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Legislative Guidane on the Management of End-of-Life Tyres in the Pacific

June 2025

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Our vision: A resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.

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Managing end-of-life tyres (ELTs) in the Pacific Islands presents unique challenges due to the region's geographical isolation, small economies, limited infrastructure, and environmental vulnerabilities. Inadequately managed tyres can pose serious environmental and health risks, including pollution, fire hazards, and the breeding of disease-carrying mosquitoes. As tyre waste continues to grow in the region, the need for an effective regulatory framework to manage ELTs becomes increasingly urgent.

1.1 Legislation to Create an Enabling Environment

1.1.1 Tools for Creating an Enabling Environment

There are various ways to create an enabling legislative and regulatory environment for the management of ELT in respective jurisdictions within the Pacific Island Countries and Territories. Each instruments serves different functions, with distinct processes and impacts on governance, regulation, and enforcement. The choice of which instrument to use will depend on the desired outcomes, urgency, resources, and the degree of control required. Decision-makers should carefully assess their objectives and the impact each instrument may have on the legal, social, and economic landscape before selecting the most appropriate tool.

In practice, a combination of these instruments—such as creating new legislation with supporting regulations, implementing policies, and consulting stakeholders—often results in the most effective and sustainable solutions.

Instrument	Description
Policy	Policy refers to the guiding principle or set of principles formulated or adopted by a government, organisation, authority, entity or regulatory body. It provides a framework for decision-making and outlines objectives, justifications, priorities, challenges and strategic actions. Policies also underpin the drafting of legislation and regulations. Policies are used as guidance which offer direction and establish a clear set of priorities for governing bodies and stakeholders. They shape the overall approach to a specific issue (e.g., waste management, ELT disposal). Policies can be revised or adjusted more easily compared to laws or regulations, providing flexibility to respond to changing circumstances. Policies generally lack legal force and may not have enforceable penalties or consequences. This could limit their effectiveness in areas requiring strict compliance. A government might adopt a policy on sustainable tyre disposal, management or recycling to set the vision, goals, and key actions but may rely on regulations or laws to ensure enforcement.
New statutory legislation (primary legislation)	The process of enacting new legislation, law or statute through formal legislative procedures includes drafting the bills, passed by a governing body (such as parliament of congress) and once enacted, has the force of the law. New legislation provides a robust legal framework for addressing an issue, with the power to impose penalties and enforce compliance. It can address gaps in existing laws or create entirely new legal frameworks for emerging issues like managing ELTs. The process of creating new legislation is often complex and time-consuming, requiring comprehensive public consultation, debates and approval to gauge political will. This may delay immediate action. Once passed, and in some jurisdictions gazetted, new legislation is legally binding

Instrument	Description
	and enforceable. This is also referred to as primary legislation which is the main body of law passed by a legislative authority such as parliament. A government passing a new legislation that establishes a national framework for managing ELTs including setting standards, penalties for illegal disposal, and incentives for tyre producers.
Amendments to existing legislation	Making changes or updates to an existing law to improve its relevance, effectiveness and adapt to new realities, or address challenges, issues and concerns that have arisen since the law has passed are amendments to existing legislation. Amendments are often quicker to implement than creating new laws, as they can be done within the framework of existing legislation. Amendments allow for clarification and updates ensuring that laws stay relevant and effective in response to changing circumstance, technological developments and/or emerging issues. The scope of an amendment is limited to the existing law's framework, which may not be sufficient for addressing the entirety of new challenges and issues. In which case, new legislation would be required. While amendments may streamline processes, the amendment process must ensure legal clarity and cohesion with the existing law and legal framework ie other laws. Amendments to an existing waste management law to include specific provision on the management of ELTs or adjust penalties for non-compliance with tyre management regulations.
Subsidiary legislation: Regulations	Regulations are detailed rules or instructions created by government agencies or other authorised bodies, which are designed to implement the provisions of primary legislation. Regulations are subordinate to the law but are necessary for enforcing and interpreting the law in specific circumstances. The primary legislation must have regulation making powers that allow for Regulations to be enforced. Regulations provide specific details on how the broader legislative framework should be implemented and enforced. Regulations can often be updated more quickly and easily than laws, allowing for timely adjustment in response to emerging issues or changing circumstances. Regulations have the force of the law (in so far as they align with the enabling legislation) and can be enforced with penalties. Creating and enforcing regulations may give rise to administrative complexities because they require resources, as they need to be aligned with the broader legal framework while addressing technical issues. A regulation may be created to set technical standards for the importation standards of ELTs, specify tyre collection methods or sets fees for compliance with management schemes.
Subsidiary legislation: Standards of Procedure (SOPs), Rules, Orders	Standards of Procedures (SOPs) or Orders are detailed, standardised instructions, directions, rules, orders or procedures that outline how tasks or processes should be conducted or carried out. Subsidiary legislation provides operational clarity in that every task related to ELT management is performed consistently and efficiently. Subsidiary legislation is useful within ministries, departments, agencies or organisations to establish internal processes and ensure compliance with broader policies, legislation or regulations.
Regional regulatory or legislative framework	Regional regulatory frameworks provide a collaborative approach that can address the ELT challenges in a way that benefits all Pacific Islands countries in the region. By promoting cooperation, harmonising policies, sharing resources, and addressing regional concerns, a regional framework can create an enabling environment for the effective management of ELTs in the Pacific. Through a regional regulatory framework, a shared approach allows countries to pool their resources, expertise, and knowledge, ensuring that no nation faces the burden of managing ELTs alone. For example, regional cooperation can facilitate the establishment of centralised tyre recycling facilities or the creation of regional waste tyre collection and transportation systems that would otherwise be economically unfeasible for individual countries.

