than a purely prescriptive restriction, the language could be modified to allow the

government to provide exceptions when environmental benefits can be demonstrated.

With the improved quality already required, MEE has already achieved significant reduction in solid waste generation by limiting the amount entering the country to that which can be directly used by the manufacturers. However, Article 29 of the draft law restricts the importation of solid waste without exception which would not allow these high-quality recyclables to enter the country. The material currently being shipped to China is not solid waste; rather, it is a valuable feedstock for a manufacturing process. By not recognizing the difference between solid waste and this recyclable feedstock, the Chinese manufacturing industry that relies on recycled feedstock from across the globe will be negatively impacted. Rather than a strict limitation we suggest that the law allow for a demonstration of environmental basis that MEE can consider in determining whether to allow exceptions. This would provide petitioners with the opportunity to innovate its processes, developing solutions to allow China to develop and protect the environment simultaneously.

We have provided our comments in the suggested format below:

Serial number	Terms	Proposed changes	Main reason	Remarks
Article 29		It is forbidden to import solid waste. Exceptions to this restriction may be considered by MEE upon demonstration that material meets quality requirements ensuring that the imported materials is valuable recyclables feedstock beneficial to the environment.	Flexibility will encourage innovation, consistent with priorities established by the Standing Committee.	

Recycling benefits the environment in a number of ways. By providing raw materials as industrial feedstock, use of virgin raw materials is avoided along with the attendant environmental ramifications of exploiting and extracting those materials. In addition, recycling reduces greenhouse gas emissions.

Conclusion

We respectfully request that MEE consider modifying the standards to allow for innovations and consideration of materials that exhibit overall environmental benefits.

NWRA appreciates the opportunity to provide comments and recommendations, and we look forward to continuing to work with you as you develop this rule. Should you have any questions about these comments, please contact Anne Germain, Vice President of Technical and Regulatory Affairs at +1 202 364 3724 or agermain@wasterecycling.org.

Very truly yours,

A handwritten signature in black ink that reads "Darrell K. Smith". The signature is written in a cursive style and is placed on a light gray rectangular background.

Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association