



# Stocktake of Existing and Pipeline **Waste Legislation:** **FEDERATED STATES OF MICRONESIA**



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# About this Report

## Introduction and Acknowledgements

1. This report was prepared by the University of Melbourne (UoM) consultancy team as part of the PacWastePlus Waste Legislative Review project. The UoM team reviewed laws on waste management in 14 Pacific region countries and Timor-Leste (the 'participating countries'). This research was commissioned by the Secretariat of the Pacific Regional Environment Programme (SPREP), with funding support from the European Union's Delegation to the Pacific.
2. The team acknowledges, with gratitude, the research assistance provided by Ms Rebekkah Markey-Towler and the extensive background legislative reviews undertaken by the MLS Academic Research Service under the stewardship of Ms Robin Gardner and with the assistance of Daniel Carlos Bennett-Spark, Ken Zhunwye Kiat and Luis Bogliolo.
3. The UoM team also gratefully acknowledges project assistance provided by Ms Astari Kusumwardini, as well as the assistance, guidance and contributions provided by the SPREP PacWastePlus team and in-country stakeholders in the participating countries, who generously shared their time and insights with the UoM team.

## Methodology

4. The methodology used by the UoM team to prepare this report was primarily based on desktop research using publicly available online resources about waste management laws in the participating countries.
5. Particular databases drawn for the research included those maintained by PacLII, EcoLEX, SPREP, InforMEA and FAOLEX, as well as the websites of government departments and other agencies administering waste and other environmental laws in the participating countries.
6. Available online sources do not always contain the most up-to-date legislation or may be incomplete. Where possible, the UoM team drew on contacts with parliamentary libraries in the participating countries to source more recent legislation. However, it is not possible to say with certainty that all relevant legislation, or the most current versions, were identified in the desktop review.
7. For identifying proposed legislation, the UoM team relied on an online survey sent out to 110 in-country contacts in the participating countries (with a 21% response rate to date), as well as interviews with in-country contacts (in Vanuatu, the Solomon Islands, Federated States of Micronesia and Samoa only at the time of preparing this report). Further in-country trips and interviews are planned across the remainder of the project period.

## Outline of Report

8. This report contains the UoM team's findings relating to:
  - A **stocktake of the existing legislative environment for waste management** in the participating countries, focusing on the PacWastePlus priority waste streams of healthcare waste, asbestos, e-waste, plastic waste, recyclables, organics, disaster waste, bulky waste and wastewater, and including implementing legislation for the following multilateral environmental agreements (MEAs): Waigani, Basel, Stockholm, Rotterdam, and Minamata.
  - A **stocktake of pipeline legislative initiatives** in the participating countries, including an assessment of their impact and approximate timeframe for development.
9. For the pipeline stocktake, the UoM team noted that additional information on pipeline legislative initiatives is likely to be gathered during later in-country visits and ongoing data collection through the survey and interviews with in-country stakeholders. The information in this report on pipeline initiatives is therefore preliminary, and any updated information will be incorporated in later deliverables for the project.

10. The following sections of the report contain the stocktakes for each participating country. Reviews for each participating country include;
  - A brief overview of the legal system and relevant sources of law;
  - A legislative summary providing details of laws, regulations, policies and government responsibilities relevant to waste management and governance; and
  - A summary of available information on pipeline legislative initiatives.
11. The final section of the report provides details of participating countries' membership and implementation of relevant multilateral environmental agreements (MEAs), focusing on the Waigani, Stockholm, Basel, Rotterdam and Minamata Conventions.

# Legislative Summary

## Overview of the legal system

1. The Federated States of Micronesia (FSM) is an independent sovereign state in a Compact of Free Association with the United States of America (USA). It comprises 607 islands, 65 of which are inhabited, making up the four states of Pohnpei, Kosrae, Chuuk, and Yap in the east of the Caroline Islands group. The population of FSM is approximately 104,000 (2019 UN estimate).
2. The Caroline Islands were formerly known as the New Philippines when they were colonised by Spain as part of the Spanish East Indies. Following Spain's defeat in the Spanish–American War, Spain sold the archipelago to Germany under the German–Spanish Treaty of 1899, and Germany incorporated the island group into German New Guinea.
3. During World War I, the islands were captured by Japan. Following the war, the League of Nations awarded a mandate for Japan to administer the islands as part of the South Pacific Mandate. In 1947, they became part of the Trust Territory of the Pacific Islands under the administration of the USA.
4. The eastern four island groups became the Federated States of Micronesia in 1979, adopting a constitution. In 1986, FSM achieved independence under a Compact of Free Association with the USA, which was renewed in 2004. Under this Compact, the USA is responsible for defence and also provides financial aid for economic development. In 1990, FSM's independence as a matter of international law was confirmed when the United Nations ended the country's Trusteeship status pursuant to Security Council Resolution 683.
5. The President is the Head of State and Head of Government and the Cabinet includes the vice president and the heads of the executive departments. The legislative branch (Congress) is unicameral and comprises 14 senators. The court system comprises the National Supreme Court and four State courts.
6. FSM has a mixed legal system of common law and customary law. Sources of law are the Constitution (as the supreme law), legislation passed by the Congress and received law from the former Trust Territory, customary law and the common law applied in the USA and elsewhere. Each State also has its own constitution and State laws and regulations.

