

DEMOCRACY, DEVELOPMENT AND LEGISLATIVE POLICIES FOR RECYCLABLE WASTE: BRAZILIAN CASE

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ABSTRACT:

The Solid Waste National Policy (SWNP) is the main legislative instrument for of solid waste management in Brazil. From them, states and municipalities should legislate about local solid waste management, within a maximum period of four years from the validity of the Federal Law. After eight years from Brazilian legal policy institution, it is possible to perceive the lack of commitment of the local administrations with this subject. In this way, there are municipalities that have not yet legislated about this theme. The objective of this study is to analyze the existing legislation on solid waste in three Brazilian municipalities with focus on the selective collection of recyclable materials and the real place occupied by waste pickers figure in these laws. In this way, is there compliance of this cases of study with federal legislation? The study shows the municipalities legislation from the study and the meaning of this for recyclable waste pickers and selective waste collection.

RESUMEN:

La Política Nacional de Residuos Sólidos (SWNP) es el principal instrumento legislativo para el manejo de residuos sólidos en Brasil. Desde ellos, los estados y los municipios deben legislar sobre la gestión local de residuos sólidos, dentro de un período máximo de cuatro años a partir de la vigencia de la Ley Federal. Después de ocho años de la institución de política legal brasileña, es posible percibir la falta de compromiso de las administraciones locales con este tema. De esta manera, hay municipios que aún no han legislado sobre este tema. El objetivo de este estudio es

analizar la legislación existente sobre residuos sólidos en tres municipios brasileños con especial atención en la recolección selectiva de materiales reciclables y el lugar real que ocupan los recicladores figura en estas leyes. De esta manera, ¿existe cumplimiento de estos casos de estudio con la legislación federal? El estudio muestra la legislación de los municipios del estudio y el significado de esto para los recicladores y la recolección selectiva de residuos.

RESUM:

La política nacional de residus sòlids (SWNP) és el principal instrument legislatiu per a la gestió de residus sòlids al Brasil. D'ells, els estats i els municipis haurien de legislar sobre la gestió de residus sòlids locals, en un termini màxim de quatre anys des de la vigència de la Llei Federal. Després de vuit anys de la institució de política jurídica brasilera, és possible percebre la manca de compromís de les administracions locals amb aquest tema. D'aquesta manera, hi ha municipis que encara no han legislat sobre aquest tema. L'objectiu d'aquest estudi és analitzar la legislació existent sobre residus sòlids en tres municipis brasilers, centrant-se en la recollida selectiva de materials reciclables i en el lloc real que ocupen els recicladors en aquestes lleis. D'aquesta manera, es compleixen aquests casos d'estudi amb la legislació federal? L'estudi mostra la legislació dels municipis a partir de l'estudi i el significat d'aquesta per als recicladors reciclables i la recollida selectiva de residus.

KEYWORDS: Solid Waste National Policy - Picker of recyclable material - Legislation - Social Environmentalism.

PALABRAS CLAVE: Política nacional de residuos sólidos - Recolector de material reciclable - Legislación - Ambientalismo social.

PARAULES CLAU: Política nacional de residus sòlids - Recollidor de material reciclable - Legislació - Ecologisme social.

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I. INTRODUCTION

Brazilian Federal Law n. 12.305 / 2010, establishes the Solid Waste National Policy (SWNP) whose purpose is to dispose of solid waste management in Brazil. This means that when producing anything that produces solid, dangerous or non-hazardous waste, this legislation must be attended to dispose waste in an

environmentally correct manner, which applies to all individuals or legal entities, public or private law. In addition, it establishes that the states and municipalities must legislate themselves to have access to the federal financial resources related to solid waste management, in a period of four years.

The objective of this work is to describe the implementation scenario of waste management in three capitals of the Brazilian Northeast, after four years of the initially given term. So on, what official documents do the cities of João Pessoa, Natal and Recife have to comply with federal legislation regarding solid waste? The main focus of this work will be from the perspective of the recyclable waste picker, since in Brazil recycling only exists because there is the professional that performs the selective collection. In addition, the law itself highlights the taster as one of the main actors and a prominent professional in the socioeconomic perspective. In this way, documents will be presented from the three cities.

