

AIBOLG Agencies' and Industry Batteries Operational Liaison Group

21 March 2014

14:00-15:30

Tel. 0800 032 9811

Participants Code: 7939 0685#

Attendees:

Schemes: **David Reynolds, Scott Butler, Adrian Hawkes, Phil Morton, Louise Grantham, Nick Morgan.**

ABTO/ABE: **Michael Green, Greg Clementson, Mark Wolle.**

Agencies: **Carly Chambers** (EA - Chair), **Alex Robinson** (EA), **Helen Rockey** (EA), **Michael Crebbin** (EA), **Lara Moggridge** (NRW), **Nathanial Chalamanda** (SEPA).

BIS: **Iain Nicol**

Defra: **Graeme Henton**

Apologies:

Ruairi McCann, Mark Rhodes, James Avison, Grahame Dovey.

1. Introductions

Carly Chambers introduced Michael Crebbin from the EA, who would be covering for Helen Rockey's maternity leave, Lara Moggridge from NRW, who was covering for Mark Rhodes, Iain Nicol from BIS, who was covering for Grahame Dovey and Graeme Henton from Defra, who had taken over the role from Simon Dawes.

2. Data Update and Data publishing – 2013 Data

Michael Crebbin stated that the quarter 4 data was published last month and the final annual data would be published soon. The indicative collection rate was 31.9%. Therefore the UK obligation had been met. For 2013, the percentage of portable lead-acid batteries placed on the market was 6% (compared to 8% in 2012) and the quantity of lead-acid battery evidence was 88% (compared to 83% in 2012).

Michael Green stated that he thought the automotive/industrial figures were high but needed to do more research.

Action: Michael Green to provide analysis of automotive/industrial data to Alex Robinson for further action.

3. EA Regulatory Update

Helen Rockey – ABTO/ABE approval process: 10 Industrial/automotive ABEs (3 less than last year), 9 portable ABEs (3 less than last year), 13 industrial/automotive ABTOs (4 less than last year), (13 sites) (18 sites previously), 13 portable ABTOs (previously 16) (14 sites) (previously 18 sites).

The majority of the ABTO/ABE sites were inspected in 2013.

We received all quarterly returns for 2013 for ABTOs/ABEs and schemes and annual industrial/automotive returns for ABTOs/ABEs. Have been quality assessed and re-submitted where appropriate.

Michael Crebbin reported that the focus in 2013 was on waste visits but both the EA and schemes had conducted producer visits based on risk profiling and 5 out of the 6 schemes had been audited.

David Reynolds asked what work had been undertaken to identify missing producers.

Michael Crebbin stated that schemes were required to indicate if producers had left them and the reason. Drop-offs and freeriders had been investigated.

Carly Chambers stated that once this was mapped, the tonnage of drop-offs from the previous years' data was checked to indicate the likely tonnage. If this was low, further action may not be pursued.

4. NIEA Regulatory Update

Helen Rockey on behalf of Ruairi McCann – 1 ABE for 2014, 3 large portable producers, 11 small

5. NRW Regulatory Update

Lara Moggridge – 1 ABTO, 2 ABEs, 7 large portable producers, 27 small producers. There had been 1 producer visit and 1 freerider investigation.

6. SEPA Regulatory Update

Nathanial Chalamanda – 4 industrial producers, 2 automotive, 2 ABTOs, both audited during the approval process, 2 large portable producers, 26 small producers

7. Technical Issues Update

- a) Definition of sealed and EU FAQ – Iain Nicol stated that the draft document had been held up because of the wording on capacity labeling of batteries. He confirmed that it states that lead-acid batteries could be portable if batteries are sealed during normal use, meaning valve regulated lead-acid batteries can be classified as portable. Iain Nicol confirmed that hand-carriability was not defined in the FAQ. Any amendments to the directive would be considered in 2016 to be brought into effect in 2017.

Action: Iain Nicol agreed to look into circulating the extracts on the understanding that there may be further changes to the text of the FAQs before the document was published.

- b) Hand-carriability/definition of portable batteries

Graeme Henton stated that the hand-carriability impact assessment was being finalized. It would take approximately 3 months to be approved by the economist and Committee. It would then be released with the consultation. The consultation period could be 1 month depending on how controversial the impacts of the changes would be.

It was agreed by the schemes and operators, that assuming changes were agreed, that as these could not be implemented at the half-year stage, notice of any changes was likely to be in approximately October and be implemented at the start of 2015.

Michael Green asked if the EA/Government were considering other options to reduce the lead-acid battery imbalance.

Alex Robinson said that we could look at other options and invited ideas to be put forward from stakeholder group about how to further address the issue.

Action: It was agreed that the impact assessment and consultation would be circulated before the launch of the consultation to check data etc.

Action: Graeme Henton requested that any items for the Battery Stakeholder meeting be forwarded to Rob.

c) Status of BIS definition of a vehicle

Adrian Hawkes asked about the status of the definition of a vehicle guidance.

Alex Robinson stated that the guidance took effect from 1st January 2014 and that there was no back-dating. This is stated at: <http://npwd.environment-agency.gov.uk/>. He confirmed that once 2013 was closed off, resubmissions would be accepted from 1st April for 2012 and 2013 to calculate the 2014 obligation.