## Legislation impacting waste governance

7. FSM has national overarching legislation, policies, and strategic development plans that provide the framework for solid waste management for the country. However, in practice State laws and regulations play a key role in regulating waste management.
8. Many national regulations, as well as State laws and regulations relevant for waste management and governance in FSM, are not available online and can only be accessed from governing agencies and departments. The UoM team has received details of some additional legislation from in-country contacts and is working to verify whether online or hard copies are available. Details of any additional legislation for FSM will be provided in subsequent reports.
9. There is a National Solid Waste Management Strategy for FSM that covers the period 2015-2020 but this is not publicly accessible. Other reports referring to the Strategy suggest that one of its key objectives is to develop and implement policies, plans, legislations, regulations and institutional arrangements that encourage sustainable solid waste management. This is similar to the previous national Solid Waste Management Strategy 2010-2014. Each State also has a detailed Solid Waste Management Strategy (out to 2027/2028 for Chuuk, Yap and Kosrae) including action plan items.
10. The following tables provide a stocktake of the existing legislative environment for waste management in the FSM, located in the UoM desktop review. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments, where available.
  - Table 1 details the legislation impacting waste governance in the FSM found through the UoM's stocktake research.
  - Table 2 lists the key policy instruments and reports.
  - Table 3 notes the relevant departments with responsibilities for waste management.

**Table 1: Legislation impacting waste governance in the FSM**

Legislation	Regulations
<b>NATIONAL</b>	
<p><b>Constitution of the Federated States of Micronesia (as at 1990, last amendment)</b>                      s 2 of Art XIII states that radioactive, toxic chemical, or other harmful substances may not be tested, stored, used, or disposed of within FSM without government approval.</p>	None identified
<p><b>Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014)</b>                      Chapter 2 establishes the Environmental Protection Office. s209 outlines the general powers and duties of the Office, including to abate, control, and prohibit pollution and contamination of air, land and water; and to comply with measures undertaken to prohibit or regulate the testing, storage, use, disposal, import and export of radioactive, toxic chemical, or other harmful substances. s210(1) outlines the specific powers and duties of the Office, including to implement the Basel, Montreal, Stockholm and Waigani Conventions.</p> <p>Chapter 3 sets out enforcement provisions. s302 requires persons taking actions that may significantly affect the quality of the environment to submit an environmental impact statement. s302 gives the Director and his/her delegates rights of entry and seizure. s304 allows the Office to take enforcement action in response to violations, including (1) cease and desist orders; (2) clean up orders; (3) maximum \$100,000 per day civil penalties; (4), (5) civil actions in Court; and (6) public hearings. s307 makes false statements to the Office liable to a maximum \$100,000 fine or maximum imprisonment of ten years, or both.</p>	<p><u>Environmental Impact Assessment Regulations (commenced 1989)</u>                      Outlines the Environmental Impact Assessment (EIA) process, including content and responsibilities. Appendix A lists examples of projects normally having a significant impact on the environment, including (6) breaching standards relating to solid waste or litter control; and (7)-(10) affecting water quality and supply.</p>
<p><b>Federated States of Micronesia Climate Change Act (Public Law 18-34 (2014-15), amends Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014) to create Chapter 8</b>                      Requires various departments and agencies to prepare plans and policies on climate change consistent with the provisions of the Nationwide Integrated Disaster and Climate Change Policy.</p>	None identified.
<p><b>Act for the Prohibition on the Importation, Sale or Distribution of One Time Use Disposable Styrofoam and Plastic Food Service Items and Plastic Shopping Bags (Public Law 21-76, effective 7 February 2020) amends Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014) to create Chapter 4</b>                      s401 makes it unlawful to import, sell or distribute single use disposable Styrofoam or plastic food service items. s402 has an exception for reusable or recycled. s403 allows an immigration or customs officer to seize and destroy such items.</p>	None identified.

**CHUUK STATE**

**Constitution of the State of Chuuk**

s 1 of art XI states the legislature shall provide by law for the development and enforcement of standards of environmental quality, and for the establishment of an independent state agency vested with responsibility for environmental matters.

None identified.

**Chuuk State Clean Environment Act of 2018**

s7 provides for the phasing out of single-use plastic shopping bags and expanded polystyrene (Styrofoam).

s7(1): It is prohibited for any person or business to import, possess, sell or distribute single-use plastic shopping bags after December 31, 2020.

s7(2): It is prohibited for any person or business to import, possess, sell or distribute expanded polystyrene (Styrofoam) after December 31, 2021.

‘Single-use plastic bag’ is defined in s 3: ‘a bag made of plastic including but not limited to bags made of an and all grades of polyethylene, polyethylene terephthalate, polyvinyl chloride, nylon with a thickness of less than 1.5 millimetres provided at the checkout stand, cash registered, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the establishment.

s7(3) provides that ‘Enforcing persons from the Chuuk State Environmental Protection Agency and the Division of Sanitation of the Department of Health Services shall have the right to enter any establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this Section. Upon finding a violation of this Section an enforcing person shall issue a written citation for the violation with a penalty of First Offense: \$500.00 fine and confiscation of the subject stocks. Second Offense: \$1,000.00 and confiscation of the subject stocks. Third and subsequent Offense: \$5,000 fine and confiscation of the subject stocks.

None identified.

**Chuuk State Environmental Protection Act (CSL 2-94-01, Act 2-17) (commenced 1994) [note in-country contact referred to this as Code Title 22, Chapter 1]  
Amended by CSL 2-94-09, Act 2-33**

s4 establishes the Chuuk State EPA.

s5 outlines the powers and duties of the Agency, including to control and prohibit pollution through various means. s 5(3) gives the Agency powers of subpoena and quasi-judicial powers of contempt, issuance of orders, and enforcement of the provisions of the Act.

