



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND SCRUTINY  
COMMITTEE - 2 MARCH 2023**

**PERSISTENT ORGANIC POLLUTANTS IN WASTE UPHOLSTERED  
DOMESTIC SEATING**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

**Purpose of report**

1. The purpose of this report is to inform the Committee of the recently emerging issue of Persistent Organic Pollutants (POPs) in Waste Upholstered Domestic Seating (WUDS) and the implications for the Council.

**Policy Framework and Previous Decisions**

2. As a waste disposal authority, the County Council is required, under the Environmental Protection Act 1990, to provide places for residents to deposit household waste and to dispose of the waste deposited. The Council is also required to arrange for the disposal of waste collected by the waste collection authorities (i.e., district authorities).
3. The Council's Strategic Plan outlines the five key outcomes for 2022 to 2026. The 'Safe and Well' outcome aims to ensure that people are safe and protected from harm and live in a healthy environment and the 'Clean and Green' outcome aims to protect the environment. Ensuring that WUDS containing POPs are treated in a compliant manner will support these outcomes.

**Background**

4. POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissues of humans and wildlife, and have harmful impacts on human health and on the environment. There is an international agreement, The Stockholm Convention, under which the UK has committed to manage waste containing POPs in a way that prevents these impacts from occurring.
5. In 2007 the Department for Environment, Food and Rural Affairs published a plan on how the UK Government would implement the Convention<sup>1</sup>.
6. UK law regulates the disposal of POPs using the Persistent Organic Pollutants Regulations 2007 (as amended). Under the 2007 Regulations it is an offence to

---

<sup>1</sup> <http://chm.pops.int/Implementation/NIPs/NIPTransmission/tabid/253/Default.aspx>

dispose of POPs otherwise than in accordance with Article 7 of Regulation (EU) 2019/1091. Materially, Regulation (EU) 2019/1091 requires that producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contamination of this waste with identified POP substances.

7. The Environment Agency (EA) issued a letter to all waste collection and disposal authorities in England on 8 August 2022. In this letter, the EA stated that they had undertaken an investigation and confirmed the widespread presence of very large quantities of POPs and other hazardous chemicals in both the textiles and foam of upholstered domestic seating, such as in flame retardant covers. It was not known that POPs were present in WUDS until the EA undertook their investigation
8. WUDS includes any item of upholstered seating of a household type from households or businesses that is waste, for example sofas, armchairs, and sofa cushions. Items that are not upholstered (e.g., other types of domestic seating or other furniture) are out of scope as they should not contain POPs. Further details have been appended to this report.
9. The law requires that POPs in waste are destroyed to prevent lasting environmental harm and impacts on the food chain. A limited number of options for the permitted disposal of POPs are set out in Part 1 of Annex 5 of Regulation (EU) 2019/1091. Waste containing POPs must be incinerated or used as a fuel in, for example, a cement kiln and cannot be disposed of to landfill.
10. The EA also indicated in their letter of 8 August that they were planning to enforce this position from 1 January 2023. All local authorities were instructed to write to the EA to confirm that their waste management activities were compliant and that all the WUDS they are responsible for is being sent for incineration by 31 January 2023.
11. The EA issued regulatory position statements relating to the storage, segregation at Household Waste Recycling Centres (known locally as Recycling and Household Waste Sites) and shredding of WUDS on 19 December 2022.
12. The majority of bulky waste collected at the local Recycling and Household Waste Sites (RHWS) and by the district authorities was previously sent to landfill in mixed loads (sofas, mattresses, carpets etc). The remaining mixed bulky loads were transferred for shredding and incineration.
13. In practice, the regulatory position statements mean that WUDS should be collected separately at the RHWS (and in bulky waste collections). With limited exception, should items of WUDS be mixed with other bulky waste, the entire load would need to be treated as if it contained POPs. Restrictions have also been placed on the ability to compact WUDS before transportation. Transporting uncompacted waste is less cost efficient (i.e., lower tonnages transported per load).

### **Current Position / Impact on Services**

14. The short notice from the EA of the change in the regulatory position, coupled with a lack of availability of suitable shredding/processing and treatment capacity has meant that it has been challenging to put in place suitable arrangements in the time available.

