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Consultation on the Revised Waste Duty of Care Code of Practice

Statutory Guidance

April 2009



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



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Duty of Care A Code of Practice

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KEY PRINCIPLES

Duty of Care with Respects to Waste

*This “Waste Management: The Duty of Care – A Code of Practice” is made under Section 34 (7) of the Environmental Protection Act 1990 and replaces all previous versions applicable to England and Wales. **This Code does not apply in Scotland. However, you should have regard to this Code if you are authorised or registered in Scotland, but store, transport or transfer waste in England and Wales.***

The Code is made under statute, and under Section 34 (10) of the 1990 Act is admissible in evidence in court and the court shall take it into account in determining any question to which it appears to be relevant. The intention is that the Code will assist the courts, when hearing cases under Section 34 of the 1990 Act, in determining whether persons subject to the duty took reasonable measures to comply with it.

Key Principles

The “Duty of Care” 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.

‘Waste’ means any substance or object which the holder discards or intends or is required to discard. The Duty of Care concerns those wastes defined as controlled waste by virtue of the premises from which they originate.

All parties have a role to play in policing the Duty of Care, ensuring all other parties comply with the requirements. Failure to comply may lead to enforcement action under the Environmental Protection Act 1990 and the [Waste Control Regulations (England and Wales) 2009].

To comply with the Duty of Care you must take reasonable steps to:

1. prevent the escape of waste whilst you hold it, and while it is being held by others after being transferred,
2. provide written information which describes the waste when you transfer it to another person, sufficiently well to allow them to comply with their duties,
3. ensure that you only transfer waste to a person authorised to receive it,
4. prevent waste causing pollution or harm, both when it is under your control and subsequently under the control of those to whom the waste is transferred.

Householders also have some, more limited, obligations under the Duty of Care.

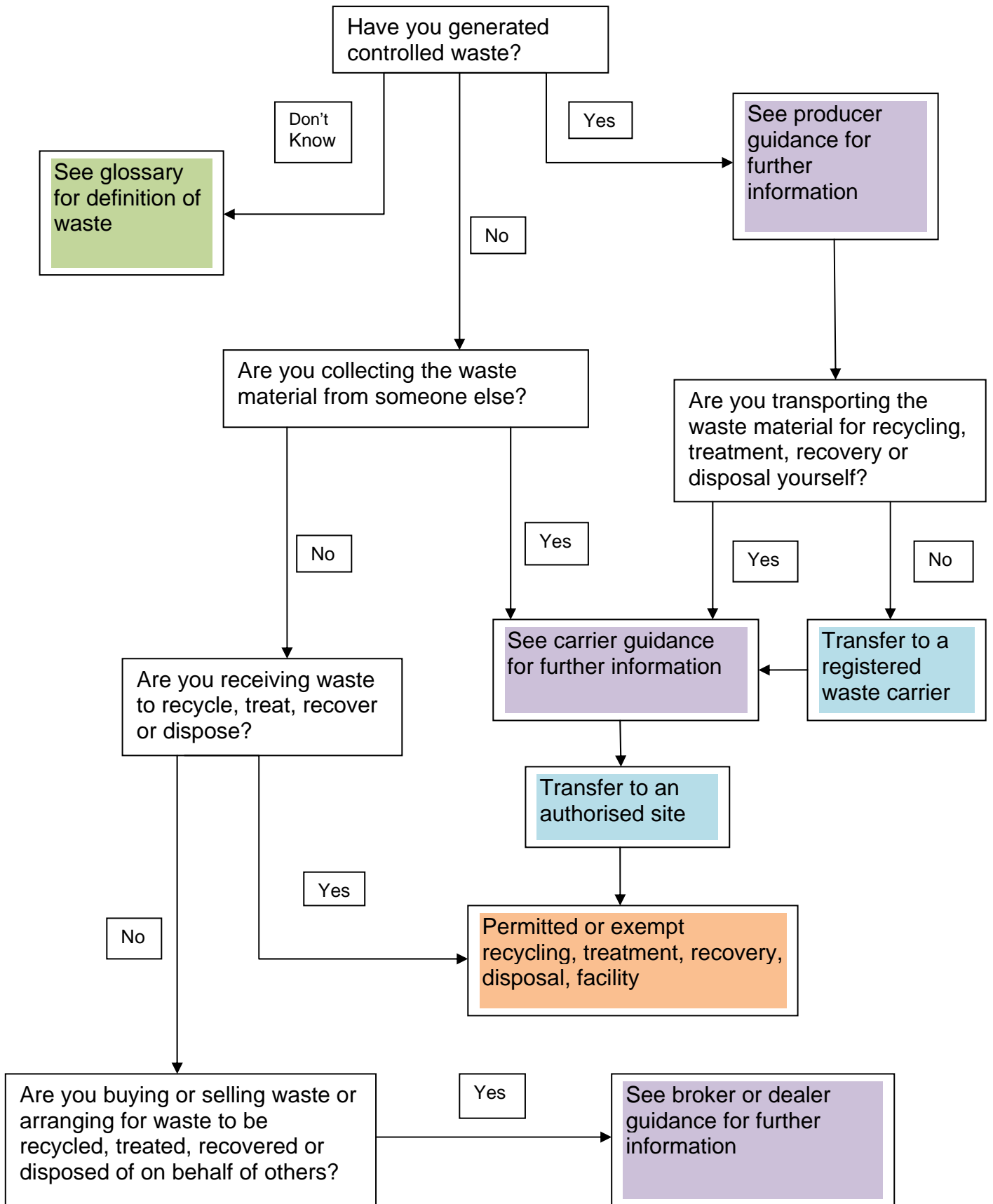
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KEY PRINCIPLES

This code covers the Duty of Care relevant to all aspects of waste management. To make the process of using it easier the sections have been determined by roles. To assist readers in determining their role within the Duty of Care, a flowchart (below) has been developed to lead the reader to the relevant guidance.

Some readers may need to read more than one section of guidance, depending on their role(s) within Duty of Care. For example, if you are a waste producer and carrying your own waste, you will need to read the section on producer and carrier responsibilities.

Where the waste is described as hazardous then reference should be made to the Hazardous Waste (England and Wales) Regulations 2005, the Hazardous Waste (Wales) Regulations 2005 and their supporting guidance.

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FLOW CHART



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GLOSSARY OF KEY TERMS

1. GLOSSARY of Key Terms

Basic Characterisation

The Landfill Directive (1999/31/EC) and Council Decision (2003/33/EC) establish criteria and procedures for the acceptance of waste at landfills including a requirement for their basic characterisation. This includes the following information:

- 1) Source and origin of the waste,
- 2) Information on the process producing the waste (description and characteristics of raw materials and products),
- 3) Description of the treatment applied in compliance with Article 6(a) of the Landfill Directive or a statement of reasons why such treatment is not considered necessary,
- 4) Data on the composition of the waste and the leaching behaviour where relevant,
- 5) Appearance of the waste (smell, colour, physical form),
- 6) Code according to the European Waste Catalogue (UK List of Wastes),
- 7) For hazardous wastes in case of mirror entries: the relevant properties according to Annex 3 to the Hazardous Waste Directive,
- 8) Information to prove that the waste does not fall under the exclusions of Article 5(3) of the Landfill Directive,
- 9) The landfill class at which the waste may be accepted,
- 10) If necessary additional precautions to be taken at the landfill, and
- 11) If the waste can be recycled or recovered.

Broker

A person (or establishment or undertaking) arranging the recovery or disposal of waste on behalf of others including those brokers who do not take physical possession of the waste.

Carrier

Any person (or establishment or undertaking) transporting waste within England and Wales.

Construction Work

The carrying out of any building, civil engineering or engineering construction work and includes: construction, alteration, conversion, fitting out, commissioning, renovation or other maintenance, decommissioning, demolition or dismantling of a structure.

Construction and Demolition Waste

Waste arising from works of construction or demolition, including preparatory works thereto.

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Controlled Waste

The term controlled waste comes from Section 75(4) of the Environmental Protection Act 1990 and is defined as “household, industrial and commercial waste or any such waste”. Each of these terms is then defined in Sections 75(5)-(7) of the 1990 Act. These are summarised below:-

'Industrial Waste' originates from:

- (a) factories;
- (b) premises related to any public transport services;
- (c) any premises used for supply to the public of gas, water or electricity or the provision of sewerage services;
- (d) any premises used for the provision to the public of postal or telecommunications services; or
- (e) any mine or quarry or any premises used for agriculture within the meaning of the Agriculture Act 1947.

'Household Waste' includes Waste from:

- (a) domestic property or residential home;
- (b) a caravan;
- (c) a premises forming part of a university or school or other educational establishment;
- (d) a premises forming part of a hospital or nursing home

'Commercial Waste' means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment *excluding*:

- (a) household waste; and
- (b) industrial waste.

Schedules 1, 3 and 4 to the Controlled Waste Regulations (as amended by the 2007 Regulations and the Waste Management (England and Wales) Regulations 2006) list particular types of wastes which are to be treated as household, industrial or commercial waste.

Dealer

Person (or establishment or undertaking) which purchases and subsequently sells waste as a principal including dealers who do not take physical possession of that waste.

Enforcement Officer

An officer of the Environment Agency or Local Authority who has powers in connection with the investigation of suspected offences, the detection and apprehension of offenders and granted powers to act in respect of environmental offences.

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Environmental Permit

A permit issued under the Environmental Permitting (England and Wales) Regulations 2007.

Such permits replace those permits and licences granted or issued under the Pollution Prevention and Control (England and Wales) Regulations 2000, the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994.

Environmental Protection Act 1990

Section 34 of this Act establishes the requirements of the Duty of Care with respect to waste.

Exemption from an Environmental Permit

Part 1 of Schedule 3 to the Environmental Permitting (England and Wales) Regulations 2007, lists and describes the waste operations which do not require an environmental permit, providing that the establishment or undertaking carrying them out has registered that exemption where required.

These Regulations also specify the requirements that an exempt waste operation must meet.

