

# Pollution Prevention - the role and responsibility of business

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Waste is a big problem for Birmingham. Not only does Birmingham have a huge problem with fly tipping (12,000 complaints are made to the Council each year and 40,000 tonnes of waste recovered), research has also found that 56% of businesses don't comply with the legal requirements in relation to waste fully – that's around 17,000 business in Birmingham alone (of which 94% are SME's but of which 90% do aspire to comply).

In some cases, there is a lack of understanding as to what waste actually is. Waste is defined as *"any substance or object.....which the holder discards or intends or is required to discard"*, but this is open to interpretation

In other cases, people aren't clear what the legal duties are. In relation to general waste, the law imposes a duty of care that requires 1) anyone who imports, produces, carries, keeps, treats or disposes of controlled waste to take 'all such measures' to prevent other persons from making an unauthorised or harmful deposit, treatment or disposal etc. of waste, 2) to prevent the escape of the waste from his control or that of any other person and 3) on the transfer of the waste, to ensure that the transfer is only to an authorised person or to a person for authorised transport purposes (which can easily be checked) and that there is transferred such a written description of the waste as will enable other persons to avoid a contravention of the requirements.

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## **Continued**

There is also a legal requirement to keep written records for all types of waste (containing specific information) for two years. There are additional requirements in relation to other specific types of waste, such as hazardous waste and electrical waste.

The 'Waste Hierarchy' published by DEFRA, encourages people to consider preventing, re-using, recycling or recovering waste before disposing of it, which can make good business sense as these options can be cheaper than disposal. Research has suggested that recycling of waste in the commercial sector (particularly amongst SME's) is poor and that companies could actually make a profit from selling on much of their waste.

Birmingham City Council will investigate complaints that businesses aren't complying with their legal duties in relation to waste or about fly tipping and will make random inspections. Those found to be in breach can be issued with a fixed penalty notice or prosecuted, with the average fine for commercial waste dumping being £3,800.

Further information can be found at [www.rightwasterightplace.com](http://www.rightwasterightplace.com).