8. Update on coherence – EA strategy for adapting to Change

a) Gov.uk

Helen Rockey stated that from 21st March - Duty of care (WTNs), classifying waste, hazardous waste (consignment notes) and waste export and import controls would be live on gov.uk.

After 1st April pro res regimes will be transferred, although there is a very small chance that WEEE might go live on 1st April. The distributor pages for WEEE and batteries were already live at:

<https://www.gov.uk/electricalwaste-producer-supplier-responsibilities>

<https://www.gov.uk/battery-waste-supplier-reponsibilities>

Government Digital Services were responsible for signing off mainstream content and the EA for complex content. She stated that the government guidance notes and GN07 had been combined into 1 document and that as a result of the changes guidance was required to be reduced by 80%.

Adrian Hawkes expressed concern about disputes if guidance was not in guidance documents and also stated that he took part in the consultation but had received no feedback.

Helen Rockey confirmed that she had not received feedback for the latest changes but they had been implemented.

Iain Nicol and Michael Green left the telecom at this point.

b) Reg review work

Graeme Henton stated that at the Defra stakeholder meeting in April, the planned changes for this year would be discussed, including issues raised under the Red Tape Challenge.

c) Change programme

Carly Chambers provided an update about the EA changes. Director and Executive Manager roles had been consolidated and the regional tier has disappeared to leave national and area teams. There was a transitional period from April to allow Areas to adjust to the changes. There had been a slight delay due to the flooding.

The focus was on flooding and Environment and Business.

For producer responsibility, businesses should not notice any changes. Sue Stocks (National Trading and Regulatory Services Manager) was still responsible for the unit and would still report to Bernadette Carr (Director of National Services)

9. Regulatory Issues

a) Producer monitoring and enforcement

Adrian Hawkes stated that it was difficult to say when guidance applied for producers as there was changing guidance and an interim statement.

Carly Chambers stated that the focus was on treatment aspects in 2013 and that she was aware of a couple of circumstances where there had been detailed debate with industry/legal/counsel opinion regarding definitions. She stated that the bigger picture view may be that counsel would not necessarily support enforcement.

Action: Alex Robinson/Helen Rockey would discuss the EA strategy on this with government and other agencies.

b) Recycling efficiencies

Helen Rockey stated that ABEs were required to provide information regarding overseas reprocessors recycling efficiencies both under the Waste Shipment Regulations, which requires that EU legislation was complied with and under equivalent standards under the Batteries Regulations for non-EEA sites. The equivalent standards regulation was currently being drafted but the consultants had also indicated this in a presentation to the EU in October 2013.

Alex Robinson stated that the permitting regulations had been changed and operators permits would be amended as a result.

Alex Robinson confirmed this position and said that he understood that there were concerns that some lithium battery processes could not meet the 50% recycling efficiency.

Action: Operators to contact Alex Robinson with any specific examples or concerns.

Action: Agency guidance regarding recycling efficiencies.

- c) Economic operators - the problems being caused by regulation 33 with parcels of very expensive to recycle batteries being presented to schemes
David Reynolds stated that economic operators were charging customers for recycling batteries and were then depositing the batteries on schemes. It could be any scheme and the batteries could be moved from scheme to scheme.

There was a discussion that schemes needed to share the costs proportionally.

Helen Rockey said an action was raised at the July telecom for Nick Morgan to arrange a Battery Scheme Forum to discuss this issue.

It was confirmed that this meeting did not occur but that a meeting would be arranged.

Alex Robinson repeated his offer to help regarding permitting.

Action: Adrian Hawkes to arrange a meeting with schemes to discuss this proposal.

Regulatory change was discussed. Graeme Henton stated that he would need significant information to consider regulatory change and that this would need to be soon if changes were required in the 2015 Regulations. . Any regulatory changes would need to be consistent with the Batteries Directive requirements.

It was suggested that regulatory change may not be required but guidance was needed, for example regarding safety issues, such as shredded batteries.

Carly Chambers stated that the Agency was currently looking into some instances where there had been concerns regarding the acceptance of batteries from economic operators. She suggested that both schemes and the EA needed to consider their response and guidance

Action: David Reynolds would draft a paper and circulate it before the Defra Stakeholder meeting. Alex Robinson would be updated regarding this paper.

Action: Michael Crebbin to arrange a meeting to decide the EA response and guidance.

- d) Battery Storage

David Reynolds stated that the storage of batteries may be limited by site permits and asked if there could be a regulatory position statement to increase time limits.

Helen Rockey asked if the site officers had been asked to increase this.

David Reynolds stated that he had not but that he would contact the site officers.

Alex Robinson confirmed that the site officers would need to be contacted and he would assist from a national perspective.

Action: David Reynolds to liaise with Alex Robinson.

- e) BATTRT guidance has been published.
Helen Rockey stated that the small mixed WEEE BATTRT guidance had been published and stated that batteries must be removed whole and intact and clearly identifiable by battery chemistry type for subsequent sorting and recycling.

Action: Helen Rockey to provide an update regarding the transitional arrangements.

Update: There are no transitional arrangements as this is an existing requirement under the Hazardous Waste regs.

10. AOB

- a) No outstanding actions from the previous telecom
- b) David Reynolds requested that quarterly meeting could be booked for the remainder of 2014

Action: Helen Rockey to arrange these meetings.