Establishment or Undertaking

Includes any organisation, whether a company, partnership, authority, society, trust, club, charity or other organisation, but not private individuals.

Green List Waste

Waste which is not, for the purposes of import or export for recovery, regarded as hazardous. Green list controls apply to some (but not all) imports or exports. Contact the Environment Agency's Transfrontier Shipment of Waste National Service on 01925 542265 for more details.

Harm

Harm to the health of living organisms or other interference with the ecological systems of which they form part and in the case of man includes offence to any of his senses or harm to his property; and "harmless" has a corresponding meaning.

Householder

The occupier of any domestic property.

Regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 and regulation 2 of the Waste (Household Waste Duty of Care) Regulations 2006 amends Section 34 of the 1990 Act so that: "It shall be the duty of

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the occupier of any domestic property in England or Wales to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes."

Holder of Waste

The producer of the waste or the person, establishment or undertaking that is in possession of it or who, as a broker, has control of it.

List of Wastes (EWC)

The List of Wastes (England) Regulations 2005 and the List of Wastes (Wales) Regulations 2005 transpose the European Waste Catalogue (EWC) in England and Wales. The list has more than 800 codes for all hazardous and non-hazardous waste and is now being used to specify what wastes particular waste management facilities can accept under the terms of their environmental permit or exemption.

There is a requirement to include the appropriate List of Wastes code as part of the description of the waste on all controlled waste transfer notes.

The Environment Agency provides information on how to interpret the List of Wastes to help anyone producing, carrying or managing waste in England and Wales and on how to code waste correctly. Also available is a waste *thesaurus* - an alphabetical list of commonly used waste descriptions and their related codes.

<http://www.environment-agency.gov.uk/business/topics/waste/32140.aspx>

Pre-treatment of Waste (for the purposes of Article 6 of the Landfill Directive (1999/31/EC))

The legal definition of treatment requires three things (the 'three-point test'):

1. It must be a physical, thermal, chemical or biological process including sorting.
2. It must change the characteristics of the waste.
3. It must do so in order to:
 - (a) reduce its volume, or
 - (b) reduce its hazardous nature, or
 - (c) facilitate its handling, or
 - (d) enhance its recovery.

With certain exceptions, only wastes that have been subject to 'treatment' may be landfilled, treatment is intended to encourage more recycling and reduce the impact of the wastes that are landfilled.

Pollution of the Environment

Pollution due to the release or escape (into any environmental medium) from:

- (a) the land on which controlled waste is treated,
- (b) the land on which controlled waste is kept,

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(c) the land in or on which controlled waste is deposited,
(d) fixed plant by means of which controlled waste is treated, kept or disposed of,
of substances or articles constituting or resulting from the waste and capable (by reason of the quantity or concentrations involved) of causing harm to man or any other living organisms supported by the environment.

Public Registers

A register maintained by the Environment Agency of all registered waste management activities including all waste carriers or those exempt from carrier registration, waste brokers and dealers, those with an environmental permit or those sites registered as operating under an exemption from environmental permitting.

Public registers can be accessed on the Environment Agency web site <http://www2.environment-agency.gov.uk/epr> or by telephoning the Environment Agency national customer contact centre: 08708 506 506.

Season Ticket

A controlled waste transfer note must be created for each load of waste that leaves your site. However, for repetitive transfers there is provision to use one transfer note which will cover multiple transfers. One transfer note can be used for multiple collections for a time period that is recommended not to be longer than 12 months; it should then be renewed if required. This is called a "season ticket".

A season ticket can only be used if none of the following details change:

- the waste carrier remains the same
- the producer or collection premises remains the same
- the description of waste remains the same

If any of this information changes, then an individual transfer note must be used. It is advisable that a log be maintained of loads of waste leaving and arriving at sites under a season ticket.

SIC Codes

SIC is the UK Standard Industrial Classification of Economic Activities (2007).

The SIC code is used to classify business establishments and other statistical units by the type of economic activities they are engaged in. You are required to record the appropriate SIC code of the transferor on all controlled waste transfer notes.

Relevant codes can be determined from the Office of National Statistics (ONS) or their website:

http://www.statistics.gov.uk/methods_quality/sic/downloads/SIC2007explanatorynote_s.pdf

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Three Point Test

See Pre-treatment of Waste (for 3 point test for landfill).

Transfer Note

A note which must be created for any transfer of controlled waste.

The note must be signed by both parties and must contain certain prescribed information (see Annex 1 for details) about the waste to be transferred. It should also contain a written description of the waste and any further information required for the next and subsequent holders of the waste to manage it without causing pollution of the environment or harm. A specimen note is provided in Annex 2 of this guidance.

Transferee

The person (or establishment or undertaking) receiving the waste.

Transferor

The person (or establishment or undertaking) holding the waste and who transfers it to another (different) person (or establishment or undertaking).

Waste

‘Waste’ means any substance or object which the holder discards or intends or is required to discard.

Waste Collection Authority

A local authority responsible for collecting waste as defined in the 1990 Act.

Written Description

Additional information submitted on the transfer note identifying the nature and characteristics of the waste. This should help subsequent holders to manage the waste correctly and to meet their requirements under the Landfill Directive.

WEEE

Waste Electrical and Electronic Equipment that is controlled by the Waste Electrical and Electronic Equipment Regulations 2006 (as amended). <http://www.environment-agency.gov.uk/business/topics/waste/32084.aspx>

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Waste Export

Any waste to be exported (or imported) is subject to a range of regulatory controls (see also Green List Waste above). Anyone that is planning to export waste needs to be familiar with these controls. Contact the Environment Agency's International Waste Shipments Team at shipments@environment-agency.gov.uk for more details.

Where controlled waste is held, transferred or carried in England and Wales prior to being exported the person (or establishment or undertaking) that holds or has control of that waste is still subject to the Duty of Care.

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.

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.

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Duty of Care – Your Obligations as a Waste Producer

What are my responsibilities?

As (original) producer the waste you produce and how you manage it when it is in your possession will impact on the way it might subsequently be managed by others. You therefore have the primary role under the Duty of Care. This section offers guidance to ensure that the objectives of the Duty of Care are achieved.

You need to satisfy yourself that you can transfer the waste in a condition that does not present difficulties to others in complying with their obligations and that the waste is only transferred to an authorised person.

If you operate a waste transfer or treatment facility that changes the composition of the waste, you will be regarded as the producer of the waste subsequently leaving your site. You should therefore refer to this producer guidance and comply with the producer obligations.

In summary as a waste producer, you have a duty to:

- *ensure that any waste you produce is handled and stored safely, without causing harm to the environment and in accordance with the law.*
- *know the nature of your waste, for example if it is waste from one of your processes you will be best placed to know its properties.*
- *take care of the waste while you hold it, for example during storage, so it does not escape from your control.*
- *ensure your waste is transferred to someone who is authorised to receive it, for example, a registered waste carrier or waste manager with the relevant environmental permit.*
- *ensure that the transfer of waste is covered by a waste transfer note including a full description of the waste and retain a copy of this note for two years.*
- *ensure that the waste description is accurate and contains all the information you are reasonably in a position to give for safe handling, transport, treatment, recovery or disposal by subsequent holders.*
- *ensure if you are carrying your own waste that you are appropriately registered with the Environment Agency.*

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Your Obligations as a Waste PRODUCER

Where you use a waste broker or dealer, then you both have responsibilities under the Duty of Care. Using a waste broker does not lessen or remove any of these responsibilities from you in your role as waste producer.

The terms waste, broker, dealer and waste producer are defined in the glossary.

What does this mean?

You and/or your business have a duty to take all reasonable measures to comply with the Duty of Care whilst the waste is in your possession and when you pass your waste (transfer) to somebody else. This means that you must ensure that you take the following steps;

Step 1 - Prevent the Escape of Waste

You must not allow any waste materials to escape from your control and that of your employees, or the control of others during subsequent transport.

Containers must be suitable for holding the waste so that it does not escape during transport and management e.g. do not place loose powder materials or waste paper in an open builders skip as they are likely to blow away. Such materials should be securely contained or bagged.

What must I do when storing Waste?

When waste is being stored at your premises you need to make sure that waste is stored in;

- a secure location where access to it is limited to persons you have identified. If waste is kept in a less secure location, loose materials or specific objects may be blown or washed away or even stolen. Less secure storage may also attract others to mix their waste with your own. If this occurs then the waste carrier or contractor may charge you more or refuse to accept the waste at their site.
- a location which will prevent vandalism of the containers, for example setting the waste on fire, puncturing of drums containing liquid.
- containers that are clearly labelled with their contents so that people know what can and cannot be placed in them and the next holder of the waste can clearly see what the containers hold.
- containers that are stored safely and leakage prevented and controlled.

It is good practice to **segregate** wastes, especially to avoid incompatibility problems but also to facilitate recycling or re-use. Clean, uncontaminated waste streams will be of higher value to recyclers so segregation will also help in reducing costs to you.

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Where can I get advice about packaging for transport?

You should expect your waste contractor (carrier) to advise you on the packaging requirements for safe transport. If you are employing a waste broker then you might also be able to obtain such advice from them.

Step 2 - Describe Your Waste

Ensure that any waste being transferred is covered by a waste transfer note including an adequate written description that will enable anyone receiving it to manage it in accordance with their own Duty of Care.

If you have not described the waste properly or not told the next holder the properties of the waste, then you may still be liable if something goes wrong after the waste is transferred.

What information must I provide?

The transfer note is your evidence of the transfer of waste including the information that was passed on. You will have to produce it when asked by an enforcement officer. The transfer note **MUST** contain the following prescribed information:

- The note must be completed and signed by both parties (electronically is acceptable).
- Information on the quantity and nature of the waste and how it is contained (e.g. does the waste contain batteries or WEEE?).
- The place, date and time of transfer of the waste. If you are using a season ticket the period for which it is valid (i.e. valid from dd/mm/yyyy to dd/mm/yyyy).
- Names and addresses of the transferor (you) and the transferee (e.g. usually either a registered carrier or environmental permitted waste manager)
- The appropriate code and description from the List of Wastes Regulations for the waste [<http://www.environment-agency.gov.uk/business/topics/waste/32140.aspx>] (commonly referred to as the EWC code)
- The Standard Industrial Classification (SIC) Code for your business to the level required by the Environment Agency.
- The transfer note should also contain an adequate description of the waste and any processes that have already been applied to it.