None identified.



<p>s6 requires a person to submit an environmental impact statement (EIS) to the EPA prior to taking any major action which may substantially affect the quality of the environment.</p> <p>s7 gives the EPA right of entry.</p> <p>s8 allows the EPA to undertake enforcement action, including (1) up to \$100,000 civil penalty per day of violation; (2) and (3) civil action in Court; and (4) criminal action, in addition to civil action, with a maximum ten years' imprisonment or \$500,000 fine or both.</p>	
<p><b>Littering Act 1991, CSL 191-33, Act 1-48 (An Act to Provide for the Control of Littering in Chuuk, to Establish a Process for the Designation of Appropriate Sanitary Public Dump Sites and Maintenance of Such Sites, to Set Forth Penalties for Violations of this Act, to Repeal TDL No. 23-12, and for Other Purposes)</b> [note in-country contact referred to Title 22, Chapter 3 (Littering)]</p> <p>s 1 makes it unlawful for any person, establishment, corporation, or firm to throw, discard, scatter or abandon any waste materials, garbage or other debris in any form or substance upon any public road, street, easement, land or body of water other than a public dumping ground.</p> <p>s 3 requires businesses to have a sufficient number of garbage receptacles. To securely contain all garbage resulting from the operation of the business.</p> <p>s 4 requires the EPA to designate a sanitary dump site after an Environment Impact Statement, to be maintained by the Department of Public Works.</p> <p>s 5 relates to penalties and enforcement. Under s 5(1), violation of s 1 of the Act is liable to a maximum \$50 fine, rising to \$500 at the third or subsequent offence. under s 5(2) a violation of s 3 of the Act is liable to a maximum \$500 fine. s 5(3) allows the Division of Public Safety to use any enforcement methods it sees fit.</p> <p>s 6 allows the Court to apply alternative sentencing such as clean-up programs.</p>	<p>None identified.</p>
<p><b>Environmental Improvement Tax and Truk Environmental Action Agency 1979 (Truk State Law 1-1-7, Act 1-33) (commenced 1979)</b> [note in-country contact referred to Code Title 29, Chapter 5 (Environmental Improvement Tax); also referred to 'Recycling Law (<i>aluminium cans</i>) -never signed'] <b>Amended by CSL 191-23 Act 1-20 and CSL 8-05-05 Act 8-06</b></p> <p>Section 1 imposes a \$0.05 tax per metal can. Section 4 requires the Chuuk Visitors Bureau operate a refund and processing program for the return of such cans at \$0.02 per can.</p> <p>Section 6 provides taxes not paid are subject to a penalty of 20% per month on unpaid taxes.</p>	<p>None identified.</p>

<p><b>Code Title 12: Crimes and Punishment, Ch 10: Miscellaneous Offenses (as at 2001)</b></p> <p>s5054(1) provides that any person permitting a junk vehicle to remain on public property thirty days after a junk vehicle warning shall be guilty of littering.</p> <p>s5054 (7) provides that any person who violates any provision of s5054 is guilty of a misdemeanour and, upon conviction, will be fined not more than \$25.00.</p>	None identified.
<p><b>Code Title 21: Health &amp; Sanitation, Ch 13: Sanitation (as at 2001)</b></p> <p>s1601 requires latrines or toilets to conform to public health regulation standards and prohibits depositing faeces within 500 yards of a dwelling.</p> <p>s1602 prohibits accumulation of rubbish and states a person who fails to remove such accumulation within a reasonable time after notice in writing by a Department of Health Services representative shall be deemed to have violated the Section.</p> <p>s1621 establishes September as the annual Sanitation Month.</p> <p>s1606 states the penalty for violation is maximum \$500, or maximum one-year imprisonment, or both.</p>	None identified.
<p><b>Code Title 4: The Executive, Ch 1: Executive Organisation (commenced 1990)</b>  <b>Amended by CSL 2-94-10 Act 2-31 and CSL 7-03-05 Act 7-09 (commenced 2003)</b></p> <p>This 2003 amendment substantially reorganised the Executive Branch. The Department of Health Services includes divisions of Public Health and Sanitation; the Department of Transportation and Public Works includes a division of Land. The Division of Public Works is responsible for maintenance of public roads, government facilities, and for the review of approval of drawings, or plans for proposed government facilities; the Department of Administrative Services includes a Division of Planning and Statistics under s 7(e) to formulate development plans, review and make recommendations on projects and programs of the state government; the Department of Public Safety includes a Division of Police Operations.</p>	None identified.
<p><b>Chuuk Public Utility Corporation Act of 1996 (CSL 3-97-05, Act 3-36) (link broken to most up to date version: Code Title 30: Public Utilities, ch 1: Public Utilities Corporation)</b></p> <p>Under s 4(a) the Chuuk Public Utility Corporation has the power and duty to provide sewerage systems.</p>	None identified.
<p><b>Legislation identified by in-country contact but not yet verified:</b>  Code Title 7, Chapter 9 (Municipal Taxing Power)  Code Title 24, Chapter 11 (Public Lands and Condemnation)</p>	