Instrument	Description
	Without a unified approach, countries with weaker regulations may become dumping grounds for tyres from neighbouring nations with stricter laws. This creates environmental injustices and undermines regional efforts to protect the environment. By developing common guidelines for tyre disposal, recycling, and waste management, the region can ensure that all countries are operating under similar requirements. For example, the establishment of regional standards for tyre recycling or product stewardship programs or the use of recycled tyres in construction projects could stimulate a circular economy while ensuring environmental protection across the entire Pacific region. Regional regulatory frameworks can address capacity building and resource sharing. By working together, nations can advocate for international funding and technical assistance to support regional waste management initiatives. A regional regulatory framework creates a stable and predictable legal environment for businesses, which can enhance trade and investment opportunities. A regional framework for managing ELTs could foster the development of new industries related to tyre recycling, such as the production of rubber products from recycled tyres. By standardising regulations and establishing a common market for recycled materials, the region could attract both regional and international investment in sustainable waste management and recycling technologies. The management of ELTs is not just a local issue—it is a global challenge. Regional regulatory frameworks can play an essential role in addressing broader environmental challenges, such as climate change and the promotion of sustainable development. Regional collaboration on ELT management ensures that the Pacific Islands play an active role in international environmental governance, while also benefiting from the technical support and resources that international agreements can provide.
Consultation and stakeholder engagement	Consultation and stakeholder engagement are integral components of the policy-making and legislative processes. These practices involve actively seeking input from various stakeholders, such as industry representatives, non-governmental organisations (NGOs), community groups, or the general public, before final decisions on policies or legislation are made. The consultation process can take various forms, including surveys, public hearings, or formal comment periods. By engaging with stakeholders early in the process, governments and policymakers can better understand the perspectives and concerns of those who will be directly or indirectly impacted by the decisions made. This approach fosters more inclusive, transparent, and effective governance, ensuring that the resulting policies or laws serve the best interests of all parties involved. One of the primary benefits of consultation is inclusive decision-making. By actively seeking input from a diverse range of stakeholders, policymakers can ensure that the policy or legislation reflects the interests and concerns of all relevant parties. This is particularly important in areas where different groups may have conflicting interests or where there are concerns about the potential negative impact of proposed policies. Stakeholders who have been consulted are more likely to accept and support the final outcome, especially if they feel that their feedback has been taken into consideration. This buy-in is essential for the successful implementation of policies and legislation, as it helps ensure that the relevant parties are committed to making the new regulations work. When stakeholders feel heard and valued, they are more likely to cooperate, which ultimately facilitates smoother implementation and reduces resistance. However, consultation can also have some drawbacks. One of the key challenges is that it can be time-consuming. The process of reaching out to stakeholders, gathering feedback, and analysing responses can significantly slow down decision-making, particularly when multiple stakeholders are involved. Decision-makers may view consultation as cumbersome or may prioritise quicker decisions over thorough engagement. By engaging stakeholders in

Instrument	Description
	the decision-making process and demonstrating a commitment to transparency, governments can build trust with the public. This is particularly crucial when policies or regulations affect the everyday lives of citizens, as it fosters a sense of fairness and legitimacy in the process. Public trust can help ensure the success of new policies by encouraging compliance and reducing public opposition. Consultation and stakeholder engagement are essential components of the policy-making and legislative processes, offering numerous benefits. By seeking input from stakeholders, policymakers can ensure that policies and regulations are more comprehensive, balanced, and effective. Consultation allows for a more inclusive and collaborative approach to creating laws and policies that serve the public good.
Develop National Waste Management Strategy Plans	Developing comprehensive national waste management plans is vital for the management of ELTs in a sustainable and environmentally sound manner. These plans provide a structured approach for governments to reduce, recycle, and dispose of tyres, ensuring that public health is protected, the environment is preserved, and economic benefits are maximised. One of the primary roles of national waste management plans is to create a legal and regulatory framework that governs the management of waste, including tyres. Through national waste management plans, governments can establish laws and regulations that govern the collection, transportation, recycling, and disposal of tyres. The development of regulations that mandate the recycling or proper disposal of ELTs can help reduce the amount of tyres that end up in landfills or incinerators. Regulations may also include importation standards, importation bans and bans on the export of waste tyres to countries with weaker environmental regulations or laws prohibiting the burning of tyres, which contributes to air pollution. In the case of tyres, a product stewardship program would make tyre manufacturers, retailers, and importers responsible for ensuring that their products are recycled or disposed of in an environmentally sound manner once they reach the end of their useful life. The introduction of such programs would encourage tyre producers to take responsibility for the environmental impact of their products before the tyres reach the Pacific Island country consumers. This could include establishing take-back schemes, where consumers return used tyres to retailers for recycling, or funding the creation of tyre recycling facilities. Product stewardship programs can also involve the collection of recycling fees at the point of purchase, which can be used to fund recycling initiatives. For Pacific Island nations, implementing these programs as part of national waste plans would significantly reduce the burden on local governments to finance tyre recycling programs, ensuring a more sustainable and long-term solution to the ELT problem. Developing national waste management plans is essential for effectively managing end-of-life tyres in the Pacific Islands. These plans offer a structured approach by establishing clear legal frameworks, promoting recycling and reuse, improving public awareness, and securing sustainable funding. By integrating product stewardship programs, governments can reduce the burden of tyre disposal on local communities and foster a more circular economy. Additionally, by building local capacity and aligning with international and regional standards, Pacific Island nations can develop sustainable, long-term solutions for ELT management that protect the environment, public health, and economic interests. Ultimately, the development of comprehensive national waste management plans will ensure that the Pacific Islands can effectively address the challenges posed by end-of-life tyres while contributing to global environmental sustainability goals.

1.1.2 Relevant Conventions and Frameworks

Several international conventions, protocols, and agreements offer guidance and set standards for the sustainable management of tyre waste. By aligning with these international instruments, Pacific Island nations can develop effective solutions for managing ELTs by addressing global issues with global instruments for improving recycling rates, reducing environmental impacts, and promoting public health. International conventions are relevant for the domestic management of end-of-life tyres because global standards and best practices help countries prevent environmental harm, including when tyres are not traded across borders. Tyres, when improperly disposed of, can contribute to air, water, and soil pollution, which often have transboundary impacts such as marine microplastic pollution or climate-related emissions. Aligning with international agreements like the Basel Convention ensures responsible waste management, access to technical support, and readiness for future trade or recycling needs, while also demonstrating a country's commitment to global environmental and health responsibilities.

