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CASE STUDIES

Legal Recognition of Waste Pickers
Brazil

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Around the world, waste pickers have long operated in obscurity - essential to the recycling ecosystem yet often overlooked by formal systems. As the global community intensifies its efforts to combat plastic pollution and promote sustainable waste management, the recognition of waste pickers as vital environmental stewards has become increasingly urgent.

Waste pickers have long played a critical yet often invisible role in tackling plastic pollution by collecting, sorting, and diverting vast amounts of recyclable materials from landfills and waterways. Despite their essential environmental services, they have historically operated on the margins of waste management systems - underpaid, unprotected, and unrecognised.

Brazil stands out as a leading example of legal recognition and inclusion of waste pickers in its waste management system. Through advocacy and policy reforms, the country has shifted societal perceptions and empowered this marginalised workforce. By replacing repressive policies with inclusive measures - such as legal backing, redistributive programs, and social recognition of waste picker organisations - Brazil has established a model for other nations striving for just and equitable waste management systems.

Reference period

Data and information provided in the brief were collected between March 2024 to September 2024.

Background

The catadores

Waste pickers in Brazil, known as catadores, have been pushing for formal recognition and social protection over the last 20 years. Data collected by Brazil's official statistical system show that over 281,000 waste pickers are engaged in collecting recyclables in Brazil, either operating individually or collectively in cooperatives and associations.

However, this figure may not include all waste pickers in Brazil[i]. According to the National Movement of Brazilian Waste Pickers (MNCR), the actual number may be as high as 800,000 since waste picking is often an informal and unregistered occupation[ii]. These individuals are responsible for 90% of Brazilian municipal solid waste recycling, saving as much as US$5.5 billion in recycling (2013)[iii].

The Brazilian legal system

The Brazilian legal system follows a civil law framework, primarily based on codified legislation enacted at the federal, state, and municipal levels. As a federative republic, Brazil consists of an indissoluble union of states, municipalities, and the Federal District[iv, v]. Its legal hierarchy is structured with the Brazilian Constitution as the supreme authority, followed by federal laws, state legislation, and municipal regulations. Any state law that conflicts with federal law is considered void, reinforcing the Constitution's primacy in governing legal matters[vi].

The distribution of powers among the Union (União), the federal government, states, and municipalities is explicitly defined in the Constitution. The Union holds exclusive powers, while residual powers are granted to the states[vii]. The Federal District uniquely combines the responsibilities of both states and municipalities within its jurisdiction. Although the Constitution does not contain specific provisions on waste management, it grants the Union the authority to legislate on urban development, including basic sanitation.

Additionally, environmental protection and pollution control fall under concurrent powers, meaning they are shared by the Union, the Federal District, and the states[viii]. Municipalities also retain autonomy to enact supplementary legislation on environmental and pollution-related issues, ensuring a multi-level governance approach.

History of Legal Recognition of Waste Pickers in Brazil

The initial legal recognition of waste pickers in Brazil occurred at the municipal level in the early 1990s in the cities of São Paulo, Porto Alegre, and Belo Horizonte through partnerships between waste picker cooperatives and municipal recycling programs[ix]. In 2002, Brazil officially recognised waste picking as an occupation by including it in the Brazilian Classification of Occupations, a significant step towards providing workers with official recognition and rights[x]. Furthermore, Brazil has made progressive strides in replacing repressive policies towards waste pickers with inclusive measures that provide legal support for redistributive actions and officially recognise waste picker cooperatives. Some of the key examples of municipal, state, and federal legislation toward legal recognition and inclusion of waste pickers in Brazil are as follows.

Regulation at the municipal level

Belo Horizonte, Minas Gerais: In 1990, the municipality included Article 151 in its Organic Law (the municipal constitution), which states that the collection and sale of recyclables should preferably be carried out by cooperatives. This legal provision laid the foundation for greater inclusion of waste pickers in the city's waste management system. In 2000, the municipality further institutionalised this commitment through the enactment of Municipal Law No. 8,052/2000, which led to the creation of the Department of Social Mobilization. This department was established in recognition of the role of waste pickers and aims to provide technical guidance and support to their organisations, further promoting inclusive and participatory solid waste management.

Porto Alegre, Rio Grande do Sul: In 1990, the city's Urban Cleansing Code - established under Complementary Municipal Law No. 234 - mandated that recyclables collected through the municipal recycling program be delivered to organised waste picker groups registered with the Urban Cleansing Department. This progressive measure formalised the participation of waste pickers in the city's waste management system. The regulation was further updated and is currently governed by Complementary Municipal Law No. 728 of 2014, reinforcing the city's ongoing commitment to inclusive recycling practices and the integration of waste picker organisations.

