

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee
By email only

Dear Mr Mountain MSP

Re: The Persistent Organic Pollutants (Amendment) Regulations 2024

Thank you for the opportunity to provide a response.

Apologies, the request for a response was received and processed by the CIWM Scotland Centre Council with short notice and this is reflected in the brevity of the response provided below. The CIWM response incorporates and draws on the views of the wider industry including the Resource Management Association Scotland (RMAS) and wider industry experts.

Although CIWM has corporate members, it is largely comprised of waste professionals as individuals. RMAS represents the Scottish industry, with a focus on SMEs. Both CIWM and RMAS sit alongside the Coalition of Scottish Local Authorities (COSLA) and the Scottish Environmental Services Association (SESA), which largely reflects the industry view of the large waste management companies, together representing the Scottish Waste Industry. It is important that a whole industry perspective is taken when seeking expert opinion on this and other waste issues.

A copy of the CIWM (UK) 2023 consultation response relating to POPs is appended to this letter which we hope you will find useful.

Whilst we have attempted to answer the specific questions raised in your letter, we feel further work is required to ensure a clear and consistent approach can be agreed and a fundamental aspect must be the practicality and workability of the approach to Scotland and the wider UK waste sector.

The CIWM has significant concerns regarding the guidance in relation to POPs and WUDS (Waste Upholstered Domestic Seating) and feels that whilst Scottish guidance has been produced it does not reflect or address the management of these materials and is an attempt to put a 'sticking plaster solution' in place which has a high risk of failure.



The questions in your letter focus on incineration capacity but we fear this is an oversimplification of the core issues. There are handling, transport and pre-treatment issues to be addressed within the Scottish waste market prior to incineration. On that basis we would ask for two specific actions:

- a) **A review of the approach to POPs (in particular WUDS) should be undertaken considering all aspects of risk to human and environmental health.** This would ensure unattended consequences of policy do not negatively impact other important areas. There is significant cost and also environmental burden in the proposed approach. In addition, there are human health risks which we feel have not been addressed in full and we understand are still be investigated.
- b) **The establishment of a short life industry working group so that the key issues can be identified and addressed.** This would allow the various market players to input and would provide our legislators and regulators the opportunity to put in place an effective and practical solution. The Working Group could draw on the expertise in Scotland and identify Scottish-specific issues. However, for maximum benefit it would be helpful to link to a wider UK Group acknowledging that waste is managed on a UK basis and that many of the operators we will rely on to manage this waste stream operate across the UK.

CIWM would very much like to work with the authorities in Scotland to find a workable approach to this complex waste stream.

1. **Did you respond to the 2023 UK Government consultation on the proposed changes (or are you aware of concerns being raised by your members) and can you share your views with the Committee?**

Please find a copy of the CIWM response attached.

2. **Are there challenges you are aware of with the capacity of waste managers to deal with POPs at the moment, in particular relating to incineration capacity to process hazardous waste?**

Yes.

Acceptance of Whole WUDS

There are some facilities which may be able to take POPs in WUDS as the plant permits are able to accept wastes with the EWC code for bulky waste – 20 03 07. We are aware that NESS, Baldovie, Millerhill and Dunbar have the appropriate bulky waste code, but no separate capacity calculation can be made. Since capacity exists only at a small number of



sites there are likely to be issues in front end shredding and processing, quantity that can be accepted, quality standards (size and density), price, divergence from target CV etc. We also note that these sites are clustered on the East Coast with little to no provision for bulky waste likely on the West Coast; if there is no other provision made then it is logical that there will be significant additional transport costs for Local Authorities and commercial businesses in the West. We would also note that the EWC waste code for bulky waste refers to non-hazardous waste and the waste description would have to show that it is POPs in WUDS and be transported to EfW sites separately.

Acceptance of Treated WUDS

Where POPs in WUDS are processed off site (shredded etc.) then the waste is to be coded as 19 12 10, this EWC code appears on all PPC permits for EfW and so there are more limited issues around capacity. This waste stream will need to be explicitly described as POPs material and transported separately. We would expect this waste to be significantly more expensive to treat due to its CV content as a separate consignment. The POPs waste will then need to be blended with other wastes prior to incineration to avoid process issues. Confusion currently exists around why mixing at the EfW site is permitted but not in transport to the EfW site as this would reduce the need for shredded POPs storage off site and increase economy of transport.

Creation and Treatment of Fines

Currently there will be issues around processing of WUDS to create a 19 12 10 product that results in the potential creation of hazardous fines (19 12 11*) which will not have any treatment option available (lack of hazardous EfW and generally too small a particle size to incinerate at standard EfW).

- 3. What might the implications for waste managers be of the areas where the notification sets out that the UK 2024 Regulations will not align with EU law in this area, and do you have any concerns about divergence in this area?**

Without these divergences being explicitly communicated by Government and the Regulator we would not be able to comment.

- 4. Are there any specific factors in Scotland that would impact on the ability of waste managers to implement these Regulations, compared to the waste management sector in England and Wales – or are there areas the waste management sector could go further on POPs?**

Scotland has unique challenges in terms of population density, island communities and resultant haulage and processing costs. These are not unique to POPs in WUDS but add an



additional layer of complexity and cost in waste management. We would advise that care should be taken by Government and Regulator in the design of how this legislation should be operationally implemented.

5. How important is GB-wide alignment in this area, or would you see any benefit to Scottish-specific legislation on POPs?

Alignment with the UK provides consistency across the sector and avoids anomalies and market distortions. Divergence from this is acceptable if the changes are justified and well planned and researched in collaboration with industry. Industry should include as well as the Resource and Waste Management Sector, the producers of the waste, and the sectors utilising the POPs containing materials (e.g. building and construction, utilities, householders, and others). At this time, we see limited benefit to Scottish specific legislation, especially where EfW capacity is being limited and sites in England may be required as contingency in the event of a shutdown at any one site.

I hope this input is helpful. Please do not hesitate to contact me or Laura Tainsh, Chair of CIWM Scotland Centre, if you require any further information.

Yours sincerely

Wendy Rayner

Wendy Rayner
Vice-Chair of CIWM Scotland Centre

