

SCRUTINY ADVISORY BOARD – COMMUNITIES AND PLACE

Meeting date: 30 November 2022

From: Angela Jones – Executive Director Economy & Infrastructure

WASTE ELECTRICAL & ELECTRONIC EQUIPMENT

1.0 Purpose of Report

To provide an outline of Waste Electrical and Electronic Equipment (WEEE) Regulations for the Scrutiny Advisory Board (Communities and Place).

To provide an overview of how waste electrical equipment is managed by Cumbria County Council once Waste Electrical and Electronic Equipment is deposited by the public at the network of Household Waste Recycling Centres (HWRC) or collected by the Waste Collection Authorities (WCAs).

Identify how we can mitigate WEEE waste and therefore reduce handling and associated costs – what we are doing and what more could be done.

Identify on emerging policy and emphasis on producer responsibility, along with the implications this is likely to have on local authorities in terms of managing waste items separately, such as small waste electrical items.

2.0 Issues for Scrutiny

Scrutiny members are invited to consider the following areas:

- The current arrangements and challenges of diversion from disposal of small waste electrical & electronic equipment in particular
- The implications and opportunities from the proposals set out in the Report relating to small Waste Electrical and Electronic Equipment in particular
- The opportunities to influence the proposals

3.0 Regulatory Background

The amount of waste electrical and electronic equipment (widely known as WEEE or e-waste) generated every year is increasing rapidly. It is now one of the fastest growing waste streams. EU rules on WEEE were developed with the aim to contribute to sustainable production and consumption.

The Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 ("the Regulations") became law in the UK on the 1st of January 2014 replacing the 2006 Regulations and incorporating a recast WEEE Directive (2012/19/EU). The WEEE Regulations are a type of 'producer responsibility' legislation based upon the 'polluter pays' principle i.e., legislation which aims to make producers responsible for the waste that they produce by producing and selling products which consumers

ultimately dispose of. A key part of the Regulations is that producers must take responsibility for collecting, recycling and recovering a target proportion of the material they place on the market.

Under the WEEE Regulations all producers of Electrical and Electronic Equipment (EEE) who place more than 5 tonnes of Electrical and Electronic Equipment on the UK market in any one year must join a Producer Compliance Scheme (PCS) by 15 November each year. A Producer Compliance Scheme is a body which is established to meet the WEEE obligations of its members. Producers pay an annual fee for being a member of a PCS. This payment covers the collection, handling, recovery, and recycling of waste electrical and electronic equipment. PCSs contract with local authorities to pick up WEEE for recycling and recovery in order to meet the obligations of their members.

There is no income to the Council for the management of WEEE.

WEEE is separated into a variety of categories including Large Domestic Appliances and Small Domestic Appliances depending on the size of the items.

4.0 WEEE GENERATED IN CUMBRIA

As the Waste Disposal Authority, Cumbria County Council (the Council) is responsible for managing the WEEE collected from domestic properties by the Waste Collection Authorities, and those items deposited at the network of fourteen Household Waste Recycling Centres (HWRC's) across Cumbria.

Fridges, TVs, Large Domestic Appliances (LDA), Small Domestic Appliances (SDA) and batteries that are deposited at the HWRCs (which are registered as Designated Collection Facilities or DCFs) are sent for reuse, recycling/reprocessing via a Producer Compliance Scheme (PCS). The Producer Compliance Scheme also arranges for the collection of WEEE from the HWRCs. As the producers are paying for the collection, reuse, and recycling of the WEEE, the service is free-of-charge for local authorities. For Cumbria the Producer Compliance Scheme is an organisation called Repic.

Bulky waste collections of WEEE undertaken by the Waste Collection Authorities (the district councils) are segregated at one of the Council's Waste Transfer Stations. These tend to be predominantly LDA rather than small WEEE. One reason for this is that small WEEE can be placed in the residual waste bin. Although there are segregated containers for small WEEE available at the HWRC's for residents to dispose of their items.