15. Temporary arrangements have been put in place with the Council's existing bulky waste treatment contractor to dispose of WUDS. There is an annual tonnage limit and the contractor has advised that due to the ongoing uncertainty regarding the regulatory position, that they could cease acceptance with little or no notice. The treatment price is significantly higher than previously. Nationally, the capacity and number of outlets is limited however, the Council is continuing to engage with the contractors to explore further options for treatment of WUDS.
16. It is unclear if this capacity will be sufficient as WUDS was previously collected mixed with other bulky waste and the percentage of this that consisted of WUDS is not known.
17. As requested, a letter was issued to the EA on 31 January 2023 which stated that all reasonable steps have been taken to ensure that the Council's waste disposal activities are compliant as far as possible in the limited time available.
18. At present, the Council is only able to offer a reduced service compared to that provided previously. WUDS containers have been provided at all RHWS except for Bottesford, Somerby and Lutterworth where there is insufficient space to provide a separate container. The compaction of WUDS at the RHWS has temporarily ceased due to the lack of clarity around the application of compaction.
19. Bulking of WUDS from the RHWS at Waste Transfer Stations has also been temporarily ceased as the contractor cannot accept bulk deliveries. Deliveries of WUDS from charities and trade waste customers has also been suspended.
20. Most of the districts have adjusted their collection methods to allow for WUDS to be collected through kerbside bulky waste collections. However, Charnwood Borough Council has temporarily ceased the collection of WUDS items.
21. Operational teams have been briefed on the new requirements and new safe systems of work have been produced.
22. The public has been informed via social media about the new requirement to separate WUDS from other waste. In addition, the Council's website has been updated. New signage for the RHWS has been ordered and is being installed.
23. Items of upholstered domestic seating that are undamaged (i.e., structurally sound and in working condition) or only require minor repair can still be sent for reuse.

### **Resource Implications**

24. It is estimated that the cost of separating and treating WUDS in accordance with the new guidance will be up to three times the previous cost per tonne. This could equate to additional ongoing costs of £0.5m to £1.25m each year, primarily linked to increased haulage and treatment costs. It is not anticipated that the Government will make funding available to cover increased costs.
25. This additional cost is not built into the current Medium Term Financial Strategy (MTFS). However, this issue was identified as an emerging cost pressure in the MTFS 2023-27 report to this Committee on 19 January 2023. Work is ongoing to provide more accurate cost estimates.

26. It is difficult to provide an accurate cost estimate due to limited data availability. As WUDS was previously collected in mixed loads with other bulky waste, it is unclear exactly how much material of this type is produced each year. Separate collections started on 1 January 2023, and therefore it will take some time before accurate data is available.
27. Initial indications suggest there is also a loss of trade waste customers at the Whetstone Waste Transfer Station linked to ceasing accepting WUDS; this could adversely affect income levels next financial year. The ambition is to restart taking this material once additional treatment outlets are secured.
28. There is a risk that, due to the increased costs of disposal, retailers will stop or significantly increase the price of 'take back' schemes meaning that the tonnage of WUDS coming into the RHWS and through district bulky waste collections could increase.
29. The Director of Corporate Resources and Director of Law and Governance have been consulted on this report.

### **Conclusions**

30. Members are asked to note the content of the report.

### **Background papers**

Report to the Environment and Climate Change Overview and Scrutiny Committee, 19 January 2023, Medium Term Financial Strategy 2023/24-2026/27  
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1292&MId=7147&Ver=4> (item 42)

### **Circulation under the Local Issues Alert Procedure**

None.

### **Equality Implications**

31. There are no equality implications arising from the recommendations in this report.

### **Human Rights Implications**

32. There are no human rights implications arising from the recommendations in this report.

### **Other Relevant Impact Assessments**

33. The report sets out the steps that the Council is taking to ensure compliance.

### **Appendix**

List of Waste Upholstered Domestic Seating.

### **Officers to Contact**

Ann Carruthers  
Director, Environment and Transport  
Tel: 0116 305 7000  
Email: [Ann.Carruthers@leics.gov.uk](mailto:Ann.Carruthers@leics.gov.uk)

Joanna Gyll  
Assistant Director, Environment & Waste Management  
Tel: 0116 305 8101  
Email: [Joanna.Gyll@leics.gov.uk](mailto:Joanna.Gyll@leics.gov.uk)

This page is intentionally left blank