

An overview of waste duty of care

Introduction

Waste duty of care legislation aims to ensure that the management of controlled waste (this covers household, commercial and industrial waste) does not cause harm to the environment or human health.

The main regulations covering Duty of Care in the UK are:

- Section 34 the Environmental Protection Act 1990
- Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997
- The Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013
- The Environmental Protection (Duty of Care) (Scotland) Regulations 2014
- The Waste (Household Waste Duty of Care) (Wales) Regulations 2006

These regulations have been introduced to control the storage, transport and disposal of waste to ensure it is appropriately managed and any risks are limited.

Who is affected?

These regulations affect anyone who produces, imports, keeps, stores, handles, transports or treats waste. Duty of care requirements are applicable to all parties in the waste management supply chain, but the legal responsibility remains with the waste producer until the final recycling, recovery or disposal has taken place.

What do you need to do?

If you produce waste are required to:

- Safely and securely store your waste
- Regularly have your waste removed
- Correctly and clearly label your waste for all movements (Our [EWC code search](#) can help you find the right code for your waste)
- Hold copies of Waste Transfer Notes for two years
- Hold copies of Hazardous Waste Consignment Notes for three years
- Ensure your waste is moved by a company or person is a Registered Waste Carrier
- Ensure you have a waste carriers' licence if you move waste in your own vehicles
- Ensure any on-site operations you conduct are compliant with the existing exemptions, permits and standard regulatory positions (permits, exemptions and licences must be in place where required)
- Ensure all sites receiving your waste have the appropriate permits (Environmental Permit, Waste Management Licence or Exemption must be in place)
- Demonstrate that the Waste Hierarchy has been taken into consideration when managing your waste

The responsibilities of the stakeholders across the supply chain vary slightly from the above list in that they are required to hold the correct licenses and exemptions for their activities.

Each UK regulator has produced a code of practice to aid all those in the waste supply chain to meet their duty of care. Each code of practice should only be applied to waste in the country it relates to.

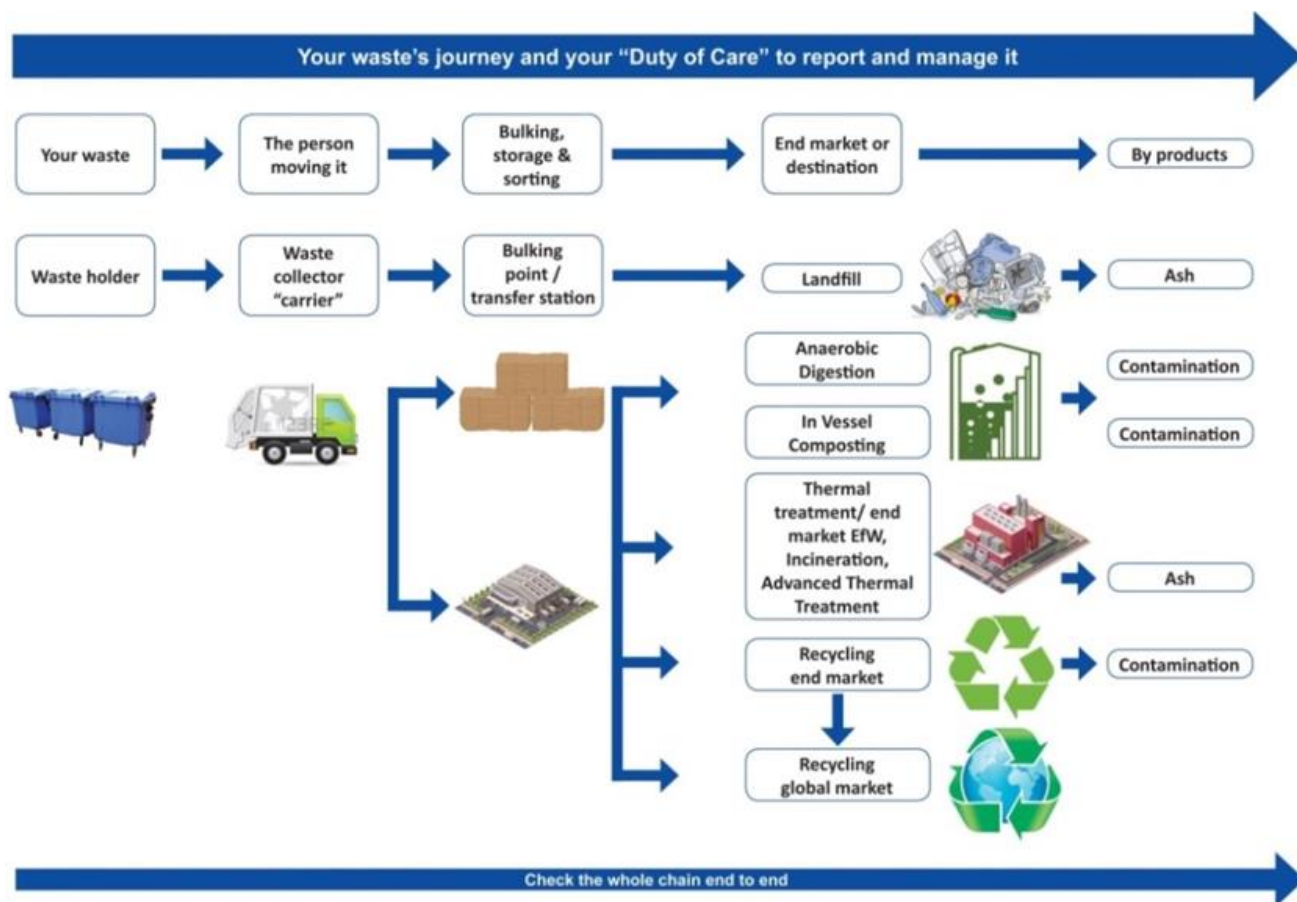


FIGURE 1 – DUTY OF CARE STAGES

Useful links

[Environmental Protection Act 1990](#)

[The Waste and Contaminated Land \(Northern Ireland\) Order 1997](#)

[The Controlled Waste and Duty of Care Regulations \(Northern Ireland\) 2013](#)

[Duty of Care Code of Practice for England and Wales](#)

[Duty of Care Code of Practice in Scotland](#)

[Duty of Care Code of Practice for Northern Ireland](#)

[Northern Ireland Short Guide to Duty of Care Responsibilities](#)

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