A specimen transfer note is provided in Annex 2 to this guidance. The format for this is advisory but it does contain all of the statutory information required. If any of this statutory information is missing then you may be committing an offence.

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What is an adequate Waste description?

An adequate description will depend upon the nature of the waste and any treatment or sorting processes that it has already been through. As waste producer you are best placed to describe your waste, especially if it originates from your processes. However in other cases, for example, for out of date or unused raw materials, it may be sufficient to also include safety data sheets provided by the supplier of such materials.

The description should however include mention of any special problems associated with the waste. In looking for “special problems” it may help to ask yourself and record answers to such questions as:

- Does the waste need a special container to prevent its escape or to protect it from the elements e.g. loose waste?
- Does the waste require particular treatment or handling e.g. clinical waste which requires sterilisation, batteries or WEEE?
- Are the containers robust and suitable e.g. containers in good condition, suitable for the physical nature of the waste?
- Are the containers correctly labelled, with old labels removed to avoid confusion?
- Can it safely be mixed with any other waste or are there wastes with which it should not be mixed, for example, might there be problems with other wastes at a waste transfer station?
- Can it be disposed of safely in a landfill site with other waste?
- What processes have I applied to this waste (segregated, composted, etc.)?
- What materials have I removed from this waste (metals, plastics, paper, glass, etc.)?
- Is it likely to change its physical state during storage or transport e.g. might it give off gas or become liquid, in which case sufficient headspace will need to be provided in containers?
- Are there any other issues with the waste which others should be aware of (smell, liquids leaching from the waste, etc.)?

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If the waste is hazardous you have the same obligations under the Duty of Care. A consignment note, rather than a transfer note, is required to comply with the Hazardous Waste (England and Wales) Regulations 2005 and the Hazardous Waste (Wales) Regulations 2005 together with any additional information for Duty of Care

What else should I do?

It is advisable to know where and to what type of facility your waste is going. Notably, if your waste is to be:

- landfilled, then you should record how you have pre-treated your waste and if not you should record the reason why. You will need to determine the waste's properties by carrying out a basic characterisation. This consists of a three point test which your contractor can help you with (refer to glossary for details of the three point test).
- transported to a transfer station where it will be mixed with other wastes then you may need to consider if it might be incompatible with other wastes which might react with it or cause problems for subsequent holders.
- exported, then you should establish whether the waste is of sufficient quality to meet the criteria for recovery or recycling in the receiving country. Waste should be appropriately segregated, it is illegal to export waste for disposal. See the Responsibilities in the Event of Waste Export section.

Non hazardous waste destined for recycling in another country is referred to as Green List Waste. For further details refer to the Environment Agency's website <http://www.environment-agency.gov.uk/business/sectors/32447.aspx>

Consideration should be given as to whether any further export controls or notification requirements apply. You can get further information from your contractor, broker, dealer or the Environment Agency.

Segregation of your waste is the key to good waste management as this can facilitate recovery or recycling of parts of your waste and reduce the quantity destined for landfill. Your intent in any pre-treatment must be to facilitate recovery or recycling of the segregated wastes.

You must keep a copy of the transfer note signed by yourself and the person you transfer waste to for **two** years. This can be an electronic copy, including electronic signatures, provided an enforcement officer can view

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it. You also need to keep any additional information with this note such as any analysis results.

It is advisable to re-check carrier registration from time to time as many carrier registrations are annually renewable and in some circumstances the registration may have been cancelled or revoked by the Environment Agency.

In order to reduce administrative burdens a 'season ticket' system can be applied, for a period up to 12 months. This prevents the need for a transfer note to be produced for every waste load transferred. However this 'season ticket' can only be used for waste of the same description transferred to the same transferee (further details are provided in Annex 3). Such a season ticket might be used, for example, for the weekly collection of waste from shops or repetitive transport of excavated materials from construction works.

You should also keep a log of individual loads collected from you under season ticket arrangements. For example, you could request weighbridge tickets from your waste carrier.

Step 3 - Waste Must Only be Transferred to an Authorised Person

Make sure that any person or business you are transferring waste to or who is organising waste transfers for you are registered with the Environment Agency to do so. If they are not registered with the Environment Agency you should confirm that they do not need to be before they take the waste.

What should I do to check authorised persons details?

The detail of the checking required will depend on the quantity or nature of the waste you produce. For example, if you produce large quantities of waste or waste which is of an inconsistent or hazardous nature, you might satisfy yourself that the waste manager can accept your waste.

It is advisable to check the later stages of the management of your waste. As a minimum you should ask for:

- a copy of the carrier's registration certificate and check this against the Environment Agency public registers <http://www2.environment-agency.gov.uk/epr> to confirm that it is genuine and valid.

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- confirmation of the broker/dealers registration and check this against the Environment Agency public register <http://www2.environment-agency.gov.uk/epr/>

If you choose to engage a waste broker to identify suitable carriers and/or waste management options for your waste then you will share equal responsibility for how the waste is stored, transported and ultimately managed. You must ensure any broker you use has a valid registration. It is advisable to record any checks you have made.

- evidence that the environmental permit or exemption allows for deposit of your type of waste.
- the reference number of the site's environmental permit so that you can, if necessary, check this against Environment Agency or local authority's public registers [enquiries@environment-agency.gov.uk] to confirm that it is genuine and valid.

If you produce large amounts of waste or waste which can be difficult to manage then it might be appropriate to visit the site where your waste is recycled, recovered or disposed of. This might be part of your environmental management system.

If your waste is destined for a transfer station or materials recovery facility it may be sufficient to know what is going to happen to your waste there. If the site, by virtue of the activities carried out there, changes the nature of the waste then they will become the producer of any waste that leaves this site.

Where waste might be exported

You may also need, where waste is to be exported, to make checks that the facility identified for processing the waste in the country of receipt is suitable. Further guidance on this can be provided by your waste contractor or in discussion with the Environment Agency's International Waste Shipment Team at shipments@environment-agency.gov.uk.

Waste dealers or traders are often involved where waste is exported.

Waste brokers, dealers or traders must be registered in that capacity by the Environment Agency.

Both you and any broker or dealer involved should retain documents including any waste description with any additional information for **two** years.

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Your Obligations as a Waste PRODUCER

Step 4 - Prevent Your Waste Causing Harm

The term 'harm' is defined in the glossary. It is caused by the unauthorised or inappropriate deposit, treatment, recovery or disposal etc of waste.

What do I need to do to prevent Harm?

It is not possible to draw a line at the gate of the waste producers' premises and say that your responsibility for waste ends there. A producer remains responsible according to what he 'knows or should have foreseen'.

So if you hand waste to a carrier, not only should it be properly packaged when transferred, but you should take account of anything you see or learn about the way in which the carrier is subsequently handling it. For example, you:

- would not be expected to follow the carrier, but you may wish to determine that waste has subsequently arrived at its intended destination especially if the waste has particular problematic or hazardous properties. You can do this by requesting weighbridge or tip tickets or email.
- should be able to see whether the waste is loaded securely for transport when it leaves your premises. If it subsequently falls off the vehicle you could be liable.
- may notice a carrier's lorries returning empty for further loads in a shorter time than they could possibly have taken to reach and return from the proposed waste management site. You might in such circumstance wish to inform the Environment Agency.
- may notice a carrier apparently engaged in the unlawful deposit ("flytipping" or "dumping") of someone else's waste.

These would be grounds for suspecting the illegal handling of your waste by the carrier.

An example of this might be the burning of waste such as packaging. This may result in harm and, except in very restricted circumstances, is illegal. In many cases such waste can be recycled or recovered.

Also, allowing waste to escape from your control, such as causing litter, allowing liquids to leak from containers and so on are other examples of where harm can be caused whilst you hold the waste.

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The same reasoning applies even when you make arrangements directly (or through a broker) with a waste manager for the treatment, recovery or disposal of your waste. You would share liability with the carrier for any harm caused by your waste if you ignore evidence of mistreatment.

Any site with an Environmental Permit will be inspected by the Environment Agency whilst the Waste Facilities Auditing Association and others also record the performance of site operation.

A producer should act on any knowledge to stop the illegal handling of waste. Whenever you become aware that your waste is being illegally dealt with you should tell the Environment Agency (incident hotline number 0800 807060).

Can I put waste in the post?

The obligations under the Duty of Care apply to waste transported through the post. If you intend to send waste by post or by a courier you must comply with the Duty of Care. You can talk to the Environment Agency if you are involved in the postal take back of waste to ensure you fully understand your obligations.

Producers of any waste that they are intending to send through the post must ensure that;

- packaging is adequate (so that waste cannot escape) and is correctly labelled,
- the carrier is aware that your package contains waste,
- the person transporting your package is a registered waste carrier, and
- there is a transfer note between yourself and the carrier (under a season ticket if there are regular transfers).

If you are a householder then a transfer note is not required between yourself and the carrier.

Duty of Care Code of Practice 2009
Your Obligations as a Waste CARRIER

Duty of Care – Your Obligations as a Waste Carrier

What are my responsibilities?

Waste carriers have an important role to play in ensuring that waste is stored, transported, treated and managed correctly. Further guidance on the registration of waste carriers can be found at <http://www.environment-agency.gov.uk/business/sectors/wastecarriers.aspx>

However, one of the reasons for revising guidance on the Duty of Care is the level of illegal deposit of waste ('fly tipping').

Local authorities also have an extensive role as waste carriers.

