

Illegally Dumping E-Waste: Offenders to be Charged Under AMLA, POCA

By Suzalina Halid - March 5, 2025

KUALA LUMPUR: Parties involved in polluting the environment, particularly through the illegal disposal of electronic waste (e-waste), will be prosecuted under the Anti-Money Laundering Act (AMLA) 2001 and the Prevention of Crime Act (POCA) 1959.

The Ministry of Natural Resources and Environmental Sustainability is in the process of classifying environmental crimes to be prosecuted under AMLA or POCA.

Minister Nik Nazmi Nik Ahmad stated that this stern action is possible after enforcement powers under the Environmental Quality Act 1974 were transferred to the Royal Malaysia Police (PDRM), enabling them to prosecute environmental criminals.

He explained that this transfer of power aims to curb the influx of illegal e-waste and prevent Malaysia from becoming a dumping ground for such waste.

Nik Nazmi said, "We are taking firm action, including efforts to classify environmental crimes under AMLA. Sometimes these involve crime syndicates that use e-waste as a means to launder money."

"Such smuggling activities cause national revenue losses, and Malaysia remains steadfast in combating the illegal importation of e-waste. This aligns with the ASEAN Chairmanship's proposal that ASEAN must not be a global destination for toxic, problematic, and hard-to-recycle waste."

Previously, Operation Hazard across the country uncovered illegal e-waste processing and disposal activities. Authorities seized 15,764.90 tonnes of electronic waste, valued at approximately RM55

million.

The inspections covered 47 premises: 30 operated illegally, seven were scrap dealers, six were licensed under the Department of Environment (DOE), three licensed by local authorities (PBT), and one illegal warehouse.

Malaysia has 137 e-waste collection centers for households and 117 licensed premises nationwide.

Blacklist Action

Nik Nazmi added that the ministry is also amending the Environmental Quality Act 1974 to allow blacklisting of companies repeatedly found guilty of importing e-waste illegally.

He noted that currently, there is no regulation to blacklist repeat offenders.

The amendments will also impose stricter conditions on recycling activities, including e-waste, which will now fall under the Second Schedule of the Environmental Quality Order, replacing the current First Schedule.

The Second Schedule will require higher transparency and more rigorous Environmental Impact Assessment (EIA) standards, with public exhibitions and hearings.

Further improvements include proposals for specific legislation governing waste importation and mandatory third-party inspections by exporting countries to ensure compliance.

The ministry also proposes banning waste imports from countries that have not ratified the Basel Convention, prioritizing local waste and essential imports for domestic industries.

Amendments to the Port Act and Free Zone Regulations are also suggested to act against shipping agents making false declarations.

To date, only 1% of total cases have been addressed via joint operations between PDRM and DOE.

These recommendations were derived from an improvement workshop on waste import control and enforcement, involving 12 government agencies and eight NGOs in September last year.

Regarding the arrest of civil servants under Operation Hazard by the Malaysian Anti-Corruption Commission (MACC) for involvement in e-waste processing and disposal corruption, Nik Nazmi stated that the ministry is prepared to facilitate investigations, including cooperation with MACC or disciplinary action against any ministry-affiliated staff involved in such misconduct.

He also expressed appreciation for the efforts of other government agencies in combating the illegal importation of e-waste.