II. METHODOLOGICAL PATH

The SWNP is the legal document that provides on the principles; goals; instruments; the guidelines on integrated management; management of solid waste, including hazardous waste; the responsibilities of waste generators, as well as public authority and applicable economic instruments. In this sense, it is known that the Brazilian legal and institutional structure in relation to the competence to legislate follows the pattern that goes from the general to the specific, from the national to the local, this in what it is necessary to legislate. Because of this, the SWNP must be observed in all normative construction with respect to solid waste, since none of them can be different from the national law. Conceptually, politics is a larger document, of generic scope, that deals with all matters related to a certain subject. As said, it provides tools for your practice and one of them is the plan.

The SWNP establishes that the states, Federal District, municipalities and private individuals will act in cooperation with the Central government, commonly called "*Union*", for the purpose of integrated management and adequate environmental management of solid waste. Therefore, the Union determines the states to prepare the State, District and Municipal Solid Waste Policies for the purpose of non-generation, reduction, reuse, recycling, solid waste treatment and

environmentally waste. In this turn, the plan is a more specific document, it is the material or temporal frame. For municipalities, it becomes the most widely used document, since solid waste management plans often need to be revised. In addition, "solid waste management is not subject to a single legal regime, since it varies according to the location where it is generated and its content" (Fiorillo, 2013, p.39). For policies, the review can take place in a longer time span, since it will not address the praxis of management.

In order to improve the practice of solid waste management, some states have opted to develop metropolitan plans, such as Pernambuco (PE), which has worked with municipalities; and, micro-regional, such as Rio Grande do Norte (RN). This adoption is increasingly common to reduce costs, both in the preparation of the document and in the implementation of the plan.

The research to the documents was done exclusively by digital means, where no difficulty was found to locate the texts in any of the three municipalities. However, there are sites with better layout, which promotes easier access whose document is not so hidden through links.

The fact of bringing the documents of the state governments does not mean that the research was expanded, but that one intends to know which states served as a mirror for the elaboration of the Municipal Management Plan, or which municipalities will have to adapt in the future to the State Plan. In view of this, the following will be seen the existing documents of each of the municipalities that are part of the study object of this work.

III. DEVELOPMENT AND LEGISLATIVE POLICIES

1. Municipal Solid Waste Management Policy of João Pessoa city (Paraíba-PB)

In accordance with Municipal Complementary Law nº. 93 / 2015, which provides for the Municipal Policy for Basic Sanitation of João Pessoa city, located in Paraíba (PB), the principles, goals and instruments that guides this policy innovate when describes rights and duties of this public service. The innovation is about giving users the share of responsibility for the production of urban waste, the matter of which was dealt with in the SWNP. In this sense, legislators were right when saying that it is the duty of users to environmentally correct handling, separation, storage and disposal

for collection of solid waste, according to the norms established by the municipal public power; in the same sense is Municipal Law nº. 12.957 / 2014, which deals with the Municipal Plan of Integrated Solid Waste Management placed by art. 47 of Municipal Complementary Law nº. 93 / 2015.

All official documents must comply with Federal Law nº. 12.305 / 2010, which establishes the SWNP, as well as state laws. It provides for the principles, guidelines, objectives, definitions, procedures and methods related to the generation, conditioning, storage, collection, transport and final destination of municipal solid waste in the of João Pessoa city, in addition to determining rules related to the integrated management of solid waste, including management and rendering of services in the cleaning area management of solid urban waste. In addition, it establishes the Municipal Special Municipal Urban Cleaning (EMLUR) as responsible for the services of urban cleaning and urban solid waste management.

In relation to recyclable waste picker, the Municipal Solid Waste Policy presents as a guideline the integration of local cooperatives of waste pickers in actions involving the solid waste stream; social inclusion of the pickers in the selective collection program in order to guarantee the participation of the cooperatives and associations thereof. It is known that some types of waste are privately owned, as in the case of to facilitate its correct destination, as well as to promote the activity of recyclable waste pickers, is given the opportunity for private establishments to participate in selective collection or to send to cooperatives, associations or ecopoints. While recyclable waste from community gardens promoted by the public administration is the responsibility of the latter. With regard to recyclable waste, the innovated material compared to SWNP refers to the “Ecoponto” and the Voluntary Delivery Point, both defined by The Federal Law. In the same sense, the Solid Waste Management Plan; Health Services Waste Management Plan and the Construction Management Waste Management Plan, in addition to presenting definitions.

