

To: **INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

On: **24<sup>th</sup> January 2024**

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Report by: **DIRECTOR OF ENVIRONMENT, HOUSING & INFRASTRUCTURE**

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Heading: **Changes to Upholstered Furniture Collection, Storage and Disposal**

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## **1. Summary**

- 1.1 This report sets out to advise board of new waste guidance that comes into force on the 31<sup>st</sup> of January 2024 that will change the way in which the Council requires to collect, store and handle furniture that is classified as “Waste Upholstered Domestic Seating” (WUDS) to comply with legislation. This legislation requires any foams in furniture to be treated as a special waste for separation, treatment, and disposal.
- 1.2 There are implications for the Council in relation to HWRCS, bulky waste collections (special uplifts), fly tipping and clearance of Council housing. The report will set out the implications and the way the Council will proactively manage the collection, storage and disposal of waste categorised as being “Waste Upholstered Domestic Seating” (WUDS).

## **2. Recommendations**

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Notes the introduction of this new guidance will change how the Council will require to collected, store and dispose of waste furniture classified as ‘WUDS’.
  - 2.2 Approves section 4.4 of the report setting out the HWRC arrangements to accept WUDs furnishings.
    - 2.2.1 Approves the introduction of a bulky waste collection charge for WUDs materials as set out in section 4.5 of the report.
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## **3. Background**

- 3.1 In November 2023 SEPA released new guidance which has been introduced to support existing legislation. The Stockholm convention and the EU POPs Regulation (EU 2019/1021) are implemented in the UK via the UK Persistent Organic Pollutants Regulations 2007 and its subsequent amendments for which SEPA is the competent and enforcing authority in Scotland. The legislation bans waste upholstered domestic

- seating (WUDs) containing persistent organic pollutants (POPs) from being sent to landfill from the 31<sup>st</sup> of January 2024.
- 3.2 POPs are organic chemical substances which pose a risk to human health and the environment due to their persistence in the environment, bioaccumulation through the food chain and long-range environmental transport across a wide geographical range.
- 3.3 It follows a study commissioned by the Environment Agency, which highlighted that the average concentration of Brominated Flame Retardants, and other POPs, found in items of upholstered domestic seating can be four times higher than the legal concentration limit – or threshold limit – of 1000 mg/kg.
- 3.4 This means that on becoming waste, these items of upholstered domestic seating are covered by existing legislative requirements specific to wastes containing POPs, which means they must be incinerated.
- 3.5 Producers and holders of waste are required to undertake all reasonable efforts to avoid, where feasible, contamination of non-POPs waste with POPs waste. Failure to do so is an offence.
- 3.6 Where mixing occurs, the whole load of 'mixed waste' should be considered as being POPs contaminated waste. If the POPs WUDS cannot be removed, the 'mixed waste' should be deemed a POPs waste and sent for destruction even if the mixing has diluted the POPs content to below the concentration limit.
- 3.7 To prevent escape during transport, vehicles or containers used during the transportation of WUDS should be appropriate for the waste type, be suitable for holding the waste, not overloaded and where appropriate covered. This cannot be a refuse vehicle as materials are not permitted to be compacted.
- 3.8 For the purposes of the SEPA guidance WUDS is taken to mean:
- Sofas
  - Sofa beds
  - Armchairs
  - Kitchen and dining room chairs
  - Stools and foot stools
  - Home office chairs
  - Futons, bean bags, floor and sofa cushions
  - Electrical recliner chairs

#### **4. Implications for the Council**

- 4.1 Currently waste upholstered domestic seating containing POPS is collected through a variety of means across the Council, namely:
- Bulky waste collection service (Special Uplift)
  - Household Waste Recycling Centres (HWRC)
  - Fly Tipping Crews
  - Void properties and ground clearances
- 4.2 In any of these current scenarios detailed in 4.1 the material will often be mixed with other wastes.
- 4.3 As a result of the new guidance the Council will require to sort and store WUDS in a way that prevents damage, prevent the release of persistent organic pollutants and prevent contamination to other waste by physical contact.

