

Tackling Illegal Packaging Waste Exports

22nd July 2019

Summary

The UK is reliant on overseas markets for the recycling of packaging waste. In 2018, 50% of packaging waste was reprocessed in the UK, the remaining 50% was exported. Within the Producer Responsibility system, we are particularly reliant on export markets for plastic and paper/card, with approximately 66% of these waste streams being exported.

Waste exports are a potential environmental risk since we have limited regulatory control once the waste arrives overseas. Major waste importing nations such as China, Vietnam and Malaysia are taking action to restrict waste imports. They state that these changes are necessary as a result of high levels of contamination and the impact of poor quality recyclable materials on their environment.

These changes are having an impact on the UK waste exports market. However, there remains the risk that unscrupulous operators will seek alternative overseas markets for unsuitable material. As awareness of plastic pollution grows, the fate of UK packaging waste exports has become the focus of significant public concern and we risk the erosion of public confidence in the recycling system. Regulators and industry both need to consider the steps to be taken to address this issue and, where necessary, work together to drive out poor practices.

The consultation on reforming the UK packaging producer responsibility system contains a series of proposals to improve the way packaging exports are managed. In addition, as part of the Resources and Waste Strategy, Defra have committed to launch a consultation to:

“review the regulatory framework for waste exports to ensure that any waste we send abroad is fit for recycling, and is recycled to equivalent standards to those required in the UK.”

In order to help shape this future approach and also address some of the challenges we face in the more immediate term, we've made a number of changes to the way we regulate the packaging exports sector and are also trialling a number of new approaches. This note summarises these changes, trial projects, outcomes achieved to date and next steps.

New ways of working

Restructuring the way we deliver waste shipments / pro res activity

On the 1st April we introduced a new structure at the Environment Agency whereby Waste Shipments and Producer Responsibility activity are managed by a single national team. This means that officers are able to focus solely on this work, with associated improvements in levels of expertise and resilience, flexibility to target our resources nationally where there is highest risk and assurance that resource is deployed solely towards regulating waste shipments and producer responsibility.

Strengthened Producer Responsibility assessment

We have updated our process for assessing applications for accreditation of packaging exporters. In particular, we have increased the level of information required to demonstrate that exported waste is high quality with minimal contamination, destination sites are appropriately licensed/permited to receive/treat the waste and waste is correctly processed and treated once received. Any applications that can't demonstrate they comply with the regulatory requirements are not accredited.

We rejected/refused eleven applications for 2019. Another six operators withdrew their applications for accreditation as the updated process highlighted they would be unable to comply with the Regulations without significant business change.

Waste Regimes Operational Services Investigations (WROSI) team

The EA Producer Responsibility Investigation (PRI) team was formally established in January 2018 after a trial period to evaluate the benefits of having such a team. Following the internal restructuring from the 1st April 2019, the resources and remit for this team have been extended and they will now be investigating Producer Responsibility, Material Facilities, Separate Collections and International Waste Shipments offences. The upstream links to Material Facilities and Separate Collections will help intervene and disrupt some of the non-compliant waste feeding into waste exports.

The team work collaboratively across the Environment Agency, devolved Agencies, overseas Competent Authorities and law enforcement agencies to target serious offenders using a risk based, intelligence led approach. The team are currently handling a major investigation into a number of packaging exporters.

Increased resource to target illegal exports

We have allocated additional enforcement resource to tackle illegal exports, in particular to tackle illegal exports taking place via Roll on – Roll off (RoRo) lorries on ferries. We use an intelligence based approach to target our inspections to intercept illegal exports at ports and further upstream at load sites. In 2017/18 we inspected 1012 shipping containers of waste at English ports and ordered the return of 367 containers to waste sites. This prevented the illegal export of over 7000 tonnes of waste. We also prevented the illegal export of an additional 9,000 tonnes of waste, prior to it reaching the port, as a result of intervention at upstream load sites.

