Hazardous Waste (England and Wales) Regulations 2005

A Guide for Dentists
Hazardous Waste – A UK perspective

England and Wales alone produce around 400 million tonnes of waste annually and over 1% of this is officially defined as hazardous waste:

- Four and a half million tonnes of hazardous waste was produced in England and Wales in 2003
- Government statistics also indicate that fly-tipping doubled between 2001 and 2002
- Reports also show that in 2002, a quarter of all pollution incidents in England and Wales involved hazardous materials

In simple terms, hazardous waste is any material that poses an increased threat to human health or the environment. Any waste could be harmful if it is managed badly or disposed of illegally. However, these risks are very small when hazardous waste is managed properly. Therefore, strict laws are required to control how hazardous waste is managed and the Government is committed to closely monitoring its production, transportation and disposal.

Hazardous Waste (England and Wales) Regulations 2005

On July 16th 2005, the Hazardous Waste Regulations were implemented in England and Wales. These Regulations were designed to simplify the documentation associated with the collection and disposal of hazardous (previously defined as "special") waste and bring us into line with EU legislation. The ultimate objective was to improve waste management and better protect human health and the environment as a whole.

The 2005 Regulations replaced the existing Special Waste Regulations 1996.

Key Features

- The term “special waste” was replaced by “hazardous waste”
- The European Waste Catalogue (EWC) that defines hazardous waste was formally brought into UK legislation
- Over 200 additional types of waste were thereby reclassified as hazardous including fluorescent tubes, many aerosols, fridges, computer screens and end of life vehicles
- Waste that was previously defined as clinical, such as sharps, swabs and blood dressing is classified as hazardous if it contains or could contain infectious substances
- All sites producing hazardous waste, with some exemptions, need to register with the Environment Agency
- Mixing of hazardous waste with other types of hazardous and non-hazardous waste is not permitted (unless the premises is a fully licensed waste treatment facility)
- The standard Environment Agency consignment note and notification process was replaced with a quarterly report

These Regulations do not cover hazardous waste which may be produced by households and be classed as “domestic waste”, with the exception of asbestos.
**Definition of Hazardous Waste**

Hazardous waste is commonly defined as waste that contains substances or has properties that might make it harmful to human health or the wider environment. It does not necessarily mean that such waste is immediately ‘toxic’ but it could pose a threat now or in the future. By controlling hazardous waste we are helping to reduce these risks.

Hazardous waste is now legally defined by the European Waste Catalogue (EWC), which will provide a common definition across all EU countries. Significantly, this means that an additional 180 types of waste have thereby been reclassified as hazardous. This includes common wastes such as:

- fluorescent tubes
- many aerosols
- fridges
- computer screens
- paints
- end of life vehicles
- lead batteries

The Environment Agency’s Technical Guidance WM2 incorporates the EWC and provides a complete definition of hazardous waste in England and Wales. This document can be downloaded in full from the Environment Agency website http://www.environment-agency.gov.uk

**Clinical or Hazardous?**

The implementation of the European Waste Catalogue has also impacted upon our definition of clinical waste. Some waste that was previously defined as clinical, such as sharps, swabs and blood dressings are now classified as hazardous if they contain or could contain infectious substances.

Whilst in the past, some dentists may have defined such waste as non-hazardous by either undertaking a brief patient assessment or defining their patients as a generally healthy and low-risk population, this practice is no longer recommended. Advice Note 76, issued by the British Dental Association in January 2008, states that ALL clinical waste produced by dentists should now be considered hazardous waste:

> "The previous option of carrying out clinical assessment of the source patient based on examination and medical histories to classify the waste as offensive is not longer appropriate in the dental setting."

The BDA’s advice is designed to ensure that all dentists are treating waste in accordance with current waste management legislation and in line with the Department of Health’s publication ‘Safe Management of Healthcare Waste’.
**Pharmaceuticals**
Under the 2005 Regulations, only pharmaceuticals that are classed as cytotoxic or cytostatic will be defined as hazardous. Cytotoxic medicines are defined in Chapter 8 of the BNF.

It must be stressed that even though they are not classed as hazardous, non-cytotoxic/cytostatic medicines must still be treated as harmful. All prescription medicines should be separated from other wastes, disposed of via incineration and only collected by an authorised waste carrier.

**Premises Notification**
As a producer of hazardous waste you are legally required to annually register with the Environment Agency all sites that produce such waste, regardless of the volume of waste produced. A unique premises notification code will be given for every site that is classed as a hazardous waste producer. If there are multiple trading entities on one site, each separate company will need to register independently.

It will be an offence for any waste collection and disposal company to collect waste from a site that has not been notified or is not exempt.

*Whilst many dentists will qualify for an exemption to this requirement, it is important to note that this exemption is only available to those premises that produce less than 200kg of hazardous waste per annum.*
When estimating your annual hazardous waste production, you will need to include ALL hazardous waste such as:

- blood contaminated waste, including dressings and sharps
- amalgam waste
- fixer and developer
- fluorescent light tubes
- redundant IT equipment
- batteries

If you have previously classified your clinical waste as non-hazardous, you may also need to re-consider your practice’s status as a hazardous waste producer.

Whilst exempt sites may not be required to notify their premises, it is important to realise that any hazardous waste produced must still be treated according to the new Regulations and can only be collected and disposed of by a registered waste carrier.

**Consignment procedure**
The Hazardous Waste Regulations 2005 place the onus of responsibility for ensuring the correct classification, transportation and disposal firmly on the waste producer. As such, fixed issue penalty fines of up to £200 will be issued to those companies who provide false information or fail to notify their premises.

From 16th July 2005, it has been a legal requirement to provide detailed information specific to your business for each shipment. PHS automatically compiles this information on a quarterly basis and notifies the Environment Agency on your behalf. If you require further information on this quarterly report, please do not hesitate to contact us.
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