

Laboratory samples and the Hazardous Waste Regulations

If you comply with the requirements below, we will not pursue certain requirements and charges associated with the Hazardous Waste Regulations for the movement of samples of hazardous waste to a laboratory and their receipt by the laboratory.

Background

This regulatory position statement clarifies how the Hazardous Waste Regulations (HWR) apply to the movement of samples of hazardous waste to a laboratory and their receipt by the laboratory. It also provides a conditional relaxation to the charges applied to laboratories that receive samples that are hazardous waste.

Is it a waste sample?

If you have waste and are taking a sample of it to determine its characteristics or where it may be sent to, the sample is waste. If, however, the sample is taken to determine whether something should be discarded, or is a monitoring sample from a non waste source, then that sample will not be waste and would not be within the scope of this regulatory position.

The HWR apply to samples of hazardous waste sent to any laboratory for analysis, for any purpose, and in all circumstances. They also apply to any samples that become hazardous waste when discarded by the laboratory. They do not apply to samples of materials that are not waste which are sent to a laboratory for analysis.

Where **samples of hazardous waste** are sent to a laboratory:

- the premises where the waste is produced or held must comply with the requirements for premises notification;
- the sample must be consigned using a properly completed consignment note;
- the receiving laboratory must comply with the requirement to:
 - send the producer and/or consignor a return
 - keep records in accordance with the regulations
 - submit a quarterly consignee return to us.

Our position

We will not require laboratories to enter each individual consignment of samples that are hazardous waste on their quarterly consignee return. Instead, for such wastes, one consignment code should be entered that summarises all of your receipts that relates to the quarter for which you are making the return. There can be more than

one EWC code included in the details for this consignment note code. In other words, you can enter the details for each waste type as separate EWC entries but against the same consignment code. Enter these details in the same consignee return used for recording the other samples of hazardous waste you have received. You should not send us two separate consignee returns for the same quarter.

We will also not pursue the full charge for consignee returns where laboratories receive samples of several different classifications of waste (each List of Waste code may be listed separately under the same single consignment note code created for the return) provided:

- the samples are taken from the waste at the place where it is produced or being held;
- the classification of the sample is the same as the classification of the waste from which it is taken;
- the quantity for each sample is not more than is needed by the laboratory method for analysis;
- these types of waste are recorded on a consignment note unless it is domestic waste when a consignment note is not required;
- the laboratory holds an environmental permit or exemption that authorises them to receive the waste; and
- you meet the relevant objectives of the Waste Framework Directive:
'... ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –
 - (i) risk to water, air, soil, plants or animals; or
 - (ii) causing nuisance through noise or odours; or
 - (iii) adversely affecting the countryside or places of special interest.'

Enforcement

In not pursuing these aspects of the HWR for the movement of samples of hazardous waste to, and receipt by, a laboratory, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for the Enforcement and Prosecution Policy*. This document can be found on the 'How we regulate you' page in the Business & Industry section of our website.

This regulatory position will be reviewed by 28 February 2012.

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