Diadema, São Paulo: in May 2000, implemented municipal Law No.1921/00 that "Amends the wording of the sole paragraph of article 2, sole paragraph of article 5, paragraphs 1, 4 and 5 of article 6 and article 9 (caput) of Law No. 1460, of January 10, 1996, and adds article 9". This law lists several groups, including waste picker organisations, as possible partners in municipal recycling initiatives. Furthermore, it creates the opportunity for the revenue generated to be allocated to these specific organisations[xi]. In the same year, Law No. 1928/2000 "Authorizes the Municipal Executive Branch to enter into an agreement with the Clean City Recycling Cooperative - COOPERLIMPA" gave the Municipal Executive power to engage in agreements with waste picker cooperatives. In 2004, Law No. 2336 (as amended by Decree No. 5984/05) entitled "Establishes the system for sustainable management of solid waste and provides other measures" gave the municipality the authority to enter contracts with waste picker cooperatives, which allowed for payment for services provided as part of the municipal recycling program.

Regulation at the state level

Minas Gerais State: The Environmental Policy Council (COPAM) passed resolutions in 2001 to modernise waste management procedures and offer substitutes for waste pickers. The Minas Gerais State Solid Waste Policy was subsequently approved in 2008.

Santa Catarina State: Santa Catrina enacted its Solid Waste Policy, recognising the importance of promoting waste pickers' enterprises in 2005 (Law No. 13,557). Moreover, in 2009, the Santa Catarina Environmental Code addressed waste management, seeking to incentivise the creation and development of waste pickers' enterprises (Law No. 14,675).

Goiás State: In 2024, the State of Goiás enacted Law No. 22,598, establishing a comprehensive State Policy to Support Waste Pickers. The law promotes the formation of cooperatives, partnerships with private sector actors for the provision of protective equipment, and the development of infrastructure and technologies to support recycling activities. It also provides for training programs, access to credit, the creation of commercial networks for recyclables, and regular health check-ups for waste pickers - collectively aiming to enhance their working conditions, income generation, and social inclusion.

Federal District of Brasília (DF): In 2004, the Federal District of Brasília passed Law No. 3517, which requires source separation for the waste generated by public institution, recognising catadores as the beneficiaries of waste generated in state buildings. Furthermore, the Federal District of Brasília government published Law No. 3890, which determined the implementation of source separation in all the administrative regions of Federal District of Brasília and identified waste picker cooperatives as the destination for collected materials.

Regulation at the federal level

Legal recognition of waste pickers at the federal level in Brazil began in 2002 with the inclusion of the occupation 'catador de material reciclável' (picker of recyclables) in the Brazilian Classification of Occupations (BCO)[i].With this, waste pickers' data is collected through the National Household Survey (PNAD), which provides socio-economic profiles, and the Annual Registry of Social Information (RAIS), which tracks formal employment, including waste pickers employed by commercial establishments[xii, xiii]. As a result, waste pickers gained improved access

to essential social protections and benefits. In 2006, Presidential Decree No. 5,940 granted waste picker cooperatives the right to access recyclable materials collected in all federal public buildings across Brazil. This was followed by Law No. 11,445 in 2007, which established national guidelines for basic sanitation. The law facilitated the direct contracting of waste picker associations and cooperatives by municipalities for selective waste collection services, exempting them from competitive bidding requirements.

A significant milestone was the inclusion of waste picker cooperatives in Law No. 12,305/2010, which established Brazil's National Policy on Solid Waste (NPSW). Approved after two decades of debate, the law recognised waste pickers by defining "reusable and recyclable solid waste as an economic good with social value, generating work and income." The National Policy on Solid Waste introduced the principle of shared responsibility across the entire product life cycle through the implementation of a "reverse logistics" system where collaboration among manufacturers, importers, distributors, retailers, consumers, and public service providers in solid waste management is mandated to reduce the volume of waste generated and mitigate impacts on human health and environmental quality.

Law No. 12,305/2010 further encouraged the involvement of waste picker cooperatives in selective waste collection by requiring corporations to integrate waste picker cooperatives into their Extended Producer Responsibility (EPR) systems for packaging, including plastic, metal, paper, or glass, known as a reverse logistics system. In this reverse logistics system, municipalities and waste management companies are encouraged to have contracts with waste picker cooperatives as primary recyclable collection service providers. The use of sectoral agreements serves as a tool to facilitate these partnerships with waste picker cooperatives, as outlined in the law.

