

JOINT INDUSTRY WORKING GROUP

ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION & DEMOLITION MATERIALS

Statement on the Classification of Waste Contaminated by Asbestos and revisions to Environment Agency Technical Guidance WM2

The Environment Agency will shortly be issuing revised technical guidance on waste, "rWM2". This guidance will contain new worked examples of how to classify as "hazardous" waste soil and other waste materials such as made ground and general C&D wastes that are contaminated by asbestos fibres and asbestos-containing materials. Whilst it has been confirmed that EA policy in this area has not actually changed since the 1990's, the EA has acknowledged industry concerns that the application of existing guidance, to be clarified in "rWM2", may have potential significant negative impacts on the brownfield development and waste management sectors and potentially impact adversely on the requirement to meet sustainability criteria to reduce waste in the construction sector.

The EA has consequently agreed that there is an opportunity to provide industry with refined, detailed and practical guidance in this area. Work to produce this guidance, therefore, will continue over the coming months, these efforts being led by the EIC-CL:AIRE JIWG on Asbestos in Soil and C&D Materials in conjunction with the EA. This work will ultimately feed into the development of the JIWG Industry Code of Practice for Asbestos in Soil.

It has been agreed that the JIWG, with support from the EA, should explore options to develop a more pragmatic approach to regulation in this area. In the interim the EA will continue to apply the existing regulatory line, as set out in WM2, until a suitable alternative is developed and approved by the regulators across the UK. It is anticipated that WM2 will be revised once a suitable alternative has been agreed through this process. The revised practical guidance arising from this work will help industry understand its responsibilities and enable the EA to provide consistent advice and regulatory enforcement across the various industry sectors.

The ultimate aim will be to facilitate the correct classification of waste materials contaminated by asbestos, specifically by reducing the occurrence of deliberate and unlawful misclassification and/or dilution of waste material in order to avoid hazardous classification. This should enable landfill operators to have a high degree of confidence in the descriptions of non-hazardous waste containing asbestos and the origin/nature of the material provided on waste transfer notes. This, in turn, should ensure that non-hazardous material is not up-classified at the landfill gate, thereby providing greater certainty to the development industry.

This work will be undertaken as a matter of priority within the scope of the JIWG Asbestos in Soil Code of Practice. The JIWG will constitute a task group comprising members of the JIWG and selected industry experts in the field, who will be tasked with producing this practical guidance for consideration, agreement and adoption by the EA, well in advance of the publication of the Asbestos in Soil Code of Practice. Where possible, this work on waste classification will be linked to on-going discussions with the Health & Safety Executive on brownfield development activities and asbestos work categorisation.

For those that may be interested, please see www.claire.co.uk/asbestos for further information in this area.

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