



Important
European Legislation
MUST READ

do you know what's coming?

European Environmental Legislation

On 1 January 2002, new Environmental Legislation concerning waste comes into force. This is part of a long line of Directives and Regulations coming out of Brussels and adopted in the UK and that are beginning to drive the whole sustainable waste management debate and mould UK environmental protection. Producer Responsibility for Packaging Waste has been the first piece of EU waste management legislation to affect UK industry and commerce through the UK Waste Packaging Regulations. Regulations to control the management of End of Life Vehicles and Waste Electrical and Electronic Equipment will soon follow suite.

We are sending you this booklet as part of Biffa's commitment to ensuring our customers are kept abreast of new legislation and to help you prepare for some of the changes that will affect the management of your waste. I hope you will find it useful – we will be following this with further information on what Biffa can do to help meet these challenges.

Martin Bettington Managing Director



Fridges

1 January 2002 saw the introduction of new European Regulations governing the release of Ozone Depleting Substances (ODS). EC Regulation no. 2037/2000 of 29th June 2001 requires that from 1 January 2002, all CFCs and HCFCs must be recovered from fridges and freezers prior to their disposal. Generally, this applies to equipment manufactured prior to 1995 as more recent equipment will have been manufactured without the use of CFCs or HCFCs. The Regulations will require these items to go through a process for which equipment does not yet exist in the UK. Currently, up to 3 million fridges and freezers are scrapped in the UK each year and around 90% of these are shredded by scrap metal merchants with the rest being exported. From 1 January 2002 both these activities will have to have stopped.

DEFRA, the Government department that deals with environmental issues, has now agreed the standards required in the removal of ODS and it is expected that a number of units will now be constructed around the UK, although it could take up to 9 months before they become operational. Until then, fridges and freezers will have to be stored in approved facilities that will have to meet DEFRA and Environment Agency standards for environmental and physical security.

What does this mean for you?

This could impact on you in two ways.

As a householder, you may purchase a new fridge in the expectation that the retailer will take away the old one. All retailers have now stopped 'take back' schemes and are in discussion with the Government on potential funding of the new arrangements. Until then, you will have to dispose of your old fridge yourself through your local Council, either by arranging a collection – often at cost – or taking the fridge to a local Civic Amenity Site where they should be accepted free.

As a business, you might require to dispose of refrigeration equipment as part of a clearout or because a unit has broken or become unserviceable. Under the European Waste Catalogue (see below), this equipment is expected to become Special Waste from July 2002 following the introduction of the new Special Waste Regulations. Until then, it will remain ordinary controlled waste. However, under the ODS Regulations, it will be illegal to dispose of this equipment (unless free from CFCs and HCFCs) to scrap or with other controlled waste into a landfill site. Fridges, freezers and commercial refrigeration equipment will therefore not be removed by Biffa unless separately contained and through prior agreement. A separate charge will be levied per unit to meet the costs of these new requirements.

Further information can be found at the following websites:

<http://www.defra.gov.uk/environment/waste/fridges/faq.htm> and
<http://www.fridge-recycling.co.uk/>

European Waste Catalogue

Also on 1 January 2002, the European Waste Catalogue (EWC) came into force through an amendment to the Duty of Care Regulations. The subject of many years development and an attempt to harmonise waste classifications across Member States, the Catalogue identifies 20 broad categories of wastes and over 800 separate waste types based upon the process giving rise to the waste. This changes the current UK system that appears on standard Transfer Notes where waste is normally categorised into approximately 10 generic waste types relating to the waste type and producer. The new Categories are much more industry specific with the actual waste types being highly defined.

The full text of the Regulation (2000/532/EC) can be found at:
http://europa.eu.int/eurllex/en/consleg/pdf/2000/en_2000D0532_do_001.pdf

The new Catalogue will take effect under two changes to UK waste management legislation.

Duty of Care

The current Duty of Care Transfer Note is undergoing a review by the Environment Agency to take into account the EWC. It is expected that requirements for a new Transfer Note will be introduced in mid 2002 at which stage the EWC waste descriptions will have to be used. All existing Transfer Notes should be valid until they expire but this remains to be confirmed by the Environment Agency. The new Transfer Note will need to include details of the appropriate waste type taken from the EWC.

How will this affect you?

When you are required to renew your Transfer Note, you will have to agree the waste category and type with your waste management contractor. The majority of wastes are likely to be covered under a fairly generic category, but might then need to have additional waste categories added where wastes that are specifically defined in the Catalogue are present in your waste. For instance, at present, general controlled waste can include waste plastics. Under the new requirements, if you have plastic in your waste, you may have to detail in the waste description on the Transfer Note, the appropriate EWC waste type for plastics. In theory, therefore, you may have to consider all the elements that make up the waste to decide whether they are all under a 'catch-all' category or need to be specifically listed.

