

Dear Sir or Madam

Waste Electrical and Electronic Equipment (WEEE) – August 2020 Update

Ensure you comply with the legal requirements for Persistent Organic Pollutants, Duty of Care, Hazardous Waste and International Waste Shipments

We are sending this letter because you manage waste electrical and electronic equipment (WEEE).

In September 2019 we wrote to many businesses to provide advice on waste management controls and the associated compliance for display devices, small mixed WEEE, and plastic containing wastes arising from their treatment.

This second letter provides additional advice on:

- All other types of WEEE
- Waste containing plastics derived from treatment of WEEE, and
- printed circuit boards, cable, and plastic components removed from WEEE

Background

Plastic components, cable, and printed circuit boards found in many categories of WEEE contain high levels of hazardous chemicals and Persistent Organic Pollutants (POPs). The presence of these chemicals significantly affects how compliance with legal requirements that apply to waste electrical devices, their components, and wastes from their treatment will be achieved,

The Industry Council for Electronic Equipment Recycling (ICER), in cooperation with Defra and the Environment Agency, has now published their investigation into the presence of these chemicals in a range of WEEE. This report can be found here:

<https://icer.org.uk/research/>

Taking account of this investigative study and other information, Government guidance has now been updated and hyperlinks to the relevant pages are provided in the Annex to this letter.

What action should you take?

You must comply with the law.

You have a statutory Duty of Care that applies to waste you produce, transport, receive, treat, broker or deal. Your responsibility does not end when you transfer the waste to someone else. You should make sure that the person you transfer the waste to will manage it appropriately.

You should read the advice we have provided in the Annex to this letter, and the guidance for which links are provided, on:

1. Waste classification and description, including POPs waste status, of
 - A. WEEE devices
 - B. Components removed from WEEE
 - C. Wastes from treatment of WEEE
2. Management of waste containing Persistent Organic Pollutants
3. Hazardous Waste Controls
4. Export of WEEE or its components
5. Reuse of WEEE

You should then review your procedures and make any changes necessary to ensure they are compliant.

Compliance and Enforcement

We recognise that businesses are currently dealing with the impacts of COVID-19 and will take that in to account when reviewing and assessing compliance with the legal requirements alongside the pro-active steps operators have taken to achieve compliance.

We are advising operators, through communications and the revised guidance, to review their procedures and operations to ensure they are compliant. From a regulatory perspective our next step is to start to assess compliance across the WEEE sector and where non-compliances are identified to address this.

We collect a range of information on WEEE activities by a number of different pathways. Compliant activities should be visible to us, without us needing to visit sites, so we will be using this information to monitor compliance and inform subsequent interventions.

Our initial compliance assessment focus will be on businesses who mis-describe hazardous and POPs waste, leading to it being subsequently mismanaged and / or exported without notification by them or those they transfer the waste to.

Where we identify non-compliance we will work with operators to bring them into compliance and where necessary take enforcement action. Further information on our approaches to enforcement can be found in our Enforcement and Sanctions policy.

<https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-policy/environment-agency-enforcement-and-sanctions-policy>

Contacting Us

You should follow the advice given here and refer to gov.uk for further information.

We will continue to work with our key Industry Stakeholders, which includes ICER, the AATF Forum, British Metals Recycling Association (BMRA), WEEE Schemes Forum (WSF), and National Association of Waste Disposal Officers (NAWDO) to help deliver a high level of compliance. If you are a member of one of these bodies, you may wish to seek advice from them and raise any questions through them.

Alternatively if you need additional advice or support on the matters referenced in this letter, and want to contact us, please use the following e-mail address, refer specifically to this letter on WEEE and POPs, and indicate clearly which aspect your question is about.

- international waste shipments
- hazardous waste and waste classification
- persistent organic pollutants and re-use

This will help us respond to your enquiry more quickly.

E-mail: POPsandWEEE@environment-agency.gov.uk

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Annex

Section 1A: The classification and description of WEEE devices

You must ensure that your wastes are correctly classified and described.

You must also make the presence of hazardous chemicals and persistent organic pollutants clear in the waste description.

If you receive waste from other people you should also check that it is classified and described correctly.

To enable you to assign a classification code to an item of WEEE the law requires that you first undertake an assessment of the chemicals present. This assessment determines whether you assign a hazardous or non-hazardous code.

The ICER investigation has looked at part of this assessment for you. We can now provide you with updated advice on which classification codes and hazardous or POPs waste status applies to each type of WEEE.

It is important to note that the law does not allow you to assign a non-hazardous code to an item of WEEE without this assessment. In the absence of an assessment a precautionary hazardous waste and POP waste status applies.

If you produce, carry, deal, broker or receive a waste that is classified or described in a manner inconsistent with our advice, you should expect to be asked for the supporting assessment. Checking that the waste you receive is correctly classified is part of your statutory Duty of Care and, where applicable, waste acceptance requirements in your permit.

A summary of the advice available on gov.uk for the different types of WEEE devices is listed below:

<https://www.gov.uk/how-to-classify-different-types-of-waste>.

<https://www.gov.uk/how-to-classify-different-types-of-waste/electronic-and-electrical-equipment>

WEEE devices that are **non-hazardous** and **non-POPs** waste

- Large domestic appliances (LDA): white goods (washing machines, tumble driers, dishwashers and cookers). Note that if other category 1 devices are also present see the advice that applies to those below.

WEEE devices that are **hazardous** waste, but **non-POPs** waste

- Fridges, freezers, chillers and air-conditioning units

WEEE devices that are **hazardous** waste and **POPs** waste.