Work with HMRC

We are currently undertaking a review of HMRC waste export data VS waste export data recorded on the National Packaging Waste Database (NPWD). Initial analysis indicates inconsistencies between the two data sets and our review is seeking to understand why and how these inconsistencies arise. Working with HMRC and speaking to accredited packaging waste exporters, we aim to understand how, why and where these data errors may occur and specifically if there is criminal intent to mis-represent waste exports, how the data can help inform our enforcement work regarding illegal exports, and what can be done to improve the quality of this data overall.

Exploring new regulatory approaches

Annex VII trial

We have requested Annex VII forms from some packaging exporters 3 days prior to exports taking place. Initially we are targeting those exporters we consider present the highest risks, based on a range of factors. The Annex VII documents are requested using an 'information notice' issued under the Transfrontier Shipment of Waste (TFS) Regulations. The information in the Annex VII forms is collated and analysed. Any anomalies are then either queried directly with the exporter or prioritised for further investigation in advance of shipments taking place.

Overseas site assurance

We have risk profiled all overseas recycling sites that receive waste from English packaging exporters to inform a small, manageable programme of targeted compliance activity. The risk profiling has been assessed based on factors such as the waste material accepted (our initial focus is on plastics), total tonnages received, data anomalies (e.g. sudden increases in tonnages received), links to high risk UK exporters and environmental considerations (e.g. proximity to rivers known to contribute to ocean plastics).

We are now engaging with overseas Competent Authorities for the highest risk sites to flag any identified areas of concern and seek assurance that waste is being appropriately managed at the overseas sites.

Project Outcomes to date

Annex VII trial

Since we started receiving Annex VII forms on 28th January 2019 we have received, recorded and assessed 3,096 forms. A significant proportion of these have required further scrutiny so clarification has been sought from the exporter or information has been shared to inform our enforcement activity. Examples of the anomalies found include:

- Exports of non-permitted waste
- Plastic exports to Malaysia (currently banned / heavily restricted)
- Exports to Turkey (with suspected intent to subsequently re-export)
- Annex VII forms not properly completed

As a direct result of receiving this information, we have issued 9 stop notices to prevent the export of unsuitable waste, in particular we have been able to target inspections of waste exported by RoRo. These exports are otherwise difficult to intercept because of the short notice ferry operators require for pre-booking. The information from Annex VII's has led to a joint investigation with an overseas Competent Authority to tackle concerns identified with an overseas recycling facility. This approach has also disrupted illegal activity (we have seen a reduction in the volume of waste exported by some operators since starting the trial). Finally, the trial is also improving our understanding of the resource / IT requirements needed to scale up this approach more widely and will inform the proposed regulatory reforms.

As a result of the success so far, we've increased the number of sites required to submit Annex VII information from the original 5 to 13. More sites are due to start submitting over summer 2019.

We are also seeking to receive 'voluntary submissions' of Annex VII information. Paper and Plastic approved exporters have been contacted and around 40 companies have confirmed they are happy to submit this information. We are currently working with the ACP and Recycling Association to agree the most efficient and effective way of providing this information to us.

Overseas site assurance trial

We've carried out detailed desktop assessments and risk profiled over 100 non-EU recycling sites who receive UK packaging waste. The assessments have been used to produce site information packs capturing company information, environmental permits, site locations and address and highlighting any areas of concern. We're now starting to use these information packs as the basis for liaising with overseas Competent Authorities to seek views and answer queries about the concerns we have.

We will continue to engage with overseas Competent Authorities to further refine our understanding of the highest risk overseas sites to feed into our targeted compliance activity focussed on accredited exporters and enhance our work on Duty of Care.

As part of this project we're also considering opportunities to audit the highest risk overseas sites using contractors. These proposals are at an early stage and will require agreement with overseas Competent Authorities.

As well as our direct regulator to regulator liaison with the overseas competent authorities we are also working with Defra to explore how, through government to government liaisons (i.e. via Foreign and Commonwealth Office), we can secure engagement to improve levels of collaboration on information and intelligence sharing to address illegal exports. Currently we are focussing on two destination countries, Malaysia and Turkey to explore how we can best initiate this liaison.