2. Municipal Solid Waste Management Plan of João Pessoa City

The João Pessoa city created the waste policy and plan by Municipal Law nº. 12.957 / 2014, it became part of the Municipal Policy for Basic Sanitation

(Supplementary Law 93/2015) through article 47. Subsequently, it was also absorbed by the Municipal Policy for the Management of Solid Waste (Municipal Decree nº. 8.886 / 2016). Notice that the most specific document was created before the general.

The plan started with two steps, a prognosis of the situation that was the solid waste in the of João Pessoa city in the planning of activities. The second stage consists of the diagnosis, which was published after its approval by the Legislative Branch City as an official document, in this case, as Ordinary Law, which deals with physical, demographic, health, education, as related to waste produced, cleaning and the institution responsible, outsourced contractors, selective collection, environmental education, recycling, dump and landfill. In addition, a research was carried out with the application of instruments to recyclable waste pickers, which enabled a diagnosis of all waste pickers that make up the associations or cooperatives promoted by EMLUR.

The criticism is made regarding the non-participation of pickers as proponents regarding collection selective recycling. Given that they were treated only as secondary participants for diagnostic purposes of the current situation. There are no representatives of the pickers in the Special Committee to Follow Up on Elaboration of the Municipal Plan for Integrated Solid Waste Management of João Pessoa.

Likewise, there was no representative of civil society without an institutional link, but who has an interest in the discussion and in collaborating with the theme, or that the document should remain during a period for public consultation, since it is the duty of the Public Administration to promote awareness and active participation in the defense of the environment "is an essential and permanent component of national education, in order to raise awareness the consciences for a participatory citizenship and co-responsible for the realization of the democratic State, based among other principles on popular sovereignty." (Franco, 2009: 110).

Whereas, who knows more about the practice of selective collection if it is not the picker himself? The union of the praxis with the theory is necessary for the elaboration not only of the Municipal Plan, but for any other document that has social impact. For the contrary, the idea that traditional and popular knowledge should be ignored goes through the process of subjectification and objectification to the

construction of a single language, without respect for plurality and differences. This means that the access password considered to participate in the elaboration of a document of social and environmental impact was exclusively academic training, scientific knowledge (Leff, 2010, 2015 and Santos, 2007).

Plans should be reviewed no more than every four years and updated if necessary. Because it was published in 2014, it certainly goes through the review process, since there is a new proposal to hire a private establishment to assume the role of the recyclable waste picker, from selective collection to the sale of the material to the industries.

Despite this criticism, it is recognized that municipal management can correct this error in the revision and updating of the Municipal Plan because by SWNP, the pickers are treated as protagonists and there is no reason to justify the exclusion of the main stakeholders in conducting the selective collection of the city is in the creation, revision or updating of a plan such as this.

As a positive aspect of drawing up the plan, it is the participation of different institutions ranging from Organizations, Universities, Class councils, including trade unions, business establishments, the environment, among others.

3. State Policy for solid waste management of Paraíba (PB) federal state

The State Waste Management Policy has not yet been elaborated in PB. However, one can find elements that base the state environmental legislations in the State Constitution when it is said that the State has the duty to defend and preserve the environment in order to provide quality of life for present and future generations. As well as, the promotion of environmental education at all levels of education and public awareness for the preservation of the environment; the creation of environmental education for all levels of education in Paraíba and, in addition to other devices, the prior study of environmental impact for works or activities potentially causing environmental degradation.

In addition, through State Law nº. 9.293 / 2010, the Program for the Improvement of Associations and Cooperatives of Waste Disposers of Paraíba, which aims to put into practice the responsibility to correctly dispose of recyclables discarded by the State Public Administration. The law describes which associations

and cooperatives of recyclable waste pickers are qualified to participate in the selection process; the maximum time each collective entity can make the selective collection; and who should compose the selection committee, as well as its purpose.

4. State Plan for Solid Waste Management of Paraíba state

In the meantime, about the methodology applied in the structuring and creation phase of the plan, there was no detailed description of the methodology of the research. In spite of this, the chapter brings the use of primary and secondary data, such as the application of a questionnaire as a distributed and received digital search instrument. Thus, it does not explain what the research questionnaire is based on and what the source of the data used in addition to the Brazilian Institute of Geography and Statistics, through the 2010 Census, and the Municipal and State Development Institute, without disclosure of the year. Moreover, it presents no theoretical basis in methodology and methodological assumptions. With regard to the legal basis, a specific chapter has been devoted to objectively exposing, “*ipsis litteris*”, the articles of environmental laws, without any dialogue with the theory.