Any WEEE that is collected in Cumbria via the HWRCs or through the districts' bulky collection services is sent for reuse, recycling/reprocessing through Repic. Whilst it is preferable to reuse items, not all WEEE waste streams are suitable for reuse. So, where re-use cannot take place, recycling is undertaken at Approved Authorised Treatment Facilities (AATFs), where all components are split down as far as reasonably practicable. For example, mixed scrap, non-ferrous metals (copper, aluminium) and this now includes extraction of precious metals from printed circuit boards. Plastics, rubber etc are all separated and recycled where possible.

Some WEEE items contain hazardous materials such as Persistent Organic Pollutants (POPs). POP's bearing materials such as plastic housings and cabling undergo high temperature incineration.

For more information see <https://repic.co.uk/> and <http://www.responsible-recycling.co.uk/>

Table 1 below shows the tonnage of WEEE collected in Cumbria in 2021/22 and the tonnage year to date in 2022/23 (April to August). Three thousand and ninety-five point four (3,095.4) tonnes of WEEE were collected in 2021/22. Over 40% was small domestic appliances collected at the HWRCs. A further 18.99% of the tonnage was large domestic appliances collected at the HWRCs. Fridges and freezers accounted for the majority of the delivered tonnage delivered by the waste collection authorities (188.9 tonnes or 3.84% of the total tonnage). The HWRCs account for by far the most important local authority route for disposing of WEEE in Cumbria. Some material will also be returned to retailers, but this is not required to be captured in local authority figures.

See Table 1 as an appendix to this report – WEEE collected in Cumbria.

5.0 END DESTINATIONS

Local Authorities are expected to report to the Environment Agency the final facility destination for materials handled in the UK. This is so that waste can be tracked to the point either to where it ceases to be waste, or for rejected material, to the point of disposal. The Council undertakes this obligation by collecting and reporting WEEE related data, as well as data for other waste materials, through a system called Waste Data Flow.

6.0 EMERGING WASTE POLICY

The DEFRA Strategy: 'Our Waste, Our Resources' was released on the 18 December 2018. The Strategy expanded on the Government's 25 Year Environment Plan, published in early 2018. The Strategy, often referred to as the Resources and Waste Strategy (RWS), proposed some significant changes in waste policy across the UK that may have some fundamental impacts on local authority operations, existing contracts, and budgets.

The RWS sets out an intention to further develop the polluter pays principle eg through new requirements for 'Extended' Producer Responsibility for packaging and a Deposit Return Scheme. These proposals also include a proposed requirement to collect small electrical items from householders at the kerbside in the future.

The current take-back scheme for waste electrical and electronic equipment has been challenging for Cumbria as companies do not want to collect from such remote areas which adds to transportation costs. It is more cost-effective and attractive for the compliance schemes, and accordingly their members, to collect from urban areas where the tonnages of WEEE and transport efficiencies are likely to be better. Because of this disparity in the attractiveness of different areas to the producer compliance schemes, a 'fall-back' arrangement was put in place to ensure that no local authorities are left without a PCS to collect and process their WEEE. Appendix 1 contains the details.

7.0 REDUCING WEEE

Because the costs of collection and recycling are paid for by producers of electrical and electronic equipment, the collection of WEEE from local authority designated collection facilities (DCFs) is free to the local authority. However, there are still some clear benefits to reducing WEEE. WEEE contains valuable precious metals

such as gold and mercury, many of the contents are hazardous too, so it makes both financial and environmental sense to reduce WEEE waste.

There are a number of options for reducing the collected volumes of WEEE and the associated costs. The options principally involve increasing repair and reuse. This next section of the report outlines what action is being taken now and possible actions for the future.

