



Department  
for Environment  
Food & Rural Affairs

# Consultation on rules for mobile crushing of lamps that contain mercury

## Summary of responses and government response

March 2016



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Llywodraeth Cymru  
Welsh Government



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# Executive summary

1. A healthy economy and a healthy environment go in hand in hand in securing Britain's future. In line with Defra's 25-year plan for the environment, the UK government has made a commitment to move away from the jumble of "contradictory targets and controls" governing the natural environment to a new approach that maintains improvement and values nature systematically for all the benefits it provides. In Wales, the Welsh Government promotes the economic and environmental sustainability of its communities. One of the ways this is done is by managing waste in ways that will protect the natural environment but also produce benefits for economy and social wellbeing.
2. We all depend on the services the waste management industry provides. It has a vital role to play in the government's work to secure a strong, growing economy that flourishes alongside a healthy natural environment. We want to support the great companies in this industry that operate to the highest standards.
3. To help us achieve this, we will continue working closely with the waste industry to protect human health and the environment in a coordinated approach and in line with those shared goals. We will push decisions down to the most local level where it is possible and safe to do so and simplify rules so people understand them better—cutting confusion, not cutting corners.
4. In December 2015, the UK government and the Welsh Government (the government) ran a joint consultation which examined options for the regulation of mobile lamp crushing, including removing the T17 exemption with the consequent requirement for an environmental permit.
5. The purpose of this consultation was to seek views on three options for ensuring that the regulatory requirements and levels of compliance monitoring for mobile crushing of waste lamps are appropriate for the risks involved.
6. The consultation received a total of 30 responses. Over half of the respondents preferred option 3 that would introduce permit requirements for operators that carry out mobile crushing whilst retaining a more tightly constrained T17 exemption for use by waste lamp producers at the site of production. The government has concluded that this is the option that it will take forward.
7. Most respondents welcomed the tightening up of requirements provided by all three options. Over two thirds of respondents agreed with the approach set out for implementing each of the options in the consultation. However some respondents did not support the continuation of mobile crushing activities in any form.
8. On the costs and benefits of these proposals respondents recognised that there will be permitting related costs related to implementation of Option 3 but that these will be minimal compared with overall operating costs.

## Introduction

Last year the government consulted on options for the regulation of mobile lamp crushing, including removing the T17 exemption with the consequent requirement for an environmental permit. The consultation opened on 14 December 2015 and closed on 8 February 2016.

The T17 waste exemption is one of a suit of exemptions that provide a lighter form of regulation and allows businesses to fulfil their obligations more easily and effectively.

Mobile lamp crushing is currently carried out at significant levels nationally as an exempt activity and is subject to less compliance monitoring than that applied to lamp crushing activities carried out at permitted sites. Compliance monitoring for exempt sites is based on an intelligence led risk-based model, whereas permitted sites are subject to annual compliance checks.

If the conditions of the T17 exemption are not followed there is the potential for lamp crushing to release mercury vapour and mercury containing phosphor powder. The release of mercury to air, land or water can have damaging impacts on human health and the environment. Given the inherent hazards associated with the presence of mercury in the lamps being crushed, the government consulted on whether the regulatory requirements and levels of compliance monitoring provided under the T17 exemption are sufficient.

Our objective is to provide protection to human health and the environment, ensure a proportionate approach to the regulation of these activities and provide a level regulatory playing field for all lamp recycling operators, which reflects the hazards associated with the different operations.

## Overview of responses

In the consultation, we sought views from respondents on three options:

- 1) retaining the T17 exemption with updated conditions;
- 2) removing the exemption and require mobile crushing of waste lamps to be carried out under a bespoke permit;
- 3) retaining the T17 exemption for crushing of low levels of lamps by waste lamp producers only but requiring a permit in other circumstances.

Nearly 800 organisations in England and Wales were contacted directly by email to alert them to the consultation on the rules for mobile crushing of lamps that contain mercury.

The consultation was also promoted on GOV.UK, Welsh Government's webpages and via the Defra twitter account.

A total of 30 responses were received:

- 17 from private businesses;
- four from local authorities;
- two from private individuals;
- two from consultants;
- two from NGOs;
- two from professional bodies; and
- one from another public body.

Four of the responses recorded no interest in the consultation and did not respond to the individual questions.

# Summary of responses by question

## Question 1: Which of the three options set out in this consultation do you support? Please give reasons for your answer.

