

Environmental Rules & Regs

5th November 2009



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in West Yorkshire



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Who are BBEF?

Local 'green business club'



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News, networking & events



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Respond to your needs



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Satpal Roth

- Satpal advises corporate clients on
 - health and safety
 - environmental,
 - pollution and
 - food safety issues
- Previously a senior Crown Prosecutor, Satpal has experience of prosecuting offences and now offers her expertise in defending such matters.



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The Regulatory Enforcement Act 2008

- Background
 - Why is it needed?
- The Hampton Review
- How does the Act help?
- How does the act apply across the UK
- LBRO
- Protection



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The Climate Change Act 2008

- The Aim
- What it means for Businesses
- Carbon Reduction Commitment
- Allowances
- League Table
- Recycling Payments
- Penalties
- How CRC will work



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The Climate Change Act 2008

- What your organisation must do and going forward
- Establish whether you are in CRC
- Does an exemption apply
- Who is responsible?
- Register- provide information
- Purchase allowances
- Report
- Complying with obligations
- Contractual and Subsidiary Relationships



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Producer Waste Responsibility

- History
- Who do the regulations apply to?
- What must a company do to comply with its obligations
- Compliance schemes
- UK Recovery and Recycling Targets
- Evidence of Compliance
- Offences



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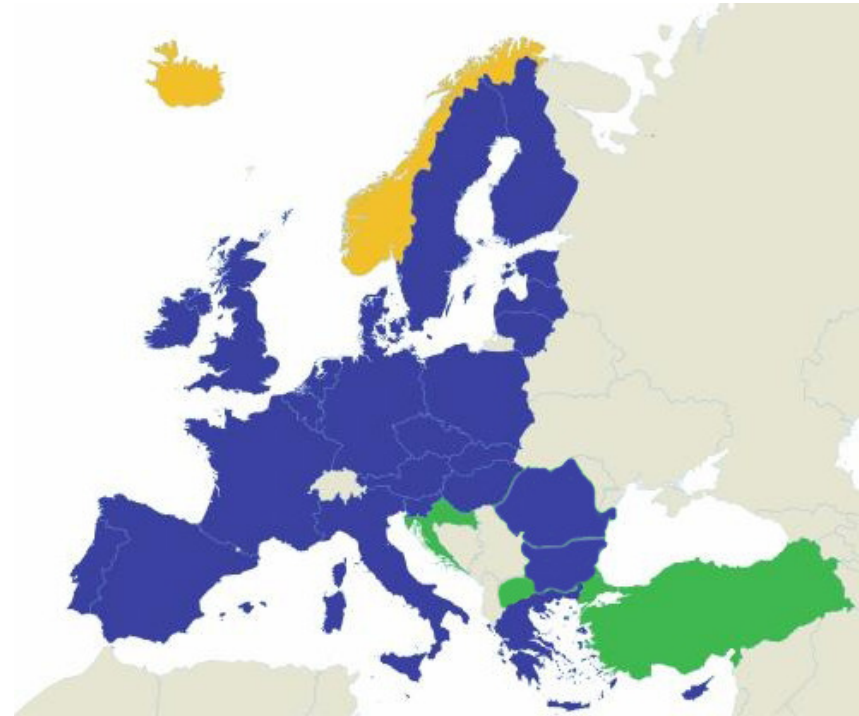
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What's new from the EU?

Jenny Lawson

Enterprise Europe
Yorkshire



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What's new in the EU - overview

- What is Enterprise Europe Yorkshire?
- Environmental Liability
- Batteries
- Waste Electrical & Electronic Equipment
- What's in the pipeline?



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What is Enterprise Europe Yorkshire?

“We help Yorkshire and Humber firms to compete by accessing new markets, opportunities and business contacts, using our network throughout the UK and the rest of Europe”



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What is Enterprise Europe Yorkshire?

