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## **Navigating waste regulation**

Are you disposing of your businesses' waste compliantly? Andy Garside, Group Technical Waste Manager at Adler and Allan discusses the impact that non-compliant waste management can have on your business.

As legislation tightens and disposal options diminish, waste management is an increasing challenge for many businesses and organisations.

With strict liability applying to the transfer of waste, not to mention the risks to business reputation, it is important to get it right.

Waste is defined as “any substance or object that the holder discards, intends to discard or is required to discard”. The meaning of “discard” applies to “disposal” and “recovery” operations and processes and can be intentional or unintentional on the part of the holder.

By and large, waste producers are legally responsible for that waste until its final destruction (e.g. incineration or treatment ) or it has been recycled. Irrespective of the number of parties in that chain of custody, the producer will remain liable should something go wrong.

The duty of care legislation makes provision for the safe management of waste to protect human health and the environment. This code of practice is issued under section 34 of the Environmental Protection Act 1990 (the EPA), which sets out practical guidance on how to meet waste duty of care requirements.

Each holder in the waste chain shares the duty of care obligations, and failure to comply is an offence subject to an unlimited fine on conviction.

This code applies to all ‘waste holders’ – anyone who imports, produces, carries, keeps, treats, disposes of or, are a dealer or broker that has control of, controlled waste in England or Wales.

Waste holders fall into the following categories:

- Waste producers – any person whose activities produce waste. This includes private sector businesses such as shops, offices, factories and tradespersons and public sector services such as schools, hospitals and prisons, as well as charities and voluntary and community groups
- Waste carriers – any person, who normally and regularly collects, carries or transports waste in the course of any business or with a view to profit, including those that produce and transport their own waste
- Waste dealers – any person, business or organisation that buys waste with the aim of subsequently selling it, including in circumstances where the dealer does not take physical possession of the waste
- Waste brokers – any person, business or organisation that arranges waste transportation and management of waste on behalf of another party, such as organisations contracting out waste collection services
- Waste managers – any person involved in the collection, transport, recovery or disposal of controlled waste, including the supervision of these operations, the after-care of disposal sites and actions taken as a dealer or broker

As a waste holder, you are obliged to take all reasonable steps to ensure that waste is managed correctly throughout its complete journey to disposal or recovery. Therefore, to prevent waste from escaping your control, you must ensure it is both handled and stored safely and securely right up until its final destination.

If you are in receipt of waste, it is important to cooperate with the previous waste holders to ensure you observe any measures already in place to comply with their duty of care.

It is also necessary to assess and classify waste, as set out in the waste classification guidance, before any waste is collected, recovered or disposed of.

This will establish whether the waste is hazardous or not, and determine which controls apply to the movement of the waste to prevent harm to people and the environment.

Certain wastes may also be classified as Dangerous goods and must be transported in accordance with The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (CDG) Regulations. These Regulations implement ADR (with a number of exceptions) and cover the classification and subsequent guidance for the carriage of potentially harmful materials.

Dangerous goods are assigned different classes ranging from 1 to 9. This classification covers materials and substances from the highly dangerous, including explosives, flammables and acids, to more routine products such as paints, solvents and pesticides.

When transferring waste to another party, you must ensure that a written description of the waste is agreed and signed by both you and the next holder.

Where hazardous waste is concerned a consignment note will be required. This applies to all movements of hazardous waste including collections from businesses by registered waste carriers, movements from one premises to another within the same business and all movements from the waste producer's premises.

Any problems associated with the waste described should also be considered, to ensure subsequent users can handle it properly.

In compliance with your duty of care, you must ensure that any waste is transferred to an authorised individual or establishment.

Most recovery and disposal operators will require an environmental permit detailing specific conditions on how a waste operation must be carried out. This will include limits to the quantity of waste handled, restrictions on the nature of the waste, and measures needed to safeguard both the environment and human health.

Rather than a permit, some waste activities may qualify for waste exemption. However, the exemption must be registered and these too are subject to strict conditions.

Amid complex and rapidly changing legislation, a specialist partner will help you save both time and money, as well as enhance your reputation for competent, environmentally-friendly waste management.

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**Notes to editors:**

Adler and Allan provides market leading environmental risk reduction through preventative and responsive solutions, offering an expert 24-7 service to its customers.

Adler and Allan gives its customers peace of mind in detecting and identifying the environmental risks posed to their business. Its broad range of risk mitigation products and services keep businesses strong, reducing the prospect of litigation, costly fines and bad publicity, as well as reducing the threat to the environment. In a world where the environment and legislation are in constant flux, Adler and Allan also provides emergency response in a variety of settings. Adler and Allan's customers include multinational blue-chip organisations across a wide range of sectors both private and public including defence, utility, marine and facilities management.

**Key facts:**

- Over 20 depots across the whole of the UK
- UK's largest response group with over 400 trained operating staff
- Attended over 10,000 emergency pollution callouts each year for the last five years
- 250+ UK organisations have emergency response contracts with Adler and Allan
- Adler and Allan maintains over 100 million litres of fuel at client facilities annually
- Completed 32,500 on-site tasks for clients during the last 5-years

**For further information:**

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