There were 26 responses to this question, and over half expressed a preference option 3. A number of respondents commented that this option provided the most flexible approach because it recognised that an exemption was still appropriate in some limited circumstances. One private business said that *“this approach allows companies that have invested in crushers for use on their own sites to continue to use these without incurring the additional administration and costs of obtaining a permit, which might compromise the commercial viability of using the crusher. Such costs could be totally disproportionate to the small quantity of lamps crushed on the site.”*

Others were attracted to the idea that with greater protections in place mobile crushing can be carried out in a wider range of circumstances. One private business noted that *“the permitting approach removes the restriction that mobile crushing may only be carried out at collection points which do not receive payment for collecting the waste or collect waste as its main business activity. This is to be welcomed, as this was an inappropriate restriction, given that the business nature of the collection point can have no impact on environmental issues surrounding mobile crushing.”*

Seven respondents preferred option 2. Reasons given included that this option provides the best protection for human health and the environment whilst providing a level regulatory playing field for lamp recycling operators. One private individual said that *“an environmental permit will provide a tighter degree of assessment of operations at the permitting and compliance stages which will in turn ensure improved protection for human health and the environment. Funding for the regulators will mean that this activity can be checked more thoroughly than it is at present.”*

A further three private businesses did not support any of the options and argued that mobile crushing should not be continued in any form. They set out a number of reasons for this including their view that the protections proposed for mobile crushing do not match those required for crushing of lamps at static fixed installations.

One private individual preferred option 1, and argued that there is no evidence that the public will suffer health risks from mercury poisoning from the disposal of lamps.

## Question 2: If the T17 exemption is retained under Option 1 do you agree with the amendments proposed to the exemption conditions?

There were 26 responses for this question. 20 agreed with the amendments proposed to T17 if it is retained under option 1, and six respondents disagreed.

The amendments proposed included reductions in the tonnage of lamps that can be crushed, tighter emissions limits and explicit reference to relevant WEEE requirements. One professional body said that *“the principle of the proposed amendments to T17 provide both convergence with more realistic tonnages treated and improved (reduction) in emissions compared with the current position. However Option three goes further with improved benefits rather than ‘just’ amending the T17 exemption alone.”*

With regard to meeting the requirements of Article 8 (3) of the WEEE Directive, the majority of those who agreed with the proposals under this question said that *“it is vital that these requirements are applied to both storage and treatment in a consistent manner.”*

Respondents that disagreed with the proposed changes to exemption conditions either didn't support the continuation of mobile crushing in any form or expressed concerns that exemptions are not sufficiently policed. One private individual said that *“while this was not a preferred option, tighter controls would be welcomed, however without regular scrutiny there is still no way of ensuring the operators are complying with the terms of the exemption.”*

## Question 3: If the T17 exemption is replaced with a requirement for a permit under Option 2 do you agree with the proposed permitting approach?

There were 26 responses to this question and the majority (20) of respondents agreed with the proposed permitting approach

Those that agreed that with the permitting approach said that payment for a permit would fund compliance and monitoring. A number of respondents provided qualified support, saying they *“supported permitting approach as applied to mobile operators. However, we would not support its application to a business or organisation that wishes to crush its own waste lamps at a single location.”*

Those who disagreed included one professional body that did not support the bespoke permit aspect of this option but supported the notification, and annual deployment charge.

Three private companies disagreed with the permitting approach because they did not think it would lead to effective monitoring of mobile crushing operators and had difficulty envisaging a reliable mechanism for determining an equitable OPRA score and appropriate charges.



## **Question 4: If the T17 exemption is retained under option 3 do you agree with the amendments proposed to the conditions and the constraining of its use to producers of waste lamps at the point of production?**

There were 26 respondents to this question. 20 agreed with the proposal to constrain the use of T17 to producers of waste lamps at the point of production and 6 disagreed.

*A private business stated “if the T17 exemption is retained under option 3 then we support the amendments proposed to the conditions and do not object to constraining its use to producers of waste lamps at the point of production. Given that there is a permitting route available for mobile crushing of larger tonnages, we are comfortable with the proposed amendments and constraints. We believe that the proposed 2 tonne/year limit is not unreasonable. This will help ensure that large scale crushing is only undertaken by organisations that are appropriately permitted.”*

*One local authority commented that they “support better control of handling procedures - the requirement under option 3 for operators that undertake widespread mobile crushing to have a permit and the retention of T17 exemptions crushing only at the place of production coupled with a reduction of the amount of material that could be crushed will lead to better management and monitoring of the activity and should reduce the potential risks from mercury exposure.”*

A number of respondents commented on the annual two tonne limit proposed for the T17 exemption under this option. One estimated that this equates to about 10 hours operating time a year. 12 respondents thought that the limit was reasonable, 1 questioned whether it was high enough, 1 commented that ‘companies with their own crusher generally typically generate less than one tonne a year’ and 1 commented that two tonnes is ‘too much’.