It is understood that the document should be accessible to all levels of the population, since every citizen should be able to assimilate the content available to suggest adaptations. However, the plan is not a practical document, it is not a scientific document, because it brings a lot of data with little discussion and suggests many doubts to the reader whether or not he should trust what is being revealed and proposed. In the same way, it presents practical data without reference to them. In spite of all this, it shows how the research and the workshops were developed, which also subsidized the plan.

The great problem of the methodology not defined for the elaboration of documents or concepts that will guide the citizens and the localities is that it will be at the pleasure of the interpretation, as it is also said.

Therefore, it is necessary to give the theoretical and practical meaning capable of describing the applicability of that document from its elaboration stage (Leff, 2015). Please note that there is no data from researchers specialists in the subject, such as theoretical citation. This fact can be justified from the moment one chooses a consulting company and not a research group or individual researchers, whose

interest is given by the object of study and is not defined in profit.

Moreover, the researcher does not foment the uniqueness of the documents in several localities, since the main commitment is to apply the principle of specialty under the plural convocation for the construction of a document of collective participation and political commitment (Santos, 2007). Even because the environmental issue is social and political (Leff, 2010). Therefore, even in the case of a State Plan, the most acceptable would be to divide, minimally, by meso or geographic microregions, since Paraíba is formed by 223 municipalities of distinct vegetation, climate and area.

In addition, it is known that PNR requires the construction of the State Plan so that the state has access to the resources of the Union destined to the management of solid waste, thus "each type of plan has, within the law, basic requirements that should be observed, under pain of the plan is not considered valid" (Cunha et al, 2014, p.239). To date, the document has been submitted in a preliminary version for public consultation in 2014 and, until then, there is no official information on the final version.

5. Municipal policy for solid waste management in Natal City

The Natal city does not have website references for the Solid Waste Management Policy, the drafting proposal or the proposal for the public consultation. It is known that the policy is not expressly required by the SWNP, it is up to the States, Federal District and cities to adopt or not this methodology, which will act in cooperation with the national. However, in its absence the city will adopt what is determined by the law cited.

However, it becomes a problem because the SWNP was elaborated with general data for application to a continent-sized country whose "[...] manifestations of the environmental crisis depend on the cultural, economic and political context of social forces and ecological potentials sustained by differentiated theoretical and productive strategies" (Leff, 2015, p.96).

Therefore, "it is imperative to implement a municipal management focused on sustainability, connected to the local, regional, national and planetary contexts in which it is inserted" (Franco, 2009, 128). necessary to apply the principle of specialty

and produce a policy aimed at the of Natal city. And because of this, the principle of specialty was inserted in the SWNP to make a local diagnosis of solid waste produced by the city, since there are more rural locations, others more industrial and each type of waste has its destination environmentally correct.

6. Municipal Solid Waste Management Plan of Natal City

The Natal city does not have a Municipal Solid Waste Management Plan. Which is available in the website is the version of the proposal preparation for a city Solid Waste Management Plan of Natal. In the meantime, it is known that the fact that it does not have a Management Plan "will make it impossible to have access to or controlled by the enterprises and services related to urban cleaning and solid waste management "(Cunha et al, 2014, p.239), this impediment is also to receive funding from federal agencies.

The proposal is for the year 2012 and was created by the consulting company in Saneamento Ambiental Ltda., located in the city of João Pessoa (PB). It presents in the summary the diagnosis of the solid residues generated by the citizens, the prognosis, as well as the projection of the generation of solid residues in the home, of the civil construction, of debris, of the pruning and of the selective collection. There are also proposals for action with a degree of hierarchy.

However, the official document does not present methodology and it is not known if the participation of the Natalense population existed or if everything was constructed by expert people, but that are not of the locality and, therefore, not know the reality of the city's solid waste. The SWNP indicates that broad publicity should be ensured for the content of the plans, as well as the performance of social control from its formulation. In addition, "the city, a public space, must adopt the direct participation of organized society through representative entities, or even individually, as a basic decision-making tool for development priorities" (Franco, 2009, p. 125).