In summary, as a waste carrier, you have a duty to:

- *ensure that any waste you carry is transported safely without causing harm or pollution of the environment and in accordance with the law.*
- *know the nature of the waste you are carrying by ensuring that you have obtained all of the necessary information on the waste which has been transferred to your control, especially the details in the transfer note.*
- *take care of the waste while you hold it so that it does not escape (for example, waste falling off the vehicle).*
- *ensure that you are appropriately registered with the Environment Agency.*
- *ensure that the transfer note is completed and signed by yourself and the previous keeper of the waste for each load of waste that you carry.*
- *ensure that the description of the waste that you receive is accurate and contains all the information necessary for safe handling, transport, treatment, recovery or disposal by subsequent holders.*
- *ensure that you only transfer the waste to someone who is authorised to receive it (for example, a site with a relevant Environmental Permit).*
- *ensure that the transfer of waste from you is covered by a new waste transfer note including a full description of the waste (this duty may be shared with the next holder in some circumstances).*

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Your Obligations as a Waste CARRIER

What does this mean?

You and/or your business have a duty to take all reasonable measures whilst the waste is in your possession and when you pass waste on (transfer) to somebody else. This means that you must ensure you take the following steps:

Step 1 - Prevent the Escape of Waste

You must not allow any waste materials to escape from your control during transport.

Vehicles and containers must therefore be suitable for holding the waste so that it does not escape during transport and management, e.g. open builders skips should not be overloaded and should be netted or covered in some way to prevent wastes falling out.

What should I look out for when I come to collect waste?

When you collect waste from any premises you need to make sure that waste:

- is being stored in a secure location and in suitable containers for transport. If waste is kept in a less secure location, other parties may have mixed their waste with that which you are contracted to collect meaning that the waste will not correspond to the description that you have been given, in which case you may need to agree different arrangements.
- where waste is stored in containers, that these are clearly labelled with their contents so that you know what the wastes are and can confirm that you are collecting the correct waste. Those containers are stored safely and leakage prevented and controlled.
- containers should also clearly describe the properties of the waste so that you and the next holder of the waste can clearly see what the containers hold. If you feel that the containers being used are in a poor or unsafe condition you have a duty under these regulations not to carry them. You may need to re-pack or have it repackaged before you feel the waste can withstand transport.
- open containers such as skips, which have been left in the open for some time may well contain significant amounts of water which may not only have become contaminated, or leak out on the highway ('escape') but may make the load unstable for transport and may not be acceptable for the site you are taking the waste to.

Duty of Care Code of Practice 2009 **Your Obligations as a Waste CARRIER**

Step 2 – Description of the Waste

Ensure that any waste that you collect is covered by a completed transfer note including an adequate written description that will enable you and the next holder to transport, store or manage it in accordance with the Duty of Care.

What is the Waste transfer note?

The waste transfer note is your evidence of a waste transfer and of the information that was passed on. You will have to produce it when asked by an enforcement officer.

The transfer note **MUST** contain the following prescribed information.

- The note must be completed and signed by both parties (electronically is acceptable). It may be possible that you are carrying waste under “season ticket” arrangements.
- Information on the quantity and nature of the waste and how it is contained (e.g. does the waste contain batteries or WEEE?).
- The place, date and time of transfer. If you are using a season ticket the period for which it is valid (i.e. valid from dd/mm/yyyy to dd/mm/yyyy).
- Names and addresses of the transferor (the person you have collected waste from) and the transferee (you). When you deposit waste you will then become the transferor.
- The appropriate code and description for the waste from the List of Wastes Regulations (commonly referred to as the EWC code).
- The Standard Industry Classification (SIC) code of the business that you have collected the waste from.

The transfer note should also have an adequate description of the waste and of any processes that have already been applied to it.

You must keep a copy of the transfer note signed by yourself and the person you have collected waste from and transferred waste to for **two** years. This can be an electronic copy, including electronic signatures, provided the enforcement officer can view it. A copy of the transfer note should, in normal circumstances, accompany the waste during transport.

Duty of Care Code of Practice 2009 **Your Obligations as a Waste CARRIER**

In very limited circumstances it may not be possible to obtain the signature of the previous waste holder at the time of transfer. In such circumstances every effort must be made to obtain a signature before waste collection. If this is not possible the waste transfer may be covered by a 'season ticket' that has been completed and counter-signed prior to the waste being collected.

What is an adequate description?

An adequate description will depend upon the nature of the waste and any treatment or sorting process that it has already been through. The waste producer should be able to adequately describe waste that has arisen from their processes. They may also be able to provide detailed safety information about specific waste materials.

The description they provide should include any special problems associated with the waste which you are collecting. In looking for 'special problems' it may help to ask and record answers to such questions as:

- Does the waste need a special container to prevent its escape or to protect it from the elements?
- Does the waste require particular treatment or handling, e.g. clinical waste which requires sterilisation, batteries or WEEE?
- Are the containers robust and suitable, e.g. containers in good condition, suitable for the physical nature of the waste?
- Are the containers correctly labelled with any old labels removed to avoid confusion?
- Can the waste be safely mixed with any other waste or are there wastes with which it should not be mixed, for example might there be problems with other wastes at a transfer station?
- Can it be disposed of safely in a landfill site with other wastes?
- What processes have they applied to this waste (segregation, composting, treatment etc.)?
- What materials have been removed from this waste (metals, plastics, paper, glass etc.)?
- Is it likely to change its physical state during storage or transport, e.g. might it give off a gas or become liquid?
- Any other issues associated with the waste you are collecting (smell, leachate issues etc.).

Duty of Care Code of Practice 2009 **Your Obligations as a Waste CARRIER**

You must also receive a waste code and description from the List of Wastes Regulations referred to in the Glossary. <http://www.environment-agency.gov.uk/business/topics/waste/32140.aspx>.

Waste described as “general factory waste” or “muck” would not constitute an adequate description.

You should know what and how much waste you are contracted to collect, so that when you arrive to collect any waste you should, as a minimum, be able to inspect the waste to ensure that it corresponds to the description given to you. It is particularly important to note any waste that may require specialist handling or treatment (e.g. batteries, WEEE).

You should also be able to check that there are no items which obviously do not correspond to the description. For example, containers such as paint tins where you may not be able to determine if they are empty.

The person you are collecting the waste from should provide you with the information you need but you may need to confirm that it is correct and that you can meet your own obligations by asking yourself such questions as:

- Is the container overloaded or unsafe to transport?
- Are containers correctly labelled with old labels removed?
- Will I be able to safely cover the container for transport?
- Does the waste match the description I have been given?
- Can the waste be accepted at the intended waste management site?
- Might there be any problems in mixing the waste with others wastes at the transfer station?
- Can it be disposed of safely in a landfill site with other waste?
- Is it likely to change its physical state during storage or transport e.g. might it give off gas or become liquid?

You may need to get advice from the site waste manager to answer some of these.

Step 3 - Waste Must Only be Transferred to an Authorised Person

The person who you are collecting waste from is expected to check that you are appropriately registered with the Environment Agency to carry that waste. It is advisable that they also ask to know where you are taking that waste.

An enforcement officer may demand that you produce evidence that your carrier registration is valid and the details correct.

Duty of Care Code of Practice 2009 Your Obligations as a Waste CARRIER

What should I do to check authorised persons details?

If you have determined the nature of the next holder (e.g. waste management site), then you should make sure that any person or business you are carrying the waste to is authorised to accept it. This means that the site has an environmental permit or exemption enabling it to accept this waste. As a minimum you should check the environmental permit or exemption certificate and check it against Environment Agency public registers <http://www2.environment-agency.gov.uk/epr> to confirm that it is genuine. For your own Duty of Care you need to be able to show that you have checked this from time to time by keeping a record.

Environmental permits for some sites can be quite complex and it might be more appropriate in these circumstances to confirm with the Environment Agency that the site is appropriate for the waste. However you should still record that you have made these enquiries and the outcome.

Who needs to register as a waste carrier?

All people who normally and regularly transport controlled waste, those who carry waste in the course of any business or with a view to profit and some who carry specific waste types should be registered as a waste carrier. Guidance on who should register is available from <http://www.environment-agency.gov.uk/business/sectors/wastecarriers.aspx>. If you are not certain whether you should be registered the Environment Agency can guide you.

Step 4 - Prevent Your Waste Causing Harm

The term 'harm' is defined in the glossary. It is caused by the unauthorised or inappropriate deposit, treatment, recovery or disposal etc. of waste.

What do I need to do to prevent Harm?

When you have collected waste from a waste producer you will share responsibility for the waste with them (and any broker involved) until you deliver the waste satisfactorily to the next holder.

You will however be responsible according to what you know or should have foreseen. So if you transfer waste to a waste manager you should take account of anything you see or learn about the way in which the waste manager is subsequently handling it.

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Your Obligations as a Waste CARRIER

For example,

- You may notice that a waste manager is accepting too much waste and the waste you are delivering will add to any problems.
- You may notice that the waste manager is allowing escape of waste such as litter.
- It may be clear that waste is being dealt with in a way that is not best or usual practice, such as being burnt on site, which may be illegal.

These would be grounds for suspecting that harm is being caused or likely to be caused if you deposit further waste there.

A carrier in such circumstances should act on any knowledge to stop the illegal handling of waste. Whenever you become aware that your waste is being illegally dealt with you should notify the Environment Agency (Incident hotline number 0800 80 70 60).

What if I am carrying Waste that has been posted?

If you are involved in the carrying of waste by post or as a courier you must comply with the Duty of Care. You can talk to the Environment Agency if you are involved in the postal take back of waste to ensure you fully understand your obligations. Where waste is transported through the post you;

- should be made aware by the person sending the package that it contains waste,
- need to be registered as a waste carrier,
- need to complete and sign a transfer note between yourselves and the producer, and another note between yourselves and anyone you pass the waste onto.

Any person carrying out a treatment or disposal process on the waste must hold an appropriate environmental permit or exemption.

You must also comply with any other legislation that applies to the movement of the waste, for example, the legislation regulating the carriage of dangerous goods.

Duty of Care Code of Practice 2009
Your Obligations as a Waste MANAGER

Duty of Care – Your Obligations as a Waste Manager

The term ‘waste manager’ is defined in the glossary and includes the operator of a transfer station, recycling site, waste treatment facility, landfill, etc.

