



Fédération Européenne des Activités de la Dépollution et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

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Exposure Scenario for Waste Life Cycle Stage and corresponding exposure estimates

FEAD comments

The methodology proposed to assess the risks to the environment of substances to be managed at the waste stage is very complicated and barely workable. It also creates an overlap between REACH and current waste legislation, which will generate uncertainty with regards to liability for waste producers and the waste management sector in general.

The assessment of the performance of a waste treatment operation on a substance by substance basis can lead to the ban of waste treatment options which already incur sufficient regulation under waste legislation.

Considering the timetable, it seems impossible to provide accurate data on emissions into the air, water and soil for thousands of substances. Deriving release factors from 'existing ones', based on the assumption that waste treatment options are similar to existing industrial activities (i.e following existing ERC¹s), will in some cases lead to overestimates (or miscalculations). This will lead not only to wrong decisions for a producer when producing Safety Data Sheets (SDS) but also harm the image of the waste sector.

Above all, the assessment is detached from reality because of the wide range of treatment techniques and due to the local, regional and national developments of the waste management sector. For some waste streams, it might be that the only available waste treatment option in a region or member state is landfilling. Therefore, the exposure assessment (EA) which provides for a global estimate at EU level will be completely irrelevant at local level if it is, for example, based on the assumption that 20% of the substance at the waste stage is landfilled, 60% incinerated and 20% recycled as stated in the ÖKOPOL paper. Nevertheless, producers are expecting the publication of data to perform their CSA² and fulfil their CSR³ and SDS obligations.

Manufacturers and importers (M/I) are responsible for assessing the risks of substances at the production and use stages. Downstream users (DU) are aware of these risks when using substances thanks to SDS and CSR. There is a direct link between M/I and DU. But in so far as the substance becoming a waste, REACH ceases to apply and waste legislation becomes the right framework.

The waste sector is already well regulated and emissions are controlled. If waste producers (M/I and DU) have to inform the waste management sector on the content of substances and their concentration in waste, appropriate treatment (in compliance with the required permit) can be ensured. SDS and CSR enable enhanced traceability. Such data would, over time, contribute to further improvement of health and safety in the waste management sector.

Specific risks (safety net in the ÖKOPOL study) are the only criteria which can be easily verified. If required, the waste sector already provides specific Risk Management Measures (RMM) and Operational Conditions (OC). For example, activated carbon for dioxin formation for some thermal treatment, flue gas treatment for metals and acids, avoidance POPs from certain treatment

¹ Environmental Release Category

² Chemical Safety Assessment

³ Chemical Safety Report

operations (POPs regulation), ... RMM and OC can be end of pipe techniques, specific pieces of legislation etc.

Recommendations from the waste management sector for risk assessments at the waste stage are:

- ❖ Taking into account that:
 - ⇒ REACH cannot overrule existing waste legislation (REACH is substance-based whereas waste legislation is not).
 - ⇒ Substance-based tracking and tracing is and will remain difficult
 - ⇒ The concept of CSA is not in line with waste legislation and the way waste treatment is regulated and controlled, and
 - ⇒ It will remain challenging to provide such detailed data especially in view of the short time left until the registration deadline of 30 November 2010.

According to Article 13 of Directive 2008/98/EC on waste, the compliance with existing waste legislation is the only stipulation producers can make in their SDS concerning the waste stage.

- ❖ **It is wrong to link the European List of Waste (LoW), treatment operation and EA. LoW should remain a tool for traceability and statistics.**
- ❖ **The waste sector is not equipped to answer CSA issues, but SDS and CSR can be tools used to adapt waste legislation over time.**
- ❖ **The safety net is the first step to reassure producers that their substances are treated with the lowest environmental and health impacts. Reference to specific RMM and OC (techniques or pieces of legislation) shall be given in SDS.**

FEAD is the European Federation representing the European waste management industry. FEAD's members are national waste management associations covering 20 Member States. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 54 billion.

FEAD represents about 3000 companies with activities in all forms of waste management. These companies employ over 295000 people who operate around 1800 recycling and sorting centres, 1100 composting sites, 260 waste-to-energy plants and 1100 controlled landfills. They play an important role in the determination of the best environmental option for waste management problems.