The plan is required so that municipalities have access to specific resources of the Union for urban cleaning and solid waste management, municipal management has the power-duty not to leave only a written paper (Santos, 2007). Moreover, since the environmental crisis is a social problem, it is only fair that society itself participates in this process of construction and, later, practice to make it responsible

and protagonist by the Municipal Plan of Integrated Management of Solid Waste.

Municipal brings several actions to be developed to encourage the activity of the picker of recyclables, such as increasing the number of cooperatives or associations; promotion of shared responsibility among large generators of solid waste; establishment of motivation programs for pickers and population; a diagnosis with the pickers to improve the selective collection; implementation of an information system containing indicators related to selective collection; to encourage the change of the individual picker to the cooperative or associated, among other measures to be put into practice after the approval of this proposal

Actually, the Master Plan is "[...] the basic instrument of the urban development and expansion policy [...]" (Rodrigues, 2014, p. 147) of a city during a temporal period. In the case of the city of Natal, the Master Plan is under review, it is believed that, after its approval, the Solid Waste Management Plan proposal will be discussed again and, perhaps, finally approved and published.

In the meantime, the which was observed in the strategy outlined for revision of the Master Plan, is that there are no working groups on this, which corroborates the fact that "they address the issue of the environment only from the green agenda, that is, from the urban afforestation and the preservation of the clearly observed discourse, with the sustainability of cities or municipal territories [...]" (Costa et al., 2011, p 178). Even when the city faces difficulties in the negotiation process of the transshipment station, in order to close the activities or effectively comply with the Brazilian technical standards, as well as the environmental legislation.

7. State Policy for solid waste management of Rio Grande do Norte state

The State of Rio Grande do Norte has not approved and published a State Solid Waste Management Policy, as well as there is no drafting proposal available on the website. The need for this document is based on the principle of specialty introduced by the SWNP, in addition to promoting the "democratic management of the city through popular participation and representative associations of the various segments of the community" (Rodrigues, 2004, p. 417). The Law nº. 10.527 / 2001, is as the "right to a sustainable city in Brazil [which] has been an important legal space for the expansion of public liberties around the ideal of full realization of citizenship"

(Xavier and Guimarães, 2016, p. 1366).

8. The Rio Grande do Norte State Solid Waste Management Plan

The state government website provides three links to solid waste management content. Each link has specific material for solid waste management, the first being the State Plan for the Integrated Management of Solid Waste in Rio Grande do Norte; the second, the Intermunicipal Solid Waste Plan of Rio Grande do Norte; and the third the State Solid Waste Plan of Rio Grande do Norte. All are available for civil society to participate in collaborations relevant to these proposals.

The State Plan for the Integrated Management of Solid Waste in Rio Grande do Norte is a summary report of the year 2012 to support the drafting of the authorizing law of this plan. It is important that the report exists, since it indicates that there was attention to the elements required by the SWNP, such as diagnosis, goals, programs, actions, guidelines, among others, as there was concern in consulting the society in advance.

However, it is believed that six years (2012 to 2018) would be sufficient to unite the suggestions of the citizens to compose the definitive plan and to follow the legal process for approval in the form of a law. The criticism of the State Plan for the Integrated Management of Solid Waste is in relation to the drafting team, since it does not include representatives of recyclable waste pickers, such as institutions for the protection of the environment, such as the Organizations. applied and the references are absolutely all produced by them in previous reports, added in 11 reports.

In spite of this, it demonstrates the development of workshop activities and workshops, as the tool used to process information from the database and reports as a result of previous studies, such as: i) Regionalization Studies of Integrated Solid Waste Management of the State of Rio Grande do Norte; and, ii) Elaboration of the Regional Plan for the Integrated Management of Solid State Waste. In 2014, with the deadline for municipalities to draw up municipal plans to make the Union's resources available, as well as to extinguish the activities of the open dump, the state of Rio Grande do Norte, through the business establishment Veritas Engenharia Ambiental, based in Belo Horizonte and Rio Grande do Norte, prepared the Intermunicipal Solid

Waste Plan of Rio Grande do Norte.