Instrument	Description
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)	The Basel Convention is one of the most significant international agreements in the context of waste management. Its primary objective is to reduce the transboundary movement of hazardous waste and to ensure its environmentally sound disposal. This Convention regulates the movement of waste materials, including tyres, between countries and aims to minimise the environmental impact of such waste. For the Pacific Islands, which face limited infrastructure and waste management capacity, the Basel Convention provides a crucial framework for ensuring that waste tyres are not transported to countries with weaker regulations. The Convention encourages Pacific nations to adopt practices that minimise waste generation and promote sustainable recycling and disposal methods.
Stockholm Convention on Persistent Organic Pollutants (2001)	While the Stockholm Convention focuses on eliminating or reducing harmful chemicals known as persistent organic pollutants (POPs), it is still relevant to tyre waste management. When tyres are improperly disposed of, particularly when burned, they can release toxic substances into the atmosphere, including carcinogens and other hazardous chemicals that can harm both human health and the environment. The improper incineration of tyres can contribute to pollution that falls under the scope of the Stockholm Convention. As such, ensuring proper tyre disposal and recycling can help mitigate the release of such pollutants, aligning with the Convention's goals of minimizing hazardous waste and protecting human health.
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	The Rotterdam Convention regulates the trade of hazardous chemicals and pesticides and requires countries to share information about hazardous substances before they are imported. While tyres themselves are not directly classified as hazardous chemicals under this Convention, improper handling and disposal of ELTs can result in the release of hazardous substances. For instance, tyres that are burned or improperly recycled may release pollutants that contribute to environmental degradation. The principles of the Rotterdam Convention, which emphasize informed consent and transparency in international trade, can inform the management of waste tyres and other similar hazardous materials, ensuring better regulation and control over their movement and disposal.
UN Framework Convention on Climate Change	The UN Framework Convention on Climate Change (UNFCCC) and its subsequent Paris Agreement are critical in addressing global climate change, and they have indirect relevance to the management of ELTs. Tyre disposal practices, such as burning tyres, release greenhouse gases (GHGs) like carbon dioxide and methane into the atmosphere,

Instrument	Description
(UNFCCC) (1992) and Paris Agreement (2015)	contributing to climate change. By improving the management of waste tyres, the Pacific Islands can reduce such emissions. The Paris Agreement, which aims to limit global temperature rise to well below 2°C, underscores the importance of reducing waste and promoting sustainability in all sectors, including waste management. Therefore, better tyre recycling practices in the Pacific would contribute to climate change mitigation efforts and align with international climate agreements.
Convention on Biological Diversity (CBD) (1992)	The Convention on Biological Diversity (CBD) seeks to preserve biodiversity and ensure the sustainable use of natural resources. While tyres are not directly addressed in the CBD, improper disposal of ELTs can have negative consequences for ecosystems, particularly in the Pacific Islands, where biodiversity is often at risk due to pollution. Tyres that are discarded in sensitive environments, such as coastal or marine ecosystems, can cause physical damage to habitats and introduce pollutants that harm wildlife. A sustainable approach to managing ELTs, including recycling and safe disposal practices, supports the CBD's goal of protecting biodiversity and ensuring the long-term health of ecosystems.
Ozone Layer Protection (Montreal Protocol) (1987)	The Montreal Protocol is an international treaty aimed at protecting the ozone layer by phasing out substances that deplete it, such as chlorofluorocarbons (CFCs). Although tyres themselves are not listed under the Montreal Protocol, improper tyre disposal—especially through incineration—can release chemicals that indirectly contribute to ozone layer depletion. By promoting safer disposal methods and recycling, the Pacific Islands can help reduce harmful emissions from tyre waste and contribute to global ozone protection efforts.
Pacific Regional Environment Programme (SPREP)	The Pacific Regional Environment Programme (SPREP) is a regional body dedicated to environmental protection and sustainable development in the Pacific Islands. SPREP supports the implementation of policies and programs to reduce waste and pollution, including the management of ELTs. By aligning with regional frameworks like SPREP, Pacific Island nations can access technical assistance, resources, and best practices for managing tyre waste. SPREP helps develop region-specific solutions that consider the unique environmental and economic circumstances of Pacific nations, fostering collective action to address the growing problem of tyre waste.
The Global Partnership on Waste Management (GPA)	The Global Partnership on Waste Management (GPA), established under the United Nations Environment Programme (UNEP), works to promote the environmentally sound management of waste worldwide. The GPA facilitates the exchange of knowledge and best practices between countries and provides support for waste management initiatives. For the Pacific Islands, the GPA offers a platform for sharing experiences and technical expertise on managing waste tyres. By engaging with the GPA, Pacific countries can gain access to international resources and support to improve their waste management systems, particularly in the context of tyre recycling and disposal.
Circular Economy Principles and EU Waste Framework Directive	The Circular Economy Principles and the EU Waste Framework Directive emphasize the importance of recycling and waste reduction by promoting a circular economy. The EU's Waste Framework Directive encourages the reuse, recycling, and responsible disposal of waste materials. Though this directive applies to the EU, its principles can be adopted globally. Pacific Islands can benefit from integrating circular economy principles into their approach to tyre waste management by focusing on reducing waste through recycling, reusing tyre materials, and minimizing environmental impact. These principles align with the global push toward sustainability and offer a pathway for Pacific nations to improve tyre waste management.

1.1.3 Principles of Waste Management and Environmental Law

Effective waste management not only helps reduce pollution but also conserves natural resources, mitigates environmental degradation, and promotes recycling and sustainability. Environmental laws, on the other hand, aim to regulate human activities that affect the environment, ensuring that the natural world is preserved for future generations. At the core of both these areas are several guiding principles, each of which plays an essential role in shaping policies, regulations, and practices related to waste and environmental protection.