- Local gateway to a wealth of support for
 - doing business
 - finding collaborative partners
 - increasing competitiveness } in Europe
- Supported by the European Commission and Yorkshire Forward
- Part of a Europe-wide network in over 40 countries
- Majority of our services are free to organisations based in the Yorkshire and Humber region



Environmental Liability Directive

- Adopted 2004
- Based on principle of “polluter pays”
- Requires businesses and others to:
 - take action to prevent pollution
 - take action to remedy any environmental damage caused
- Applies to companies, public sector and voluntary organisations



Pollution covered by ELD

- Damage to sites of special scientific interest
- Serious damage to species & habitats protected by EU law
- Serious damage to surface or ground water
- Contamination of land with significant risk to human health



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Two types of liability

- Certain dangerous or potentially dangerous activities (e.g. those requiring IPPC licences, chemical and waste management firms):
 - operator may be responsible even if not at fault
- All other occupational activities:
 - liability only when at fault or negligent



Implementation in the UK

- Due April 2007
- Did not in fact happen until spring 2009!
- Regulations in England:
 - Environmental Damage (Prevention and Remediation) Regulations 2009 (SI 153)
 - http://www.opsi.gov.uk/si/si2009/uksi_20090153_en_1
- Competent authority: Environment Agency (EA)



What do businesses need to do?

If your activities might cause or have caused pollution you must:

- take action to prevent damage (or more damage)
- Inform the EA
- EA will tell you what you must do to prevent and / or remedy damage



Costs

- Polluter pays
- Where EA took action to remedy damage, operator liable for those costs
- Where others are also responsible for damage, costs to be paid jointly & severally or on proportional basis
- NB: regulations do not apply to damage caused before their entry into force



Batteries Directive

- Adopted 2006
- Based on principle of “producer responsibility”
- Sets targets for collection & recycling of batteries



Batteries Directive

- Bans portable nickel-cadmium batteries (with certain exemptions)
- Bans landfill or incineration of untreated automotive & industrial batteries
- Affects all involved in life cycle of batteries: producers, distributors, users and waste operators



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Targets for portable batteries

- Collection targets
 - 25% by 2012
 - 45% by 2016
- Recycling targets
 - 50% waste portable batteries
 - 65% lead acid batteries
 - 75% nickel cadmium batteries



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Implementation in the UK

- Due September 2008
- 2 sets of Regulations:
 - Placing on the market: design & labelling (2008)
 - Waste batteries & accumulators: producer responsibility (2009)
 - http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090890_en.pdf



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What do businesses need to do?

- Portable battery producers:
 - More than 1 tonne: must pay for collection, recycling & disposal of waste batteries in proportion to market share from January 2010 via compliance scheme
 - 1 tonne or less: no payment but must register with environmental regulator
- Industrial / automotive battery producers:
 - Must register with BIS
 - Must arrange collection & recycling and use authorised battery treatment operator



What do businesses need to do cont..?

- Portable battery sellers:
 - must take back waste batteries if sell more than 32kg
- Users:
 - will be encouraged to separate waste batteries
 - informed about collection & recycling schemes available



Waste Electrical & Electronic Equipment (WEEE)

- Original Directive dates from 2002
- Aims to:
 - prevent creation of WEEE in the first place
 - promote re-use, recovery & recycling
- Applies to 10 categories of equipment
- Provides for separate collection, recovery & treatment of WEEE
- Financed by producers in accordance with market share (“producer responsibility”)



Proposed WEEE amendments

Why are changes being proposed?

- Only 1/3 of WEEE is being appropriately treated
- Remainder going to landfill or sub-standard treatment sites inside or outside EU
- Illegal export of WEEE a problem
- Aim to reduce the admin burden



What is proposed?

- Clarification of scope and definitions
- New binding WEEE collection targets:
 - Current target 4kg / capita
 - Proposed: 65% of average weight of EEE placed on national market in previous 2 years
- Increase recovery & recycling targets by 5%
- New target for recovery of medical equipment



What is proposed cont...?

