

Briefing Note - Quality Protocols Review

Background

Quality Protocol's (QPs) are end of waste frameworks, recognised by us and used by Industry on a voluntary basis to identify the point at which waste, having been fully recovered, may be regarded as a non-waste product. This means the waste derived material can be used in specified markets without the need for waste regulation controls. There are thirteen QPs which have been published for a range of materials. The QPs were produced between 2004 and 2015 and some or all may now be out of date, for example they might not meet current technical or legal standards or might not support the latest waste processing technologies, so we intend to carry out a comprehensive review.

What's Happening?

We are going to review all thirteen of the current QPs over the next 12 – 18 months. Factors to be considered in the initial review of each QP will include:

- Issues of clarity
- Evidence of the abuse of the Quality Protocol
- Evidence that the terms of the Quality Protocol are excessively onerous
- Evidence that the terms of the Quality Protocol do not demonstrate end of waste
- Evidence of unintended risk of pollution, or impacts on human health, or the environment
- Desire from industry to include additional waste inputs to the process or applications of the end product
- Development of new waste processing technologies
- Development of new end product markets
- Development of new product standards
- Changes in the law
- Potential impacts on other Quality Protocols.
- Any other relevant issues that become apparent during the review.

The review process

After each initial review, a decision will be made on whether we will continue to support that QP. One of the following three possible outcomes would arise from the initial review process:

1. We support the document with its current wording or where only minor amendments are required. The QP would then be considered to be a Resources Framework and would be published on the GOV.UK website.
2. We no longer support the QP but Industry confirm they would wish for it to be revised and updated. This would involve a complete overhaul of the QP to bring it up to date so that it would meet the latest standards.

Provided the document can be updated it would be published as a Resource Framework on GOV.UK. The work done by us on the revision would be chargeable under our Definition of waste service charging scheme. We are unlikely to undertake any revision of a QP if Industry were unwilling to work in partnership with us. It should be noted that in some cases where we agree to undertake a revision it may not be feasible to update the QP for example, if the end of waste tests could not be met. The chargeable revision process does not guarantee an updated Resources Framework can be produced and published.

3. We no longer support the QP and Industry do not wish or are unwilling to meet our costs for it to be revised. This would mean that any material produced and used in compliance with the affected QP would no longer be regarded by us as a non-waste product and the relevant waste regulation controls would apply. In some cases it may also mean that the waste would be subject to HMRC's Landfill Tax requirements.

(However, it may still be possible that a case by case end of waste opinion could be obtained from us through our fee paying Definition of Waste Services, but this would depend on the circumstances.)

In summary, the initial reviews will either confirm our continuing, or our withdrawal, of support for the current QPs. If support is withdrawn, Industry can ask us to work with them to revise the document so that it meets current standards. In such circumstances our charging scheme will apply. Provided an update can be satisfactorily completed a new Resource Framework will be published.

How to contribute

The order in which the QPs will be reviewed can be seen in the Annex, with about three QPs being reviewed at any one time. When we are due to commence a review of a QP we will issue press release notices and announce our intention to review a QP online through our website. Where they exist we will also engage directly with the relevant industry associations. There will be a number of points in the review process where input from interested parties will be requested including participation in steering groups and public consultations.

This review does not include assessments of new Resource Frameworks i.e. for materials not presently covered under the current 13 QP's. Any new requests for Resource Frameworks will be assessed on a case by case basis and will also fall under our chargeable service.

If you wish to have input into any of the QP reviews please look out for communications about the QP you are interested in (see Annex for current timings). You can contact the review team by e-mailing resourcesframeworks@environment-agency.gov.uk

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Annex:

Planned order of review of the Quality Protocol - timings subject to change depending on complexity of reviews.

1. Quality Protocol: Compost (Review to start August 2019)
2. Quality Protocol: Anaerobic digestate (Review to start August 2019)
3. Quality Protocol: Poultry Litter Ash (Review to start August 2019)
4. Quality Protocol: Aggregate from inert waste (Planned late 2019)
5. Quality Protocol: Processed Fuel Oil (PFO) (Planned late 2019)
6. Quality Protocol: Pulverised Fuel Ash (PFA) and Furnace Bottom Ash (FBA) (Planned late 2019)
7. Quality Protocol: Tyre-derived rubber materials (Planned early 2020)
8. Biodiesel: Quality Protocol (Planned early 2020)
9. Quality Protocol: Biomethane from Waste (Planned early 2020)
10. Recycled gypsum from waste plasterboard: Quality Protocol (Planned late 2020)
11. Non-packaging plastics: Quality Protocol (Planned late 2020)
12. Aggregate from steel slag: Quality Protocol (Planned late 2020)
13. Quality Protocol: Flat Glass (Planned late 2020)