This document is a proposal to guide the municipalities in the elaboration of its Municipal Solid Waste Management Plans, in the same way as complying with the determinations of the SWNP and the National Policy of Basic Sanitation. However, it is known that many municipalities can not autonomously pay for a landfill. Because of this, Federal Law nº. 11.107 / 2005 allows the association of several municipalities to consorciate a sanitary landfill.

In the meantime, the state of Rio Grande do Norte, in order to collaborate with the municipal administrations, has carried out a study to unite municipalities with reality and diagnosis of similar solid waste. In this way, six geospatial areas were formed: i) Agreste; ii) High West; iii) Mato Grande; (iv) Metropolitan; v) Seridó; and (vi) Vale do Assú.

According to the information provided on the site, there were meetings with municipal managers or representatives of these, institutions focused on issues relevant to solid waste management and civil society. The proposal disseminated in the meetings is the creation of transshipment stations in the municipalities and a single sanitary landfill, which is consorted by the municipalities belonging to a certain region. In addition, a final product was created that deals with projects related to the points of voluntary delivery of recyclable waste and recovery of areas that were used as dumps.

Regarding the State Plan of Solid Waste of Rio Grande do Norte, year of 2015, through the Consultoria de Meio Ambiente Ltda (Brencorp), a business establishment located in Recife city. All the material produced for the final elaboration of the plan is available on the website, since the mobilization process, which aims to disseminate information to the citizens of Norte Grande on the management of environmentally sound solid waste; as well as the reports of the workshops and the scenarios of the solid waste generated in the state. Unlike the others, the plan of mobilization and dissemination has bibliographical references theoretical and of researches, unlike the plan that only presents legal references.

The workshops were held for representatives of municipal administrations divided into areas. In this sense, one does not perceive the popular participation in this process. Therefore, criticism remains about the non-participation of

organizations, citizens, representatives of solid waste pickers, recycling industries, representatives of bodies of interest such as the Brazilian Institute of Environment and Renewable Natural Resources, universities, among others. The city of Recife has not developed the Municipal Solid Waste Management Policy of Recife or the metropolitan region.

9. Municipal Solid Waste Management Plan of Recife

The city of Recife does not have a Municipal Solid Waste Management Plan.

The Metropolitan Solid Waste Plan of the region of Recife, which includes 14 smaller cities: Olinda, Paulista, Abreu e Lima, Igarassu, Itamaracá and Araçoiaba, Ipojuca, Cabo de Santo Agostinho, Moreno, Jaboatão dos Guararapes São Lourenço da Mata, Camaragibe and the capital Recife. The Metropolitan Plan was prepared by the Government of the State of Pernambuco and Queiroz & Queiroz Consultoria, located in the city of Moreno-PE, which coordinated the actions to create the document, such as the dissemination and mobilization of participants.

The recognition of the Metropolitan Plan as a Municipal Plan of the city of Recife took place in 2013 with the publication of Municipal Decree 27,045 / 2013. The document does not make it clear if there was a social control action, which is brought and emphasized by the SWNP, despite the existence of a Decree that guarantees citizen action in the construction or revision of these documents. By joining the Metropolitan Plan, the city of Recife published Municipal Decree nº. 27.399 / 2013, which regulates the transshipment stations in the city, called ecostations, since the metropolitan region would have a single sanitary landfill, through the metropolitan consortium, and because of this, cities would pass to have a station to serve as an intermediary between the urban collection until the final provision.

The mobilization and dissemination of the Metropolitan Plan occurred in 2008, consequently, the metropolitan region had six years, according to the deadline given by the SWNP, to sanction the plan.

With this, more time was obtained to elaborate an integrative plan, since it is known that it demands more time, since the plan must be favorable to all the participating municipalities. As far as the methodology is concerned, it can be said

that it presented the references theoretical frameworks of the solid waste area, as well as the instruments used to obtain the data and a description of the methods used. Parallel to the Metropolitan Plan, there is the Solid Waste Plan of the Metropolitan Development Region of Pernambuco, which includes the Selective collection program, once again, state management has missed the opportunity to bring pickers as protagonists to propose actions both in the plan and in the selective collection program.