- Registration and reporting obligations for producers to be harmonised
- National producer registers to be made interoperable
- Allow producers to show costs for collection, treatment & disposal at time of sale for all equipment and without time limit
- Controls on illegal trade in WEEE



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What else is on the EU horizon?

Proposed new legislation on industrial emissions

- merges 7 existing Directives into 1 (aim: reduced admin burden)
- tightens minimum emission limits for certain industrial sectors
- strengthens application of best available techniques
- introduces standards for inspections



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What else is on the EU horizon?

Proposed tighter safety rules for biocides:

- phasing out of most hazardous substances
- new rules for articles such as furniture or clothing treated with biocides
- reduction of animal testing
- EU level registration for low-level biocides



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What else is on the EU horizon?

Potential new legislation on biowaste:

- may introduce measures to prevent biowaste
- could require separate collection
- may establish requirements on labelling and quality for composts, as well as quality criteria for recycled biodegradable waste



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What else is on the EU horizon?

“Green” procurement:

- public sector being encouraged by European Commission to lead the way
- increasing pressure on suppliers to demonstrate how they can help reduce environmental impacts
- able to introduce environmental criteria in specifications, bidder selection criteria and award criteria



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What do businesses need to do?

- Track changes / new developments
 - Free e-newsletter from Enterprise Europe
 - BBEF e-newsletter - also free!
- Seek advice on environmental policies and systems
- Keep in touch to ensure compliance, e.g. with EA



Questions?

Satpal & Jenny: around until 9.30

Local friendly environment agency contact:

Louis Harvey

Environment Management Team Leader

Tel: 0113 213 4699

Email: louis.harvey@environment-agency.gov.uk



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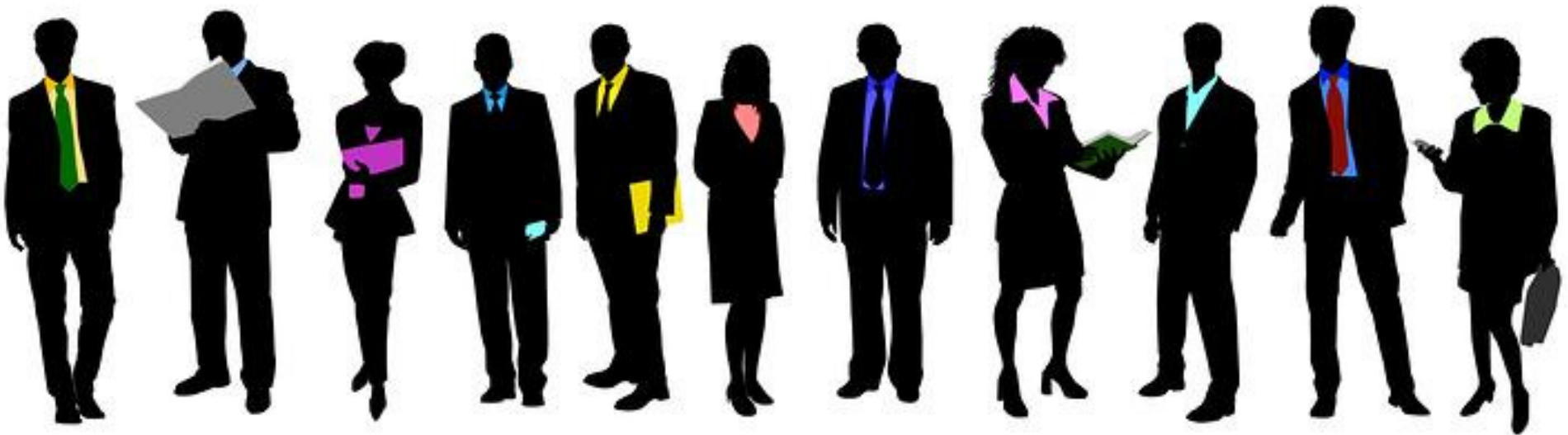


expect a feedback form via email

sam.saxby@bbef.org.uk

01274 206664

next event – **28th January**: The C Word



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