Six businesses disagreed with the approach set out. One private business said that “we do not support this approach as we believe that the level of environmental protection in the handling of this stream should be applied consistently.” Another stated that they do not support the treatment of hazardous waste on producers’ sites.

## **Question 5: Do you have any comments or evidence you wish to share on the costs and benefits of these options?**

There were 24 responses to this question. Respondents identified costs associated with obtaining and retaining environmental permits but concluded that this would not have a material impact on lamp recycling costs. However they asked for a “reasonable” transition period to help to minimise the impact.

## Government response

We recognise that the majority of respondents support the implementation of Option 3 over other options. The arguments for Option 3 over the other options are that it provides for more flexible and proportionate regulation of different mobile crushing activities. It would apply higher levels of control for mobile crushing where volumes are higher, whilst allowing small businesses that crush their own waste lamps to continue doing so under a revised exemption.

In contrast Option 2 would require a permit for anyone that crushes lamps, regardless of scale of operation. Option 1 would limit the amount of lamps that could be crushed under an exemption to some extent but would still allow larger scale operations to be undertaken without the controls provided by a permit.

We acknowledge that some respondents do not support continuation of mobile crushing in any form but consider that option 3 strengthens the level of compliance monitoring for mobile crushing overall.

Having considered all the responses, we will work with the Environment Agency and Natural Resources Wales to take forward option 3.

The specific conditions of the revised T17 will therefore be as follows;

- a) the fluorescent tubes were used or were intended to be used by the waste producer before becoming waste
- b) the crushing is carried out by the producer of the waste at the place of production,
- c) the total quantity of waste crushed does not exceed 2 tonnes per year,
- d) so that the workplace exposure limit for mercury issued by Health and Safety Executive is not exceeded,
- e) the equipment used for crushing is owned by the producer,
- f) best available treatment, recovery and recycling techniques are used ,
- g) the waste is stored in accordance with paragraph 1 of Annex VIII to the WEEE Directive, and
- h) the waste is crushed in accordance with paragraph 2 of Annex VIII to the WEEE Directive.

These conditions are designed to ensure T17 will only be used in circumstances where waste producers crush their own lamps at the place of production. These conditions also ensure requirements of the WEEE Directive are explicitly set out.

We plan to incorporate these changes into the Environmental Permitting Regulations consolidation and anticipate they will be implemented at the start of the 2017 compliance year. This gives a 10 month period of transition for operators affected by the changes.

A business or organisation that wishes to crush its own waste lamps at a location that is different to the place the waste lamps were produced or at amounts higher than allowed in the revised T17 exemption would require a site based permit from the point at which the regulations are implemented

Similarly a business or organisation that carries out mobile crushing operations at a national scale will require a mobile plant permit from the point at which the regulations are implemented.

The EA and NRW will work with mobile crushing operators that will need to operate under a permit from the start of 2017 to develop and consult on the appropriate environmental permit. Once a permit is granted a mobile operator will be required to provide annual notification of the premises where they anticipate mobile crushing will be carried out and pay an annual deployment charge to fund compliance monitoring at some of the sites visited.

# Annex A: List of respondents (organisations)

Balcan

Charnwood Borough Council

Chartered Institution of Wastes Management (CIWM)

Cliff Wood Limited

Conwy County Council

Cyrano Limited

Electrical Waste Recycling Group Limited

Enlightened Lamp Recycling

Equality and Humans Rights Commission

EYE Lighting Europe Limited

GE Lighting Limited

Heraeus Noble light Limited

Historic England

Killgerm Chemicals Limited (PestWest Electronics Ltd)

Lantra

Martin Cranfield Associates Limited

Mercury Recycling

Norfolk County Council

OSRAM Limited

Pelsis Limited

Philips Lighting UK Limited (formerly Philips Electronics UK Ltd)

Plymouth City Council

Private Consultant to the Lamp Recycling Industry

Private individual

Recolight

Scottish Environment Protection Agency (SEPA)

The Lighting Industry Association

Valpak Limited

Waste Management Industry Training and Advisory Board (WAMITAB)

Wiser Recycling Limited