This section offers guidance to persons receiving waste for the purposes of re-use, recycling, recovery, treatment or disposal.

What are my responsibilities?

As a waste manager how you manage the waste when it is in your possession will impact on the way it might subsequently be managed by others.

You need to satisfy yourself that you can accept the waste and manage it in the appropriate way. If you operate a waste transfer or treatment facility which changes the physical characteristics of the waste then you will be regarded as the producer of the waste subsequently leaving the site. You should therefore refer to the producer guidance and comply with the producer obligations.

As a waste manager, you have a duty to:

- *ensure that any waste you manage is handled, stored and treated safely, without causing harm to the environment and in accordance with the law and the conditions of your environmental permit or exemption.*
- *ensure that you hold an appropriate environmental permit which allows you to accept the waste at your site or*
- *ensure that you have a valid registered exemption from environmental permitting and you can manage waste in accordance with the terms of the exemption.*
- *ensure that you know the nature of the waste that is in your control.*
- *ensure that the waste description is accurate and contains all the information necessary for safe handling, treatment, recovery or disposal.*
- *ensure that waste does not escape from your control.*
- *ensure that the transfer of waste both into and out of your site is covered by a waste transfer note including a full description of the waste. You must complete and retain copies of such notes.*

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Your Obligations as a Waste MANAGER

What does this mean?

You and/or your business have a duty to take all reasonable measures whilst the waste is in your possession and when you pass your waste (transfer) to someone else. This means that you must, in addition to complying with the conditions of your environmental permit or exemption take the following steps:

Step 1 - Prevent the Escape of Waste

You must not allow any waste materials to escape from your control and that of your employees or the control of others during subsequent transport.

When waste is being managed at your premises you need to make sure that waste:

- is stored in a secure location where access to it is limited only to persons allowed to have contact with it. If waste is kept in a less secure location, loose materials or specific objects may be blown or washed away or even stolen. It should also prevent vandalism of the containers, for example setting the waste on fire.
- containers are clearly labelled with their contents so that people can clearly see what the containers should hold.
- containers are stored safely and leakage prevented and controlled.
- is managed in accordance with your environmental permit conditions or the terms of your exemption.

Step 2 - Description of the Waste

Ensure that any waste that you receive is accompanied by a completed transfer note including an adequate written description that will enable you to manage it in accordance with your obligations under the Duty of Care and your environmental permit or exemption. It may also give you information that you may need to pass on to a subsequent holder of the waste.

At some busy sites the turnaround time of vehicles is an important factor. However, if something goes wrong with the waste once you have accepted it then you will be held responsible. Checking waste as it enters your site safeguards your responsibilities.

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Your Obligations as a Waste MANAGER

The transfer note **MUST** contain certain prescribed information. This includes:

- the note must be completed and signed by both parties (electronically is acceptable). It may be possible that you are receiving waste under 'season ticket' arrangements.
- information on the quantity and nature of the waste and how it is contained (e.g. does the waste contain batteries or WEEE).
- the place, date and time of transfer of the waste. If you are using a season ticket the period for which it is valid (i.e. valid from dd/mm/yyyy to dd/mm/yyyy).
- the names and addresses of the transferor (the person you have received waste from) and the transferee (you). If you subsequently transfer waste from your premises you will then become the transferor.
- the appropriate code and description for the waste from the List of Wastes Regulations (commonly referred to as the EWC code).
- the Standard Industry Classification (SIC) code of the business that you have received the waste from.
<http://www.statistics.gov.uk/statbase/Product.asp?vlnk=14012>

The transfer note should also have an adequate description of the waste and of any processes that have already been applied to it.

The transfer note is your evidence of a transfer of waste including the information that was passed on. You will have to produce it when asked by an enforcement officer. You must keep a copy of the transfer note signed by yourself and the person who you accepted the waste from or transferred the waste to, for **two** years. This can be an electronic copy, provided the enforcement officer can view it.

Transfer notes may be provided on a 'season ticket' basis in which case the 'season ticket' applies to the same holder (a registered carrier) bringing the same waste to you.

What is an adequate description?

This will depend upon the nature of the waste, your treatment of it and the nature of your site. You should receive information from the waste producer in order to help you to answer such questions as:

- Does the waste need a special container to prevent its escape or to protect it from the elements?
- Does the waste require particular treatment or handling e.g. clinical waste which requires sterilisation, batteries or WEEE?

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Your Obligations as a Waste MANAGER

- Are the containers robust and suitable, e.g. containers in good condition, suitable for the physical nature of the waste?
- Are the containers correctly labelled with any old labels removed to avoid confusion?
- Can the waste be safely mixed with any other waste or are there Wastes with which it should not be mixed?
- Can it be disposed of safely in a landfill site with other wastes?
- What processes have they applied to this waste (segregation, composting, treatment, etc.)?
- What materials have been removed from this waste (metals, plastics, paper, glass, etc.)?
- Is it likely to change its physical state during storage or transport, e.g. might it give off a gas or become liquid?
- Any other issues associated with the waste you are collecting (smell, leachate issues, etc.).
- Can it safely be mixed with any other waste or are there wastes with which it should not be mixed, for example at a waste transfer station?
- What procedure do you have in place if problems arise with waste once it has been unloaded from the vehicle?

What if my site is a landfill site?

There are certain waste acceptance criteria (WAC) which have to be met before landfilling is allowed. You should be talking to your customers to ensure basic characterisation is being carried out including any testing that may be required before you can accept some wastes.

Other wastes such as liquids, infectious clinical wastes and tyres, are banned from landfill and you will need to ensure that these are not part of the waste.

You will need to satisfy yourself whether the waste has been pre-treated and basic characterisation tests have been carried out. You should ensure that the person delivering waste to your site provides written evidence about the nature of pre-treatment and the results of these tests.

Step 3 - Waste Must Only be Transferred to an Authorised Person

Make sure that your site has the appropriate environmental permit to accept the waste and in the quantities and types envisaged. In order to confirm this you may need to check with previous holders in the chain in order to confirm the nature and properties of the waste you are about to receive.

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Your Obligations as a Waste MANAGER

You may also need to:

- as a minimum, make a visual inspection of the waste.
- check the authorisation details of the person transferring the waste to you and validate against the Environment Agency public register <http://www2.environment-agency.gov.uk/epr>. You may also wish to occasionally re-check to ensure that the carrier is still appropriately registered.
- check carrier details if you have not received waste from this carrier before. If someone is unregistered but you are satisfied that you hold the appropriate environmental permit to accept this waste then you should accept it and inform the Environment Agency of the carriers' details immediately.
- sample and analyse the waste to ensure that it meets your waste acceptance criteria.

This means that:

- any company which deposits waste at your site may need to be a registered waste carrier and should be able to provide evidence of their registration with the Environment Agency or of the reasons why they are not required to register. It is advisable that you check this from time to time.
- where you make all the arrangements for the management of waste direct with the producer, and then merely contract with a carrier to convey the waste from one to the other you may wish to liaise closely with the producer to get an understanding of the processes from which the wastes originate.
- if a waste broker is involved you may wish also to liaise with them regarding the nature and properties of the waste.
- you must ensure that any brokers or dealers you use are appropriately registered.
- if you treat the waste in any way for example mix or bulk up the waste with other waste, then you will be regarded as the producer of any of this waste subsequently leaving the site. In this case you need also to refer to the waste producer's section in this guidance.

Step 4 - Prevent Waste in Your Keeping from Causing Harm

The term 'harm' is defined in the glossary. Harm can result from the way in which you manage waste whilst you hold it, for example, could include:

- escape of waste as litter.

Duty of Care Code of Practice 2009
Your Obligations as a Waste MANAGER

During windy conditions or where too much waste is being managed or stored, Waste which escapes resulting in litter is causing harm.

- burning of waste.

The burning of waste is, in many circumstances, an illegal activity. Waste should be segregated so that where possible it can be recovered or recycled.

- leakage of waste during storage.

This might result in waste being stored outside permit conditions or outside the permitted exemption criteria. For example spillage of waste outside the permitted area, scavenging by other persons or vermin, encouragement of insects to food waste or transfer of odour.

- accepting too much waste.

Waste pending treatment may change in nature. You will need to ensure that the nature of the waste does not change for example due to ingress of water, or that liquids do not escape from containers.

How can I prevent Harm?

- You should satisfy yourself that you can accept the waste in terms of your environmental permit or exemption, for example that by accepting the waste you do not exceed the amount of waste you can manage at the site at that time.
- Is there evidence that the carrier has taken reasonable control of the waste during transport, for example netting skips, restraining of containers?
- If your site is a landfill, determine whether basic characterisation has been carried out and whether the waste will meet any waste acceptance criteria for your type of landfill. What pre-treatment has been carried out on the waste, for example; segregation of recycled materials, or removal of hazardous materials such as from waste electrical and electronic equipment?

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Your Obligations as a Waste MANAGER

- If you refuse a load from a carrier arriving at your site, what arrangements are in place to secure storage of waste for its return to the previous holder? For example, is it likely that the waste will be unlawfully deposited in another location? You should inform the Environment Agency in such circumstances.

A waste manager should act on any knowledge to stop the illegal handling of waste. If you become aware that your waste is being illegally dealt with you should tell the Environment Agency (incident hotline number 0800 80 70 60).

If someone arrives at your site and they are not carrying a waste transfer note you should ensure that one is completed and signed immediately to enable both you and the waste carrier to meet your obligations.

What if I am receiving Waste that has been posted?

If you are receiving waste that is transported through the post you must comply with the Duty of Care. You can talk to the Environment Agency if you are involved in the postal take back of wastes to ensure you fully understand your obligations.

- If you receive waste sent through the post, you must hold an appropriate environmental permit for the receipt, storage and where relevant, treatment of the waste accepted.

Duty of Care Code of Practice 2009
Your obligations as a Waste BROKER or DEALER

Duty of Care – Your Obligations as a Waste Broker or Dealer

What are my responsibilities?