<b>KOSRAE STATE</b>	
<p><b>Constitution of the State of Kosrae (as at 1995)</b>  <b>Proposed amendment to Art XI, s 2 (2005) [not confirmed as in effect]</b></p> <p>Article XI s 1 provides that ‘A person has the right to a healthful, clean, and stable environment. While providing for the orderly development and use of natural resources, the State Government shall by law protect the State’s environment, ecology, and natural resources from impairment in the public interest’.</p> <p>s 2 states that ‘there may be no nuclear, chemical, gas or biological weapons, or radioactive material hazardous to public health or safety, within the State. No hazardous waste or other hazardous substance may be disposed of within the State except as expressly authorised by State law’.</p> <p>The 2005 proposed amendment to s 2, if in effect, adds the term ‘recognised harmful pollutant’.</p>	None identified.
<p><b>Code Title 11: Land and Environment, ch 13: Protection of Environment</b></p> <p>N.B. to be confirmed if the Development Review Commission (DRC) has been renamed Kosrae Island Resource Management Authority (KIRMA)</p> <p>Chapter 13 comprises 3 sections only – a brief s 11.1301 on the right of entry for the purposes of enforcing the chapter, s11.1302 – an extensive enforcement section, and s 1.1303 on court proceedings.</p> <p>s1301 gives the DRC right of entry.</p> <p>s 11.1302(1) allows the DRC to issue a cease and desist, impose a civil penalty up to \$10,000 per day of violation, or commence civil action. Under s 11.1302(4), the Commission must hold a public hearing in relation to a cease and desist order.</p> <p>s11.1303 requires the Attorney-General to initiate court proceedings upon failure to comply with a DRC order, on the DRC’s request.</p>	None identified.
<p><b>Code Title 11: Land and Environment, Ch 19: Control of Plastic Wastes Act of 2017 Amended to include plastic grocery bags (Act 11-174 of 2018)</b></p> <p>Chapter 19 to ‘prohibit the use of plastic bags in the sale or distribution of merchandise’.</p> <p>s11.1903(1) of the amending Act 11-174 prohibits provision of plastic grocery bags.</p> <p>s11.1904 lists multiple exceptions, including (1) original plastic packaging; (2) use for chilled or frozen merchandise; (4) reusable bags; (5) fresh produce bags; (6) freezer or snap lock bags; and (7) garbage bags not distributed individually.</p>	None identified.

s11.1903(2) imposes a maximum \$100 fine for each offence.	
<p><b>Code Title 7: Agencies and Government Financed Enterprises, Ch 4: The Development Review Commission</b>  <b>Amended by State Law No 10-2 2011</b> [which amends ‘Titles 1, 4, 7 and 11 of the Kosrae State Code to add new definitions and requirements relating to climate change and climate change adaptation measures...’]</p> <p>N.B. to be confirmed if the Development Review Commission (DRC) has been renamed Kosrae Island Resource Management Authority (KIRMA)</p> <p>s7.401 establishes the Development Review Commission (DRC), a power and duty of which under s7.402 is to (1) control and prevent pollution; (8) establish and provide for the continuing administration of a permit system for the discharge of a pollutant in the air, land or water; and (12) order a polluting party to abate the causing of, and to remove, polluting matter.</p> <p>s7.405 requires all persons include in their development proposals an environmental impact assessment study which shall include consideration of the effects of climate change.</p>	<p><u>Regulations for Development Projects</u></p> <p>Outlines the process of Environmental Impact Assessment, Development Review Permit, Environmental Impact Statement and other elements of development project approval. Regulation 4.1 requires preparation of an EIS whenever the DRC determines a project may have a significant impact on the environment, including (b) where it is reasonably foreseeable that the project will fail to comply with applicable minimum and environmental quality standards for water and air quality, waste management and noise control. Regulation 5.2(d) states an Environmental Impact Statement shall include a description of the specific requirements for the proposed action for the disposal of sewage and other waste material.</p>
<p><b>Code Title 9: Taxation &amp; Revenue Sharing, Ch 22: Recycling Deposits</b></p> <p>s9.2201 imposes a refundable recycling fee of five cents per container on all aluminium beverage containers. s9.2203 contracts the Kosrae Community Action Program as the State’s recycling agent, administering the scheme.</p>	None identified.
<p><b>Code Title 13: Offenses and Penalties, Part I: Offenses, Ch 5: Offenses Against the Public Welfare and Tradition (Littering and Pollution)</b></p> <p>s13.506 prohibits littering on public property or private property without consent. It is a category three misdemeanour.</p> <p>s13.530 defines polluting as wilfully or negligently discharging pollutants in violation of Chapter 4 of Title 7 (below). It is a category 1 misdemeanour.</p>	None identified.
<p><b>Legislation identified by in-country contact but not verified:</b></p> <p>Code Title 10, Chapter 2 (Fiscal management)</p> <p>POPs Regulations</p>	
<b>POHNPEI STATE</b>	
<p><b>Constitution of Pohnpei</b></p> <p>Article 7 (Responsibilities of the Government of Pohnpei) states, under s 1, that the Governor shall</p>	None identified.