For this to be possible we require some modifications to the existing Services as follows: -

- Bulky waste collections of WUDs will require a separate vehicle to collect WUDS only items.
  - Bulky waste collection vehicle must be covered and not use a crusher/compactor (non-RCV)
  - Fly tipping crews, void properties, garden and open space clearances will need to use a separate vehicle to collect WUDS, and follow the same collection vehicle specification as for Special Uplifts
  - HWRC must have a separate, dedicated WUDS skip and kept covered.
- 4.4 Due to the requirements for a dedicated WUDS skip at Household Recycling Centres, it is proposed that all WUDS material is disposed of at the Linwood HWRC site. This is the site currently receiving the majority of WUDs items (sofas & armchairs etc) due to being transported in vans to dispose of this size of goods. Another factor is operationally this site has the greatest capacity to accommodate a dedicated skip and segregated storage of WUDs materials. There is limited capacity available at the other HWRC sites due to expanded recycling requirements.
- 4.5 For bulky waste collections we will require to identify if there are any WUDs materials amongst items requesting uplift. If there is a WUDs item, we will require to collect it separately. Currently white goods are collected separately and have a specific charge per item for collection. It is proposed a similar approach is taken for WUDs materials where a charge of £45 per WUDs item will be levied for collection.
- 4.6 WUDs materials present within fly tipping or void properties for collection and disposal will require to be collected, separately from other items being collected and taken to Linwood HWRC for storage before being removed for incineration.
- 4.7 Communications and marketing support will highlight this change to support the new guidance making clear to residents what items are affected by WUDs legislation and that the disposal point for Renfrewshire, subject to board agreement, will be at Linwood HWRC. In addition, the council website will be updated regarding what items will be accepted at the HWRC's and the booking of bulky waste collections.
- 4.8 Due to the short time period from publishing of guidance to date of introduction, SEPA will provide some flexibility to Councils to put arrangements in place. The Council will therefore seek to implement from the 1<sup>st</sup> February 2024. To allow residents to become aware of the change in HWRC arrangements for upholstered furnishings, for the months of February and March 2024 only, should residents arrive at any HWRC site with small items of WUDs (for example cushions or a single small stool) there will be a temporary onsite solution to allow the materials to be accepted. If residents arrive with large WUDs items (sofas or chairs) they will not be accepted and directed to Linwood HWRC. The proposals for separate collections by operational services for fly tipping, void properties and for bulky waste collections would come into effect on the 1<sup>st</sup> February 2024.
- 4.9 The Council will also require to alter its Waste License arrangements with SEPA to comply with the guidance requirements.

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## Implications of the Report

1. **Financial** – The true revenue costs of this new requirement on Council's cannot be wholly quantified at this stage. It is expected that there will be additional revenue costs required to meet the guidance requirements for the General Revenue Account

and also for the Housing Revenue Account. There is not anticipated to be any national funding to support Councils comply with these new guidance implications.

Additional one-off capital costs may also be incurred in the provision of suitable vehicles for collection, and containers for storing at the Household Waste Recycling Centre.

2. **HR & Organisational Development** – Business Support to provide required administrative support
3. **Community/ Council Planning** – It is essential to liaise with local communities and to encourage stakeholder involvement.
4. **Legal** – The new guidance which has been introduced to support existing legislation within the Stockholm convention and the EU POPs Regulation (EU 2019/1021) are implemented in the UK via the UK Persistent Organic Pollutants Regulations 2007 and its subsequent amendments.
5. **Property/Assets** – There maybe a requirement to invest in assets at the proposed site, for example covered skips etc.
6. **Information Technology** – Updating current website information and special uplift forms to reflect changes
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – Staff to be trained on identifying and handling affected materials
9. **Procurement** – Potential to use existing frameworks/suppliers for any capital spend as well as disposal Contract
10. **Risk** – Reputational risk for council if we do not comply and face potential fines. Risk of avoidable cost if we are unable to separate materials.
11. **Privacy Impact** – none
12. **CoSLA Policy Position** – none
13. **Climate Risk** - n/a

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**List of Background Papers – n/a**

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