



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Duty of Care Consultation Responses
Defra
Area 6D
Ergon House
Horseferry Road
London

20 July 09

Dear Sir or Madam,

Consultation Response - Revised Waste Duty of Care Code of Practice

I am writing to present the LARAC response to the Waste Duty of Care Code of Practice Consultation, which is contained below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of 90% of the 440 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals' co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC welcomes the revise Code of Practice and finds the document clear and comprehensive. Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on 01786 850326 or khelwig@dsl.pipex.com.

Yours faithfully,

Karin Helwig

LARAC Policy Support Officer



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Consultation Response – Duty of Care Code of Practice

Questions

1. Does this revised code of practice make the requirements of the Duty of Care clear and easy to understand?

LARAC welcomes the revised Code of Practice and, in general, finds the requirements clear and easy to understand. Specific cases where additional clarity might be required are detailed in the answers below.

Glossary of Key Terms:

2. Are the terms given in this section clearly and accurately defined?

LARAC questions two of the definitions:

a. The definition of Waste Manager:

"Waste manager means anyone who re-uses, recycles, recovers or disposes of waste, including the supervision of such operations and the after-care of disposal sites, and includes any actions taken as a broker or dealer."

As such almost anyone, including householders, would be a Waste Manager, and LARAC questions the usefulness of this definition.

b. And that of Waste Producer:

"Any person (or establishment or undertaking) whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations which result in a change in the nature or composition of this waste."

Similarly, the definition of Waste Producer appears to include householders. See under Q4; the responsibilities for Waste Producers are phrased so that they are mostly relevant to commercial operators.

3. Are there any other terms from this document that require a definition in the Glossary?

Not as far as we can see.

Obligations as a Waste Producer:

4. Are the Waste Producer's responsibilities clear and accurate?

Given that the definition of Waste Producer includes householders, not all stipulations under the duty of care will necessarily be within the control of the Waste Producer. For example, the type of



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container used must be as specified by the Waste Collection Authority, the location for Waste Storage may be specified by a landlord. Step 2 in its entirety is clearly not aimed at householders.

LARAC wishes more clarity where it says: "It is advisable to check the later stages of the management of your waste." The term 'advisable' leaves the responsibility for ensuring it the waste is handled appropriately ambiguous.

"Where waste might be exported – You may also need [...] to make checks... LARAC feels that if waste producers whose waste will be exported are realistically expected to check that facilities abroad are suitable to receive their waste, this needs to be stated more explicitly. Is this really the intention, and if so is the Environment Agency's Waste Shipment Team prepared to assist a large number of businesses in doing so?"

Obligations as a Waste Carrier:

5. Are the Waste Carrier's responsibilities clear and accurate?

Yes - LARAC finds this section clear and accurate.

6. Do you feel that the 2007 version of the SIC code is the most appropriate for gathering data on the waste producer?

LARAC has no comments on this.

Obligations as a Waste Manager:

7. Are the Waste Manager's responsibilities clear and accurate?

LARAC's only comment on this section is on the phrase "Waste should be segregated so that where possible it can be recovered or recycled." Whereas waste managers should consider the segregation of wastes, in many cases segregating at this stage (i.e. post-collection) is not practical. The term 'should' is therefore too strong.

Obligations as a Waste Broker or Dealer

8. Are the Waste Broker/Dealer's responsibilities clear and accurate?

Yes – LARAC finds this section clear and accurate.

Obligations as a Householder:

9. Are the Householder's responsibilities clear and accurate?

LARAC would like to make the following suggestion:

The draft Code states that:

"In Summary, as a householder you have a responsibility to:



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- ensure that any waste that you produce is handled and stored safely, without causing harm to the environment and in accordance with the law.
- ensure that any household waste produced on your property is only transferred to a carrier that is appropriately registered with the Environment Agency"

LARAC deems it is confusing to use 'waste' in the first bullet and 'household waste' in the second; would say that some treatment can occur on householders' premises (e.g. shredding, composting) and would like to include a phrase covering the transport of waste by householders. It therefore suggests outlining responsibilities along the following lines:

- Any waste that you produce is handled and stored safely, without causing harm to the environment and in accordance with the law. Where it is treated on your premises, treatment should be safe and without causing harm to the environment.
- ensure that any household waste produced on your property, if transferred to a carrier, is only transferred to a carrier that is appropriately registered with the Environment Agency.
- Ensure that any waste you, or someone on your behalf, take to a recycling point, civic amenity site or household waste recycling centre is safely contained during transport and disposed of in accordance with the site regulations of the receiving facility

Responsibilities in the Event of Waste Export:

10. Are the responsibilities in regards to waste that is being exported clear and accurate?

The responsibilities are described clearly but LARAC questions whether it is practicable for householders to carry out all the checks. Some wastes routinely produced by householders, including e.g. paper, will be exported. Householders should be able to assume that registered carriers are not in breach of export regulations. The Environment Agency should ensure only bona fide carriers are registered, and householders should not be expected to make further checks. Of course, if householders have reason to assume regulations are breached when their waste is exported, they should inform the Environment Agency.

General:

11. Are there any other sectors that require an explanation of their responsibilities?

LARAC has not identified any further sectors.