In support of these initiatives, the law empowered the federal government, states, the Federal District, and municipalities to adopt economic incentive measures. These include access to credit for equipment and infrastructure development for waste picker organisations, as well as financial incentives for projects that strengthen recycling and responsible product lifecycle management, with a focus on supporting waste pickers. The law obliged Producer Responsibility Organisations (PROs) to provide technical assistance, including the necessary infrastructure development and equipment provision, according to the strategic plan under the sectoral agreement.

Further reinforcing this framework, Federal Decree No. 11,413/2023 introduced three new federal-level reverse logistics credit certificates. Among them, the General Packaging Structuring and Recycling Certificate (CERE) is issued to companies that meet regulatory requirements and achieve over 50% of their packaging recovery targets through collaboration with individual waste pickers, cooperatives, or certified entities whose waste origin can be traced to collectors.

Additionally, Law No. 14,260/2024—which establishes incentives for the recycling industry and creates both the Support Fund for Recycling Actions (Favorecicle) and Investment Funds for Recycling Projects (ProRecicle)—offers tax incentives (Art. 3). Through this, legal entities including waste pickers cooperatives can receive financial incentives in the form of income tax deduction for improving their recycling activities. To be eligible for these financial incentives, applicants should have a project approved by the Ministry of Environment.

Legal Recognition Leading to Improved Working Conditions and Access to Social Protection

The formal recognition of waste pickers in Brazil has brought some essential outcomes. The main results are the recognition of waste pickers' cooperatives in the state statistics and policies on waste management. This acknowledgment has promoted the waste pickers' position to an essential actor in the recycling value chains, where they are able to have contracts with municipalities with safer working conditions and access to social security and services.

The National Policy on Solid Waste has played a key role in advancing labour rights and expanding access to social security benefits for waste pickers. It has also encouraged municipalities to formally include waste pickers in their waste management strategies. As a result, several municipalities - such as Ourinhos, Mauá, and Ribeirão Pires - have partnered with waste picker cooperatives to carry out selective waste collection, integrating them as essential service providers within local waste systems[xiv].

Law No. 12,305/2010 also served as the foundation for the 2015 "Sectoral Agreement for the Implementation of the General Packaging Reverse Logistics System", which remains the primary instrument for implementing Brazil's policy toward a just transition to a circular economy. These sectoral agreements encourage companies across the supply chain

to establish effective reverse logistics systems for packaging waste, with a strong emphasis on integrating waste picker cooperatives.

Following the signing of these agreements, various investments were directed toward waste picker cooperatives and associations. These included training and capacity-building programs for both waste pickers and cooperative managers, aimed at improving access to financial credit, conducting technical assessments of operational needs, and enhancing the overall performance and sustainability of these organisations[xv].

Workers Movements as a Driving Factor for the Legal Recognition of Waste Pickers

The biggest driving factor for the gradual legal recognition of the waste pickers in Brazil was the Social and Solidarity Economy Movement. Legal recognition of waste picker cooperatives began in the early 1990s, spurred by progressive municipal administrations - particularly those led by the Workers' Party - that responded to the demands of waste pickers, as well as by the growing organisation and advocacy efforts of the waste pickers themselves[ix].

Additionally, Brazilian waste picker organisations have successfully combined traditional mass mobilisation tactics - such as public demonstrations, marches, and protests - with strategic engagement in policymaking spaces, including participation in committees and building alliances with sympathetic public officials.

A pivotal moment in this process was the creation of the National Waste and Citizenship Forum (Fórum Nacional Lixo e Cidadania – FNLC) in 1998, spearheaded by UNICEF. The Forum catalysed a decade of intense mobilisation of financial and technical resources, promoting an approach to solid waste management that positioned catadores as key partners in selective waste collection. It significantly enhanced the visibility of waste pickers, encouraged the formation of new cooperatives, and laid the groundwork for broader social activism in the sector.

This momentum culminated in the establishment of the National Movement of Waste Pickers of Recyclable Materials (Movimento Nacional dos Catadores de Materiais Recicláveis – MNCR) in 2001. The National Movement of Waste Pickers of Recyclable Materials has played a crucial role in amplifying the voice of waste pickers, influencing public policy, and advocating for legal and institutional reforms[x, xvi].