Where you make arrangements for the management of waste on behalf of another party you are deemed to be acting as a broker. You are therefore also classified as having control of that waste, even though you may not physically hold the waste you are in control of.

Where you buy or sell waste you are deemed to be acting as a dealer. You are also classified as controlling that waste and must be registered with the Environment Agency. Dealers act in a similar way to brokers and therefore have similar obligations. Dealers should apply the guidance given here.

Waste brokers and dealers may also import or export waste. For further guidance please refer to the section on waste exports or contact the Environment Agency's International Waste Shipments Team at shipments@environment-agency.gov.uk

In any of these capacities, by arranging for the transfer of waste, you jointly hold responsibility for its proper transfer and management with the holders directly involved (producer, carrier, exporter or waste manager). You should therefore also be familiar with the responsibilities of the other holders described in this guidance.

Local authorities often act in the capacity of a waste broker. Where departments such as the waste disposal authority are acting in the capacity of broker they have the same responsibilities under the Duty of Care as any other party. If you are running a WEEE compliance scheme you are acting as a broker and must register.

In summary, as a waste broker or dealer you jointly hold responsibilities with the waste producer.

You therefore have a duty to:

- *ensure that any waste in your control is handled and stored safely, without causing harm to the environment and in accordance with the law.*
- *know the nature of the waste you are in control of, for example, if it is process waste to know its constituents and properties.*
- *ensure care of the waste while it is stored, so it does not escape.*

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Your obligations as a Waste BROKER or DEALER

- *ensure that the waste description is accurate and contains all the information necessary for safe handling, transport, treatment, recovery or disposal (especially by landfill) by subsequent holders.*
- *ensure that you have a valid registration with the Environment Agency.*
- *ensure the waste is transferred to someone who is authorised to receive it, for example, a registered waste carrier, or waste manager.*
- *ensure that the transfer of waste is covered by a waste transfer note including a full description of the waste and to retain the transfer note and waste details for two years.*
- *ensure that the site of destination holds the appropriate environmental permit or exemption to accept the waste. This responsibility extends to destinations in other countries.*

As a broker you should retain, for two years, a copy of the transfer notes used in any transfers of waste that you have arranged as evidence of your compliance with the Duty of Care.

What does this mean?

You and/or your business have a duty to take all reasonable measures whilst the waste is in your control. This includes while the waste is physically with the producer, carrier or waste manager. This means that you must ensure the following steps:

Step 1 - Prevent the Escape of Waste

Although as a broker you may not physically hold the waste you are regarded by the law as having control of that waste. However you should still ensure that the physical holder of the waste under your direction manages it in order to prevent any waste materials escaping from their control or the control of others, for example during storage or transport.

What must I do during waste storage?

In your capacity as broker you must ensure that, when waste is being stored at premises that waste is:

- stored in a secure location where access to it is limited only to authorised persons. If waste is kept in a less secure location, loose materials or specific objects may be blown or washed away or even stolen. Less secure storage may also attract others to mix their waste with that of your client. If this occurs then the waste carrier or contractor may charge more or refuse to accept the waste at their site.

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Your obligations as a Waste BROKER or DEALER

- stored in locations which will prevent vandalism of the containers, for example setting the waste on fire.
- segregated, especially to avoid incompatibility problems and so that waste which can be easily recycled or re-used is kept separate from other wastes. Segregation may also help in reducing costs to your client.

Step 2 - Describe Your Waste

You must ensure that the waste being transferred is covered by a completed transfer note which should include an adequate written description that will enable anyone receiving it to manage it in accordance with his or her own Duty of Care. If something goes wrong and the waste is not described properly or you have not told the next Holder the properties of the waste, then you may be held responsible together with the waste producer.

What information must I provide?

You should ensure that a transfer note and waste description is produced covering yourself and the party(ies) you are brokering between.

The transfer note is your evidence of proper transfer of waste including the information that was passed on. You will have to produce it when asked by an enforcement officer. The transfer note MUST:

- be completed and signed by both parties (electronically is acceptable).
- contain information on the quantity and nature of the waste (e.g. does the waste contain batteries or WEEE?).
- record the place, date and time of transfer. If you are using a season ticket the period for which it is valid (i.e. valid from dd/mm/yyyy to dd/mm/yyyy).
- contain details of transferor (you) and transferee (e.g. usually either a registered carrier or environmental permitted waste management site).
- contain the appropriate code and description from the List of Wastes Regulations for the waste <http://www.environment-agency.gov.uk/business/topics/Waste/32140.aspx>
- contain the Standard Industrial Classification (SIC) code for the transferor.

Duty of Care Code of Practice 2009
Your obligations as a Waste BROKER or DEALER

What is an adequate waste description?

An adequate description will depend upon the nature of the waste. It should, however, include mention of any special problems associated with the waste. In looking for 'special problems' associated with the waste it may help to ask yourself and record answers to such questions as:-

- Does the waste require particular treatment, e.g. clinical waste which requires sterilisation, batteries or WEEE?
- Does the waste need a special container to prevent its escape or to protect it from the elements, e.g. loose waste?
- Is the waste hazardous? <http://www.environment-agency.gov.uk/business/topics/Waste/32140.aspx>
- Do you need to advise the producer on what type of container suits the waste and what material the container can be made of?
- Do you need to advise on labelling and other requirements for transport?
- Can it safely be mixed with any other waste or are there wastes with which it should not be mixed, for example at a waste transfer station?
- Can it safely be crushed and/ or transferred from one vehicle to another?
- Can it be disposed of safely in a landfill site with other waste?
- What pre-treatment options can be employed when the waste is to be landfilled?
- What advice do you need to provide on testing of waste destined for landfill?
- Is it likely to change its physical state during storage or transport e.g. might it give off gas or become liquid?

What else must I do?

You should know where the waste is going and to what type of facility. Notably, if the waste is to be:

- landfilled, then you may need to determine the waste's properties by carrying out a basic characterisation. This consists of a three point test (see glossary). As a broker you need to understand the principles of these requirements but a waste contractor can also help to advise them on their particular requirements.

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Your obligations as a Waste BROKER or DEALER

- going to a transfer station where it will be mixed with other wastes then you may need to consider if it might be incompatible with other wastes.

You will also be required to demonstrate that some 'pre-treatment' prior to landfill has been carried out and evidence is made available. Sorting and segregation of wastes are key in managing waste, as this can facilitate recovery or recycling of parts of the waste and reduce the quantity destined for landfill. Your intent in any pre-treatment must be to facilitate recovery or recycling of the segregated wastes.

As a waste broker you should keep a copy of the transfer note signed by yourself or your client (as transferor) and the person to whom the waste is transferred for **two** years. This can be an electronic copy, including electronic signatures, provided the enforcement officer can view it. You also need to keep any additional information with this note.

A suggested format for a transfer note is provided in Annex 2 together with suggestions for its completion. In order to reduce administrative burdens a 'season ticket' system can be applied which prevents the need for a transfer note to be produced for every waste load transferred. However this 'season ticket' can only be used for the same waste, from the same producer, transferred to the same transferee and destined for the same site (further details are provided in Annex 2). In addition you should also keep a log of when individual loads were collected and transferred.

Step 3 - Waste Must only be Transferred to an Authorised Person

Make sure that any person or business you are transferring waste to or that you are organising to collect waste from someone else is authorised to accept it. In order to confirm this you will need to check the registration of the person you are going to transfer your waste to, notably the details of the waste carrier and the environmental permit or exemption details of the waste manager.

What should I do to check authorised persons details?

The detail of the checking required will depend on the waste you hold but as a minimum you should ask for:

Duty of Care Code of Practice 2009 **Your obligations as a Waste BROKER or DEALER**

- a copy of the carrier's certificate of registration and check this against the Environment Agency public registers <http://www2.environment-agency.gov.uk/epr> to confirm that it is genuine and up to date.
- evidence that the environmental permit or permit exemption allows for deposit of that type of waste, especially where you have directed waste toward particular waste managers or facilities.
- the reference number of the environmental permit so that you can, if necessary, check this against Environment Agency public registers <http://www2.environment-agency.gov.uk/epr> to confirm that it is genuine and valid.

If large amounts of waste are involved or waste which can be difficult to manage, it might then be appropriate to visit the site where the waste is disposed, recycled or recovered. This might be part of an environmental management system.

This means that:

- any company who collects the waste should be a registered waste carrier and should be able to provide evidence to prove this. You should be able to show that you have checked this periodically, as most carrier registrations are annually renewable.
- using a registered carrier does not necessarily discharge you from all responsibility for checking the later stages of the disposal of the waste.
- if you use a waste broker you should also check their registration details.
- both yourself and the waste producer involved should retain documents including any waste description for two years.

Step 4 - Prevent Your Waste Causing Harm

What is meant by harm?

The term 'harm' is defined in the glossary. It is caused by the unauthorised or inappropriate deposit, treatment or disposal etc. of waste.

However, the burning of waste such as packaging will result in harm. It is illegal to burn waste (except in very restricted circumstances) and therefore must not take place. In many cases such waste can be recycled or recovered.

Also, allowing waste to escape from your control, such as causing litter, allowing liquids to leak from containers and so on are other examples of where harm can be caused whilst you hold the waste.

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Your obligations as a Waste BROKER or DEALER

What can I do to check that my waste is correctly managed?

If you are acting on behalf of an original producer, it is not possible to draw a line at the gate of that person's premises and say that your and their responsibility for the waste ends there. You will have directed waste toward other holders and share with the producer all responsibilities required by the Duty of Care.

A broker remains responsible according to what he 'knows or should have foreseen'.

You should take account of anything you see or learn about the way in which any party is subsequently handling it. For example:

- you need to ensure that waste is packaged correctly and that the vehicle is suitable for transport, as if it subsequently falls off the vehicle you could be deemed liable.
- you may wish to determine that waste has subsequently arrived at its intended destination especially if the waste has particular problematic properties. You could do this by requesting weighbridge or tip ticket.
- you may notice a carrier apparently engaged in the unlawful dumping of someone else's waste.