<p>establish and execute comprehensive plans for the conservation of natural resources and the protection of the environment.</p> <p>s 2(2) of Article 13 requires the Legislature to provide by statute for the strict control of harmful substances, limiting their introduction, storage, use, and disposal within Pohnpei to activities necessary for the enhancement of public health, public safety, and economic development.</p>	
<p><b>Environmental Protection Act (State Law 3L-26-92) (at 1992)</b> [no copy available online; see below unverified references to Code, Title 27]  <b>Amendment to Environmental Protection Act (at 1993)</b> [no copy available online]</p>	<p><b>No copies available online of:</b></p> <ul style="list-style-type: none"> <li>Solid Waste Regulation (30 March 1995)</li> <li>Drinking Water Regulations (effective 3 April 1995)</li> <li>Earthmoving Regulations (amended to 10 April 2008)</li> <li>Environmental Impact Assessment Regulations (effective 3 April 1995)</li> <li>Pesticide Regulations (effective 3 April 1995)</li> <li>Restaurant and Food Selling Places Regulations (effective 3 April 1995)</li> <li>Toilet Facilities &amp; Sewage Disposal Regulations (effective 3 April 1995)</li> <li>Marine and Fresh Water Quality Standard Regulations (effective 3 April 1995)</li> </ul>
<p><b>Environmental Quality Fund and Litter Reward Fund (State Law 6L-66-06)</b> [no copy available online]</p>	
<p><b>Legislation identified by in-country contact but not yet found online or verified:</b></p> <ul style="list-style-type: none"> <li>Title 27, Chapter 2: littering in public places and premises</li> <li>Title 27, Chapter 2: pollution of air, water, and land as an offense</li> <li>Title 27, Chapter 3: establish recycling fee of five cents on aluminium imported</li> <li>Title 27, Chapter 3: imposes deposit of 6 cents on all beverages produced or imported</li> <li>Title 27, Chapter 4: prohibits importation, use, and disposal of non-recyclable shopping bag less than 5 mm</li> </ul>	
<p><b>YAP STATE</b></p>	
<p><b>Constitution of the State of Yap</b></p> <p>Article XIII relates to the Conservation and Development of Resources.</p> <p>s1 allows the State Government to provide for the protection, conservation and sustainable development of agricultural, marine, mineral, forest, water, land and other natural resources.</p>	<p>None identified.</p>

**Code Title 18: Conservation and Resources, Division 4: Environmental Protection, Chapter 15: Environmental Quality Protection Act**

s1504 establishes the Yap State Environmental Protection Agency. Under s1507, the Agency has the power and duty to control and prohibit pollution of air, land and water, including through (c) adopting and providing for the continuing administration of a Yap State-wide program for the prevention, control, and abatement of pollution of the air, land, and water of Yap State; (e) adopting and implementing plans for the certifications of importers and applicators of restricted use pesticides; and (f) establishing and providing for the continuing administration of a permit system for pollution.

s1508 grants the Agency right of entry for various purposes.

s1509 requires development proposals to include an environmental impact assessment study.

s1512(a) relates to discharge of waste. Under sub-s (1), when the Agency finds that (A) discharge of waste is taking place, or is threatening to take place, in violation of the Act or regulations; or (B) the waste collection, treatment or disposal facilities of a pollution discharger are approaching capacity; the Agency must require the discharger to submit a detailed time schedule of specific action to prevent a violation for approval by the Agency. Under sub-s (2), when the Agency finds that a discharge of waste is taking place, or is threatening to take place, in violation of the requirements, the Agency must issue a cease and desist order.

s1512(b) relates to pollutants, requiring a person who (A) discharges pollutants to air, water or land in violation of this chapter or a permit; or (B) intentionally or negligently causes a pollutant to be discharged to air, water or land; to clean up the pollutant or abate its effects on the order of the Agency.

s1512(c) states a person who violates any provision of the chapter is liable to a civil penalty of between \$100 and \$10,000 for each day of violation. s1512(d) allows the Attorney General to initiate proceedings on behalf of the Agency of State Government.

**Yap State Law 8-45** [no copy available online]

News Release 'Yap Environmental Protection Agency Bans Plastic Bags', *Micronesia Forum* (10 July 2014) states that:

'The Yap State Environmental Protection Agency wishes to remind all retailers of their obligations under Yap State Law 8-45 and the Yap EPA Plastic Bag Regulations. As of July 4, 2014, retailers are not permitted to distribute plastic grocery bags to customers. Police officers and Yap EPA officers will be monitoring retailer compliance in this matter. Retailers who distribute plastic grocery bags to customers will be subject to a fine of \$100 per violation'.

Regulations for Environmental Impact Assessment (commenced 15 February 1995)

Outlines the Environmental Impact Assessment process, with a checklist for applicants. Includes preliminary, draft and final Environmental Impact Statements and assessment of these.

Regulations for Earthmoving and Sedimentation Control (commenced 29 November 1994)

Regulations relating to earthmoving activities such as dredging, quarrying and construction. All earthmoving activities must be conducted in accordance with the regulations, including with a plan for disposal of materials (r3.3(j)).

Regulations for Persistent Organic Pollutants (commenced 30 December 2014)

r2.1 states no person may possess, manufacture, use, store, transport, discard or otherwise discharge any substance on the Priority List, unless in accordance with a Director-approved Disposal Plan. Part III gives the Agency powers of search and seizure. Regulation 4 makes violation of the provisions liable to civil penalties in s1512 of the Act.

Yap EPA Plastic Bag Regulations [no copy available online]

<p><b>Code Title 11: Crimes and Punishment, Ch 3: Offences against Property Rights (s330: Littering)</b> [note an in-country contact identified this as Title 14]</p> <p>s330(a) establishes an offence of littering.</p> <p>s330(g) grants 50% of any fine collected to the person who reported the offence to the police. The remaining portion is to be deposited in a Clean-up Activities Account, to be used for cleaning and beautification programs and activities organised by the Yap Government.</p> <p>S 330(c) imposes an imprisonment term between two days and six months, or a fine between \$25 and \$500, or both, for littering of non-biodegradable material. S330(d) imposes an imprisonment term between one day and six months, or a fine between \$15 and \$500, or both, for littering of biodegradable material.</p> <p>s330(e) allows the court to impose community service.</p>	None identified.
<p><b>Code Title 11: Crimes and Punishment, Ch 8: Miscellaneous Offences (s813: Junk Vehicles)</b> [note an in-country contact identified this as Title 14]</p> <p>s813(a) states any person who permits a junk vehicle to remain on public or private property 30 days after a junk vehicle warning shall be guilty of littering</p> <p>Under s813(g), violation of this provision is a misdemeanour with a maximum \$25 fine.</p>	None identified.
<p><b>Recycling Finance Law 2009</b> [no copy available online]</p>	None identified.
<p><b>Recycling Program Law 2008</b> [no copy available online]</p>	Recycling Program Regulations 2008 [no copy available online]
<p><b>Legislation identified by in-country contact but not yet found online or verified:</b> YSL #4-4 Yap State Public Service Corporation (<i>Utilities Company's mandate for 'refuse collection and disposal'</i>) Title 14: Enabling legislation creating YSPSC Pesticide Regulations</p>	