- Small mixed WEEE
- Display devices
- Category 1-7 devices (other than LDA white goods) of a household type, from household or business sources.

WEEE devices that are precautionary **hazardous** and **POPs** waste until the chemistry of their printed circuit boards, plastics and cables is determined and assessed:

- All other devices

<https://www.gov.uk/guidance/classify-some-waste-electrical-devices-components-and-wastes-from-their-treatment>

Section 1B: The classification and description of components removed from WEEE

You should read the guidance if you remove or separate:

- plastic components,
- cables or cable plastics, or
- printed circuit boards

The guidance also applies to you if you receive these wastes.

This guidance explains how these components are classified and described.

<https://www.gov.uk/guidance/classify-some-waste-electrical-devices-components-and-wastes-from-their-treatment>

Section 1C: The classification and description of wastes from WEEE Treatment

You should read the guidance if you treat WEEE or receive wastes from its treatment.

This guidance explains how wastes arising from the treatment of WEEE are classified and described. It applies to the outputs of treatment that contain plastic components, cable or cable plastics, or printed circuit boards in any quantity.

In addition to general guidance that applies to all such wastes, specific advice is given for the following examples:

- Mixed wastes, containing plastic from the treatment of WEEE devices that are hazardous and POPs waste
- Plastic wastes from treating fridges and freezers
- Plastic containing residues from treating certain large domestic appliances (LDA)
- Wastes from treating outputs from other WEEE treatments by density separation

<https://www.gov.uk/guidance/classify-some-waste-electrical-devices-components-and-wastes-from-their-treatment>

Section 2: Hazardous Waste Controls

You should read this guidance if any of the wastes you produce, hold, carry or receive are identified as hazardous waste in the guidance on waste classification and description referred to in Section 1.

Hazardous wastes are subject to hazardous waste controls within England and you should read the guidance of hazardous waste

- If produce or hold a hazardous waste
<https://www.gov.uk/dispose-hazardous-waste/producers-and-holders>
- If you carry a hazardous waste
<https://www.gov.uk/dispose-hazardous-waste/carriers>
- If you receive a hazardous waste
<https://www.gov.uk/dispose-hazardous-waste/consignees>

Section 3: Management of waste containing Persistent Organic Pollutants (POPs)

You should read the guidance if you produce or treat WEEE, or manage the wastes from its treatment.

The waste management of WEEE devices containing high levels of POPs, above legal limits, is strictly controlled by the Persistent Organic Pollutants Regulations 2007.

The POPs present in the plastics, cables and printed circuit boards of WEEE that is POPs waste must be destroyed (or irreversibly transformed) by subsequent waste management activities.

You are not allowed to recycle or reuse these POP containing materials or components.

In practice, this means the plastics and other materials containing the POPs must be destroyed by incineration (or potentially other high temperature processes like a cement kiln).

Bromine separation technologies may be used to separate these POP containing plastics from other plastics and wastes. The latter may then be suitable for recycling.

Further information on the requirements and legal limits for POPs can be found on gov.uk:

<https://www.gov.uk/guidance/dispose-of-waste-containing-persistent-organic-pollutants-pops>

Section 4: Exporting WEEE, treated WEEE, and used electrical and electronic equipment (EEE)

You should read the guidance if you export WEEE, or wastes arising from its treatment, or if your waste is sent to someone who may export it.

You must notify the export of all WEEE.

You must also notify the export of wastes from the treatment of WEEE and WEEE components that contain hazardous chemicals or POPs.

You must not use the green list waste code GC020 for electronic scrap containing hazardous chemicals or POPs.

You must apply to the Environment Agency to obtain consent to export the waste. You must not move these wastes under 'green list' controls.

This advice on WEEE and GC020 is now published as guidance on gov.uk

<https://www.gov.uk/guidance/classify-some-waste-electrical-devices-components-and-wastes-from-their-treatment>

Further general information on the requirements for International Waste Shipments can be found on gov.uk.

- <https://www.gov.uk/guidance/importing-and-exporting-waste#apply-for-import-or-export-notification-controls>

Section 5: Reuse of WEEE as EEE.

You should read the guidance if you receive or prepare WEEE for reuse, or if you send your waste to someone who may do so.

This section does not apply to:

- LDA: white goods (it does however apply to other category 1 devices)
- Fridges, freezers, chillers and air-conditioning

Electrical devices containing POPs can be re-used provided that they are not, and were never previously, waste. As such, this reuse can never generate evidence of recycling or recovery for the purposes of the WEEE Regulations.

However if, at any point, an electrical device containing POPs becomes waste, it becomes subject to the legal requirement to destroy (or irreversibly transform) the POP. You are not allowed to reuse this device and it cannot cease to be waste, even if it is in working order. The POPs must be destroyed.

This means that an item of WEEE (other than LDA white goods and Refrigerators) cannot cease to be a waste, or be reused, unless you have undertaken an assessment to demonstrate that POPs are not present in that device or item of equipment.

Organisations wishing to re-use WEEE would, in addition to other requirements, need to implement effective and reliable techniques to identify which devices contain POPs in plastic components, cable and printed circuit boards to enable them to distinguish and separate out those devices that contain POPs (and require destruction) from those that don't. The latter can be reused or recycled.

Our guidance explains the rules for:

- Reuse of WEEE within the UK (which considers manufacturing date), and
- Reuse involving export of devices.

<https://www.gov.uk/guidance/classify-some-waste-electrical-devices-components-and-wastes-from-their-treatment>.

If you are exporting WEEE for re-use, you should expect us to ask you for a copy of your assessment of chemical composition.