

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

Discussion Paper

**REFUSE DERIVED FUEL STORED AT PORTS AWAITING EXPORT:
POTENTIAL IMPACT ON FEED (AND FOOD)**

Action required:

The Committee is asked to:

- a) note the summary information provided in this paper on the controls on refuse derived fuels stored at ports following enquiries carried out by the Secretariat; and
- b) discuss and consider any recommendations which might be appropriate to address the issues highlighted;

ACAF Secretariat

February 2017

Refuse Derived Fuel:

Potential contamination issues for feed (and food) when RDF is stored at ports awaiting export.

Purpose

1. To provide the Committee with summary information following this issue being brought to its attention by GAFTA in February 2016 and the update provided at its meeting in October 2016. The Committee is invited to provide its views and make recommendations.

Background

2. At its meeting in February 2016, the Committee discussed a paper (ACAF 16/01) presented by GAFTA. It set out concerns that the export of refuse derived fuel (RDF) had been a growth area in recent years whilst UK awareness of and controls on RDF were still in its early stages and as a result RDF posed a potential risk to feed (and food) stored at ports. GAFTA was, and remains, concerned that although environmental consequences are a consideration for current controls on RDF (which are the responsibility of the Environment Agency), risks to food and feed were not. As a result there are concerns about the potential contamination of feed stored (often in open sheds) at UK ports.
3. In response, the Environment Agency (EA), which was also represented at the meeting, outlined its role as the regulator for waste activities such as storage of RDF. It was explained that RDF is municipal waste – household waste –from which recyclables such as metal, etc. have been recovered.
4. In October 2016, the Committee considered an update paper following enquiries by the ACAF secretariat.

RDF – brief summary of what it is

5. RDF is non-recyclable domestic waste. Although metals will be removed, processing is otherwise generally limited to simply reducing into smaller particles. The EA has recently trialled using a definition as follows - *Refuse derived fuel (RDF) consists of residual waste that is subject to a contract with an end-user for use as a fuel in an energy from waste facility. The contract*

must include the end-user's technical specifications relating as a minimum to the calorific value, the moisture content, the form and quantity of the RDF'.

6. RDF is usually transported in one of three ways – in baled form, in sheeted, curtain sided lorries for discharge directly to ship; or transported in cargo containers. It can be exported to mainland Europe by road or sea.
7. The industry has grown rapidly in recent years as the cost of sending such waste to landfill has grown. In 2010 the UK industry quantity was almost zero, but grew to over 3m tonnes pa by 2015. The majority of UK export is currently to Denmark, Netherlands, Germany and Sweden. Facilities to treat residual waste and RDF in the UK are currently under development and are due to become operational by ~ 2020.

Enforcement Authorities / Responsibility for official controls at ports

8. The transport of waste between EU Member States is regulated under Directive EC 2008/98 (the Revised Waste Directive) and Regulation EC 1013/2006 on Shipments of Waste.
9. The EA is responsible for the implementation of the waste controls in the UK. It issues permits for the storage of waste at ports, and in doing so considers environmental issues which may be impacted. Whilst feed and food will benefit from any general considerations about leakage/pollution etc. from the waste to the local area, the EA does not give any specific consideration for the feed and food at ports. The permit can, for example, include the length of time which the RDF may be stored at the port, requirements re pest control, odour etc. the EA is required to be notified by the operator if conditions are breached.
10. In Great Britain, local authorities, mainly Trading Standards Departments, are responsible for enforcement of the legislation on feed. Port Health Authorities have responsibility for food (Environmental Health Departments carry out this function in Scotland). In Northern Ireland (NI), feed controls are carried out by the Department of Agriculture, Environment, and Rural Affairs (DAERA). These will carry out checks on the feed or food at ports but not necessarily consider issues arising from adjacent storage. If an issue of contamination of feed or food arose the FeBO (or FBO) would be held responsible unless a direct link could be proved associating it with adjacent storage.