Special Waste Regulations

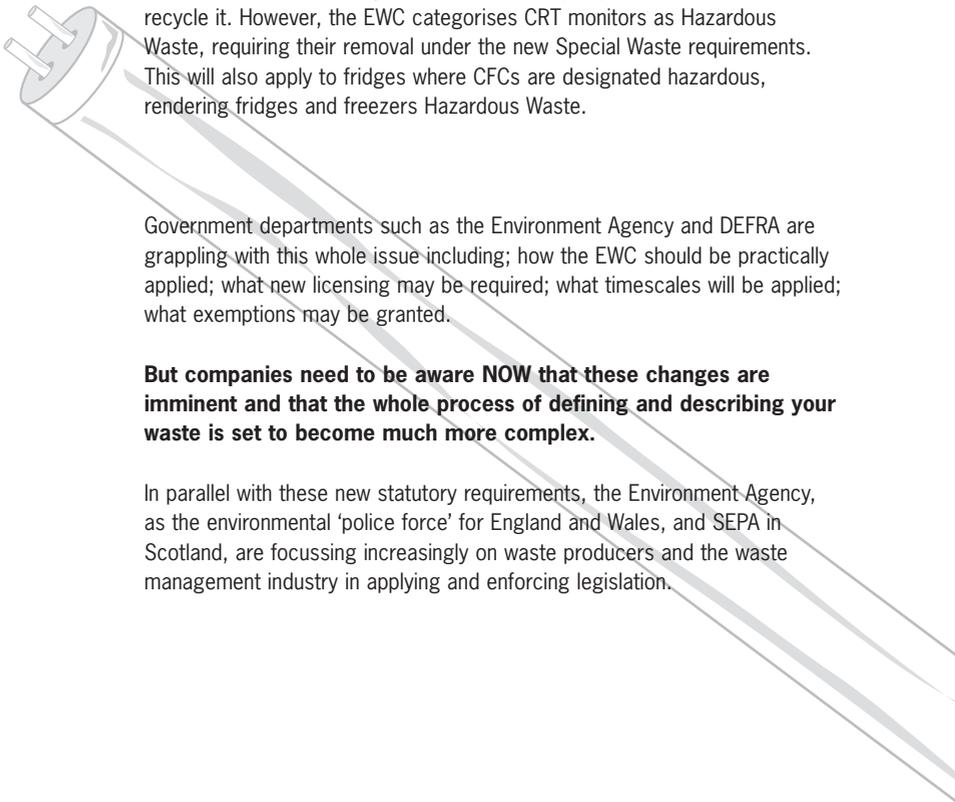
The UK's Special Waste Regulations are undergoing a review with changes expected to be adopted in mid-2002. 'Special Waste' will be re-designated 'Hazardous Waste' and for some producers, the changes should simplify the procedures for dealing with their Special Waste. However, because of the introduction of the EWC, which also defines which wastes are Hazardous, many wastes become classified as 'Hazardous Waste' for the first time (see below). This will have a major impact on some waste producers and there will be a need for all to have a clear understanding of the waste types being collected and disposed of.

A number of wastes will become Hazardous Waste under the new requirements where before they were considered ordinary controlled waste and were able to be placed in general waste containers. For instance, at present fluorescent tubes can be discarded with general waste in small quantities. Following the adoption of the EWC and the new Special Waste Regulations, they will become Hazardous Waste and will have to be dealt with separately. Another example is computer equipment. Currently, old computer equipment can just be taken away by anyone who wishes to recycle it. However, the EWC categorises CRT monitors as Hazardous Waste, requiring their removal under the new Special Waste requirements. This will also apply to fridges where CFCs are designated hazardous, rendering fridges and freezers Hazardous Waste.

Government departments such as the Environment Agency and DEFRA are grappling with this whole issue including; how the EWC should be practically applied; what new licensing may be required; what timescales will be applied; what exemptions may be granted.

But companies need to be aware NOW that these changes are imminent and that the whole process of defining and describing your waste is set to become much more complex.

In parallel with these new statutory requirements, the Environment Agency, as the environmental 'police force' for England and Wales, and SEPA in Scotland, are focussing increasingly on waste producers and the waste management industry in applying and enforcing legislation.

