

Industry Q&A

1. Why do the Quality Protocols need revision?

Following a review of the Compost Quality Protocol and Anaerobic Digestate Quality Protocols (C&ADQPs) last year, the Environment Agency (EA) [announced](#) that although it is still supportive of end of waste rule sets (EOW) in principle, these current QPs will not be supported after 30th May 2021 if industry does not commit to supporting the EA's revision process. These QPs need to be revised to address the EA's key concerns and they have stated that they need to be confident that waste-derived composts and digestates which exit waste regulatory controls do not cause harm to human health or the environment (the latter includes animal health).

EA's topics which need to be addressed:

- i. Plastics limits allow too much plastic to escape to the environment (CQP & ADQP)
- ii. Out of date risk assessment which does not take account of recent soil science (CQP & ADQP)
- iii. Requirements of the Fertilisers Regulation (CQP & ADQP)
- iv. Digestate comparator virgin materials not suitable for all digestate products described (ADQP)
- v. Batches of products going out of specification, i.e. non-compliant (ADQP)
- vi. Reduction of other physical contaminants such as sharps and reduction of stones (CQP)

There may be implications for the content of PAS100 and PAS110 depending on the outcome desired of the revision process. Requirements for tighter plastic contamination limits could be addressed through either; revision to the relevant PAS or setting tighter limits within the QPs as demonstrated by SEPA.

The use of manure and slurry-based digestates on agricultural land without waste regulatory controls is covered by an EA Regulatory Position Statement. This statement is not part of the ADQP and is not published on the Gov.uk website which gives it an uncertain legal underpinning and no current status. The EA intend to review their position on the waste status of manure-based digestates. It is unclear whether EA's intention is to change the status of these digestates or to maintain the current position but place it within a firmer legal structure.

2. What happens now?

A Task and Finish Group led by the EA and consisting of relevant individuals from the EA, regulators in the UK's devolved administrations, Defra, and 5 – 6 representative bodies will be established for each QP for which industry confirms funding and its participation in its revision process. These groups will feed into EA's consideration of the issues and the available evidence.

At the scoping stage the EA will charge £750 per QP to provide a quote for the cost of their time to consider revisions and supporting evidence, based on the agreed scope for each QP. At the scoping stage decisions would be made on what topics will be included in the revision process, whether any further evidence gathering is needed and what that evidence must cover. For example, this could include additional markets, further digestate processing steps (for the ADQP), and feedstock types

that are not covered by the current QPs. Scoping will also consider if there are any topics that cannot be further considered during these revisions.

The EA will have final decision on the scopes and content of each revised QP. The revision of each QP is expected to take approximately six months and industry hopes these QPs' revisions will at least begin at similar times. If the EA agree to publish a revised version of a QP, it will then go through the EA's publication process and be published on the Gov.uk website as Resource Framework, i.e. no longer called Quality Protocol.

The implications of this process for the other nations of the UK are unclear, although it is hoped that the inclusion of the relevant regulators in the process will facilitate a co-ordinated approach. Environment regulators for Wales, Northern Ireland and Scotland may have views on whether and how these QPs would need to be revised. They are responsible for making such decisions in those devolved administrations, and it is hoped that their inclusion in this so far EA-led process will facilitate a co-ordinated approach.

3. How much will the revision process cost?

Initial estimates suggest that the EA's revision process will cost industry £25,000 per QP with the EA charging £150.00 per hour, per technical specialist and for the EA's QPs Project Manager along with checks that would be carried out by their legal expertise colleague(s). This is not a definitive total cost and may be subject to revision if the work takes longer than anticipated or the scope is adjusted after the initial scoping stage. The EA has stated that the more information the industry is able to provide, the less the total cost of the revision; this is because the EA's charges will not include costs of providing any extra evidence required or additional consultancy fees for obtaining, collating and providing such evidence.

4. What can industry do to support the revisions?

The EA have stated that the cost of each QP's revision will be impacted by the amount of the work and information the industry feeds into the work as well as the extent of minimum changes the EA is seeking and additions to scopes that industry requests.

The industry can assist the revision by providing the evidence and data required by the EA that wasn't already provided during the C&ADQP consultation process.

5. When will the current CQP & ADQP be withdrawn?

For each QP, if scope and funding for the Task and Finish Group is not agreed by 30 May 2021 then the EA will withdraw its support for that QP. Waste-derived outputs would then be subject to conventional waste regulatory controls.

The industry must work to meet this deadline. The EA will continue to support the existing QPs for the duration of the Task and Finish revision period.

Assuming the revision process is successfully completed, the EA have said it 'will support the transition from the original QP to the new resources framework'. Time required to make this transition will need to be discussed with the EA at an appropriate stage during the revision process.

6. What happens if the current C&ADQPs are withdrawn?

If the EA withdraws its support for these QPs then waste-derived composts and digestates will be subject to waste regulatory controls, i.e. requirement for landspreading permits and deployments. Individual operators could choose to apply to the EA's End of Waste Panel for a case-specific assessment of whether their compost/digestate is no longer a waste. Any such applicant must pay for the EA's time spent assessing their case (EA stated an approximate range of £5 to 15 k, depending on the details of the case) and there is no guarantee the EA would decide that the compost/digestate has ceased to be a controlled waste. Please also note the EA's EoW Panel is currently closed to new EoW applications and this will be reviewed in April.

Further information

Link to recording of trade association's webinar with the EA:

<https://register.gotowebinar.com/recording/7948762495294868751>

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