These would be grounds for suspecting illegal handling of your waste by the carrier. Whenever you become aware that your waste is being illegally dealt with you should tell the Environment Agency (incident hotline telephone number 0800 80 70 60).

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Your obligations as a HOUSEHOLDER

Duty of Care – Your Obligations as a Householder

What are my responsibilities?

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

- 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.

What does this mean?

It is your responsibility to ensure that any waste produced on your property is only taken by someone who is authorised to carry that waste.

In order to do this you should ask that person/company if they are a registered waste carrier. You may wish to confirm the registration is valid and this can be done by checking the Environment Agency public register on its' website <http://www2.environment-agency.gov.uk/epr> or on 08708 506 506.

Only after you have confirmed such proof should you give your waste to them.

It is advisable to ask where your waste is going.

When your waste is collected by your local authority or their contractor they will already be registered as a waste carrier, you do not therefore need to check their details. You are also not required to exchange paperwork with them.

You still have responsibility to store your waste safely, without causing harm or pollution to the environment and in accordance with the law while it is awaiting collection.

If you give your waste to a friend or neighbour to dispose of then you need to ensure that they will be taking the waste to a site with an environmental permit, for example the local civic amenity site. Provided they are not carrying your waste with a view to profit they do not need to be registered as waste carrier in order to carry it.

A civic amenity site is provided by the local authority only for householders to deposit their own household waste. Each local authority operates such sites differently.

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Your obligations as a HOUSEHOLDER

However;

- If you take a large van full of waste, the operator of the site would have the right to ask you to prove that the waste is from your own household so take some evidence with you.
- If you visit the site regularly the site operator may suspect that you are producing waste as part of a business and as a result may request payment, or refuse entry until they see some proof of carrier registration.

If you contract a builder or tradesperson such as a landscape gardener, plumber, kitchen contractor, glazier, carpet fitter etc to undertake work that results in the production of waste then they will normally be considered to be producing that waste. However, as it has been produced on your property you have a responsibility to make reasonable checks to ensure that the waste will be carried by appropriately registered people.

If they carry this waste away from your home themselves, then it is likely that they will need to be registered with the Environment Agency as a carrier of waste. You should ask them for evidence of their registration with the Environment Agency <http://www2.environment-agency.gov.uk/epr> as a waste carrier and check with the Environment Agency that their registration is valid.

If they say that they are not registered to carry that waste you should check with the Environment Agency whether they are required to be (0870 506 506).

In some circumstances a tradesperson may take waste away under your direction for example, replacement of an old washing machine. As it is you that decided that you do not want the items the tradesperson is considered to be taking away **your** waste and may be required to be a registered Carrier.

You must check whether they are registered to carry the waste that they are removing, and if they are not registered, why not. You can check whether they are appropriately registered to carry your Waste with the Environment Agency (0870 506 506).

If you have not made reasonable checks to ensure that waste produced on your property is carried by appropriately registered people and that waste is subsequently found to have been fly-tipped you may share liability with the fly-tipper and be subject to enforcement action.

Duty of Care Code of Practice 2009
Responsibilities if the Event of Waste Export

Responsibilities in the Event of Waste Export

If the waste that you hold is going to be exported the Duty of Care still applies to the storage, transfer and carriage of that waste before it is exported. You should refer to the guidance in this document for producers, carriers or managers as is appropriate to your role.

Export of Waste is covered by the EC Waste Shipments Regulation (1013/2006) and the UK Transfrontier Shipment of Waste Regulations 2007 (needs a web link). You therefore need to ensure that the person to whom you are transferring waste will not export it in breach of the rules set out in this legislation.

If waste is to be exported or a holder suspects that their waste may be exported then they need to ensure that:

- they have asked whether their waste is likely to be reprocessed in another country and that it is not destined for disposal.
- the country of destination is identified.
- the country of destination has given approval to accept it.
- the necessary documentation and authorisations are in place.

You should be alert for any suspicion that waste might be exported. Indications that waste might be exported include:

- Is waste being transported directly to a port?
- Was the transport arranged by a freight forwarder?
- Were the arrangements made by a carrier, broker or dealer operating outside UK jurisdiction?
- Have registration details of the broker or dealer been difficult to establish?
- Has HM Revenue & Customs clearance been applied for and obtained?
- Are transport routes to the final country of destination identified?
- Have you been asked to provide or sign a note for the international carriage of good by road (CMR note)?
- Is the destination of the waste unclear?

Export of Waste can be a complex process as countries of destination can change their approvals or specific requirements quite regularly. You should be familiar with all of the requirements and understand that certain countries do not accept any imports of waste.

For guidance refer to the Environment Agency web site
<http://www.environment-agency.gov.uk/business/sectors/32447.aspx>
or contact the Environment Agency's Transfrontier Shipment of Waste National Service 08708 506 506.

Key Legislation and other Guidance

The Duty of Care

The Duty of Care in respect of Waste is set out in section 34 of the Environmental Protection Act 1990 Act.

Those subject to the Duty of Care must try to achieve the following:-

- (a) to prevent any other person committing the offences of:
 - (i) depositing Controlled Waste without an appropriate Environmental Permit;¹
 - (ii) submitting Controlled Waste to an operation listed in the Waste Framework Directive (other than an operation permitted to deposit Controlled Waste) that is not carried out in accordance with an Environmental Permit;² or
 - (iii) treating, keeping or disposing of Controlled Waste in a manner likely to cause Pollution of the environment or harm to human health;³

(It should be noted that the offences in (i) and (ii) above do not apply to operations that have an Exemption from an Environmental Permit, which are subject to certain consents, licences or authorisations under the Water Resources Act 1991, the Food and Environment Protection Act 1985 or the Groundwater Regulations 1998);⁴

- (b) to prevent any other person contravening any requirement to hold an Environmental Permit or any conditions of an Environmental Permit;⁵
- (c) to prevent the escape of Waste;

¹ Sections 33(1)(a) of the 1990 Act, as amended by paragraphs 2 and 4 of Schedule 21 to the 2007 Regulations.

² Section 33(1)(b) of the 1990 Act, as amended by paragraphs 2 and 4 of Schedule 21 to the 2007 Regulations.

³ Section 33(1)(c) of the 1990 Act.

⁴ Section 33(1A) and (1B) of the 1990 Act, as amended by paragraphs 2 and 4 of Schedule 21 to the 2007 Regulations.

⁵ Section 34(1)(aa) of the 1990 Act, as amended by paragraphs 2 and 8 of Schedule 21 to the 2007 Regulations.

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Annex 1: Key legislation and other Guidance

- (d) to ensure that, if the Waste is transferred, it goes only to an "authorised person" or to a person for "authorised transport purposes". The list of authorised persons is set out in Section 34(3) of the 1990 Act and the list of authorised transport purposes is set out in section 34(4);
- (e) when Waste is transferred, to make sure that there is also transferred a written description of the Waste, a description good enough to enable each person receiving it to avoid committing any of the offences under (a) or (b) above and to comply with the duty at (c) above to prevent the escape of Waste.

[Those subject to the Duty of Care must also comply with the Waste Controls (England and Wales) Regulations 2009 which require them to keep records and make these available to the Environment Agency.]

Failing to observe the Duty of Care [or the requirements of the 2009 Regulations] is a criminal offence.

Amendments to Section 34

Section 34 of the 1990 Act has been amended several times in relation to England and Wales since it was originally brought into force. A revised version of this section based on these changes as they apply in England and Wales is set out below. Please note that, as this legislation may continue to be amended, it cannot be guaranteed that this text represents the up-to-date state of the legislation in force. The text is intended for use as guidance only.

34 Duty of care etc. as respects Waste

(1) Subject to subsection (2) below, it shall be the duty of any person who imports, Produces, carries, keeps, treats or disposes of Controlled Waste or, as a Broker, has control of such Waste, to take all such measures applicable to him in that capacity as are reasonable in the circumstances—

- (a) to prevent any contravention by any other person of section 33 above;

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(aa) to prevent any contravention by any other person of regulation 12 of the 2007 Regulations or of a condition of an Environmental Permit;⁶

(b) to prevent the escape of the Waste from his control or that of any other person; and

(c) on the transfer of the Waste, to secure—

(i) that the transfer is only to an authorised person or to a person for authorised transport purposes; and

(ii) that there is transferred such a written description of the Waste as will enable other persons to avoid a contravention of that section or regulation 12 of the 2007 Regulations, or a contravention of a condition of an Environmental Permit, and to comply with the duty under this subsection as respects the escape of Waste.⁷

(2) The duty imposed by subsection (1) above does not apply to an occupier of domestic property as respects the household Waste produced on the property.

(2A) It shall be the duty of the occupier of any domestic property in England or Wales to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household Waste produced on the property is only to an authorised person or to a person for authorised transport purposes.⁸

(3) The following are authorised persons for the purposes of subsections (1)(c) and (2A) above—⁹

⁶ Paragraphs 2 and 4 of Part 1 of Schedule 10 to the Pollution Prevention and Control (England and Wales) Regulations 2000 inserted a new paragraph (aa) in paragraph (1) of section 34 of the 1990 Act. The paragraph was subsequently replaced by paragraphs 2 and 8 of Part 1 of Schedule 21 to the 2007 Regulations.

⁷ This provision was amended by paragraphs 2 and 4 of Part 1 of Schedule 10 to the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973) and paragraphs 2 and 8 of Part 1 of Schedule 21 to the 2007 Regulations.

⁸ This sub-section was inserted by regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005 and amended by regulation 2 of the Waste (Household Waste Duty of Care) (Wales) Regulations 2006.

⁹ This provision was amended by regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005.

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- (a) any authority which is a Waste collection authority for the purposes of this Part;
- (b) any person who is the Holder of an Environmental Permit in relation to a Waste operation;¹⁰
- (ba) any person who is carrying on an exempt Waste operation;¹¹
- (c) any person to whom section 33(1) above does not apply by virtue of regulations under subsection (3) of that section;
- (d) any person registered as a Carrier of Controlled Waste under section 2 of the Control of Pollution (Amendment) Act 1989;
- (e) any person who is not required to be so registered by virtue of regulations under section 1(3) of that Act; and
- (f) a Waste disposal authority in Scotland.

