

7 July 2005

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Letter to Directors of Estates & Facilities  
For information to: Foundation Trusts  
For action to:  
Strategic Health Authorities  
NHS Trusts & Primary Care Trusts

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Dear Colleague

**Re: Hazardous Waste Regulations 2005**

This letter and attached note is to remind you about changes that will soon come into effect as a consequence of the introduction of the Hazardous Waste Regulations 2005 on 16 July 2005 and which will supersede the current Special Waste Regulations. This reminder follows previous articles in Quarterly Briefing, information posted on the NHS Estates website and various presentations delivered by the NHS Estates Engineering Team.

Further guidance entitled WM2, on the classification and interpretation of hazardous waste, is available from the Environment Agency web site [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) (A full URL address for the guidance is given in the enclosed note).

Further information on waste segregation and compliance with the Hazardous Waste Regulations will be issued shortly in the form of a new guidance document by the Department of Health Estates & Facilities Directorate.

The enclosed note has been produced collaboratively with Defra and the Environment Agency (EA). Should you require further information you are advised to consult your local Environment Agency officer or contact the EA National Customer Contact Centre – tel 0708 506 506. For more general enquiries, please do not hesitate to contact Brian Latham or Lorraine Brayford from the Engineering, Technical and Environment Team on 0113 254 6249 / 0113 254 6328 respectively.

Please bring this information to the attention of others within your organisation as appropriate.

Yours sincerely



**Darryn Kerr**  
Chief Engineer

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## 1.0 Classification of Hazardous Wastes

Under the new Regulations a greater number of waste types are considered to be Hazardous Waste and will require consignment from the 16<sup>th</sup> July 2005.

The following list provides an example of waste types but it is not exhaustive and reference should be made to Environment Agency technical guidance, WM2:

[http://www.environment-agency.gov.uk/business/444217/590750/590821/502174/496498/?lang=e&theme=&region=&subject=&searchfor=WM2&any\\_all=&choose\\_order=&exactphrase=&withoutwords](http://www.environment-agency.gov.uk/business/444217/590750/590821/502174/496498/?lang=e&theme=&region=&subject=&searchfor=WM2&any_all=&choose_order=&exactphrase=&withoutwords) (this can be accessed by copying the web address and pasting it into the web address box)

- Infectious Waste (see text below).
- Cyto-toxic and Cyto-Static Wastes (see text below).
- Certain photographic and imaging wastes.
- Certain oils.
- Organic solvents.
- Refrigerants.
- Certain vehicle wastes.
- Certain batteries.
- Fluorescent tubes and other mercury containing wastes.
- Televisions.
- Computer monitors.

It is recommended that you contact your waste contractor(s) to clarify whether changes are required to your current waste management regime and to confirm the basis of the new consignment paper work required.

## 1.1 Healthcare Wastes

The Department of Health Estates & Facilities Directorate is currently working with key regulatory agencies and the waste industry to produce revised healthcare waste guidance. The new guidance will be available for consultation later in July/August 2005 and will replace the current guidance 'Safe Disposal of Clinical waste' published by the Health & Safety Executive. The consultation document, when released, will be available on the Department of Health web site. The new guidance is based on the requirements outlined in the Environment Agencies Guidance WM2 and has been produced to incorporate other regulatory approaches including Health & Safety Executive requirements and the Carriage (Transport) Regulation.

### Infectious Waste

The new guidance provides a practical definition of Hazardous Infectious Waste and a revised segregation system. However, until this is issued, Department of Health Estates & Facilities Directorate recommend that the following interim position be adopted. From the 16<sup>th</sup> July 2005 healthcare providers are required to assess the clinical waste they produce and the infectious fraction of this waste should be classified as Hazardous Waste. As part of the definition of clinical waste is based on the identification and assessment of waste which 'may cause infection' we would recommend that this fraction of the waste stream be classified as Hazardous Infectious Waste. References in previous Regulations to pathogens groups have been removed and all infectious waste, irrespective of the level or type of infection, should be considered hazardous waste.

In summary if the waste requires specialist treatment or disposal (including heat treatment or incineration) due to the infection risk posed it should be considered Hazardous Infectious Waste. The classification of waste as Hazardous Infectious Waste is **unlikely** to alter the existing treatment / disposal route and further guidance should be sought from your waste contractor(s).

