



Briefing 22-07

February 2022

Government Consultation on carrying, brokering or disposal of waste and mandatory digital waste tracking.

To: All Chief Executives, Senior Policy Officers, Main Contacts and APSE Contacts in England, Scotland, Wales and Northern Ireland. It should be noted that the briefing note contains two consultation links, the first relates to England whilst the second relates to the UK in general.

Key issues

- In 2018, the Resources and Waste Strategy set out the Government's commitment to improve the transport, management, and description of waste by reforming regulations for duty of care, carrier/broker/dealers, hazardous waste and international waste shipments
- Government is currently reviewing requirements regarding the carrying, brokering or disposal of waste - the CBD regime.
- This desire to improve regulations is in response to the cost of dealing with the cost of waste crime to the UK economy, which has been estimated to be £1.11 billion per year.
- Government is therefore carrying out two consultation which are wanting to know what those involved in dealing with waste matters think about their plans to improve the waste carrier, broker and dealer system in England and introduce a mandatory digital waste tracking system to improve waste record keeping.
- APSE hopes local authority members will respond to the two consultations and see these as a real opportunity to combat illicit practices within a waste industry which prides itself in operating to the highest standards of environmental practices.

Government is currently reviewing requirements regarding the carrying, brokering or disposal of waste - the CBD regime. This requires any person or business that transports waste, buys and sells waste, or arranges the transportation of waste in England to be registered with the Environment Agency as a waste carrier, broker or dealer.

- A **waste carrier** is someone who transports controlled waste (waste that is subject to legislative control in either its handling or disposal) as part of their business.
- **Waste brokers** arrange for other businesses'-controlled waste to be handled, transported, disposed of or recovered.
- **Waste dealers** take waste from other businesses to sell on.

Waste may be exported outside of the UK for further treatment, recovery and recycling but is prohibited from disposal in most cases.

In 2018, the Resources and Waste Strategy set out the Government's commitment to improve the transport, management, and description of waste by reforming regulations for duty of care, carrier/broker/dealers, hazardous waste and international waste shipments.

Government has since worked with the regulators to build upon the proposals from the waste industry to reform the CBD regime which are part of a wide-ranging ongoing review of the waste legislation framework across a number of regimes.

There are two tiers for registration.

- Individuals or businesses that only carry waste produced in the course of **their business activities** (other than construction or demolition waste) can register as lower tier.
- If a person or organisation carries **others'** waste, carries construction or demolition waste, or acts as a broker or dealer, their activities are classed as upper tier.

This desire to improve regulations is in response to the cost of dealing with the cost of waste crime to the UK economy, which has been estimated to be £1.11 billion per year. The cost to the English economy alone in the 2018/19 financial year, was estimated to be £924 million. These costs are mainly associated with

- lost business revenues to the legitimate waste sector,
- loss of Landfill Tax through misclassification of waste
- costs to the public sector of clearing abandoned waste sites and fly-tipped waste.

The Independent Review into Serious and Organised Crime in the Waste Sector in 2018 highlighted "*the extent to which waste is handled by an increasing number of, often opaque, intermediaries*".

The review recommended that:-

"Registration and duty of care requirements for carriers, brokers and dealers should be reformed (including in relation to hazardous waste)

These proposals about reforming the waste carrier, broker, dealer registration system in England to ensure that controlled waste in England is moved or traded by authorised persons and in a safe manner.

Government is therefore carrying out two consultation which are wanting to know what those involved in dealing with waste matters think about their plans to improve the waste carrier, broker and dealer system in England, and introduce a mandatory digital waste tracking system to improve waste record keeping.

The first consultation is interested in obtaining views on their proposals to:-

- move from a registration to a permit-based system.
- enhance background checks needed to operate as a waste carrier, broker or dealer
- introduce a technical competence requirement.

By doing this Government intends to make it easier for regulators to enforce against non-compliant operators and make it harder for un-registered operators to find work.

A link to can be found here: <https://consult.defra.gov.uk/eq-resources-and-waste/consultation-on-cbd-reform/>

The second consultation could see the introduction of a mandatory waste tracking system, using powers in the Environment Act to overhaul existing waste record keeping.

It is felt this necessary because large amounts of data are either not collected or not collated centrally. Multiple IT systems collect certain elements of waste tracking data. Some are paper-based, others digital, some are run by private contractors, others by the government, and where use of existing central digital systems is non-mandatory, take up is very low. As a result, it is very difficult to determine what happens to the waste we produce and to have a comprehensive understanding of whether it has been recycled, recovered, or disposed of.

This means those handling waste will record information from the point waste is produced, to the stage it is disposed of, recycled and reused. Joining these fragmented systems up and replacing paper-based record-keeping will make it much easier, it is suggested, and less time consuming for legitimate waste companies to comply with reporting requirements, whilst making it much harder for rogue operators to compete in the industry and commit waste crime including; fly tipping deliberate misclassification of waste; illegal waste exports and the operation of illegal waste sites.

“This will enable regulators to better detect illegal activity and tackle waste crime, including fly-tipping, illegal waste sites, and illegal waste exports,” Defra said in its announcement.

The UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland are working

together to develop a central digital waste tracking service and, through this joint consultation, they are seeking views from all interested parties on the implementation of this service.

The Environment Act 2021 gives governments the powers across the UK to make regulations to establish a digital waste tracking system and require those who produce, handle, dispose of or make products from waste, to enter information onto it.

A link to the consultation can be found here: <https://consult.defra.gov.uk/environmental-quality/waste-tracking/>

Environment minister Jo Churchill said:

“Waste criminals show complete disregard for our communities, the environment and the taxpayer. We have disrupted these rogue operators by giving extra powers to the Environment Agency, with nearly 1,000 illegal waste sites now being shut down each year.

“But there is more to do. Reforming the licensing system will clamp down on abuse of the system and new mandatory digital waste tracking will greatly improve transparency in the sector and make it easier for householders to check that their waste is being disposed of legally.

“Together, these reforms will stop criminals abusing the waste system and make it easier to prosecute offenders successfully.”

APSE Comment

It has been estimated that local authorities dealt with nearly 1.13 million fly-tipping incidents in 2020/21 alone.

With such a drain and ultimately a waste of local authority resources and financial budgets APSE is supportive of proposals which makes life as difficult as possible for illegal waste operators, and at the same time, reduce the unnecessary burdens on local government and the wider community.

The waste sector has often been seen as poorly managed and regulated. Therefore the introduction of these consultations provides a valuable opportunity for the UK waste industry to re-address this image, and have a real say in its future direction.

For this very reason it is important that the consultation is seen as an opportunity to ensure that we have a system which helps protect and improve our environment for

future generations, and help towards delivering the aims of the Resources and Waste Strategy, and the wider Environment Act, with regards to improving the UK environment.

Nevertheless, is it vital that any new system works for waste carriers and achieves its aims in tackling rogue operators. It must be a system that is workable for local councils. APSE would therefore encourage member authorities to respond to these important consultations and would appreciate if any responses could also be shared with Wayne Priestley at wpriestley@apse.org.uk in order that APSE can gauge its members views and respond appropriately on their behalf.

Wayne Priestley

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