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# Waste Management, the Duty of Care A Code of Practice

## Consultation Questions

April 2009



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



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This document is available on the Defra website:

<http://www.defra.gov.uk/corporate/consult/waste-dutyofcare/index.htm>

Published by the Department for Environment, Food and Rural Affairs

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## Introduction

### **Background**

The Waste Duty of Care is established by Section 34 of the Environmental Protection Act (EPA) 1990. This enshrines in law the requirement for all producers, carriers, importers, exporters, brokers, dealers and processors of controlled waste to manage that waste correctly by storing it properly, only transferring it to the appropriate people and ensuring that when it is transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment.

Section 34(7) of the EPA requires the Government to issue a code of practice offering practical guidance on how the waste duty of care can and should be discharged by holders of waste. This Statutory guidance was last issued in 1996 in "Waste Management, The Duty of Care, A Code of Practice", ISBN 0-11-753210-X

### **Introduction to the consultation**

In June 2008, Defra issued a consultation on the Controls on the Handling, Transfer and Transport of Waste

<http://www.defra.gov.uk/corporate/consult/waste-controls/index.htm>

As part of that consultation we proposed updating and reissuing the Waste Duty of Care Code of Practice. Responses to that consultation and other feedback from industry overwhelmingly supported that proposal and strongly suggested that the Code should be tailored to the specific role of the waste holder, so that wherever he or she is in the waste management chain, clear, practical guidance is available which enables them to discharge their responsibilities under the law. We want the revised Code to increase compliance with the duty, reduce inadvertent breaches and increase the quality of information passed between holders.

This is not a consultation on the Duty of Care itself. Apart from some minor changes to the paperwork requirements which we plan to bring into effect later this year, we are making no substantive alterations to the Duty itself. This consultation concerns the revised Code of Practice and the extent to which it offers clear, fit for purpose and practical guidance to holders of waste.

### **How do I respond?**

Responses to this consultation should be sent by 31<sup>st</sup> July 2009:

By email:

[WasteDutyofCare@defra.gsi.gov.uk](mailto:WasteDutyofCare@defra.gsi.gov.uk)

By post:

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## Introduction

### **Confidentiality**

In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through:

The Defra Information Resource Centre  
Lower Ground Floor  
Ergon House  
Horseferry Road  
London  
SW1P 2AL

If you do not consent to this, you must clearly request that your response will be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or email requests (tel: 020 7238 6575 email: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)). Wherever possible, personal callers should give the library at least 24 hours notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

If you have any queries about this consultation you should contact Keith Rogers by email at [WasteDutyofCare@defra.gsi.gov.uk](mailto:WasteDutyofCare@defra.gsi.gov.uk) or telephone on 020 7238 4278.

Complaints relating to this consultation should be sent to Marjorie Addo, Defra's consultation coordinator, Area 7B, Nobel House, 17 Smith Square, London SW1P 3JR.

Government consultation guidelines can be found at [www.cabinetoffice.gov.uk](http://www.cabinetoffice.gov.uk).

### **Geographical Coverage**

This consultation and descriptions of law relate to England and Wales only.

### **Next Steps**

Following this consultation, the Government will analyse the responses and draft a final version of the guidance. The aim is to publish this revised guidance in September 2009.

## Introduction

### **Executive Summary**

After we had analysed responses to the consultation on the Controls on the Handling, Transfer and Transport of Waste and it was clear that there existed strong support for a revised Code of Practice, we set up a steering group to help redraft the Code. The group was made up of representatives of from Defra, BERR, the Welsh Assembly Government, the Environment Agency, the Chartered Institute of Wastes Management, the Environmental Services Association, the Local Government Association and the EEF.

The draft revised statutory guidance document explains the Duty of Care and the requirements it imposes on each sector of the waste process (Producer, Carrier, Manager, Broker/Dealer and Householder). This should help to promote a better understanding of people's obligations to manage waste properly.

Apart from a minor change to the paperwork requirement which we plan to bring into effect later this year to include the reporting of the business sector from which the waste is transferred, we are making no substantive alterations to the Duty itself.

Additional guidance on the type of information that you should submit when transferring waste is also contained where relevant.

## Questions

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

### **Glossary of Key Terms:**

2. Are the terms given in this section clearly and accurately defined?
3. Are there any other terms from this document that require a definition in the Glossary?

### **Obligations as a Waste Producer:**

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

### **Obligations as a Waste Carrier:**

5. Are the Waste Carrier's responsibilities 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?

### **Obligations as a Waste Manager:**

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

### **Obligations as a Waste Broker or Dealer**

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

### **Obligations as a Householder:**

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

### **Responsibilities in the Event of Waste Export:**

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

### **General:**

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