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Press release

Rethinking Waste Crime: Resource and waste sector calls for tougher controls and a new regime for waste carriers, brokers and dealers

Operators should demonstrate competence, responsibility and transparency to enable proper regulation and the prevention of on-going damage to communities and local environments caused by waste crime, according to a cross-sector expert group.

The group, which includes representatives from resource and waste sector trade and professional bodies (ESA, CIWM, and UROC) and independent regulatory advisors, has carried out a detailed review of the carriers, brokers and dealers (CBD) regulatory regime and issued a strong call for improvement.

“Our [Rethinking Waste Crime report](#), published last year, identified the current regime for waste carriers, brokers and dealers as a significant source of ‘leakage’ of waste materials from the UK’s regulated systems, and of a wide range of real and potential criminal activity. This is largely due to low barriers to entry and loose or unenforceable operating standards and regulatory requirements,” says ESA’s executive director Jacob Hayler. “We are calling for the Government to commit to implement a series of measures, preferably within the framework of the forthcoming Resources and Waste strategy, to improve the regulatory regime.”

Outlining the case for further action by the Government, CIWM’s chief executive Dr Colin Church adds: “Waste that is managed badly or illegally, and deposited in the wrong place, causes misery for local communities, can damage health and local environments and costs governments, local authorities, land owners and taxpayers millions of pounds in lost revenue and clean-up costs. It is a growing problem and while additional resources have been made available by the government in recent years to tackle waste crime, we are a long way from turning the tide.”

A series of clear and detailed recommendations and proposals for improvement have been put forward to Defra, including:

- **Increasing the requirements and standards for becoming a CBD. This will enable greater confidence in the credibility of the CBD regime and will reduce opportunities for waste criminals to exploit the current weaknesses in the system.**
- **Strengthening the links in the relationship between the producer and the carrier, and between the carrier (and any broker) and recovery or disposal site.**
- **Optimising the role of the producer to retain their obligation and responsibility while also placing more onus on CBDs as waste professionals.**
- **Ensuring CBDs are competent, that they understand their responsibilities and the role they need to play in securing legal compliance and preventing waste crime.**

The overarching proposal is to separate carriers, brokers and dealers by applying different regulatory requirements and a tiered approach to each (dependent on scale and nature of waste operations) and to replace the current easy-entry ‘registration’ of CBDs with a tighter system of ‘permitting’. This would require applicants to provide specified information, comply with specified conditions, and pay an appropriate fee to enable greater regulatory oversight.

At a more detailed level, specific proposals are put forward for each CBD category.

Waste Carriers

- A tiered approach to permitting of waste carriers dependent on the scale and nature of waste carried.
- An application fee to enable appropriate compliance monitoring of upper tier carriers by regulators.
- Robust identity checks on applicants.
- A requirement for upper tier waste carriers to demonstrate 'operator competence' on an ongoing basis in a similar way to other waste management activities operating under an environmental permit. For example, technical competence, past record of convictions and compliance and, in some cases, financial competence and/or liability insurance should be required.
- Permits that are valid for a specified period and may be suspended or revoked in the event of failure to meet obligations.
- A requirement for upper tier carriers to provide specified evidence to the producer or previous holder of the waste of the end destination of the waste and that it has been passed to another authorised person, via relevant documentation or electronic record.
- A requirement for specified information to be retained for two years.
- The introduction of relevant offences, regulatory powers and records of compliance breaches/relevant convictions to reflect the above requirements and to enable appropriate regulatory oversight.

Brokers and dealers

- Similar controls and regulatory oversight to be applied to both brokers and dealers as are applied to upper tier carriers, with consideration of a tiered approach based on scale and nature of waste handled.
- The need for proportionate compliance monitoring to be reflected in an appropriate application fee and annual subsistence charge.

The expert group has also suggested that changes to the Duty of Care regime may also be necessary, particularly in relation to the record-keeping requirements, to meet the strengthened CBD regime being proposed.

CIWM and ESA are also working together with regulators and other stakeholders to roll out the third phase of the [Right Waste, Right Place campaign](#) later this year. The campaign provides information and practical advice to help businesses meet their waste Duty of Care obligations and ensure that they don't find themselves on the wrong side of the law.

ENDS

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