Clinical Waste which does not pose a risk of infection may be considered hazardous waste by virtue of another hazardous characteristic (i.e. some medicinal wastes) and should be assessed using the Agency Guidance WM2.

### Medicinal Wastes

The classification of medicinal wastes will change on the 16<sup>th</sup> July 2005 and reference to Prescription Only Medicines (POM's) will no longer be required. The only medicinal wastes considered to be Hazardous Wastes are Cyto-toxic and Cyto-static substances as identified in the Agencies guidance: WM2. Currently, WM2 does not provide a definition of 'Cyto-toxic and Cyto-static substances' and until further guidance is provided reference to the existing Cyto-toxic waste stream defined in Chapter 8 of the British National Formulary (BNF) is considered appropriate.

It should be noted that further guidance is anticipated which is expected to provide a broader definition of 'cyto-toxic and cyto-static' substances and will include all medicinal wastes with the following hazardous characteristics (above the threshold concentrations shown in WM2):

- Toxic (H6).
- Carcinogenic (H7).
- Toxic for Reproduction (H10).
- Mutagenic (H11).

This 'hazard based' approach is similar to that approach used in the USA by the National Institute for Occupational Safety and Health (NIOSH). The Pharmaceutical Services Negotiating Committee (PSNC) have recently published a brief waste management guidance note for pharmacies which references the NIOSH guidance and provides an indicative list of 'cyto-toxic and cyto-static' substances. The PSNC guidance can be found at:

[http://www.psnc.org.uk/uploaded\\_txt/PCLS%20066.05%20attach%20Briefing%20on%20Waste.pdf](http://www.psnc.org.uk/uploaded_txt/PCLS%20066.05%20attach%20Briefing%20on%20Waste.pdf)

The Hazardous Waste Regulations place a duty on waste producers to segregate hazardous and non hazardous waste at source. Therefore, every effort should be made to segregate cyto-toxic and cyto-static substances from other medicinal wastes. In order to ease segregation it may be appropriate for pharmacies to consider the feasibility of labelling all cyto-toxic and cyto-static substances.

The disposal route for all medicinal waste remains unchanged. Regardless of classification as Hazardous / Non-Hazardous Waste, all medicinal waste should be disposed of in suitably authorised facilities, which will usually be incineration. Sharps boxes, should only contain used sharps and are not appropriate for the disposal of waste medicines including vials. Sharps boxes that contain only sharps used to administer non cyto-toxic and non cyto-static substances may be suitable for treatment in a suitably authorised facility. All other used sharps to be disposed of in a facility authorised to dispose of medicinal waste, which will usually be incineration.

Clarification on the most appropriate disposal route for all waste medicines and sharps should be sought from your waste contractor(s).

## **2.0 Requirement to Register as a Producer**

From the 16<sup>th</sup> July 2005, you will be committing an offence if hazardous waste is transferred from a site that is not either notified (registered) or exempt. Waste producers will need to be prepared to prove to waste management contractors that their premises have been notified (registered) or are genuinely exempt from the notification (registration) requirements.

The Hazardous Waste Regulations refer to premise notification, whilst the Environment Agency (who are responsible for the process) refer to producer registration. Please note that these are the same thing. The Environment Agency web site provides further information on what is required:

<http://www.environment-agency.gov.uk/subjects/waste/1019330/1029396/?lang= e>

Producers may register on-line, by phone or by post. Postal registration may take up to 28 days and may not be a viable option at this stage for those Trusts who require waste to be moved on or shortly after the 16<sup>th</sup> July 2005. Registration by phone or on-line can be made immediately and payment can be made by debit or credit card. The cost of registration varies by method and is between £28-£18 per site.

Each site producing waste requires registration and where more than one producer occupies a site each should register as a producer. For example each separate site within a Trust will require registration, however, each ward or 'production area' will not.

Where third party organisations occupy a site, for example research institutions or university medical schools, each producer is required to register. In instances where facilities are shared, for example a treatment room in a healthcare centre, we would advise that the one registration is made by the responsible body for the site. Domestic premises do not require registration, However, a clinician producing healthcare hazardous waste produced within the healthcare setting still has a duty of care to ensure appropriate disposal.

Please remember waste cannot be removed from the site unless you are registered or can prove an exemption. Department of Health Estates & Facilities Directorate recommends that all premises that require registration do so as soon as possible. Many waste contractors are offering to register on your behalf. Whilst we would not wish to discourage this process, please note that you only need one registration per site and not per waste type and that you should ensure you have not been registered by more than one contractor. We would advise that you speak to your hazardous waste contractor(s) regarding the registration process and advise them if you have or intend to apply, or if you feel you are exempt from registration.

