ABNT NBR 10.004 Revised: A New Approach to Waste Classification in Brazil

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Few technical standards have as many legal and regulatory implications in Brazil as ABNT NBR 10.004, the national standard issued by the Brazilian Association of Technical Standards (*Associação Brasileira de Normas Técnicas* – ABNT) for classifying waste as hazardous or non-hazardous. Because it is incorporated into environmental, mining and waste-management regulations at both the federal and state levels, changes to the standard can have direct legal and operational consequences for a wide range of businesses. The standard is referenced, among other frameworks, in the National Solid Waste Policy, regulations issued by the National Environmental Council (CONAMA), rules adopted by the National Mining Agency (ANM) for the classification of mining tailings and, in some cases, state waste-management legislation.

Published in 2024 and scheduled to take effect on 1 January 2027, the revised version of NBR 10.004 fundamentally changes the way waste is classified in Brazil. One of the most significant changes is the greater emphasis placed on the origin of the waste. Whereas laboratory analysis previously played the central role in the classification process, the first step is now to identify the waste in the General Waste List (Lista Geral de Resíduos). This extensive list often determines whether a material is hazardous based on its origin, under a single-entry classification system.

These changes are particularly significant for the industrial sector because waste classification directly affects the way waste must be managed, transported and disposed of. As a result, the reclassification of waste, as hazardous for example, may trigger additional regulatory obligations and

increase operational and disposal costs.

In other words, laboratory assessment of characteristics such as flammability, reactivity, corrosivity, pathogenicity and toxicity becomes secondary and is generally required only when the waste cannot be identified in the General Waste List. Another important change is the introduction of Persistent Organic Pollutants (POPs) as a factor in the classification process.

Although the General Waste List serves as the starting point for classification, its classifications may be challenged where a technical study demonstrates that they are inappropriate for the waste in question. In other words, laboratory analysis, which previously formed the basis of the classification process, now plays a secondary role and is generally used only where the characteristics of a particular waste stream justify reassessing the general classification assigned by the List.

Under the revised standard, a detailed understanding of the production process becomes increasingly important. Because the classification process now places greater emphasis on the origin of the waste, companies will need to identify the source and composition of their waste streams with greater precision in order to assess whether reclassification may be warranted and to mitigate the risks associated with incorrect classifications. This is particularly important because waste is presumed to be hazardous until its characteristics have been determined.

The stakes are high. Classification as hazardous may trigger a range of regulatory obligations and significant additional costs. These may include revisions to environmental permits and their associated operational requirements, investments in new infrastructure and waste-management procedures, the engagement of specialized service providers, environmental liability insurance requirements, registration with the National Registry of Hazardous Waste Operators and the preparation or revision of waste-management plans.

In some cases, reclassification may also affect environmental services agreements, established cost structures and even the economic viability of new projects or industrial expansions.

Although the revision of ABNT NBR 10.004 is a technical change, its practical consequences are likely to extend well beyond waste classification itself. As regulators incorporate the new standard, it may have direct implications for companies' environmental, operational and financial decision-making.

ABNT NBR 10.004:2024 will come into force on 1 January 2027. In the meantime, companies still have an opportunity to review their waste inventories and reassess existing classifications before environmental regulators begin applying the new framework. This transition period can be critical to identifying hidden liabilities, validating waste-management strategies and avoiding costly last-minute adjustments as the effective date approaches.

For this reason, companies in the industrial, mining, construction, chemical, metals, infrastructure, and basic sanitation sectors should begin assessing the potential impact of the new standard on their operations now. Early legal and technical reviews can help identify risks, estimate the investments that may be required, and develop appropriate compliance strategies.

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