Principles	Description
The Waste Hierarchy: Reduce, Reuse, Recycle	The Waste Hierarchy is a key principle in waste management, prioritising actions based on their environmental impact. It emphasizes waste prevention first, followed by reusing materials and products. If those options are not feasible, recycling is the next step, turning waste into reusable materials. Only after these options are exhausted should waste be disposed of in the safest and most environmentally friendly way. The hierarchy promotes innovation and efficiency, encouraging more sustainable consumption and reducing waste's environmental footprint.
Polluter Pays Principle (PPP)	A fundamental tenet of waste management and environmental law, holding polluters financially responsible for the costs of managing and mitigating their environmental impact. By ensuring that those who create pollution bear the associated costs, the PPP prevents the public or government from shouldering the financial burden. It incentivizes businesses to adopt cleaner technologies and more efficient waste management practices, while promoting fairness by ensuring that affected communities are not left to bear the costs of cleanup and recovery.
Precautionary Principle	The Precautionary Principle mandates the adoption of preventive measures when there is uncertainty about potential harm to the environment or public health. It advocates for taking action to mitigate risks when there is a reasonable possibility of harm, rather than waiting for scientific certainty. In waste management, this principle supports the introduction of safer alternatives to hazardous materials and processes before their full environmental impact is known, thereby preventing potential harm to ecosystems and human health.
Proximity Principle	The Proximity Principle dictates that waste should be managed as close to its source as possible to minimize environmental and economic costs associated with transportation. By reducing transportation distances, it helps lower air pollution, greenhouse gas emissions, and the risk of illegal dumping. This principle encourages local waste processing and the development of regional recycling facilities, ensuring waste is handled efficiently and in compliance with regulations.
Sustainability Principle	Sustainability Principle highlights that policies and practices should aim to meet the needs of the present without compromising the ability of future generations to meet their own needs. In waste management, this principle is reflected in efforts to reduce, reuse, and recycle materials, conserving natural resources and minimising pollution. By adopting sustainable practices, we ensure that we do not deplete the planet's resources or harm the environment in ways that could hinder future generations' quality of life. This principle also aligns with broader global goals, such as the United Nations' Sustainable Development Goals (SDGs), which advocate for responsible consumption and production, among other environmental protections.
Extended Producer Responsibility (EPR)	This is a principle in environmental law principle that places the responsibility for a product's entire lifecycle, including disposal, on the manufacturer. EPR incentivises producers to design products that are recyclable, repairable, or repurposable, and often includes systems for collecting and recycling products at the end of their life. By

Principles	Description
	shifting waste management responsibilities from consumers and local governments to producers, EPR ensures that manufacturers account for the environmental impact of their products throughout their lifecycle.
Sustainable development	The most foundational principle in environmental law as it calls for development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This principle is closely linked to the idea of maintaining a balance between environmental protection and economic growth. Sustainable development requires integrating environmental considerations into all stages of planning and decision-making, from waste management to industrial practices and resource extraction. It seeks to promote economic growth while minimising harm to ecosystems, ensuring that resources are used in a way that is socially equitable and environmentally responsible.
Environmental justice	This principle ensures equal protection from environmental harm for all communities, regardless of their socioeconomic status, race, or geographic location. It focuses on fair treatment and the equitable distribution of the benefits and burdens of environmental policies. Environmental justice addresses the disproportionate impacts that environmental degradation often has on low-income and marginalised communities. In the context of waste management, this principle advocates for ensuring that no community, particularly vulnerable populations, bears a disproportionate share of the adverse effects of waste disposal, pollution, and environmental degradation.
Intergenerational equity	The principle of intergenerational equity emphasizes the responsibility to protect the environment for future generations. This principle calls for sustainable management of natural resources and waste to ensure that future generations inherit an environment capable of supporting their well-being. Intergenerational equity requires decision-makers to consider the long-term impacts of waste management practices and environmental laws, acknowledging that the choices we make today will affect the ability of future generations to thrive.
Public participation	This principle recognises the importance of involving the public in environmental decision-making. Environmental policies and waste management regulations should be transparent and inclusive, allowing individuals and communities to voice their opinions, concerns, and suggestions. This principle fosters accountability and ensures that policies reflect the needs and priorities of the public. Involving citizens in decision-making helps build trust in environmental governance and strengthens the legitimacy of laws and regulations.

2 Legislative Options Assessment for End-of-Life Tyre Management in Palau

The management of End-of-Life Tyres (ELTs) in Pacific Island countries requires the establishment of a robust legal and policy framework to address environmental concerns and promote sustainability. This legislative assessment examines five key areas for potential reforms:

- Establishing importation standards
- Imposing importation bans
- Implementing levies to incentivize sustainable behaviour
- Introducing product stewardship programs
- Enforcing penalties for non-compliance.

2.1 Importation Standards for Tyres

Primary legislation, such as a Tyre Quality and Standards Act, can be used to introduce new importation standards for tyres which regulates the tyre age, tread depth and overall quality to ensure safety and environmental standards are achieved. Secondary legislation such as regulations, rules, orders and SOPs may outline the criteria, such as maximum tyre age limits and minimum tread depths. Imported auctioned tyres, donated and gifted tyres, common in the Pacific Island can have restrictions in place. Prohibitions on importation of second tyres will limit imports to brand new tyres only which have a longer life span and will contribute to the safety of use and contribute favourably to the relevant environmental objectives.

Among the primary challenges of implementing such importation standards is the associated cost of enforcement. Many Pacific Island countries have limited resources to carry out thorough inspections and monitor imports effectively. This would also pose a challenge for dealing with the non-compliant tyres and its disposal. While this regulation would encourage better safety standards, it may increase the cost of tyres for consumers, particularly in small economies where affordability is an issue.

The benefits of importation standards are significant. They would enhance road safety by ensuring that only tyres of appropriate quality are sold, reducing the risks of accidents caused by substandard tyres. Limiting the importation of non-recyclable tyres could contribute to environmental preservation by reducing waste. The key to successful implementation would be clear, enforceable standards and rigorous monitoring at points of entry. For example, "Tyres older than five years or with less than 1.6mm tread depth shall not be imported into the country."

2.2 Importation Bans on Used Tyres

An importation ban on used tyres could significantly reduce the environmental burden associated with waste tyres. A **Used Tyre Prohibition Act** could be introduced to prohibit the importation of used tyres, particularly those that do not meet established recycling or reuse standards. Secondary legislation could define the specific criteria for imposing such a ban, including a complete ban on tyres that are beyond their useful life or non-recyclable.

Resistance from importers and consumers who rely on the affordability of used tyres may be experienced. In some cases, used tyres are the only affordable option for people in lower-income groups, and a ban could lead to higher costs for consumers. Enforcement may also be challenging for small economies, where monitoring and controlling imports is complex.