7.1 What we are doing to reduce WEEE in Cumbria now

See Appendix 2 for other examples of what we are doing in Cumbria

- **Charity shop reuse map** – Recycle for Cumbria also hosts a charity shop reuse map to encourage reuse of WEEE and other items of household waste. The map is available here: <http://www.recycleforcumbria.org/athome/reusemap.asp> The development of the map was the response to a 2019 recommendation from a Cumbria CC Scrutiny task and finish group on the role of the third sector in waste reduction.
- **Working with compliance scheme REPIC to increase WEEE reuse** - The WEEE Regulations ([The Waste Electrical and Electronic Equipment Regulations 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)) require (Provision 30) an operator of a compliance scheme to ensure that systems are set up to prioritise the reuse of whole appliances. A meeting has been arranged with REPIC in October to discuss these opportunities.

REPIC is currently contracted by Renewi, Cumbria County Council's main waste contractor. This is currently being reviewed. When the contract is next tendered there may be further opportunities to increase reuse.

7.2 What more could be done to reduce WEEE in Cumbria

See Appendix 2 for other examples of what more could be done in Cumbria

- **Setting aside WEEE for reuse at the HWRCs** - A Cumbria CC Scrutiny Task and Finish group undertook work in 2019 to assess the role of the third sector in waste reduction. One agreed recommendation was to "Explore the approach towards reuse at HWRCs or periphery within contractual obligations and/or, capacity implications." However, in relation to WEEE reuse at HWRCs, despite this being conflicted by our own Waste Contract, work undertaken by North London Waste Authority (building on work carried out by Zero Waste Scotland) showed that whilst the take-back of WEEE to HWRCs for reuse could be successfully promoted, the quality of material was poor by the time it reached an HWRC and so the percentage of items successfully reused was low. The project concluded that it is generally preferable to intercept material for reuse before it reaches the HWRC. Accordingly, it is not recommended that areas where WEEE is set aside for reuse are introduced at the HWRCs in Cumbria. Hence, the intention through the RWS to collect this material from the kerbside in future.
- **Producing a repair directory** - A second option could be to produce and promote an electricals repair directory to encourage more residents to repair rather than throw away. However, in a rural area the opportunities to find local repairers are more limited than in an urban area. Initial research by the waste reduction team suggests that a directory may not be attractive in Cumbria because it risks having too few entries and repairers may be too far away from peoples' homes.

- **Encouraging more online resale and donations to increase reuse**

Another option is to promote reuse more extensively than we do at the moment. If the electrical item could be used by someone else, there are lots of online opportunities now to sell things online. A communications campaign could be delivered to encourage people to search online for sales opportunities, and/or to specifically promote the options available such as [Ebay](#), [Facebook Marketplace](#). Second hand options specifically for electrical items and homeware include: [Wallapop](#), [Shpock](#) – there are many other examples for both.

Private neighbourhood social networks like [Nextdoor](#) also have a ‘free items’ section. Additional communications could raise the profile of these options further along with [Freecycle](#) and [Freecycle](#) as mentioned in section 6.1 above. Initial discussions with Freecycle have taken place regarding additional options for increasing reuse through their portal too.

8.0 ELECTRIC VEHICLES AND BATTERIES

As with electrical items, there is legislation in place in the UK to make the producers of batteries and vehicles responsible, and pay for, the take back and recycling of the batteries and vehicles including vehicle batteries that they have placed on the market. Local authorities therefore don’t have responsibility for batteries or vehicles disposal.

The Batteries and Accumulators (Placing on the Market) Regulations 2008 (the Battery Regulations) (See <https://www.gov.uk/guidance/batteries>) are the underpinning legislation:

- making it compulsory to collect and recycle batteries and accumulators
- preventing batteries and accumulators from being incinerated or dumped in landfills
- restricting the substances used in batteries and accumulators

There is similar legislation in place for vehicles making producers responsible for the waste management of the vehicles they have placed on the market. The End-of-life Vehicles Regulations 2003 (as amended) and the End-of-life Vehicles (Producer Responsibility) Regulations 2005 (as amended) are the underpinning legislation – the ELV Regulations. (See <https://www.gov.uk/guidance/elv>). The regulations cover all cars (with up to 9 seats) and small vans (of up to 3.5 tonnes), including components made for them. End-of-life vehicles (ELVs) are motor vehicles categorised as waste, generally due to age or accident. Producers must provide a convenient network of authorised treatment facilities (ATFs), or make acceptable alternative arrangements, offering free take-back for their brands when they become ELVs.

