**FROM THE EXECUTIVE DIRECTOR**

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**16 September 2022**

**By email to:**

Chris Preston, Deputy Director, Defra

Georgina Collins, Director, Regulated Industry, Environment Agency

Dear Chris and Georgina,

**REF: POPs in upholstered waste domestic seating**

ESA and its Members are fully supportive of the need to ensure safe, effective and appropriate management and disposal of this waste stream, including diversion from landfill. We are writing to highlight our key concerns arising from the recent Environment Agency guidance on this issue and to offer solutions to these.

Our sector has the ability, willingness and capacity to manage this waste stream safely by utilising existing shredding operations to prepare this material for energy from waste (EFW) facilities – noting that the vast majority of EFW facilities are only able to accept shredded bulky wastes for operational or for permit compliance reasons.

However, the new Environment Agency guidance specifies that shredding prior to incineration must incorporate some very specific dust abatement techniques. Whilst it is standard industry good practice for existing shredding operations to utilise dust management and suppression systems, there are currently very few facilities with the specific dust abatement techniques required by the Environment Agency’s guidance.

Such facilities would require a large capital investment, and an environmental permit (or variation to existing permit) to operate. Unfortunately, Environment Agency permitting timescales are now often in excess of 12 months, a timescale which, notwithstanding other considerations, is itself setting the minimum realistic timeframe to commence such operations.

For items that householders have happily been sitting on in their homes - often for decades - it does seem disproportionate to require such a rapid and fundamental change to the way they are managed when they become waste, and we urge consideration of regulatory pragmatism as well as suitable transitional arrangements.

It is therefore vital that Environment Agency and Defra consider providing derogation for at least 12 months to some specific aspects of the guidance in relation to dust abatement at shredding facilities to enable processing of this material utilising existing best practice dust suppression techniques and onward management at EFW facilities whilst additional abatement infrastructure is installed.

Such an approach would provide an appropriate, risk based, transitional solution and would avoid the possibility of generating an ‘orphan waste’ or indeed ‘sofa mountains’. Without such derogation we are concerned that in the short to medium term many operators will have no alternative to either refusing to accept this waste stream or having to stockpiling it whilst suitable outlets are found. Unfortunately, there is limited spare capacity to store this waste material at existing permitted sites.

This proposed solution is also important because of the following additional issues:

Export: Whilst the existing Environment Agency guidance enables this material to be exported as Refuse Derived Fuel (RDF), there are strong concerns that the requirement to specify POPs contamination on export documentation could have a significant impact on whether receiving countries will actually continue to be willing to accept this waste. We urge dialogue between the EA/Defra and recipient country authorities to ensure this risk does not become a reality.

HWRC Facilities/Waste Transfer Stations: The current Environment Agency guidance does not enable mixing of POPs contaminated domestic seating with other wastes, except in limited circumstances. It is possible that the requirements to segregate in this way will not be possible at all HWRCs, or that it will displace existing capacity to accept certain waste streams for recycling.

We also have additional concerns that a strict interpretation of the guidance would prohibit even light compaction of this material at such sites, and so would considerably increase storage and transport requirements and costs.

Producer Responsibility: The waste sector and Local Authorities are now having to go to great lengths and expense to manage this waste stream in a different way. Whilst we appreciate it would not be a quick fix, we urge government to consider options for extended producer responsibility to be developed for this waste stream and potentially other future waste streams identified as POPS contaminated.

Communication:Whilst there has been engagement with those organisations present at the POPs stakeholder and guidance groups and letters have now been sent to various operators, organisations, and Local Authorities, we are concerned that there does not yet appear to have been wider communication of this issue or the requirements – for example to commercial waste collection operators, transfer station operators and registered waste carriers. Consequently, a significant part of the sector responsible for handling soft furnishings are in theory not yet aware of their responsibilities. Rather than the current piecemeal approach to communications, we think there should be consideration of a formal consultation process and comprehensive communication strategy so that wider stakeholders can also consider the implications and possible solutions. Notwithstanding the above, it is vital that the Environment Agency quickly develops a summary of the requirements that Local Authorities and waste operators can utilise to make businesses and the public aware of the new requirements.

Whilst we appreciate the ongoing dialogue on this issue with Defra and the Environment Agency through existing stakeholder groups, we do think there is a need for wider and more strategic consideration to ensure appropriate solutions are found. We are aware that the Waste Network Chairs are also writing to you to outline their concerns which are similar to our own.

We would be happy to meet you to discuss these concerns and our proposed strategy for managing them.

Yours sincerely



**Jacob Hayler**

**Executive Director**

**Environmental Services Association**