

BMRA response to Defra consultation on the Controls on the handling, transfer and transport of waste: the Registration and Control of Waste Carriers, published December 2006

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 typically 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.

During the period of this consultation the metals recycling industry is also seeking to respond to a wide range of Defra consultations including proposals on Environmental Permitting, the Waste Framework Directive, Transfrontier Shipments of Waste and the review of exemptions.

Our industry is in a unique position as a primary player in relation to all the major producer responsibility Directives which means that we are currently engaged with Defra, DTI and others on batteries, end-of-life vehicles, packaging and waste electronics and electrical equipment. In these circumstances, it is becoming impossible for industry to make detailed, reasoned response on all topics.

Notwithstanding this, the following results from consultation with metals recycling companies of varied size and operating in different arenas.

The key points raised in relation to waste carriers are:

- raising awareness is vital;
- compliant operators should not be required to “police” the non-compliant;
- emphasis should be placed on penalising illegal operators without imposing additional burdens on the compliant;
- we are not in favour of: combining the process with other applications for waste permits and licences; or the proposal for tiered registration;
- we propose a windscreen disc approach for multi-vehicle operators.

Specific comments

Proposal to combine application and charging process with other applications for waste permits and licences (question 2)

Combined charging

Operators holding a waste management licence are also required to register as waste carriers. It would therefore be beneficial to operators if the charging process were combined.

Combined application

It is difficult to envisage how combining the application process would realise any benefits for operators or ensure compliance with both regimes. Currently, multi-site operators hold a single waste carriers licence that is valid for the company's activities but separate licences/environmental permits for each site. If the proposal to combine application processes were to be adopted, each site would be required to hold its own waste carriers licence. This would add considerable administrative and cost burdens to both business and the Agency.

Publicity/advertising to raise awareness (question 3)

Publicity and advertising to raise awareness of waste carriers is vital. This needs to be directed at all persons covered by the regime. To help achieve this, press campaigns and possible editorial in trade publications, such as Materials Recycling Week, combined with leaflet reminders to all registered carriers, should be a good start.

Whilst trade associations make efforts to inform members of their requirements under all aspects of environmental (and other) legislation, including waste carrier registration, they can only inform and raise awareness amongst their membership. It should not be either our responsibility, or that of our members to ensure that everybody else in our supply chains complies with the relevant legislation. Also, it will not promote good industry/regulator relations to require the compliant to "police" non-compliant behaviour.

Tiered registration (question 4)

We have a number of objections to the introduction of a tiered registration system. One of the overall objectives of the review is to provide "an effective control that helps to reduce waste crime and improve environmental protection".

It is difficult to see how tiered registration based on any of the possible distinguishing criteria (paragraph 28) would help achieve this.

- ***Number/size of vehicles/frequency of waste carriage***
This proposal would effectively penalise larger companies which are unlikely to be involved in fly-tipping. Indeed given that they frequently employ fleet or transport managers, it is arguable that notwithstanding their greater number of waste movements, they pose a *lower* risk to the environment.

The additional costs tiered registration would impose would be passed on to customers. This in turn may drive those customers to use illegal waste carriers.

- *Type of waste being carried*
There may be certain waste types which may be mis-managed during their transit, irrespective of whether they are hazardous or not. However, materials with intrinsic economic value, such as scrap metals including those which may be contaminated or contain hazardous properties, are unlikely to be carried inappropriately. We consider additional registration of the type of waste carried to be an unnecessary burden for such low risk activities.
- *Difficulties with current system for multi-fleet operators*
Under the current system, if a driver is stopped he is required to produce the original carriers' certificate. This poses considerable problems for companies that operate with a number of vehicles.

We suggest a system that would allow carriers to display a windscreen disc in their vehicles, which is linked to their carriers' registration with appropriate controls to prevent mis-use or counterfeiting of discs could address this difficulty.

Tyres (questions 5 and 6)

It is difficult to see how enhanced reporting requirements for registered waste carriers will tackle those that might be involved in fly-tipping, since persons involved in fly-tipping are unlikely to be registered waste carriers. Also, we understand that following the introduction of the landfill ban on whole and shredded tyres in 2006, the numbers of tyres being fly-tipped is decreasing as tyre recycling markets become established and industry practice improves. We do not therefore believe that additional measures relating to tyres are necessary.

Revocation of waste carriers registrations (questions 14 and 15)

This proposal requires more detailed consultation.

We are concerned that a system that automatically revokes a carrier's registration once a certain number of penalty points are accrued, allows for no account of mitigating circumstances and would also unfairly penalise large, multi-vehicle fleet operators. Also, the consultation provides no indication for how long a revocation remains effective, or what types of offence would incur penalty points.

Offences (question 16)

We support the proposal to make it a specific offence to intentionally provide false or misleading information on a waste carrier registration form, and/or to forge them.

If there is any aspect of this response on which further information is required, please contact: Howard Bluck by email Howard.Bluck@recyclemetals.org or write to:

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