

The Quality Protocol for the production and use of quality compost from source-segregated biodegradable waste

Regulation of the composting sector following publication of the protocol

Introduction

This paper sets out how the Environment Agency will regulate the composting sector following the implementation of **The Quality Protocol for the production and use of quality compost from source segregated biodegradable waste**. It provides clarity on:

- the regulation of composts that do not meet the requirements of the protocol;
- how we will treat all composts in the interim period between the introduction of the protocol and the point where a composter will become certified as compliant with the protocol;
- how we will treat community composting groups and compost clubs;
- the protocol timetable.

The protocol does not change the legal requirements that apply to the manufacture of compost from waste materials. The production of compost can only take place under a waste management licence or registered exemption.

Background

This protocol has three main purposes:

1. clarifying the point at which waste regulatory controls are no longer required;
2. providing users with confidence that the compost they purchase conforms to an approved standard;
3. protecting the environment (including soil) and human health by describing acceptable best practice for the use of quality compost on land.

In summary, compliance with the protocol means that at the point at which quality compost is despatched to the customer, it can be used without the need for waste regulatory controls. Full details of the requirements are set out in the protocol.

Regulation of composts that do not meet the requirements of the protocol

If the criteria in the protocol are not met, the compost produced is considered to be waste. In such circumstances, the appropriate waste regulatory controls will apply to the transportation, storage and use of the compost. For example, the user might need to register an exemption with the Environment Agency under paragraph 7A or 9A of Schedule 3 to the Waste Management Licensing Regulations before applying the waste to land and to pay the appropriate fee. Failure to do so would be an offence.

If quality compost is produced without a market and is stored indefinitely with little prospect of being used, or it is discarded after being produced, it will still be waste and subject to waste regulatory controls.

The waste regulatory controls, that apply, include:

- transport of compost from a production site must be undertaken by a licensed carrier and in accordance with the duty of care;
- any further treatment or processing of the material must be done at facilities that either have a waste management licence (WML) or a PPC permit (known jointly as a permit) or registered under an appropriate exemption from the need for a permit;
- the final use of the compost must be registered as an exempt activity –either landspreading (7A) or land reclamation (9A).

Detailed guidance on regulatory controls can be obtained from the Environment Agency's National Customer Contact Centre on 08708 506 506, from its website (<http://www.environment-agency.gov.uk>) or from its related netregs site (<http://www.netregs.gov.uk/netregs/>).

How we will treat compost in the interim period between the introduction of the protocol and the point where a composter will become certified as compliant with the protocol

There will be a period of time between the point at which the protocol becomes a live document and where operators can be fully certified as being quality protocol compliant.

Non- PAS 100 compost

In this interim period, for compost that **does not** already comply with the requirements of the PAS100 standard, but where the operator registers with an approved certification scheme (as defined in the protocol) by 15 November 2007, where:

- the business involves the final use of compost; and
- that compost is not mixed with other wastes or materials, and
- the activity is carried out in such a way that it does not cause or is unlikely to cause pollution of the environment, then:

Permitting: If you already have a permit for the activity you should continue to comply with the conditions of that permit. If the final use of the compost would require a permit but you do not yet have one, we will not normally take enforcement action against you for failure to have a permit.

Exemptions: If the final use of the listed waste is covered by an exemption you should register the activity as exempt and comply with the conditions of that exemption.

Duty of care / waste carriers registration: will still apply during the interim period.

PAS 100 compliant compost

Where a compost **already complies** with the PAS100 standard and where the operator is registered with a certification that has scheme rules agreed with us then:

Permitting: If you already have a permit for the activity you should continue to comply with the conditions of that permit. If the final use of the compost would require a permit but you do not yet have one, we will not normally take enforcement action against you for failure to have a permit.

Exemptions: we will not normally take action against you for failure to register an exemption.

Duty of care / waste carriers registration: will no longer apply.

Operators using existing low risk position

For both PAS100 compliant material and material which is not PAS 100 compliant, we will continue to operate our existing [low risk position](#) where compost is sold into domestic retail uses.

Where an operator is not registered with a protocol compliance scheme within the timescales listed below, the material he produces remains waste and must be handled, transported and used in accordance with the Waste Management Licensing Regulations.

We will review this position one year from the date of the protocol launch in May 2007.

How we will treat community composting groups and compost clubs

Where community composting operations are running within the definition of a composting club we have previously said that it would not normally be in the public interest for us to prosecute for failure to obtain a permit where the finished compost is going back for use on the gardens of the members of the club. The same applies where a National Trust property or a Royal Horticultural Society garden type activity is composting its own waste on its own grounds for use on its own gardens. The Environment Agency takes a risk-based approach to regulation. Where the use of a material is likely to cause harm to human health or pollution of the environment however, the appropriate enforcement action will be taken.

The protocol timetable

15 March 2007– Quality Protocol published released

11 May 2007– Quality Protocol comes into force.

15 July 2007– Electronic registration tool will be available for operators to register with Quality Protocol certification schemes

15 November 2007– All those who wish to benefit from the interim period position must be registered with a Quality Protocol certification scheme

7 May 2008 – 12-month review date for the interim period position and for the withdrawal of the current Environment Agency low-risk position on the use of compost for domestic application.