The benefits of a used tyre importation ban are clear. Such a ban would limit the entry of tyres that cannot be recycled, thereby reducing the amount of waste generated. It would also ensure that only

tyres that meet high safety and environmental standards are imported. The introduction of a phased ban could ease the transition for businesses and consumers, allowing time for the market to adjust. A possible legislative provision might state: "The importation of used tyres is prohibited unless they meet environmental recycling standards established by the national regulatory body."

2.3 Levies as a Driver for Behaviour Change

Introducing levies on tyres—particularly on used tyres—can create financial incentives for businesses and consumers to adopt more sustainable practices. A **Waste Management Levy Act** could establish a system where higher fees are applied to used tyres that do not meet recycling standards, and lower fees are applied to new tyres or those that are environmentally friendly. This would incentivize the purchase of new, recyclable tyres, thus promoting sustainability.

Levies are typically opposed by businesses and consumers due to the potential increase in tyre prices. For economies with limited disposable income, even modest price increases could have negative economic consequences. Additionally, the logistical and administrative costs of implementing and monitoring the levy would require government investment, which may strain the resources of Pacific Island countries.

The potential benefits of levies are considerable. They would encourage consumers and businesses to make more sustainable choices, and the revenue generated could be used to support recycling initiatives and waste management systems. The key to making levies effective lies in ensuring they are set at levels that are high enough to create incentives, yet not so high as to cause undue financial hardship. A suitable legislative provision might state: "A levy of $X will be imposed on used tyres at the point of importation. Tyres that meet established environmental standards will be subject to a reduced levy of $Y."

2.4 Product Stewardship Programs (Deposit and Refund Systems)

Product stewardship programs, particularly through deposit-refund systems, offer a new approach to managing ELTs. Under such a system, consumers pay a deposit on new tyres, which is refunded when the tyres are returned for recycling or proper disposal. Legislation like a Tyre Product Stewardship Act could be introduced to require tyre manufacturers, retailers, and consumers to participate in a recycling system, ensuring that tyres are reused or recycled at the end of their life.

Introducing deposit-refund programs will see initial set up costs for any necessary infrastructure, including collection points, transportation systems, and recycling facilities.

Public outreach and education efforts to ensure an understanding and compliance with the system would be required. In addition, in smaller economies, the logistical challenges of establishing widespread collection infrastructure could be daunting.

The benefits of deposit-refund programs are significant. They provide a clear incentive for consumers to return tyres for recycling, helping to reduce waste and promote the circular economy. These programs ensure that the costs of tyre disposal are borne by the consumer and producer, rather than the government or public. Legislation should clearly outline the roles and responsibilities of all stakeholders, as well as the logistics of tyre collection and refund processing. An example provision might read: "A deposit of $X will be charged on each new tyre purchased. The deposit will be refunded when the tyre is returned to an authorized collection point for recycling or disposal".

2.5 Fines, Penalties, and Management Fees

To ensure compliance with tyre waste management regulations, the imposition of fines, penalties, and management fees for non-compliance is necessary. Secondary regulations would be most appropriate to define the fine structures based on the severity of the violation, with escalating penalties for repeat offenders.

Enforcement is one of the main challenges with this approach. Many Pacific Island countries face difficulties in monitoring compliance, particularly in remote areas or small markets where businesses may not have the resources to comply with complex regulations. Small businesses might be disproportionately affected by fines and penalties, especially if they lack the financial capacity to manage compliance.

The imposition of fines and penalties is an important deterrent, ensuring that businesses and individuals comply with waste management standards. The complexity of enforcement can be mitigated by tiered penalty structures and the development of clear, practical guidelines for compliance. A possible legislative provision might state: "A fine of $X will be imposed for the illegal disposal of tyres. Repeat violations may result in fines of $Y, with penalties escalating for repeated non-compliance."

The legislative reforms proposed for managing End-of-Life Tyres (ELTs) in Pacific Island countries—importation standards, importation bans, levies, product stewardship programs, and fines/penalties—each offer unique benefits and challenges. Effective implementation of these measures would require a careful balance between environmental goals, economic considerations, and the logistical complexities inherent in small island nations. While the barriers to implementation are significant, particularly regarding enforcement and cost, the long-term environmental and economic benefits of these measures are undeniable. Well-structured and clear legislation, supported by adequate resources for enforcement, will be crucial to achieving sustainable tyre waste management in the Pacific.

3 Technical drafting note for legislation drafting: End-of-life Tyres Management in the Pacific

An outline of the provisions for each of the proposed provisions in relation to managing End-of-Life Tyres (ELTs) in Pacific Island countries:

3.1 Used Tyre Prohibition Act

Objective: To prohibit the importation and sale of used tyres that do not meet established recycling and environmental standards in order to reduce the environmental impact of tyre waste.

Provisions:

- **Section 1: Short Title**
  - This Act may be cited as the "Used Tyre Prohibition Act."
- **Section 2: Definitions**
  - Defines key terms such as "used tyre," "recycling standard," and "importation."
- **Section 3: Importation Restrictions**
  - Prohibits the importation of tyres that are older than five years or that do not meet minimum tread depths (e.g., 1.6mm) and other specified safety standards.
  - Importation of used tyres for resale is prohibited unless they meet certain recycling or environmental criteria established by the relevant regulatory authority.
- **Section 4: Exceptions**
  - Lists permissible exceptions, such as tyres that meet specific recycling certifications or are intended for reuse after meeting environmental standards.
- **Section 5: Enforcement and Penalties**
  - Provides penalties for those found importing or selling non-compliant tyres. Penalties may include fines or the destruction of non-compliant tyres.
- **Section 6: Transitional Provisions**
  - Offers a phased approach to phase out used tyres from the market, providing time for businesses to adapt.