**Table 2: Policies and reports impacting waste governance in the FSM**

Policy	Description
<b>Biodiversity Strategy and Action Plan (FSM National) 2018</b>	Waste management and pollution identified as a threat to biodiversity on p 6. Waste management challenges discussed in section 2.8 Major Threats to Biodiversity in the FSM, Theme 7.
<b>Biodiversity Strategy and Action Plan (Chuuk) 2018</b>	Waste management and pollution identified as a threat to biodiversity on p 8, but also not emphasised within Plan as falls under EPA responsibility. Action item is to have followed the EPA's strategic action plan for waste management by end of 2018,
<b>Biodiversity Strategy and Action Plan (Kosrae) 2018</b>	Waste management and pollution identified as a threat to biodiversity on p 8. Strategy and action plan include minimising waste contributing to environmental pollution.
<b>Biodiversity Strategy and Action Plan (Pohnpei) 2018</b>	Waste management and pollution identified as a threat to biodiversity on p. 8. Objective 5 includes to increase awareness of proper waste disposal and recycling and pollution control.
<b>Biodiversity Strategy and Action Plan (Yap) 2018</b>	Waste management and pollution identified as a threat to biodiversity on p 7. Objective 5 (pp 10, 20, and vi of Annex 1) is managing pollution.
<b>Infrastructure Development Plan 2016-2025</b>	Wastewater systems and solid waste management are key sectors discussed throughout the report. The objectives for these sectors are on p 16. Includes a separate plan for each State.
<b>Nation Wide Integrated Disaster Risk Management and Climate Change Policy 2013</b>	Waste management and sanitation is a strategic outcome.
<b>Joint State Action Plan for Disaster Risk Management and Climate Change (Chuuk) 2017</b>	Objectives listed on p 8 include 4.2 to improve waste management and promote environmentally friendly recycling; and 5.1 increased environmentally friendly sanitation coverage. Poor sanitation and waste management identified as human-induced vulnerability to biodiversity on p 16.
<b>Joint State Action Plan for Disaster Risk Management and Climate Change (Kosrae) 2015</b>	Objective 3.6 on p 37 is to strengthen waste management. Includes actions, sub actions, sources of actions and lead/supporting agencies.
<b>Joint State Action Plan for Disaster Risk Management and Climate Change (Pohnpei) 2016</b>	Objective 6.6 under Objective 6 Infrastructure is to improve management of solid waste, on p 79. Solid waste management discussed on p 28.
<b>Joint State Action Plan for Disaster Risk Management and Climate Change (Yap) 2015</b>	Objective 3.4 under Objective 3 Resources and Development and Environment is to address and improve management of solid waste, sanitation and hazardous waste, on p 45 and 50.
<b>National Implementation Plan for the Stockholm Convention on Persistent Organic Pollutants 2007</b>	Submitted in fulfilment of FSM's obligations as a party to the Stockholm POPs Convention.
<b>Solid Waste Management Strategy (National) 2010–2014</b>	Background section includes strategic context for solid waste management; its current situation; difficult wastes; and hazardous wastes. Strategic objective 1 is to develop and implement policies, plans, legislation, regulations, and institutional arrangements, which set the right environment to encourage sustainable solid waste management. Strategic objective 2 (is to develop, implement, and operate facilities and programs for solid waste management, which are sustainable, and which protect public health and the environment. Strategic objective 3 is to teach, train, and educate the population to facilitate efficient implementation of systems and programs and enable compliance with these systems and programs.



<b>Solid Waste Management Action Plan (Pohnpei) 2014–2018</b>	Strategic priorities include institutional arrangements; policy, legislation and enforcement; data collection; waste minimisation; waste collection; waste disposal; e-wastes, waste oil, batteries and tires; medical waste management and capacity building, education and awareness.
<b>Solid Waste Management Strategy (Chuuk) 2019–2028</b>	Overview of context and background; strategy; and action plan. Action plan components include proper management of landfill sites; introduction of container deposit system; and enhancement of human capacities. Annex 1 details current waste flow in Chuuk State.
<b>Solid Waste Management Strategy (Kosrae) 2018–2027</b>	Overview of context and background; strategy on; and action plan. Action plan components include improvement of waste collection system; improvement of container deposit system; proper management of public landfill site; and proper treatment of waste oil. Annex 1 details current waste flow in Kosrae.
<b>Solid Waste Management Strategy (Yap) 2018–2027</b>	Overview of context and background; strategy; and action plan. Action plan components include expansion of waste collection services to areas outside of Colonia; privatisation of waste collection service provided in Colonia; enhancement of container deposit system; proper management of public disposal site; green waste recycling; and proper management of inappropriate waste disposal such as waste oil and tires. Annex 1 details current waste flow in Yap.
<b>Strategic Development Plan 2004-2023</b>	Three-volume plan for strategic development. Volume I outlines policies and strategies for development. Strategic Goal 2 under the environment sector is to improve waste management and pollution control. Outcome measures include Stockholm Convention ratification, reduction targets for certain types of waste, access to sanitary human waste systems, and responses to pollution emergencies. Volume II outlines strategic planning matrices and appendices. Volume III outlines Infrastructure development. Solid waste and wastewater management discussed extensively throughout. Heading 5.2.2 discusses existing wastewater system. Heading 5.3 discuss solid waste management.
<b>National Solid Waste Management Strategy (2015–2020)</b>	Not publicly available online.