(3A) The Secretary of State may by regulations amend subsection (3) above so as to add, whether generally or in such circumstances as may be prescribed in the regulations, any person specified in the regulations, or any description of person so specified, to the persons who are authorised persons for the purposes of subsections (1)(c) and (2A) above.¹²

(4) The following are authorised transport purposes for the purposes of subsections (1)(c) and (2A) above—

- (a) the transport of Controlled Waste within the same premises between different places in those premises;
- (b) the transport to a place in Great Britain of Controlled Waste which has been brought from a country or territory outside Great Britain not having been landed in Great Britain until it arrives at that place; and

¹⁰ This provision was amended by paragraphs 2 and 8 of Part 1 of Schedule 21 to the 2007 Regulations.

¹¹ This provision was inserted by paragraphs 2 and 8 of Part 1 of Schedule 21 to the 2007 Regulations.

¹² This sub-section was inserted by paragraph 65 of Schedule 2 to the Environment Act 1995. It was subsequently amended by regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005.

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(c) the transport by air or sea of Controlled Waste from a place in Great Britain to a place outside Great Britain;

and “transport” has the same meaning in this subsection as in the Control of Pollution (Amendment) Act 1989.¹³

(4A) For the purposes of subsection (1)(c)(ii) above—

(a) a transfer of Waste in stages shall be treated as taking place when the first stage of the transfer takes place, and

(b) a series of transfers between the same parties of Waste of the same description shall be treated as a single transfer taking place when the first of the transfers in the series takes place.¹⁴

(5) The Secretary of State may, by regulations, make provision imposing requirements on any person who is subject to the duty imposed by subsection (1) above as respects the making and retention of documents and the furnishing of documents or copies of documents.

(6) Any person who fails to comply with the duty imposed by subsection (1) or (2A) above or with any requirement imposed under subsection (5) above shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; and

(b) on conviction on indictment, to a fine.¹⁵

(7) The Secretary of State shall, after consultation with such persons or bodies as appear to him representative of the interests concerned, prepare and issue a code of practice for the purpose of providing to persons practical guidance on how to discharge the duty imposed on them by subsection (1) above.

¹³ This provision was amended by regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005.

¹⁴ This sub-section was inserted by section 33 of the Deregulation and Contracting Out Act 1994.

¹⁵ This provision was amended by regulation 2 of the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005.

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(8) The Secretary of State may from time to time revise a code of practice issued under subsection (7) above by revoking, amending or adding to the provisions of the code.

(9) A code of practice prepared in pursuance of subsection (7) above shall be laid

(a) before both Houses of Parliament; or

(b) if it relates only to Scotland before the Scottish Parliament.¹⁶

(10) A code of practice issued under subsection (7) above shall be admissible in evidence and if any provision of such a code appears to the court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(11) Different codes of practice may be prepared and issued under subsection (7) above for different areas.

Exemption for animal by-products

Animal by-product Waste which is collected and transported in accordance with Article 7(1) or 7(2) of EC Regulation No 1774/2002 on health rules for animal by-products not intended for human consumption (as amended by and as read with the other EC legislation set out in regulation 2(1) of the Animal By-Products Regulations 2005) is not subject to the Duty of Care. The Waste Management (England and Wales) Regulations 2006 amended regulation 7 of the Controlled Waste Regulations 1992 so that this type of Waste is not subject to the Duty of Care. The provisions in the EC Regulation include a system for the control of the transfer for this type of Waste.

Offences and penalties

Breach of the Duty of Care or the duties imposed on occupiers of domestic premises is a criminal offence. It is an offence irrespective of whether or not there has been any other breach of the law or any consequent environmental Pollution or harm

¹⁶ This provision was amended by The Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.

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to human health. The offence is punishable by a fine not exceeding the statutory maximum on summary conviction or an unlimited fine on conviction on indictment.

It is also a criminal offence for persons subject to the Duty of Care not to comply with the requirements regarding the making and retaining of documents, and the furnishing of documents, under [the 2009 Regulations]. This offence is also punishable by a fine not exceeding the statutory maximum on summary conviction or an unlimited fine on conviction on indictment.

However, section 45 of the Clean Neighbourhoods and Environment Act 2005 amends the 1990 Act to insert a new section 34A. This provision allows the Environment Agency or Waste Collection Authority to serve a fixed penalty notice on the person suspected of committing this offence, and offer them the opportunity to discharge any liability for conviction by payment of a fixed penalty.

Key Legislation

1990 Act: Environmental Protection Act 1990

1995 Act: Environment Act 1995

2005 Regulations: Waste (Household Waste Duty of Care)
(England and Wales) Regulations 2005

2007 Regulations: Environmental Permitting (England and Wales)
Regulations 2007

[2009 Regulations: Waste Controls (England and Wales)
Regulations 2009]

[Broker/Dealer Registration: registration with the Environment
Agency under regulation 2 of the Waste Controls (England and
Wales) Regulations 2009.]

Carrier Registration: registration with the Environment Agency
under sections 1 and 2 of the Control of Pollution (Amendment)
Act 1989 [and regulation 6 of the Waste Controls (England and
Wales) Regulations 2009.]

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Controlled Waste: as defined in section 75 of the 1990 Act in relation to the Duty of Care. That is, household, industrial and commercial Waste.

Environmental Permit: a permit required for the operation of facilities regulated under regulation 12 of the 2007 Regulations

List of Wastes Regulations: the List of Wastes (England) Regulations 2005 and the List of Wastes (Wales) Regulations 2005 (as applicable).

Permit Exemption: a Waste operation exempted from the requirement to hold an Environmental Permit under the 2007 Regulations.

Waste Collection Authority: local authority responsible for collecting Waste, as defined in section 30(3) of the 1990 Act.

Waste Disposal Authority: local authority responsible for arranging for the disposal of publicly collected Waste, as defined in section 30(2) of the 1990 Act.

Waste Framework Directive: Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste (as amended by Directive 2008/98/EC).

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Annex 2 - Illustrative Controlled Waste Transfer Note

1. Illustrative Controlled Waste Transfer Note

Section A – Current Holder of the Waste					
1. Full Name: (BLOCK CAPITALS)					
2. Name and address of company:					
		3. Post code:			
4. Which of the following are you?					
Producer		Importer		WCA	
Holder of an Environmental Permit			Permit No.		
Environmental Permitting exempt			Exemption No.		
Registered Waste carrier			Reg. No.		
Registered Waste Broker or Dealer			Reg No.		
5: Standard Industrial Classification Code:					
6: Signed:					
7: Full Name (BLOCK CAPITALS)					
8: Name and address of broker (if applicable):					
9: Broker registration number:					

Section B – Description of the Waste					
1. Waste description:					
2. EWC Code:					
3. Quantity of Waste:					
4. How is the Waste contained?					
Loose		Sacks		Skip	
				Drum	
					Tanker
Other (please describe):					
5. Number of containers:		6. Size of Containers:			

Section C – Pre-Treatment Declaration					
The Landfill Directive defines treatment as: physical, thermal, chemical or biological processes (including sorting) that change the characteristics of the Waste in order to reduce its volume or hazardous nature or facilitate its handling or enhance recovery.					
What materials have been segregated from this Waste? Please tick appropriate box:					
Paper		Card		Metal	
				Glass	
Wood		Food		Compostable	
				WEEE	
					Plastic
					Other
Please indicate the percentage of the total original volume of the Waste that has been removed:					
Less than 5%		5% to 25%		25% to 50%	
				50% to 75%	
					More than 75%
Please report any processes that have been employed to segregate or treat this Waste or any other information that may assist in its treatment or disposal. Or if the Waste has not been treated please state why:					

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Annex 2 - Illustrative Controlled Waste Transfer Note

Section D – Place of transfer	
1. Address of place of transfer/ collection point:	
	2. Post code:
3. Date of transfer:	
4. Time(s) of transfer (for multiple transfers, give between dates):	

Section E – Person collecting the Waste	
1. Full Name:	
2. Name and address of company:	
	3. Post code:
4. Which of the following are you?	
Producer	Importer
Holder of an Environmental Permit	Permit No.
Environmental Permitting exempt	Exemption No.
Registered Waste carrier	Reg. No.
Registered Waste Broker	Reg No.
5. Signed:	
6. Full Name (BLOCK CAPITALS)	

This specimen transfer note is for use where waste is destined for landfill.

A transfer note needs to be provided for all transfers of waste between holders for example between a waste producer and carrier, then subsequently between a carrier and a waste manager. In between these transfers there may be a broker or a dealer involved and these holders must also ensure that a transfer note is produced.

A transfer note must include certain information required in law. It must:

- be completed and signed by both parties (electronically is acceptable).
- contain information on the quantity and nature of the waste and how it is contained (e.g. does the waste contain batteries or WEEE).
- record the place, date and time of transfer. If you are using a season ticket the period for which it is valid (i.e. valid from dd/mm/yyyy to dd/mm/yyyy).
- record the names and addresses of the transferor (the person currently in control of the waste) and transferee (e.g. usually either a registered carrier or waste management site with and environmental permit).
- record the appropriate code and description from the List of Wastes Regulations for the waste.

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Annex 2 - Illustrative Controlled Waste Transfer Note

- record the correct Standard Industrial Classification (SIC) code for the transferor.

Where appropriate you should also include the additional “pre-treatment” information (Section C) to enable future holders and managers of the waste to manage it effectively and to meet their own obligations.

Transfer notes and additional information should in most circumstances accompany the load of waste.

Season Tickets

Where there are repetitive transfers of the same waste between the same parties then a ‘season ticket’ can be used. A season ticket must contain all the information specified for a “one-off” transfer but can be used for multiple transfers. This reduces the need to produce individual transfer notes, although a log should be kept of individual transfers.

Best practise requires that a season ticket should not last for longer than 12 months without being reviewed and having its details confirmed.