Car batteries are lead-acid batteries at present, and it is the responsibility of vehicle producers under the ELV Regulations to take these back when a vehicle is disposed of. ATFs must report upon the quantity and weight of batteries they reuse, recycle and recover in each reporting year using prescribed protocols. Car batteries are generally not brought to the HWRCs except in instances where residents themselves replace their car battery. More usually this work will be carried out by a garage which will then arrange for the waste collection.

As we move towards replacing diesel and petrol fueled cars with electric cars, the batteries from cars will change from lead-acid to lithium as electric vehicles use lithium batteries. An ‘electric vehicle’ means a vehicle propelled by electric

propulsion and intended for carrying people or goods. This includes electric cars, wheelchairs, bicycles, airport vehicles and automatic transport vehicles. The Battery Regulations covers all types of batteries and can be defined as:

- **Portable** - A portable battery or battery pack is: sealed, under 4 kilograms, not an automotive or industrial battery and not designed exclusively for industrial or professional use
- **Industrial** - An industrial battery or battery pack is a battery of any size or weight, with one of the following characteristics. It is: designed exclusively for industrial or professional uses, used as a source of power for propulsion in an electric vehicle or a 'hybrid' vehicle, unsealed but is not an automotive battery, sealed but is not a portable battery

It is unlikely in our view that these industrial type batteries from electric vehicles, cars or mobility scooters for example will be brought back to an HWRC. However, if they are it would be up to the responsibility of the ELV take-back scheme or the battery takeback scheme (if they are from a scooter) to sort these safely and arrange for their recycling/disposal at an ATF. These types of batteries will not be covered by the WEEE Regulations.

9.0 CONCLUSION

In summary, the Council, meets its obligation to comply with the WEEE Regulations by:

- Collecting and reporting data through Wastedataflow
- Checks that the processes their waste goes through properly meets the definition of reuse, recycling, or final disposal
- Traces materials through to their destination

The Council may be obliged to handle more WEEE in future, when and if under the Resources and Waste Strategy (RWS) the Waste Collection Authorities (currently the District Council function but soon to be part of the two new Unitary Authorities) must collect separately small WEEE such as kettles, hairdryers, mobile phones, and laptops.

These obligations have been considered as part of the Local Government Reorganisation programme (under the Waste Work Package), and responsibilities will continue under the statutory duties of Cumberland and Westmorland & Furness authorities.

The CCC Waste Service that manages WEEE, under its obligations as the Waste Disposal Authority, will be a "hosted" arrangement under Local Government Reorganisation – the host will be the new Cumberland Council but will operate on behalf of both new Councils. This decision was made by LGR Members Implementation Board.

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Previous Relevant Council or Executive Decisions

Scrutiny Advisory Board – Communities and Place : 7 February 2019

Title of Report: Response of the Acting Executive Director to the Scrutiny Review - Waste and Third Sector Task and Finish Group

Background Papers

DEFRA Strategy: 'Our Waste, Our Resource' for England, 2018 available at: <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

The Waste Electrical and Electronic Equipment (WEEE) Regulations 2013, available at: <https://www.legislation.gov.uk/uksi/2013/3113/regulation/30/made>

WEEE Directive (2012/19/EU), available at:

<https://www.legislation.gov.uk/eudr/2012/19/contents>

The Batteries and Accumulators (Placing on the Market) Regulations 2008 (the Battery Regulations), See <https://www.gov.uk/guidance/batteries>

The End-of-life Vehicles Regulations 2003 (as amended) and the End-of-life Vehicles (Producer Responsibility) Regulations 2005 (as amended) – the ELV Regulations, See <https://www.gov.uk/guidance/elv>

Fall back arrangements if a local authority cannot contract with a Producer Compliance Scheme of PCS

If a local authority has been unable to contract with a PCS it can use 'Regulation 34' of the WEEE Regulations which requires a producer compliance scheme to collect WEEE free-of-charge from a local authority site within five days. Regulation 34 ultimately forces a WEEE compliance scheme to pick up the WEEE.

