



Mr. Patrick McCartney
Waste Enforcement Unit Manager
National Trans-Frontier Shipments Office
Environment and Transportation Section
Dublin City Council
Eblana House
Marrowbone Lane
Dublin 8
D08 E120

Sent by email only to: patrick.mccartney@dublincity.ie

28th February 2018

Re: Consultation on Threshold Levels for Green Listed Shipments of Waste

Dear Mr. McCartney,

Further to your presentation on 5th December 2017 and receipt of your draft document '*Guidance for the threshold levels for single stream "Green Listed" shipments of waste*', I offer the following comments on behalf of the IWMA.

Overview

The IWMA respectfully suggests that the proposed new threshold levels for paper and plastics are unreasonable and if imposed, could be devastating for recycling in Ireland. We have similar views on the proposed 12% threshold level for moisture content in waste paper.

It is clear from the consultation document that existing contamination levels measured in paper and some plastics are well above the proposed thresholds. Our members do not have the ability to radically change that position in the short term.

We are working on a campaign to increase public awareness about the quality of materials placed in the kerbside recycling bin, consistent with a parallel public awareness campaign delivered by the Regional Planners, on behalf of the Department of Communications, Climate Action and Environment (DCCA).

We all recognise that the quality of materials placed in kerbside recycling bins is poor in many cases and a prolonged and consistent campaign is needed to improve that situation. The MRF Operators have yet to see a noticeable increase in the quality of materials delivered to the MRFs, so these campaigns are not expected to radically improve the contamination levels in the short term. Once the public are fully informed about acceptable materials in the kerbside recycling bins, we can then work on an enforcement campaign as the next step in the process.

Likely Impacts of New Thresholds

We suggest that the imposition of the proposed new thresholds at this time would have the following impacts.

Whilst some paper and plastic exports would meet the new thresholds, there would be very many cases where thresholds would not be met and in those cases, export as 'green listed' shipments would be a criminal offence. Our members could then be criminalised for carrying out their normal business in a legitimate way.

Export as 'amber list' is not an option for these materials. The markets for 'green-listed' paper and plastics are very difficult at the moment, as you are well aware, but the market for amber listed paper and plastics is practically non-existent, so our members will have no choice but to refuse to accept paper and some plastics at the MRFs.

This would put waste collectors in a very difficult position, with the following options available to them:

- a. **They could stop collecting paper and some plastics in the kerbside recycling bins** – this is illegal, as they are obliged to collect these materials for recycling under the Waste Management (Collection Permit) (Amendment) Regulations 2015 (S.I. No. 197 of 2015), see list in Seventh Schedule. Even if the regulations were amended, this would still be devastating for Ireland's recycling targets, set in EU legislation. It would also undo all the good work to date in educating the public about recycling and encouraging their participation in recycling, which is clearly an important environmental issue.
- b. **They could export the mixed dry recyclables as amber listed materials for sorting in another country** – This is theoretically possible if sorting capacity is available in neighbouring countries. However, it would add significant costs to the householder due to additional transport, export and double handling costs. The 9 MRFs in Ireland would then become transfer stations for recyclables rather than recycling facilities and this would lead to hundreds of job losses.

It would remove our self-sufficiency with regard to sorting of recyclables in Ireland, which is contrary to EU legislation, which encourages self-sufficiency. Also, the country that would accept our mixed dry recyclables would not be able to make better product from the incoming material. The MRFs in Ireland are modern and operate to a very high standard in a highly regulated environment, so we believe that we are in a better position to achieve low levels of contamination from commingled mixed dry recyclables than any of our neighbours.

In short, it would have a devastating impact on recycling in Ireland. We would be just exporting our problem and raising the costs of recycling without achieving an improved environmental performance.

- c. **They could add another bin collection to collect paper separately from plastics** – This is theoretically possible but would require public consultation, economic analysis, political decisions and a regulatory impact assessment. It would clearly add significant costs to the householder and may be very unpopular as many people believe that 3 bins are too many and a fourth would be a step too far. In reality, this is impossible in the short term so it is not really an option to meet the proposed new threshold levels.

In summary, none of the options outlined above are attractive and this provides evidence to support our position that the imposition of the proposed threshold levels at this time would be devastating to recycling in Ireland.

Standard Versus Non-Standard Paper

In supporting your proposal, you refer to the EN 643 standard for recycled papers. However, waste paper exported for recycling does not have to meet that standard and soft mix paper is normally accepted at paper mills as 'non-standard' paper with no requirement to meet the EN 643 standard. We therefore argue that imposing such a standard on exports of Irish waste paper is unreasonable and unnecessary.

Relevant Legislation for Waste Paper

Waste paper comes under the following description (from Annex IX of the Basel convention):

"B3020

Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- *unbleached paper or paperboard or of corrugated paper or paperboard*
- *other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass*
- *paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)*
- *other, including but not limited to 1) laminated paperboard 2) unsorted scrap"*

As you are aware, paper separated from the kerbside recycling bins is referred to as 'Soft Mix Paper' and is classified as "unsorted scrap" paper under the B3020 code.

Waste can be transferred under the **Green List** system¹ if it is included in Annex III of Commission Regulation 1013/2006. Annex III includes *Wastes listed in Annex IX to the Basel Convention*, so 'unsorted scrap' paper is included under the 'Green List' system.