Through this movement, waste pickers have organised themselves to fight for their rights, highlight their essential contributions to pollution control and recycling, and reshape public perceptions. The National Movement of Waste Pickers of Recyclable Materials has not only advanced social inclusion but has also been a key force in pushing for laws and policies that formally recognise the vital role of waste pickers in sustainable waste management[xvii].

Challenges in Implementing the National Policy on Solid Waste

Although waste pickers are legally recognised in Brazil, the effective implementation of policies such as the National Policy on Solid Waste largely depends on the commitment of municipal governments and the extent to which these laws are enforced—an area where significant gaps remain. Given the country's cultural and regional diversity, the degree of implementation varies widely across municipalities. According to the International Alliance of Waste Pickers (IAWP), fewer than 10 percent of Brazilian municipalities have formal contracts with waste picker cooperatives, highlighting the challenges in translating national policy into widespread local practice[xviii].

The absence of stable contracts or formal employment relationships continues to leave waste pickers in vulnerable conditions. A key barrier is the inability of many municipalities to implement the National Policy on Solid Waste, largely due to financial constraints and insufficient planning capacity. As a result, 3,245 municipalities - representing nearly 48% of Brazil's population - still lack formal waste management plans.

This lack of planning not only hampers the integration of waste picker cooperatives but also disqualifies these municipalities from accessing federal funding for urban cleaning and solid waste management[viii.]. Overall insufficient technical and institutional capacity of municipalities in addressing solid waste management challenges, in addition to insufficient municipal budget for solid waste management systems, hinders the inclusion of waste pickers in many parts of the country.

The lack of guidance or requirements on how the EPR fee is calculated to ensure fair remuneration to cover the real cost of waste collection and recycling by waste pickers is leading to the underpayment for the service provided by them. The fee paid by producers

to the Producer Responsibility Organisations are determined based on the market price of recyclable packaging, and the amount received by the waste picker cooperatives from them tend not to reflect the real cost of labour and other operational costs, hampering the financial sustainability. The absence of municipal participation in the reverse logistics hampers efforts to prioritise the integration of cooperatives allowing producers greater influence in setting regulations that favour their interests[xix]. The mechanisms designed to offer equipment and infrastructure "credit" to waste picker cooperatives have not effectively provided economic incentives as intended. This is because funding is tied to fluctuating market prices of recyclables, undermining its intended impact.

The design of the EPR implementation in Brazil still needs to be upgraded to reflect the principles of shared responsibility with benefits for the waste pickers such as fair remuneration and technical assistance.

Considerations

Over the past two decades, Brazil's legal framework for social inclusion in solid waste management has evolved towards a more comprehensive and inclusive approach, including the social recognition of waste pickers and their cooperatives. However, while significant progress has been made in terms of legal recognition and increasing the visibility of catadores in Brazil, the legislative framework still falls short in ensuring robust social and financial security for these workers. Legal protections in these areas remain underdeveloped, leaving key issues of social and financial inclusion inadequately addressed.

Despite the inclusion of waste picker cooperatives in the reverse logistics system, the legislation has not secured the financial sustainability of workers in the informal recycling sector. In many cases, these cooperatives have not been prioritised for contracts within the system, and the funds provided by producers have not covered the full range of waste management services they offer. To address this, legislation must focus on ensuring sustainable financial flows that cover the true cost of recovering waste and fair compensation for waste picker cooperatives. Additionally, provisions that prioritise the participation of waste picker cooperatives in tendering and contract processes for solid waste management services would greatly contribute to their sustainability.

The successful integration of waste pickers into the waste management sector relies on municipalities' ability to implement policies like the National Policy on Solid Waste in Brazil. However, a significant obstacle to this integration is the limited technical, institutional, and financial capabilities of municipalities to address solid waste management issues.

Therefore, it is essential to take a comprehensive approach that focuses on improving the overall financing mechanisms for municipal solid waste management. This includes exploring how funding sources like EPR fees, property taxes, or utility fees can be effectively utilised for solid waste management. Additionally, there is a need to enhance the capacity of municipal government officials responsible for implementing the law.

Ultimately, Brazil's experience demonstrates that the legal recognition of waste pickers requires not only inclusive policies and strategies but also a robust legal framework that both acknowledges their role and ensures their protection and livelihood as legitimate participants in the waste management value chain. Moreover, it underscores the importance of enforcing existing laws and clearly defining the roles and responsibilities of all actors involved in solid waste management through comprehensive legislation.

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