In the meantime, "the popular participation in municipal life has legal bases in both the legislative and executive aspects, and it is up to the movements to choose the priorities of struggle, using the instruments provided by the legislation and enhancing the effective effects of these norms" (BRASIL 1994, Although State Decree nº. 35.705 / 2010 guaranteed popular participation in the process of creation and public consultation, it was not clear the performance of the representatives of recyclable waste pickers. Regarding the Selective Collection Program, it was elaborated in 2016 by Caruso Jr. Estudos Ambientais & Engenharia Ltda, located in Florianópolis - SC, as part of the planning of the actions of the Integrated Solid Waste Management Plan for the metropolitan region and the Fernando de Noronha State District.

10. State Policy for the Management of Solid Waste in Pernambuco state

In 2010, State Law nº. 14.236 / 2010 published the State Policy of solid waste containing the principles, objectives, instruments, guidelines, forms of management and solid waste management to be applied in all municipalities.

Prior to the policy, State Decree nº. 35.706 / 2010 was published, establishing the state solid waste committee whose function is to articulate all the organs of the State of the Direct and indirect Administration the implementation of the Policy of Solid Waste. In addition to this, State Decree nº. 35.705 / 2010, which establishes the Pernambuco Solid Waste Forum to be responsible for promoting the discussion, within the State of Pernambuco, of the State Policy on Solid Waste in order to be the intermediary between the civil society, the Public Power, the business and academic sector, to collect subsidies for monitoring and integration with other public policies to be implemented.

Although the publication of State Decree nº 35.706 / 2010 implement the Solid Waste Policy throughout State Public Administration, the State Decree nº. 38.483 / 2012 was published, which makes it mandatory for the State Direct and Indirect Administration of the State of Pernambuco to comply with the State Solid Waste Plan and, in addition, requires the permanent availability of the plan for on the website of the Secretariat of Environment and Sustainability, and physical in the headquarters of this.

State of Solid Waste is similar to SWNP, presents the concepts of terms used in the law, as well as types of solid waste. Regarding the methodology and the description of the policy-making plan, digital access is not possible, perhaps through documentary access and interviews with participants.

As regards waste pickers, what is perceived is a certain similarity to the SWNP when it introduces as a principle the integration of waste pickers into the solid waste stream, while respecting regional and local diversities. It presents as objective the social inclusion of recyclable waste picker; as a guideline to encourage the creation of an association or cooperative of recyclable waste pickers, the development of courses for the training of waste pickers, as well as fostering partnerships between industries, the private sector and public authorities, as well as promoting reverse logistics to work in partnership with the associations and cooperatives of recyclable waste pickers. Other material found on the website of the Secretariat of Environment and Sustainability is the list of some cooperatives or associations which facilitates access to carry out the disposal of recyclable waste in greater quantity, or to contact with those responsible for any other reason.

However, it does not have all the cooperatives and associations of the State of Pernambuco, which suggests two hypotheses: i) it would be outdated; ii) it would contain only properly formalized associations or associations. There is also a manual (Pernambuco, 2017) about the correct destination of waste for the consumer, to know how and where to dispose of wastes of difficult recycling such as lubricating and frying oil, tires, medicine, among others. Also, it has address and other data needed to get in touch with the industries that buy recyclables. This material was prepared in partnership with solid waste researchers from the Federal University of Pernambuco and is considered easy to read and practical, with contacts of those responsible for

each type of waste.

11. State Plan for Solid Waste Management of Pernambuco state

Before drawing up the Plan (PERNAMBUCO, 2012), important documents were created to support it, as well as to foster discussion on solid waste management by region. In view of this, the following materials are highlighted: i) Diagnosis of solid wastes from Pernambuco / 2006; ii) III State Conference on Environment / 2008; iii) public environmental policies of the state of Pernambuco / 2010; iv) a State Plan for Solid Waste (State Law No. 14.236 / 2010); v) the Metropolitan Plan of Solid Waste / 2011; vi) o Study of regionalization of solid waste management in the state of Pernambuco; vii) the Integrated Solid Waste Management Plan in the municipalities inserted in the São Francisco River basin / 2011; viii) State map of solid waste / 2011; ix) State inventory of industrial solid waste from Pernambuco / 2003; x) State System of Information on Solid Waste / 2009; xi) Studies of the Impacts of Investments in the Economy of Pernambuco / 2011; xii) Pernambuco: realities and challenges / 2009. In addition, scientific publications, information provided by public and private institutions and civil society, among others. Unlike the other official documents, this makes clear that it was a construction with civil society from meetings and public consultations.