However, Annex III also states:

"LIST OF WASTES SUBJECT TO THE GENERAL INFORMATION REQUIREMENTS LAID DOWN IN ARTICLE 18 ('GREEN' LISTED WASTE)

Regardless of whether or not wastes are included on this list, they may not be subject to the general information requirements laid down in Article 18 if they are contaminated by other materials to an extent which

(a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous characteristics listed in Annex III to Directive 91/689/EEC; or

(b) prevents the recovery of the wastes in an environmentally sound manner."

Part (a) of this statement refers to the 1991 Directive on Hazardous Waste, so contamination of waste paper with hazardous substances such as paint, oil, solvents, wood containing dangerous

¹ subject to Article 18 'general information requirements', but not subject to 'prior written notification and consent' procedures.

substances, etc., could render it Amber List or Red List, rather than Green List. Contamination with non-hazardous wastes such as plastic bags or plastic bottles is irrelevant to part (a) of the statement.

Part (b) is subjective and the NTFSO clearly wants to make it objective by setting threshold limits. However, we do not agree that waste paper that has more than 2% contamination with non-hazardous materials such as plastics, wood, textiles, aluminium cans, etc. cannot be recovered in an environmentally sound manner. In fact, hundreds of thousands of tonnes of paper exports from Ireland in recent years have undoubtedly had more than 2% contamination and have been recovered in an environmentally sound manner. So the point is clearly proven.

Other EU States

The consultation document refers to the EU Document, *“Threshold Values for Contaminants in Green-listed Wastes established by Member States”*, published in February 2016. We have reviewed that document and we find that it does not support the position proposed by the NTFSO in addressing threshold limits.

The NTFSO now proposes to impose the Dutch model on Irish exports of recyclables. The limits set in the Netherlands are by far the most stringent limits set by any of the 28 EU Member States and are out of line with positions taken by most other EU States. Paper and plastics are not collected in a co-mingled manner in the Netherlands, so the contamination levels in these materials is lower than in Ireland and the UK.

The Dutch authorities, in setting very low thresholds, have undoubtedly been influenced by the interests of the Dutch waste management industry and the Dutch paper and plastics industries. We respectfully ask that the NTFSO puts Irish interests ahead of Dutch interests when dealing with this issue. A decision now to support the Dutch position would reinforce a position that will severely hamper recycling in Ireland and that clearly is not in the best interests of the Irish State.

In reviewing the above-referenced document, we find that only 4 of the 28 EU States have set threshold limits for green listed waste exports, so it is clear that the Dutch position is not the norm and there is no legal obligation on Ireland to set thresholds at this time, particularly at those unreasonably low threshold values. If thresholds are to be set, we ask that you move away from the Dutch model and consider the following more practical examples.

Austria

- B1010 Metals - 8% to 10% non-metallic non-hazardous impurities.
- B3010 Plastics - 10% threshold for non-hazardous non plastic material.
- B3020 Paper – no threshold

Croatia

- B1010 Iron and steel - 8% to 10% non-hazardous non-metallic substances that do not influence recovery procedures
- B3010 Plastics - 5% threshold for non-hazardous, undesirable admixtures that do not influence recovery procedures.

Finland

General Limit for allowed impurities is 10% of weight.

Belgium, Germany, Latvia

No thresholds. Decisions taken on a case-by-case basis.

Moisture Content in Waste Paper Exports

The issue of moisture content in paper is controlled by contracts between the paper mills and the MRF Operators. We suggest that it is unnecessary for the NTFSO to impose further limits in this regard. The proposed limit of 12% is certainly problematic in a damp climate such as ours and will not be met consistently. Again we ask that the NTFSO puts Irish interests first and avoids putting unnecessary hurdles in the way of paper recycling. There is no legal requirement to set a moisture content limit, so we respectfully ask that you do not set such a limit.

As mentioned above, most soft mix paper exported from Ireland does not meet the EN 643 Standard and is not legally or contractually required to meet that standard, so the moisture content restrictions in EN 643 are irrelevant.

Conclusions

Dublin City Council is the lead authority for waste management planning in the Eastern Midlands Region and has an obligation to ensure that we continue to increase recycling levels in a sustainable manner.

We believe that the proposed measures in the consultation document are contrary to that position and if imposed, would undoubtedly lead to severe consequences that would undo all the good work carried out to date by Dublin City Council, DCCAE, the Regional Planners and the waste industry in increasing recycling levels. For this reason, we appeal to the NTFSO to not impose these restrictions and to lobby the Dutch Authorities to raise their thresholds to more reasonable levels, consistent with other EU States.

If the NTFSO insists on imposing thresholds, we suggest that they should be in the 5% to 10% range, consistent with other EU States referenced above and consistent with the Waste Shipments Regulation. Moisture content should not be included in any such thresholds.

The Waste Shipments Regulation is currently under review and we respectfully suggest that the NTFSO should take a position now allowing higher thresholds that would assist Ireland with recycling in the future. This would assist Ireland in lobbying for a more favourable position with the new regulation, rather than reinforcing the Dutch position, which we say would severely hamper our recycling efforts.

Yours Sincerely,



Conor Walsh
IWMA Secretary

cwalsh@slrconsulting.com

c/o SLR Consulting, 7 Dundrum Business Park, Windy Arbour, Dublin 14.