Country	Relevant Law(s) Affected	Key Considerations
Cook Islands	Public Health Act (2004) Solid and Hazardous Waste Bill (2024) Customs Revenue and Border Protection Act (2012)	clude the prohibition of the importation of tyres that are older than five years or that do not meet minimum tread depths and other specified safety standards in the importation provisions.
Fiji	Environment Management Act (2005), Customs (Prohibited Imports and Exports) Regulations (1986)	Fiji already restricts used tyre imports. The new law would strengthen these restrictions by setting clear recycling and environmental standards.
Kiribati	Environment Act (1999), Public Health Ordinance (1926)	The new law would reduce the import of low-quality tyres that contribute to pollution and waste issues.
Marshall Islands	National Environmental Protection Act (1984)	Restricting used tyre imports would prevent environmental degradation and support waste reduction initiatives.
Micronesia (Federated States of)	Environmental Protection Act (1984) Title 18, Chapter 15 Yap State Code	The law would help limit waste tyre imports, ensuring compliance with sustainability goals. Requires permits for any activity that could result in pollution – potentially tyre storage, importation and

Country	Relevant Law(s) Affected	Key Considerations
	Title 27, Chapter 1, Phonpei State Code Title 11, Chapter 13 Kosrae State Code	disposal. Provides for EIAs for imports that may significantly affect the environment.
Nauru	Solid Waste Management Act (2010)	The law would ensure only high-quality, recyclable tyres are imported, reducing environmental hazards.
Niue	Environment Act (2003)	Preventing the import of non-recyclable used tyres would promote better waste management practices.
Palau	Solid Waste Management Regulations	A ban on non-compliant used tyres would reduce waste accumulation and support Palau's waste management goals.
Papua New Guinea	Environment Act (2000), Customs Act (1951)	The law would impose stricter environmental controls on tyre imports to prevent excessive waste and pollution.
Samoa	Waste Management Act (2010), Waste Management (Importation of waste for electricity generation) Regulations 2015	Samoa already has import restrictions in the regulations under the Waste Management Act. The new law would further ensure imported tyres meet environmental and recycling standards.
Solomon Islands	Environment Act (1998), Litter (Control) Act (1993)	Restricting non-compliant used tyres would help prevent illegal disposal and improve environmental sustainability.
Timor-Leste	Environmental Framework Law (2012)	The law would help control tyre waste by ensuring only environmentally friendly tyres are sold and imported.
Tonga	Waste Management Act (2016)	The law would align with Tonga's waste reduction goals by preventing the import of low-quality used tyres.
Tuvalu	Waste Operations and Services Act (2009)	A ban on used tyres that do not meet recycling standards would reduce long-term waste accumulation.
Vanuatu	Waste Management Act (2014), Littering Prohibition Act (2016)	A ban on used tyres that do not meet recycling standards would help manage tyre waste and illegal dumping.

3.2 Tyre Waste Management Levy Act

Objective: To introduce a levy on tyres to incentivize sustainable practices, fund recycling programs, and create an economic incentive for the reduction of tyre waste.

Provisions:

- **Section 1: Short Title**
  - This Act may be cited as the "Tyre Waste Management Levy Act."
- **Section 2: Definitions**
  - Definitions of key terms such as "tyre," "levy," "recyclable tyres," and "waste management."
- **Section 3: Imposition of Levy**
  - A levy is imposed on all tyres imported into the country, with differentiated rates for used and new tyres. The levy for used tyres is set higher to disincentivise their importation.
  - Fees payable for management of regulated tyres, loose imported tyres, tyres attached to imported aircraft, tyres attached to motor vehicles, tyres manufactured and sold
  - Payment of fees for loose tyres and tyres attached to off-road motor vehicles or aircrafts
- **Section 4: Use of Levy Funds**
  - Funds collected through the levy are allocated for:
  - The development and maintenance of tyre recycling facilities.
  - Awareness campaigns and educational programs about sustainable tyre management.
  - Incentives for businesses to adopt cleaner, more sustainable tyre practices.
- **Section 5: Refund for Compliance**
  - A provision for refunds or reductions in levies if tyres meet established recycling standards or are returned to approved recycling centres.
- **Section 6: Exemptions**
  - Details specific exemptions, such as tyres imported for use in emergency services or by entities with approved recycling programs.
- **Section 7: Penalties for Non-Payment**
  - Sets out penalties for failure to pay the levy, including fines and potential seizure of imported tyres.

Country	Relevant Law(s) Affected	Key Considerations
Cook Islands	Public Health Act (2004) Solid and Hazardous Waste Bill 2025	A tyre levy could fund programs to manage waste tyres and prevent illegal disposal.
Fiji	Environment Management Act (2005), Customs (Prohibited Imports and Exports) Regulations (1986)	A levy would complement existing import restrictions by generating revenue for tyre recycling and disposal initiatives.
Kiribati	Environment Act (1999), Public Health Ordinance (1926)	A levy would support environmental protection by reducing tyre-related pollution and funding recycling efforts.
Marshall Islands	National Environmental Protection Act (1984)	A levy would create financial incentives to reduce tyre waste and support environmental sustainability.
Micronesia (Federated States of)	Environmental Protection Act (1984) Title 9, Chapter 22 and Title 10, Kosrae State Code	A tyre levy would provide structured funding for sustainable waste management and discourage improper disposal.

Country	Relevant Law(s) Affected	Key Considerations
	Title 27, Chapter 3 Pohnpei Code	
Nauru	Solid Waste Management Act (2010)	A levy could help address tyre waste by ensuring sustainable funding for proper disposal and recycling.
Niue	Environment Act (2003)	A levy would promote responsible waste management and help fund recycling programs.
Palau	Solid Waste Management Regulations	A tyre levy would support Palau's waste management system, helping to address challenges related to tyre disposal.
Papua New Guinea	Environment Act (2000), Public Health Act (1973)	A levy on tyres would provide financial support for recycling initiatives and discourage excessive tyre waste.
Samoa	Waste Management Act (2010), Import Restrictions on End-of-Life Tyres	A levy would provide funding for sustainable disposal and recycling, enhancing the effectiveness of existing import controls.
Solomon Islands	Environment Act (1998), Litter (Control) Act (1993)	A tyre levy would generate funds for waste management programs and encourage sustainable practices.
Timor-Leste	Environmental Framework Law (2012)	A tyre levy would establish economic incentives for reducing waste and promoting sustainability in the tyre industry.
Tonga	Waste Management Act (2016), Plastic Levy Regulation (2013)	Tonga already has a plastic levy, which sets a precedent for applying a similar scheme to tyres to reduce waste.
Tuvalu	Waste Operations and Services Act (2009)	A tyre levy would create an economic mechanism to fund waste management services and promote sustainability.
Vanuatu	Waste Management Act (2014), Littering Prohibition Act (2016)	A tyre levy would create economic incentives for businesses and individuals to engage in sustainable disposal practices.