<b>Reports</b>	<b>Description</b>
<b>Baseline Study for the Pacific Hazardous Waste Management Project – Healthcare Waste 2014</b>	Report on healthcare waste management structure in FSM, identification of key issues, options analysis and recommendations.
<b>Environmental Law in the Federated States of Micronesia: A Review 2009</b>	Comprehensive review of environmental law in FSM, focusing nationally. Section 2 relates to the Constitution; Section 3 on the national government administrative arrangements; Section 4 on Title 25 of the FSM Code; Section 5 on International Environmental Treaty Implementation (including Stockholm, Basel, Waigani and Rotterdam); Section 7 on Pohnpei State Environmental Law; and Section 8 on conclusions and recommendations.
<b>Federated States of Micronesia Profile in the Solid Waste and Recycling Sector 2018</b>	Data on solid waste and recycling in FSM.
<b>Fifth National Report to the Convention on Biological Diversity 2014</b>	Waste discussed throughout. Pollution through ineffective and insufficient waste management practices discussed on p 24. Theme 7 of report is waste management, including case study of Basel-approved recycling operator.
<b>Persistent Organic Pollutants National Implementation Plan Inventory Collection Workshop: Outcome Report 2019</b>	Report on workshop conducted to train attendees on identification and inventory collection of POPs.

<b>Review of Natural Resource and Environment Related Legislation: Federated States of Micronesia 2018</b>	Overview of environment-related legislation in FSM as of January 2018. Includes section on waste management and pollution.
<b>Second National Communication to the UNFCCC 2015</b>	Waste management highlighted as a significant environmental health issue throughout. Includes carbon emissions associated with waste sector.
<b>State of Environment Report 2018</b>	Waste management, and water and sanitation, included under theme of built environment.
<b>Environmental Social and Management Plan (ESMP) for Upgrades and Expansions to Existing Power Stations and Networks</b>	Covers proposed upgrades and expansions to power stations and networks funded by the Energy Sector Development Program in the four States.
<b>Basel Convention National Report 2001</b>	Submitted in fulfilment of FSM's obligations as a party to the Basel Convention.
<b>Basel Convention National Report 2002</b>	Submitted in fulfilment of FSM's obligations as a party to the Basel Convention.

**Table 3: Government departments with waste responsibilities in the FSM**

<b>Government departments</b>	<b>Responsibilities</b>
<b>Department of Environment, Climate Change and Emergency Management (DECEM) (National)</b>	New national department that provides support to the President on matters relating to emergency, environment and sustainable development and climate change, including waste management.  Also oversees coordination between States.
<b>Chuuk Environmental Protection Agency (EPA)</b>	State environmental agency.
<b>Pohnpei Environmental Protection Agency (EPA)</b>	State environmental agency.
<b>Yap Environmental Protection Agency (EPA)</b>	State environmental agency. This webpage from an Australian environmental volunteer organisation, AVI, provides some up to date information about the mission and functions of the EPA.
<b>Kosrae Island Resource Management Authority (KIRMA)</b>	State environmental agency.

## Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management in the FSM, including for specific States.
2. These activities are summarised in Table 4 below.
3. Information on these activities was obtained from the desktop research, as well as survey responses and interviews with in-country stakeholders.
4. The national Department of Environment, Climate Change and Emergency Management (DECCEM) is apparently working with SPREP to develop and draft a new National Waste Policy. Other proposed new legislative initiatives include a Littering Law for Chuuk, and Solid Waste Regulations under the Chuuk Clean Environment Act.
5. For Yap State in the FSM, the main waste minimisation activity is the State Container Deposit Legislation Recycling Program, which is created by law and administered via regulations under the Yap State Environmental Protection Agency. Currently, the Program takes in four recyclable materials categories. Quantities of these targeted materials imported and recycled are tracked by the agency, as well as associated deposits/levies collected upon import for the materials, and subsequent refunds issued upon redemption. The Solid Waste Management Strategy for Yap includes an action plan item for enhancement of this program. The Solid Waste Management Strategies for Chuuk and Kosrae States include action plans to introduce their own container deposit systems.
6. Amendments to current State recycling laws and national legislation have been made to prohibit the importation of single use disposable styrofoam and plastic food service items, and plastic shopping bags. The national measures are due to become effective on 1 July 2020. In conjunction, there are ongoing awareness campaigns in schools and communities on waste and littering, such as 'Micronesia Clean Up Day', and previously the Chuuk Litter Bug Project, facilitated by the Chuuk Women's Council. The UoM team have also located reference to a proposed Pohnpei single use plastic bag ban. The legislative basis for this may be 'Title 27, Chapter 4: Prohibits importation, use, and disposal of non-recyclable shopping bag less than 5 mm'.
7. FSM has partnered with UNEP to strengthen its capacity to manage chemical waste, in line with relevant MEAs, in a three-year project. This may include establishment of a Chemical Management System and the role of Chemical Waste Management Officer being incorporated into a revised National Implementation Plan (NIP) for the Stockholm POPs Convention. The status of the revised NIP and associated initiatives is not clear.
8. The *Ha Noi 3R Declaration – Sustainable 3R Goals for Asia and the Pacific 2013-23* of the Regional 3R Forum in Asia and the Pacific United Nations Centre for Regional Development (UNCRD) mentions several initiatives, including 'Plans for a zero-waste policy integrated into our National Environment Act', but it is not clear if these are in development.
9. There are ongoing activities under the [Moana Taka Partnership](#) between SPREP and the China Navigation Company, part of the Swire Group, to export recyclable waste from Pacific countries, including FSM, to recycling facilities abroad. The UoM team understands FSM has exported some of its stockpiles of waste oil under this program.