In 2016 some of the WEEE compliance schemes established the WEEE Producer Compliance Scheme Balancing System (PBS) as a voluntary and collaborative way to deal with Regulation 34 requests from local authorities. However, there is now a Government-approved PBS system in place and from 1 January 2019 all Producer Compliance Schemes must join the Government-approved PBS and pay for the costs of running it. This ensures that the cost of collecting WEEE is equally and fairly shared and recognises the fact that in previous years some schemes had decided not to join the voluntary PBS, creating an unbalanced system.

A new Producer Compliance Scheme Balancing System took effect from 19 July 2022 with the WEEE Schemes Forum Ltd.'s PCS Balancing System appointed. The consultancy Anthesis acts as the independent administrator of the new mandatory PBS. Although the PBS acts as a back-up for local authorities struggling to find a PCS to collect WEEE in their area, it is likely to be preferable and more administratively efficient for local authorities to contract directly and for the longer term with a PCS rather than having to use the balancing system to find one.

Table 1:

Type of WEEE and how collected	Tonnes collected		Percentage of total	
	2021/22	2022/23 year to date	2021/22	2022/23 year to date
600 - Small Domestic Appliances	1,361.38	597.76	43.98%	44.80%
HWRC	1354.28	594.60	43.75%	44.56%
WCA Direct delivery	7.10	3.16	0.23%	0.24%
601 - Large Domestic Appliances	602.54	244.22	19.47%	18.30%
HWRC	587.86	234.84	18.99%	17.60%
WCA Direct delivery	14.68	9.38	0.47%	0.70%
603 - Fridge/Freezers containing CFC & HCFC	627.26	282.44	20.26%	21.17%
HWRC	508.36	234.56	16.42%	17.58%
WCA Direct delivery	118.90	47.88	3.84%	3.59%
604 - Televisions and Monitors	467.74	194.92	15.11%	14.61%
HWRC	456.46	190.19	14.75%	14.25%
WCA Direct delivery	11.28	4.73	0.36%	0.35%
605 - Recyclable Computer Parts	36.40	14.95	1.18%	1.12%
HWRC	36.40	14.95	1.18%	1.12%
606 - Mixed Electrical Equipment	0.10	0.00	0.00%	44.80%
HWRC	0.10	0.00	0.00%	44.56%
Total	3,095.40	1,334.29		

WCA = waste collection authority

CFC = Chlorofluorocarbon

HCFC = Hydro chlorofluorocarbon

Examples of what we are doing in Cumbria

- **Social media communications campaigns** – social media communications campaigns have been scheduled for October and November. A social media campaign on the dangers of not disposing of batteries correctly – stressing the need to remove batteries from WEEE items before recycling is scheduled for late October and in the run-up to Black Friday on 25 November a WEEE reuse, recycling and repair campaign is also scheduled.
- **Promoting Freegle and Freecycle** – to encourage donation of unwanted items for reuse, the online platforms Freegle and Freecycle are promoted on the Recycle for Cumbria website and also referenced in relevant social media posts throughout the year. Details are available on the Recycle for Cumbria website: <http://www.recycleforcumbria.org/attheshops/Gettingthingsforfree.asp>
- **Student guide** – a student guide has been produced which encourages electrical repair and reuse as well as a range of other actions that students in Cumbria can take to reduce the amount of waste they throw away. The guides have been distributed at freshers' fairs in September 2022 in Carlisle and Ambleside.
- **WEEE leaflets** – leaflets are also being produced to encourage the repair, reuse and recycling of electricals. The leaflets will be distributed via the household waste recycling centres later this year.
- **Give and take days** – Penrith Action for Community Transition (PACT) and others also run give and take days where people can give something they no longer want and take something away that they do want free of charge. The waste reduction team attends these events where possible to assist with putting items out for display and giving advice to attendees. A section of these events is dedicated to electrical items.
- **Repair cafes** – several community groups run repair cafes where residents can take broken items and get them repaired free of charge, rather than throwing them away. Details of these cafes are promoted on the Recycle for Cumbria website at: <http://www.recycleforcumbria.org/>