Investigations by the ACAF Secretariat

11. The Secretariat has pursued a number of avenues of enquiry, dissemination and general fact finding: awareness of the issues has been raised in Brussels and with assurance bodies, and representative enforcement bodies have also been alerted. Additionally, visits have been made to five ports and an RDF processor. Defra, DAERA and Food Standards Scotland have also provided input.
12. The Secretariat would like to express its thanks to those who facilitated the visits it made and for their frank and open discussions about the issue.
13. The Secretariat has also contacted the recently formed RDF Industry Group. The Group secretariat provided the Committee with a presentation on its work at its October 2016 meeting, explaining that the Group was intending to develop a Code of Practice to ensure good practice at each step of the RDF supply chain. The Committee has had opportunity to comment on the draft code and an update will be provided by Eunomia at the meeting.
14. The Secretariat has seen an early draft version of the Code of Practice being drawn up by the RDF Industry Group and submitted comments to reflect the views of the Committee so far.

Outcome of the Committee's discussions to date

15. In February 2016 the ACAF Chairman noted that there was a safety and containment issue and legislative gaps in duty of care which should be closed. The ACAF Secretary undertook to seek further information on the issue and said that he would like the Committee to make formal recommendations on how the issue should be addressed.
16. At the discussion in October 2016 the Chairman agreed that a code of practice and guidance on responsibility, with input from enforcement authorities would be useful. Ultimately, the Code could be endorsed by the Committee. The ACAF Secretary reported that not only is RDF being stored at ports but there is anecdotal evidence of it also being stored on farms and suggested that this area should also be included in the Committee's review.
17. The Committee noted that increased investment by the ports to properly handle RDF was needed and also a clear description of the responsibilities of all involved in the RDF chain was required. It particularly welcomed the proposed practice advocated by Eunomia whereby waste shipments are held under bond by the EA which is released when the receiving operator has treated the waste. This removed the risks associated with waste being abandoned at ports.

Issues

18. The rapid growth of the RDF market meant that ports were in some cases initially unprepared for the problems that arose – particularly in cases where the RDF remained at dockside for long periods.
19. Awareness of some of the port companies and authorities now appears to have grown. Large ports which handle RDF regularly have developed codes of practice to ensure appropriate handling of RDF. These have been developed by the individual ports according to their needs, but there is focus on ensuring a maximum tonnage for RDF storage at any one time, that it is monitored regularly, wrapping issues are addressed and also that there is a maximum time that it can remain at the port. However, evidence from the visits carried out by the Secretariat suggests that whilst practices are generally improving, they also found some evidence of RDF stored for longer periods than represent good practice and issues of broken wrapping etc.
20. From speaking to both industry and enforcement authorities, the Secretariat learned that in addition to good practice, the use of a financial bond system was particularly effective in ensuring that RDF would not be not abandoned quayside.
21. In addition, the EA is developing its controls on RDF e.g. by establishing a clear definition and has enforcement powers (via the issue of a permit) to require for example, location, appropriate pest control, maximum storage time etc. However, it is important that these conditions are properly enforced in order to be effective. From the perspective of the Port Health Authorities, they have advised that in cases where permit conditions are not adhered to, Ministerial approval is needed to serve an abatement notice – and this is both resource and time consuming.
22. As the enforcement controls to protect food and feed are carried out by separate bodies to that focussing on environment protection from RDF, it is important that there is not a ‘gap’ between the two sets of protection controls.
23. The UK RDF processing industry itself has moved relatively quickly to improve sharing and dissemination of good practice and communication through the formation of the RDF Industry Group, which has 27 members representing ~50% of market volume. The Group is developing a code of practice for its members, which sets out both the regulatory requirements, and good practice recommendations for the RDF supply chain.

Recommendations

24. The Committee is asked to consider the following actions-

- Welcoming the work by the RDF Industry Group to improve standards within the RDF Industry and in particular its work to draw up a Code of Practice and asks that it is given the opportunity to comment on the draft Code.
- If appropriate give its endorsement to the Industry Code of Practice.
- In particular support the requirement for use of a financial bond system to ensure RDF can be dealt with if abandoned.
- Recommend that the Code of Practice to be publicly available as a good practice standard.
- Recommend that awareness is raised amongst enforcement bodies for feed and food of this issue both at ports and on farm via appropriate national representative panels – and to be cascaded to local level.
- Recommend better liaison between Local Authorities and the Environment Agency with responsibilities for ports on the issue of RDF.

Action:

25. The Committee is asked to:

- a) note the summary information provided in this paper on the controls on refuse derived fuels stored at ports following enquiries carried out by the Secretariat; and
- b) discuss and consider, and if appropriate agree to, the draft recommendations outlined above.

ACAF Secretariat

February 2017