3.3 Tyre Product Stewardship Act

Objective: To establish a product stewardship program for tyres, including a deposit and refund system to encourage recycling and proper disposal of tyres at the end of their life.

Provisions:

- **Section 1: Short Title**
  - This Act may be cited as the "Tyre Product Stewardship Act."
- **Section 2: Definitions**
  - Defines terms such as "product stewardship," "deposit," "refund," "approved recycling centre," and "manufacturer."
- **Section 3: Deposit and Refund System**
  - Introduces a system where a deposit is paid at the point of sale for every new tyre purchased. The deposit is refunded when the tyre is returned to an authorised recycling facility.
  - Accredited scheme for management of regulated tyres
  - Regulated tyres must be sold in accordance with accredited scheme
  - Purposes to which fees transferred to scheme must be applied
  - Take-back service provided under accredited scheme
- **Section 4: Responsibilities of Manufacturers and Retailers**
  - Outlines the obligations of tyre manufacturers and retailers to set up collection and return points for used tyres and to ensure proper recycling.
- **Section 5: Registration of Recycling Facilities**
  - Requires recycling facilities to be registered and certified by the government or relevant regulatory authority.
- **Section 6: Monitoring and Compliance**
  - Establishes mechanisms for monitoring compliance, including audits and inspections of businesses involved in the tyre stewardship program.
- **Section 7: Penalties for Non-Compliance**
  - Specifies penalties for non-compliance, including fines for businesses that fail to implement the deposit-refund system or fail to properly manage tyres.

Country	Relevant Law(s) Affected	Key Considerations
Cook Islands	Public Health Act (2004) Solid and Hazardous Waste Bill	The act addresses pollution but does not regulate tyre recycling. A new law would introduce a system to incentivise proper disposal.
Fiji	Environment Management Act (2005), Customs (Prohibited Imports and Exports) Regulations (1986)	A deposit-refund system would complement existing import restrictions on used tyres and enhance sustainable disposal.
Kiribati	Environment Act (1999), Public Health Ordinance (1926)	A new law would create financial incentives for individuals and businesses to return used tyres for proper recycling.
Marshall Islands	National Environmental Protection Act (1984)	The new law would introduce a financial mechanism to encourage tyre recycling and proper waste handling.
Micronesia (Federated States of)	Environmental Protection Act (1984) Ttile 9, Chapter 22 Kosrae State Code	A product stewardship program would further extend the deposit-refund system for beverage containers and create a structured recycling system, reducing illegal dumping of tyres.

Country	Relevant Law(s) Affected	Key Considerations
Nauru	Solid Waste Management Act (2010)	A deposit-refund system would help address waste management challenges by ensuring proper disposal of used tyres.
Niue	Environment Act (2003)	The new law would integrate financial incentives for returning used tyres, improving sustainability efforts.
Palau	Solid Waste Management Regulations	Palau faces tyre waste challenges due to lack of reuse options. A stewardship program would provide financial incentives for proper disposal.
Papua New Guinea	Environment Act (2000), Public Health Act (1973)	The new law would establish a structured financial mechanism for recycling, reducing environmental hazards from tyre waste.
Samoa	Waste Management Act (2010), Import Restrictions on End-of-Life Tyres	A stewardship program would complement import restrictions by ensuring proper recycling and disposal of tyres.
Solomon Islands	Environment Act (1998), Litter (Control) Act (1993)	A deposit-refund system would encourage proper disposal and provide funding for tyre recycling programs.
Timor-Leste	Environmental Framework Law (2012)	A deposit-refund system would promote responsible tyre disposal and support environmental sustainability.
Tonga	Waste Management Act (2016), Plastic Levy Regulation (2013)	Tonga already has a levy on plastic imports. A similar system for tyres would create revenue for recycling programs.
Tuvalu	Waste Operations and Services Act (2009)	A stewardship program would complement existing waste management laws by providing a clear financial structure for tyre recycling.
Vanuatu	Waste Management Act (2014), Littering Prohibition Act (2016)	The new law would introduce financial incentives for recycling, reducing tyre waste accumulation.

3.4 Tyre Waste Management Act

Objective: To establish clear rules for managing tyre waste and to impose penalties on improper disposal practices to reduce illegal dumping and encourage proper recycling.

Provisions:

- **Section 1: Short Title**
  - This Act may be cited as the "Tyre Waste Management Act."
- **Section 2: Definitions**
  - Defines terms such as "tyre waste," "recycling," "illegal disposal," and "recycling facility."
- **Section 3: Waste Disposal Standards**
  - Mandates that tyres must be disposed of at licensed and regulated waste management facilities that meet environmental standards.
- **Section 4: Prohibition of Illegal Disposal**
  - Bans the illegal dumping or improper disposal of tyres, including burning or burying tyres.
- **Section 5: Responsibilities of Businesses**
  - Outlines the responsibilities of businesses, tyre retailers, and importers to ensure that tyres are collected and recycled in accordance with the Act.
- **Section 6: Fines and Penalties**
  - Sets out fines for individuals or businesses found illegally dumping tyres, with escalating penalties for repeat offenders.
- **Section 7: Public Awareness and Education**
  - Establishes a program for public education about the dangers of improper tyre disposal and the benefits of recycling.
- **Section 8: Enforcement and Monitoring**
  - Creates a framework for monitoring and enforcement of tyre disposal and recycling standards, including penalties for non-compliance.

Country	Relevant Law(s) Affected	Key Considerations
Cook Islands	Public Health Act (2004) Litter Act Solid and Hazardous Waste Bill 2025	The act prohibits tyre burning but lacks clear disposal rules. A new law would establish structured tyre waste management and penalties for illegal dumping.
Fiji	Environment Management Act (2005), Litter Act (2008)	Existing environmental laws regulate waste, but a new law would introduce specific provisions for tyre disposal and recycling incentives.
Kiribati	Environment Act (1999), Public Health Ordinance (1926)	The country struggles with waste management, and a new law would establish a structured system for tyre waste recycling and fines for dumping.
Marshall Islands	National Environmental Protection Act (1984)	The environmental law covers pollution control but lacks specific penalties for tyre waste mismanagement. A new law would address this gap.
Micronesia (Federated States of)	Environmental Protection Act (1984) Title 22, Chapter 1, Chapter 3 Chuuk State Code Title 11, Chapter 23, Kosrae State Code Title 27, Chapter 1, Pohnpei State Code	Current waste management laws do not explicitly regulate tyre disposal however the state laws establishes authorities to prescribe clear rules and fines for illegal dumping.