Therefore, there was not only participation of representatives of the direct and indirect public administration. The published document reports that it was difficult to use existing data of the materials cited above because there is no standardization of research, or a defined method that provides security of the information provided.

Still, another obstacle was the lack of knowledge of the subject by municipal managers, which interfered in obtaining elements that diagnosed the reality of the production and management of residues. In relation to the methodology, we have applied the analytical and descriptive methods, with technical visits in the municipalities.

Regarding the reference of the data, the Brazilian Institute of Geography and Statistics, Pernambucana Company of Sanitation, Companhia Energética de Pernambuco, Company of Research of Mineral Resources and the technical reports of the area of solid residues are included.

Also, all the social mobilization, dissemination and debate of the Pernambuco State Solid Waste Plan were detailed, as were the four public hearings held. It is important to note that during the public hearings, representatives of scavengers participated.

IV. FINAL REMARKS

As can be seen, there is a city with a large legislation for the management of solid waste, as well as there is little city that has taken the time to legislate. What is most striking is that there is no mechanism in Brazil, prior to SWNP, that establishes the management and the obligation of cities to legislate for access to the resources of the Union. This issue is not discussed at a national level, but still locally, since there is an economic interest in the "garbage" and in the companies that perform the household collection, since it is one of the budgets that weighs more in the administration.

V. REFERENCES

BRASIL. Direito do meio ambiente e participação popular. Ministério do Meio Ambiente e da Amazônia Legal. Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis. Brasília: IBAMA, 1994.

CUNHA, Belinda Pereira da; MORAES, Andréia Ponciano de; DINIZ, Raffael Henrique Costa; CATÃO Simone Loureiro Celino. Política Nacional de Resíduos Sólidos: análise jurídica a partir da história ecológica, da sustentabilidade, do consumo e da pobreza no Brasil. *In*: CUNHA, Belinda Pereira da; AUGUSTIN, Sérgio (orgs.). Sustentabilidade ambiental: estudos jurídicos e sociais. Caxias do Sul, RS: EducS [recurso eletrônico], 2014.

COSTA, Heloisa Soares de Moura; CAMPANTE, Ana Lúcia Goyatá; ARAÚJO, Rogério Palhares Zschaber de. A dimensão ambiental nos planos diretores de municípios brasileiros: um olhar panorâmico sobre a experiência recente. *In*: SANTOS JUNIOR, Orlando Alves dos; MONTANDON, Daniel Todtmann (orgs.). Os planos diretores municipais pós-estatuto da cidade: balanço crítico e perspectivas. Rio de Janeiro: Letra Capital: Observatório das cidades, 2011.

FERREIRA, Nathielle. Livro descreve detalhes da desativação do lixão. Paraíba: Jornal da Paraíba, 08 de julho 2012. Disponível em: <http://www.jornaldaparaiba.com.br/vida_urbana/livro-descreve-detalhes-da-desativacao-do-lixao.html>. Acesso em: 27 abr. 2018.

FIORILLO, Celso Antonio Pacheco. Curso de Direito Ambiental brasileiro. 14ª ed. rev. ampl. e atual. em face do Rio+20 e do Novo Código Florestal. São Paulo: Saraiva, 2013.

FRANCO, Cezar Augusto de Oliveira. Município e questão socioambiental: bases jurídicas para uma gestão local sustentável. Curitiba: Juruá, 2009.

LEFF, Enrique. Discurso sustentáveis. Tradução de Silvana Cobucci Leite. São Paulo: Editora Cortez, 2010.

LEFF, Enrique. Saber Ambiental: sustentabilidade, racionalidade, complexidade, poder. Tradução de Lúcia Mathilde Endlich Orth. Petrópolis (RJ): Editora Vozes, 2015.

PERNAMBUCO. Manual para a destinação: orientação ao consumidor sobre como e onde destinar os resíduos sólidos em Pernambuco. 2ª ed. Recife: Editora UFPE [recurso eletrônico], 2017. Disponível em: <<http://www.semas.pe.gov.br>>. Acesso em: 04 mai. 2018.

PERNAMBUCO. Plano Estadual de Resíduos Sólidos de Pernambuco. Recife: SEMAS, 2012. Disponível em: <<http://www.semas.pe.gov.br>>. Acesso em: 04 mai. 2018.