

Consultation on potential amendments to the Persistent Organic Pollutants  
(POPs) Regulation

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(via email)

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27<sup>th</sup> April 2023

Dear Sir/Madam,

I write to you on behalf of the RDF Industry Group. Our Group represents 35 organisations from across the European waste derived fuel (WDF) supply chain: including WDF production companies who produce fuel from residual waste; energy-from-waste (EfW) facility operators; and those who ship, transport and test WDF. This trade in residual waste, in the form of WDF, is a vital part of the UK's residual waste management as the UK does not have enough non-landfill residual waste capacity to treat all of its waste. Our members span the majority of the companies which export WDF from the UK to recovery in incinerators in the EU.

We welcome the UK's ambition to amend POPs regulation to maintain UKs compliance with Stockholm Convention, and to ensure waste is disposed of safely, and with minimal environmental impact.

Given our market sector the Group is significantly affected by the regulation of POPs and the concentration limits proposed in this consultation. The Group is very concerned about the impact on the supply chain associated services such as testing laboratories and our ability to ensure that waste is compliant with the current limits as well as the newly proposed waste concentration limits, particularly for those POPs that are commonly found in residual waste streams. Our members are already finding compliance with existing controls, even where it is based on suspected usage, extremely challenging. Expanding the scope of controlled chemicals under POPs regulation will further exacerbate the situation.

The systematic measurement of most of the types of POPs, including those currently being considered are not regarded by testing laboratories as

commercially and/or technically feasible. Furthermore, the likelihood that waste handlers can work with the labs to create suitable sampling methodologies is extremely limited, given the heterogenous nature of residual waste, and the practical implications of large-scale testing programmes.

We have identified several types of POPs being considered for further restrictions in this consultation to be pertinent to the waste industry, based on its presence in certain products that enter the residual waste stream. The following have been identified as examples where testing will be used in determining compliance, but also 'suspected use'. For waste management this implies segregating waste materials using the assumption that a whole load will be defined as 'POPs waste', rather than testing each load or material type. This avoids the need for lab testing, but equally places a burden on the industry as they are required to build new supply chain capacity to manage and process certain fractions of the waste separately under controlled conditions. We are therefore particularly concerned with the following which are known to be found in municipal and commercial waste:

- PFOA
- PFHxS
- PBDE
- SCCP
- Dioxins, Furans, and dioxin-like PCBs
- HBCDD

Furthermore, the following relevant chemical types have been given no reference to using 'suspected use' as an enforcement instrument in the consultation, which implies testing will be the only option:

- PCP
- UV-328
- Dechlorane Plus

We are working hard to support the Environment Agency on how POPs waste can be controlled and will continue to help develop solutions to reduce the clearly significant harmful impacts of these chemicals. However, we would draw your attention to some of the major impacts on our industry, namely:

- Cost of calibration equipment, testing services, sampling;
- Blockages in the supply chain, where processing and treatment operators reject loads (already occurring in the UK and Europe);
- Increased gate fees;
- Cost of investment in plant and building retrofit;

- Risk of penalty due to non-compliance, due to duration of permit variations, TFS and other external factors; and
- Uncertainty in the market due to the lack of knowledge of how enforcement will be designed in the future.

Although we are unable to respond directly to the consultation questions as a multi-organisation body, we would welcome a continued dialogue with Defra in order to establish best practice and certainty in the market to the best possible outcome for all parties. We ask Defra to recognise the impacts we outline above in this decision-making process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Jones', with a large loop at the end.

Andy Jones (Chair of the RDF Industry Group)  
<https://www.rdfindustrygroup.org.uk/>