Country	Relevant Law(s) Affected	Key Considerations
	Yap, Title 18 Chapter 15	
Nauru	Solid Waste Management Act (2010)	Current waste management laws do not address tyres specifically. A new law would ensure proper disposal and recycling frameworks.
Niue	Environment Act (2003)	The act regulates waste management, but a new law would provide explicit penalties for improper tyre disposal and encourage recycling.
Palau	Solid Waste Management Regulations	Tyre waste is a significant issue with no structured disposal system. A new law would introduce clear penalties for illegal dumping and promote recycling.
Papua New Guinea	Environment Act (2000), Public Health Act (1973)	Current laws regulate pollution but do not adequately address tyre waste. A new law would impose fines for illegal dumping and promote sustainable disposal.
Samoa	Waste Management Act (2010), Import Restrictions on End-of-Life Tyres	While import restrictions help limit used tyres, a new law would provide comprehensive disposal rules and penalties for improper disposal.
Solomon Islands	Environment Act (1998), Litter (Control) Act (1993)	The existing framework lacks specific rules for tyre disposal. A new law would create clear guidelines and penalties for waste management.
Timor-Leste	Environmental Framework Law (2012)	Establishes environmental protection principles, but lacks specific tyre waste rules. A new law would introduce recycling programs and penalties for violations.
Tonga	Waste Management Act (2016)	The current framework does not specifically address tyre waste. A new law would introduce penalties and establish recycling initiatives.
Tuvalu	Waste Operations and Services Act (2009)	The act provides general waste management guidelines. A new law would add tyre-specific disposal rules and penalties for non-compliance.
Vanuatu	Waste Management Act (2014), Littering Prohibition Act (2016)	A new law would strengthen existing waste regulations by adding specific penalties for tyre dumping and encouraging recycling.

3.5 Tyre Importation Standards Act

Objective: To set standards for the quality, age, and safety of tyres imported into Pacific Island countries to ensure that only tyres suitable for safe use and environmental sustainability enter the market.

Provisions:

- **Section 1: Short Title**
  - This Act may be cited as the "Tyre Importation Standards Act."
- **Section 2: Definitions**
  - Provides definitions for key terms such as "tyre quality," "age of tyre," "importer," and "minimum tread depth."
- **Section 3: Standards for Imported Tyres**
  - Outlines quality control standards, including:
  - Maximum age of tyres (e.g., no tyres over five years old).
  - Minimum tread depth (e.g., no tyres with less than 1.6mm tread depth).
  - Certification or verification of tyre condition prior to importation.
- **Section 4: Importer Requirements**
  - Requires tyre importers to submit documentation certifying that imported tyres meet the established standards.

- **Section 5: Inspection and Certification**
    - Sets out provisions for the inspection and certification of imported tyres by a designated authority.
- **Section 6: Importation Restrictions**
    - Details the restrictions on importing tyres that do not meet established standards, including a ban on the importation of tyres that are worn, damaged, or otherwise unsuitable for resale or reuse.
- **Section 7: Enforcement and Penalties**
    - Specifies penalties for non-compliance, including fines, seizure of non-compliant tyres, or suspension of the importation license.

Country	Relevant Law(s) Affected	Key Considerations
Cook Islands	Public Health Act (2004) Solid and Hazardous waste	Prohibits tyre burning due to health concerns. Importation standards would support waste management efforts.
Fiji	Environment Management Act (2005), Customs (Prohibited Imports and Exports) Regulations (1986)	Regulates pollution and hazardous waste; prohibits the import of used tyres under certain conditions. Importation standards would align with existing restrictions.
Kiribati	Environment Act (1999)	Addresses waste management; amendments would be needed for tyre-specific regulations.
Marshall Islands	National Environmental Protection Act (1984)	Focuses on environmental protection. Tyre importation standards would be integrated into existing policies.
Micronesia (Federated States of)	Environmental Protection Act (1984) Title 18, Chapter 15, section 1507(f) – (g),Yap Code Title 22, Chapter 1, section 1005(1)(f), Chuuk Code Title 11, Cjapter 13, section 13.103, Kosrae State Code Title 27, Chapter 1, section 1-4(1) and (2), Pohnpei State Code	Each state possesses environmental protection legislation that empowers their respective Environmental Protection Agencies (EPAs) to regulate activities that may impact environmental quality. These provisions could potentially be interpreted or expanded to include quality control measures for imported tyres.
Nauru	Solid Waste Management Act (2010)	Regulates waste disposal. Importation standards would require legislative adjustments.
Niue	Environment Act (2003)	Regulates environmental management. New tyre standards would be included in future amendments.
Palau	Solid Waste Management Regulations	Lack of tyre disposal infrastructure; proposed framework to regulate imports and set durability standards.
Papua New Guinea	Environment Act (2000)	Regulates environmental contaminants and waste. Importation standards would align with pollution control measures.
Samoa	Import Restrictions	The only Pacific Island country with specific restrictions on end-of-life tyres (ELTs). New standards would reinforce existing controls.
Solomon Islands	Environment Act (1998)	Focuses on environmental protection and waste management. Tyre importation rules would be integrated into this act.
Timor-Leste	Environmental Framework Law (2012)	Establishes sustainable development principles. Import standards for tyres would require regulatory development.
Tonga	Plastic Levy Regulation (2013)	Establishes levies on imported plastic waste. A similar model could apply to tyres for better waste management.

Country	Relevant Law(s) Affected	Key Considerations
Tuvalu	Waste Operations and Services Act (2009)	Provides guidelines for waste services; tyre regulations would need to be incorporated.
Vanuatu	Waste Management Act (2014)	Provides a framework for waste management. New standards would require amendments for tyres.


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