



By email to: [article28@epa.ie](mailto:article28@epa.ie)

23<sup>rd</sup> June 2020.

**Re: Draft Guidance on Article 28 'End of Waste' issued in June 2020**

Dear Sir/Madam,

In response to your Draft Guidance document on the above-referenced subject, I offer the following comments on behalf of the IWMA. The IWMA is comprised of just over 40 member companies that operate in the waste sector in Ireland. Our website, [www.iwma.ie](http://www.iwma.ie), provides details of our members.

We support the Agency's efforts to raise standards with the new guidelines and we recognise that this is designed to provide greater protection for the environment.

We offer a number of comments, as follows.

The IWMA welcomes Part 1 of the draft guidance as a good overview of the End of Waste (EoW) process. This is helpful for all involved in making and processing EoW applications.

With respect to Part 2 of the draft guidance, we offer the following comments:

- Whilst we note the intention for this guidance to cover all EoW applications, we believe that Part 2 appears to be only suitable guidance for applications relating to specific cases and does not appear suitable for National Decisions on EoW. The IWMA therefore respectfully suggests that the guidance should include another chapter to address national decisions.
- There may also be need for a variation of the application form for national decisions as details on exact sources, processes, storage and end points will be generic rather than specific in these cases.
- The IWMA members are concerned about the requirement in the guidance that the quality of the EoW materials must be comparable to products that may be replaced by the EoW materials (Part 2 Section 5.1). We suggest that the EoW materials must be fit for purpose and adequate for the proposed use, but the quality may be inferior. For example, recycled aggregate may be lower quality than virgin aggregate, but replacing virgin aggregate with clean uncontaminated recycled aggregate in certain non-structural applications would be adequate and would represent an environmental gain. The same could be said of recycled woodchip, glass, paper, plastics, textiles, Incinerator Bottom Ash, etc. We note that in the EoW decisions made to date on recycled plastic and aggregates the Agency has accepted that these can contain a percentage of non-plastic and non-aggregate materials, which would not be found in the relevant comparator.
- The guidance emphasises the need to demonstrate a sustainable market for the EoW product (Part 1 Section 4.3: Part 2 Sections 4.1 & 4.2). The IWMA has made an application to the Agency for EoW for recycled aggregate from construction and demolition waste for the specific use in the manufacture of certain bound products for which there is a sustainable demand. At present there is no commercial market for these recycled aggregates as they cannot compete pricewise with quarry won materials and there is no EoW status for them. The IWMA

respectfully suggests that both Parts 1 and 2 of the guidance provide equal emphasis on sustainable demand for secondary raw materials and sustainable market for EoW products.

- The IWMA welcomes the Agency's openness (Part 2 Section 5.3) to considering the development of bespoke technical standards where published standards, specifications and legislation do not apply to the particular EoW materials and/or their end use.
- Our members also offered the view that ongoing compliance with EoW status requires accreditation to a quality management system. The type of system depends on the specific product being produced. For example, if the material is a construction product then the system must be in line with the Construction Product Regulations. The guidance does not appear to include this as a requirement.

We hope that our comments are helpful to your efforts to improve the Article 28 process.

Yours Sincerely,

A handwritten signature in black ink that reads "Conor Walsh". The signature is written in a cursive, flowing style.

Conor Walsh  
IWMA Secretary

[cwalsh@slrconsulting.com](mailto:cwalsh@slrconsulting.com)

[www.iwma.ie](http://www.iwma.ie)