Once a site is registered it is given a unique six digit 'premises' code by the Environment Agency. The new Regulations place a duty on waste producers to provide their waste contractors with this unique reference number for each movement of hazardous waste.

Further guidance on this is anticipated from the Environment Agency and once released will be available on their web site ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)). In the mean time it is recommended that Trusts discuss coding requirements with their waste contractors to ensure that a mutually acceptable system can be established.

## **2.1 Exemption from notification of premises**

There is an exemption for the requirement to notify (register) premises in the new Regulations. Certain premises including healthcare facilities and nursing homes are exempt from the notification (registration) requirements if they produce less than 200 Kilograms of hazardous waste in a 12 month period. The 200 Kilogram limit applies to all hazardous wastes and therefore before using the exemption producers must first identify all types of hazardous waste and estimate total waste arisings. The exemption only relates to the requirement to notify (register) and all other provisions of the Hazardous Waste Regulations 2005 apply, including consignment of the waste. You are not required to register the exemption but waste producers at 'exempt' premises are responsible for allocating to themselves a unique premise exemption code in the format agreed by the Agency. Waste contractors will require the premises exemption code prior to the waste being collected. Further guidance on this is anticipated from the Environment Agency and once released will be available on their web site.

### **3.0 Consignment Notes**

The information requirements on the waste consignment note have changed and producers are now required to provide information regarding:

- The European Waste Catalogue Code(s).
- A written description of the waste.
- Information about the hazardous nature of the waste and if applicable each hazardous substance (this may involve attaching supplementary sheets to consignment notes).
- The weight of the waste to be consigned.
- Information about the number of waste containers and their colour and size, etc.

Your waste disposal contractor(s) may assist you in the completion of the consignment note. However, the consignor (usually the producer) has a responsibility to ensure that the information is correct. Many waste contractors have indicated that they intend to produce their own consignment notes and producers may find it useful to discuss the information requirements and format with their contractor prior to the 16<sup>th</sup> July 2005.

Consignors are required to keep a copy of the consignment note for three years and any other associated paperwork, including contractor returns. Waste contractors have a duty to inform consignors that their waste has been treated or disposed of, this information is to be provided on a quarterly basis. Waste contractors also have a duty to notify the Environment Agency on a quarterly basis regarding the amount of hazardous waste collected, treated or disposed of. The Environment Agency will then charge the contractor in line with the information they provide.

The Environment Agency will charge the waste contractor £5, £10 or £19 per collection made. The charge will be dependent on the type of collection made (single or multiple) and whether the information is submitted to the Environment Agency in paper or electronic format. Waste contractors are likely to pass this cost onto the consignors of the waste.

### **4.0 Segregation for Treatment or Disposal**

The new Hazardous Waste Regulations 2005 provide an ideal opportunity to review waste segregation procedures to ensure waste is properly segregated into the different waste streams and so avoid domestic waste or offensive waste being placed in the new hazardous infectious waste stream.

NHS Trusts have a duty of care to ensure that the waste they produce is being treated/disposed of appropriately and that waste is segregated and labelled correctly.

The Environment Agency is becoming increasingly aware that the reduction in the number of incinerators is resulting in an increasing reliance on alternative treatment technologies. Certain waste streams are not considered suitable for alternative treatment. Trusts should discuss waste segregation requirements with their contractor(s) to ensure that waste is disposed of at appropriately authorised treatment/disposal facilities. The inappropriate or unauthorised treatment of wastes may result in enforcement action being taken by the Environment Agency.

NHS Trusts are also strongly advised to audit their waste streams and review current segregation protocols to ensure that wastes which require incineration are clearly labelled and segregated from other wastes. Waste which require incineration, or equivalent, include:

- Identifiable human tissue.
- Cultures of ACDP Hazard Group 2 biological agents that have not been treated (usually autoclaved) on-site.
- Waste from Containment Level 3 laboratories which has not been treated (usually autoclaved) on-site.
- Waste known or suspected to be contaminated with ACDP Hazard Group 4 biological agents which has not been treated (usually autoclaved) on-site.
- All medicinal wastes (including sharps boxed containing waste medicines e.g. vial, etc).