Examples of what we are doing in Cumbria

- **Applying for a reuse grant** - Material Focus (<https://www.materialfocus.org.uk/>) is an independent not-for-profit organisation funded by the UK WEEE Regulations Compliance fees. These are the fees placed upon obligated electrical producers if they don't meet their annual recycling targets set by the government. The fees are set higher than the average costs of collection to encourage collections to take place. Material Focus manages the spending of the fees to support the recycling and reuse of electricals. Material Focus supports communications campaigns and runs a grant scheme. One short term option to increase reuse is to apply for a grant from Material Focus.

Whilst no Cumbrian projects are listed as having been supported in the past year, examples of recently funded projects, as detailed in the latest Material Focus annual report include:

- Remade Network Set-up of tech-drop points around Glasgow. Items are refurbished and either donated or sold locally.

- Crest - Increasing staff capacity to refurbish old electricals to be sold at low cost to local residents in Conwy.

Officers will investigate when the next WEEE funding will be available and develop a reuse project which can be included in a funding application to Material Focus.

- **Running communications campaigns to encourage take-back to retailers -** Another option is to deliver a communications campaign to encourage residents to take back their WEEE to retailers where appropriate making full use of existing take-back arrangements, rather than giving their WEEE to the local authority. The risk with this option is confusion in the minds of residents about where to take material and potentially negative publicity for the local authority for not collecting waste from householders as they should.
- **Establishing a reuse forum for third sector organisations in Cumbria working in partnership with the Council for Voluntary Services (CVS) and district councils with the aim of expanding reuse of a range of materials.** This was another recommendation of the task and finish group referenced above. Cumbria Action for Sustainability (CAfS) and the Zero Carbon Cumbria Project (ZCCP) now coordinate a number of project and group meetings including a waste sub-group of the Cumbria Sustainability Network which could potentially act as a vehicle to take forward additional reuse initiatives, including WEEE reuse. Waste Services team officers are engaged in the network, but with local government reorganisation imminent this proposal is potentially an activity for transformation rather than something to start now.
- **Delivering an internal communications campaign to increase WEEE reuse across the council estate.** Another task and finish group recommendation was to develop an internal engagement programme to explore opportunities to maximise the benefits of waste reuse across its strategies and plans. This recommendation was previously in part agreed as it depended on working with other partners. This work could be progressed taking account of the implications and timescale for local government reorganisation, with some research undertaken now into what happens to the existing councils own electrical and electronic equipment once it reaches end of life. A communications campaign could also be delivered for council staff to raise awareness of the opportunities to repair and reuse WEEE.
- **Calling for further extended producer responsibility -** Finally, there may be opportunities when the WEEE Regulations are next reviewed, to call for expanding the remit of producers and producer compliance schemes to make repair and reuse more of an upfront requirement which they have to fund. At present this requirement does not have any associated performance requirements, but the council could ask for specific targets to be included for reuse and repair the next time that the regulations are reconsidered. This would not be an immediate solution to reducing the burden of WEEE.

Should the proposed Extended Producer Responsibility in the Resource & Waste Strategy be applied more widely and include small WEEE then there may be an option for Local Authorities to provide separate collections of small WEEE from kerbside with the producer meeting the cost of this. This approach would also allow the increasing number of items being purchased on-line to be captured for re-use and recycling rather than potentially being deposited in residual waste bins by residents.