

Duty of Care: Guidance for Hauliers

The Duty of Care applies to every business involved in handling waste, from the person who produces it, to the person who finally disposes of / recovers it.

As a waste transporter you are required by law to take all reasonable measures to:

1. **Stop waste escaping by packaging them appropriately and robustly.**
2. **Ensure that waste is transferred to a site authorised to accept and handle the particular type of waste.**
3. **Ensure that when waste is transferred it is accompanied by a written description that will enable the sites receiving it to comply with the Duty of Care and their permit / licence / exemption.**

How can I comply with these requirements?

- All waste must be stored and transported safely and securely in suitable containers.
- Ensure light wastes cannot blow away (e.g. by netting/covering containers).
- Drivers should check that the waste they are collecting is properly described and matches the written description given. If a load of soil has plastic, wood and metal etc mixed within it this should be recorded on the transfer note.
- The waste must be described clearly for example Muck, Muck Away or M/A are not adequate descriptions for excavated soil and clay.
- If a load is described as soil and stones but has plastic, wood, paper and metal etc it should not be taken to an inert landfill or to an exemption e.g. a golf course.
- It is not a defence for a driver to say they were told to collect the waste and take it to a site by their employer.

If you are taking waste to a disposal or recovery facility you must check it is permitted to accept and handle the type of waste you are transferring. You can check what a site is allowed to accept your waste by:

- Asking to see a copy of the permit, waste management licence or exemption and ensure that it is permitted to accept and handle your waste.
- Ringing 08708 506 506;
- Using the search facility at <http://environment-agency.gov.uk/publicregisters>

Waste Transfer Notes / Duty of Care Notes

You must give a waste transfer note or duty of care note to any site or person you pass waste to. **You must keep a copy of this transfer note for two years.**

Please note that by law the waste transfer note must contain the following information:

- **a written description of the waste;**
The description must be detailed and accurate enough for the person you pass the waste onto to be able to handle the waste safely and appropriately. It must be detailed enough to allow you to decide which sites are able to take the waste.
- **the correct 6 figure waste code*;**
For example mixed soil and stones 17 05 04 from construction and demolition sites
- **the quantity and what sort of containers it is in;**
For example 3 tonne in a skip
- **the time and date when the waste was transferred;**
- **the address where the transfer took place;**
- **the names and addresses of both persons involved in the transfer;**
- **The permit / licence / exemption number for the site; and**
- **the carrier registration number.**

* We have issued guidance on the List of Waste (LOW) (the new name for the European Waste Catalogue). The guide provides information on how to interpret the List to help anyone producing, carrying or managing waste in England and Wales to code it correctly. We have also included an alphabetical list of commonly used waste descriptions and their related codes. The guide can be found at:-

<http://www.environment-agency.gov.uk/business/444304/444641/595811/1397154/>

Further guidance on duty of care can be found at the following links:

<http://www.netregs.gov.uk/netregs/275207/275430/>

<http://www.defra.gov.uk/environment/waste/legislation/pdf/dutyofcare-summary.pdf>

http://www.defra.gov.uk/environment/waste/legislation/pdf/waste_man_duty_code.pdf

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188