

Duty of Care: information for waste producers

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 producer 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 an authorised person. (e.g. they are a registered waste carrier or a site that can accept and handle your particular type of waste).**
- 3. Ensure that when waste is transferred it is accompanied by a written description that will enable anyone receiving to comply with the Duty of Care.**

How can I comply with these requirements?

- All your waste must be stored and transferred safely and securely in suitable containers for example skips, labelled drums or Intermediate Bulk Containers etc.
- Make sure that any containers you use are in good condition and properly labelled.
- Segregate inert, non-hazardous and hazardous waste and store so they cannot become mixed.
- Ensure light waste cannot blow away (e.g. by netting/covering containers).
- Ensure liquid wastes cannot escape into drains, watercourses or the ground.
- Ensure that your storage facilities are secure against vandalism. You will be responsible for any pollution caused by materials that originated from your site.
- Ensure employees and contractors on your premises know how each type of waste must be handled and disposed of.
- Check that employees and contractors are following the instructions given to them about handling and disposing of wastes. Employers are responsible for the actions and oversights of their employees.

When transferring waste to another person/company you are required to ensure that they are authorised to transport or handle your waste.

You can check if they are a registered carrier by:

- Looking at their carrier registration certificate;
- Ringing 08708 506 506;
- Using the search facility at <http://www2.environment-agency.gov.uk/epr/?lang=e> or
- Emailing their details to dutyofcare@environment-agency.gov.uk

If you are taking your waste directly to a disposal or recovery facility you must check it is permitted to accept and handle the type of waste you are transferring. Ask to see a copy of the permit, waste management licence or exemption and ensure that it is permitted to accept and handle your waste. |

Waste Transfer Notes / Duty of Care Notes

You must provide a written description of your waste that will enable anyone receiving it to dispose of it or handle it in accordance with their Duty of Care. The written description is called a waste transfer note or duty of care note. **Both parties must keep a copy of this transfer note for two years.**

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 and to ensure that the waste is disposed or recovered at a site authorised to accept it.
- **the correct 6 figure waste code*.**
- **the quantity and what sort of containers it is in;**
- **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; and**
- **the certificate number of the registered waste carrier (eg ABC/123456).**

*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/>

More than one type of waste can be listed on a Waste Transfer Note, so long as the different waste types and quantities are listed individually. When you have taken these steps and transferred the waste to the authorised carrier you have fulfilled your responsibilities. The waste then becomes the responsibility of the waste carrier.

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