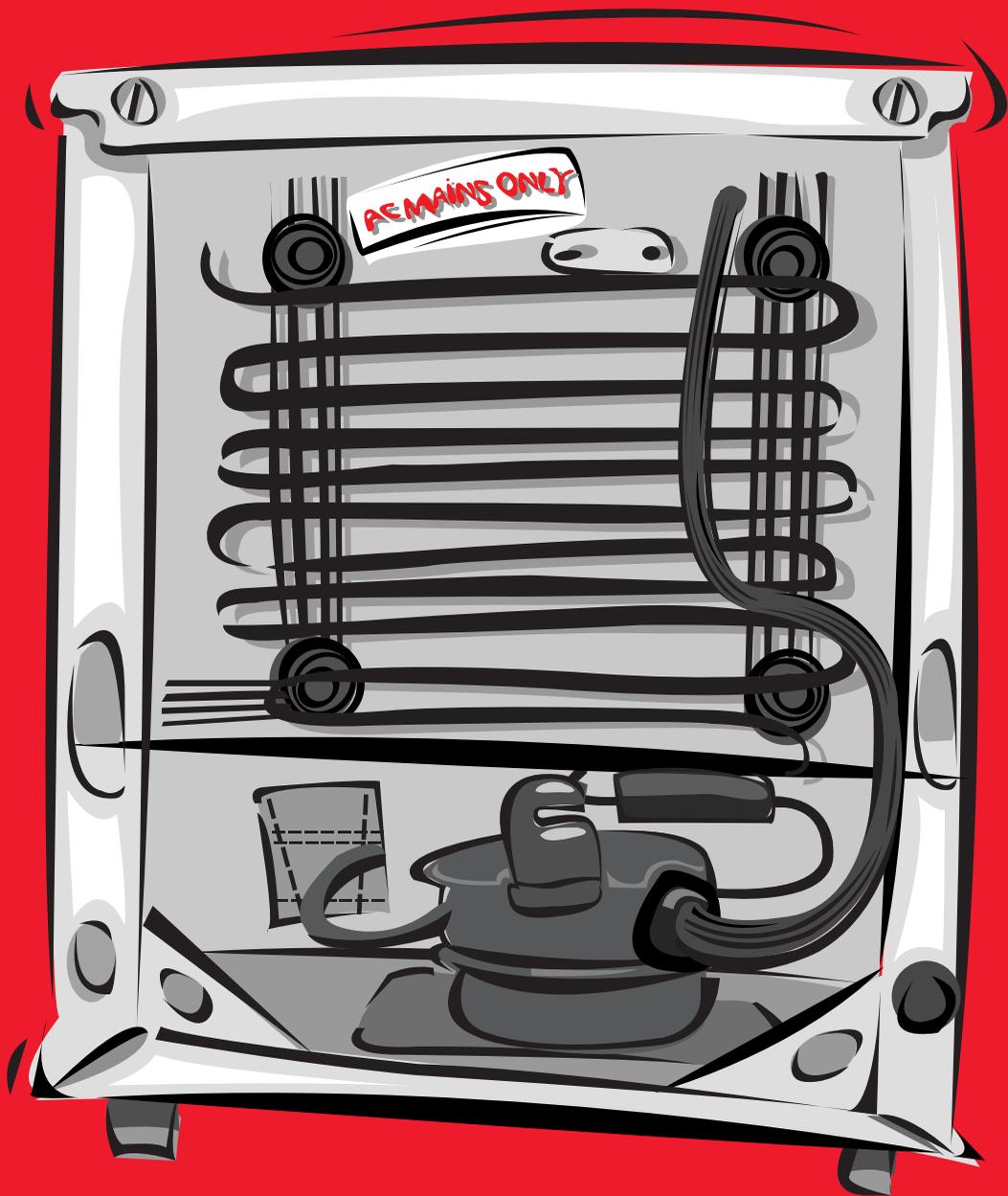


Waste Categories

- 01** Wastes resulting from exploration, mining, quarrying, physical and chemical treatment of minerals
- 02** Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing
- 03** Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard
- 04** Wastes from the leather, fur and textile industries
- 05** Wastes from petroleum refining, natural gas purification and pyrolic treatment of coal
- 06** Wastes from inorganic chemical processes
- 07** Wastes from organic chemical processes
- 08** Wastes from the manufacture, formulation, supply and use (MFSU) of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks
- 09** Wastes from the photographic industry
- 10** Wastes from thermal processes

Waste Categories continued

- 11 Wastes from chemical surface treatment and coating of metals and other materials; non-ferrous hydro metallurgy
- 12 Wastes from shaping and physical and mechanical surface treatment of metals and plastics
- 13 Oil wastes and wastes of liquid fuels (except edible oils)
- 14 Waste organic solvents, refrigerants, and propellants
- 15 Waste packaging; absorbents, wiping cloths, filter material and protective clothing not otherwise specified
- 16 Wastes not otherwise specified in the list
- 17 Construction and demolition wastes (including excavated soil from contaminated sites)
- 18 Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)
- 19 Wastes from waste management facilities, off site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use
- 20 Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions



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