**Table 4: Pipeline activities for the FSM**

Pipeline activity	Description	Timeframe
<b>National Waste Policy</b>	National government partnering with SPREP to produce this policy.	In progress.
<b>New State legislative initiatives</b>	Chuuk: Littering Law and Solid Waste Regulations under the Clean Environment Act.	Not specified.
<b>Container deposit schemes</b>	Introduction proposed in Chuuk and Kosrae States. Proposed expansion in Yap.	Action plan items in relevant State Solid Waste Management Strategies for 2018/9-2027/8
<b>Plastic products ban</b>	<p>Amendments to prohibit the importation of single use disposable styrofoam and plastic food service items, and plastic shopping bags.</p> <p>Also number of community-based awareness/education initiatives.</p> <p>Pohnpei has banned or is soon to ban the use of plastic bags. Possibly enacted in 'Title 27, Chapter 4: Prohibits importation, use, and disposal of non-recyclable shopping bag less than 5 mm.'</p>	<p>According to news reports, this national ban is due to come into effect from 1 July 2020.</p> <p>Pohnpei ban yet to be confirmed.</p>
<b>Chemical Management System</b>	Capacity building project with UNEP. Includes plans for a new Chemical Waste Management Officer.	<u>UNEP project has a three-year implementation timeframe.</u>
<b>Zero-waste policy in National Environment Act'</b>	Mentioned in Draft FSM report 2019 for the 3R forum	Unclear if proceeding.
<b>Export of recyclable waste</b>	Activities under the Moana Taka Partnership between SPREP and the China Navigation Company to export recyclable waste from Pacific countries, including FSM, to recycling facilities abroad.	Ongoing.

# Stocktake of Relevant Multilateral Environmental Agreements

1. The relevant multilateral environmental agreements for the stocktake were the:
  - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);
  - Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
  - Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention);
  - Minamata Convention on Mercury (Minamata Convention); and
  - Convention to ban the Importation of Hazardous and Radioactive Wastes into Forum Island Countries and to Control the Transboundary Movement and Management of Hazardous Waste within the South Pacific Region (Waigani Convention).
2. The Table below provides details of the membership of the Federated States of Micronesia (FSM) in these MEAs. Specifically, it lists:
  - The relevant MEAs to which FSM is party and the date the MEA was in effect;
  - Details of designated national authorities (DNAs) or national focal points for these MEAs; and
  - Details of any implementing legislation or policies for the relevant MEA.

**Table 5: MEAs active in FSM**

MEA	In effect for country	Designated National Authority or National Focal Point	Implementing legislation
<b>Basel Convention</b>	5 Dec 1995	Mr. Andrew Yatilman Director, Office of Environment and Emergency Management PS 69 FSM National Government 96941 Palikir, Ponpei Micronesia (Federated States of) Phone: +691 320 8814/8815 Fax: +691 320 8936 Email: climate@mail.fm, andrewy@mail.fm	<u>Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014). Also see Basel Convention National Report 2001 (submitted in 2003) and Basel Convention National Report 2002 (submitted in 2003).</u>
<b>Stockholm Convention</b>	13 Oct 2005	Political Focal Point Department of Foreign Affairs Federated States of Micronesia Postal address: P.O. Box PS123 96941 Palikiiri Micronesia (Federated States of) Phone: +691 320 8814 Fax: +691 320 2933 Email: foreignaffairs@mail.fm, climate@mail.fm  Environmental Health Coordinator Division of Health Services	<u>Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014)</u>  Yap State: <u>Code Title 18: Conservation and Resources, Division 4: Environmental</u>

		<p>Department of Health, Education &amp; Social Affairs          FSM National Government          P.O. Box PS 70          96941 Palikir          Micronesia (Federated States of)          Phone: +691 320 8300          Fax: +691 320 8460          Email: climate@mail.fm</p>	<p><u>Protection, Chapter 15: Environmental Quality Protection Act</u></p> <p><u>Regulations for Persistent Organic Pollutants (commenced 30 December 2014)</u></p> <p>See also: <u>National Implementation Plan for the Stockholm Convention on Persistent Organic Pollutants 2007 (submitted in 2017).</u></p>
<b>Waigani Convention</b>	21 Oct 2001	<p>Mr. Andrew Yatilman          Director          Office of Environment and Emergency Management (OEEM)          PS 69 FSM National Government          96941 Palikir, Pohnpei          Micronesia (Federated States of)          Tel: (691) 320 8814/8815          Fax: (691) 320 8936          Email: andrewy@mail.fm</p>	<p><u>Code Title 25: Environmental Protection, Subtitle I: FSM Environmental Protection Act (as at 2014)</u></p>
<b>Rotterdam Convention</b>	Not party		
<b>Minamata Convention</b>	Not party		



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