



**BMRA response to the *Third Environmental Permitting Programme consultation: on guidance for a streamlined environmental permitting and compliance system*, dated January 2007**

The British Metals Recycling Association (BMRA) is the trade association for ferrous and non-ferrous recycling companies throughout the UK and represents some 300 businesses from multi-national companies to small family-owned enterprises. This £3.5 billion industry processes over 13 million tonnes of metal annually into secondary raw material, which is vital for metals manufacturing.

The UK metals recycling industry is well-established and operates in an international market of traded raw materials. Many companies are family-run, passing on skills and knowledge 'from father-to-son'. Most metals recycling activities are considered low risk [using EP OPRA profiling – A19, A20] and are currently regulated under waste management licensing or registered exemption. The industry is a substantial contributor to the delivery of existing strategies on recycling and sustainable use of resources.

Our industry is a primary player in relation to all the major producer responsibility Directives and of key importance if the UK is to meet its recovery and recycling obligations.

It is also subject to an exceptionally wide variety of regulation, as a result of which we are seeking to respond to a wide range of Defra consultations including proposals on Environmental Permitting, Duty of Care, review of waste carriers and brokers, the Waste Framework Directive and the Review of Exemptions.

We would therefore urge Defra to take the opportunity to these reviews to give separate focused consideration to the metals recycling industry, taking into account its unique features.

In relation to the particular points raised in this consultation, the industry notes that:

- summary booklet should be finalised and issued as soon as possible
- unnecessary terminology/acronyms should be avoided
- sector-specific regulatory and technical guidance is needed
- further consultation with industry on future guidance relating to Directives is essential
- thorough road-testing of any changes prior to implementation/introduction will be essential if problems experienced with hazardous waste and WEEE AATF/AE applications are to be avoided.

### ***Specific comments***

#### **Q1: Does the summary booklet contain sufficient information, and if not what should be included?**

The general format of the summary booklet is welcomed and contains sufficient information for affected companies to understand the changes that the EPP will introduce. However, we have a number of suggestions which we feel would help improve the clarity and usefulness of the document.

- Page 3: reference to where to find additional information would be helpful (i.e. back cover). Also it is felt that the type size on this page is too large.
- Page 4: operators of PPC permitted installations or WML sites are already familiar with the reasons for permitting/licensing. Therefore the first paragraph is somewhat unnecessary.
- Page 5: *an installation*: use of bulletin points for activities covered would aid clarity.
- Page 7: we believe that it is unnecessary to introduce permitting terminology (i.e. general binding rules). We understand that this document is intended to introduce the EP regime, rather provide a summary of terminology within the system. Therefore, for ease of reading, and to avoid introducing another term/acronym to the document, the use of “fixed package of rules” or similar phrases would be beneficial throughout the remainder of the document.
- Page 7: “The GBR packages will be developed in consultation with businesses etc.” This suggests that Defra will consult with individual companies, rather than industry representatives/trade associations. Therefore, replace “businesses” with “industry”.

We would request that the summary booklet be finalised as soon as possible and distributed to permit/licence (including registered exemptions) holders as well as trade associations to ensure that operators can be made aware of the changes well in advance of the EPP “go-live” date of April 2008.

#### **Q2: Does the style and content of the *Environmental Permitting Guidance* meet your needs, and if not why not? Does it strike an appropriate balance between specifying what is expected of regulators and leaving enough flexibility to regulate in the most appropriate way within the requirements of the legislation?**

##### *General format*

We support the general format and content of the main EP guidance document and welcome the use of plain English, flow diagrams and inclusion of a glossary of terms. However, it would be helpful if a copy of the EP Regulations were appended to the annexes (as per EP Directive guidance).

##### *Need for composite guidance*

We believe that there will be a need for composite guidance for individual sectors due to the overwhelming amount of cross-referencing as operators attempt to read the EP guidance together with Directive-specific guidance. This will be especially true for many metal recyclers (covered either directly or indirectly by requirements of

Waste Framework, Landfill, End-of-Life Vehicles (ELV), Waste Electronic and Electrical Equipment (WEEE) and Waste Incineration Directives).

We re-affirm our offer to assist the revision of existing Agency Regulatory and Technical Guidance, where appropriate, and would highlight that the metals recycling sector has previously had specific guidance in the form of Waste Management Paper 4a which could provide a useful template for establishing any new guidance.

*Early publication and thorough road-testing will be essential*

For the guidance documents to be effective they will need to be published well in advance of implementation to allow industry and enforcement officers to understand any changes well in advance of implementation.

It will be essential that any updated forms or checklists etc. are thoroughly consulted on, road-tested and subsequently introduced well in advance of their introduction to avoid later problems (for example, hazardous waste consignment notes, WEEE AATF/AE application forms).

*Review of technical competence*

We would also take this opportunity to remind Defra of the work BMRA has already undertaken regarding technical competence in the metals recycling sector, including a comprehensive review of available courses and required course content. We are aware that Government has refined its strategy and appears to be looking for a single scheme that could be varied to meet the needs of industry. It is essential that any scheme must accommodate the requirements identified by BMRA and involve the sector throughout the drafting of any scheme. Without adequate consultation, there is a very real risk that any courses could be of limited relevance to the activities carried out in our sector, as experienced by existing generic schemes.

**Q3: Do you think the form and model for the Directive guidance is helpful, and if not why not?**

It is crucial that industry is given the opportunity to comment on Directive guidance relevant to their sector prior to publication.

Whilst we support the format and use of plain English wherever it has been impossible for us to comment on the technical content of the draft guidance in this consultation as we are unfamiliar with the IPPC regime.

It will also be important that Directive guidance covers any relevant aspects of implementation including those areas charged to Government departments other than Defra or the Environment Agency.

If there is any aspect of this response on which further details are need, please contact [Howard.Bluck@recyclemetals.org](mailto:Howard.Bluck@recyclemetals.org) or 01480 455249.