

Sustainable Development:

Does Legislation enable the NHS to move towards a greener future?

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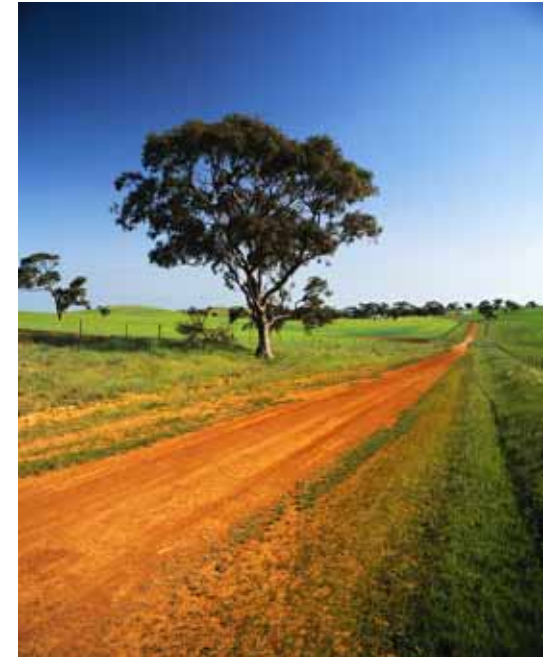
Friday, 13th July 2007 @ Conference Centre, Wroughtington

AIMS OF THE DAY

SUSTAINABLE DEVELOPMENT

To update on:

- Current and forthcoming legislation
- Government requirements
- DH Sustainable Development Action Plan
- DH EFD - new and forthcoming guidance
- To consider impacts on NHS:
- Research & Development



LEGISLATIVE UPDATE

WASTE MANAGEMENT

- Hazardous Waste Regulations 2005
- Waste Electrical & Electronic Equipment Regulations (WEEE) 2006
- Waste Strategy 2007
- Duty of Care etc – Defra – consultation review
- Site Waste Management Plans for construction projects – mandatory?

GUIDANCE:

- HTM 07-01 Safe management of healthcare waste
- HTM 07-05 WEEE & RoHS (due shortly)



HAZARDOUS WASTE REGULATIONS (E&W) 2005

List of Waste (England) Regulations 2005



- Transposed into legislation – 16 July 2005
- Replaced Special Waste Regulations 2006
- Introduces European Waste Catalogue (EWC)
- To be read in conjunction with Environment Agency's WM2 Technical Guidance
- **Environment Agency Audits - Not good news!**

Finance Directorate



WASTE ELECTRICAL & ELECTRONIC EQUIPMENT



WEEE Regulations 2006 - SI No.3289

WEEE (Waste Management Licensing (E&W) Regulations
2006 – SI No. 3315

- Regulations into force **2 January 2007**
- Producers join Compliance Scheme **15 March 2007**
- Producers mark EEE goods **1 April 2007**
- Full implementation **1 July 2007**
- **Those involved in manufacturing, selling, distributing, recycling or treating electrical and electronic equipment (EEE).**

WEEE REGULATIONS

- **“Historic” WEEE - Disposal**
 - products put on market before 13 August 2005
 - Where *like for like* replacement = producer pays
 - Where NO *like for like* replacement = end user pays
- **“New” WEEE**
 - products put on market after 13 August 2005
 - Producer pays for treatment and disposal
 - unless alternative arrangements are made with business users

WEEE REGULATIONS

WEEE THAT IS HAZARDOUS WASTE

- WEEE must be treated at approved authorised treatment facilities (AATF) and must undergo de-pollution treatment
- De-pollution will not always remove hazardous components – waste will still need to be treated as hazardous and consigned accordingly

REPORTING – END USERS

- No requirement to register BUT
- Where obliged to deal with WEEE , must
 - Provide information to the Environment Agency to demonstrate obligations met:
 - Evidence
 - Retain for two years

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2005 (RoHS)



SI 2005 No 2748 Superseded 1 July 2006 by SI 1463
Regulatory body National Weights and Measures Laboratory

– www.rohs.gov.uk

- **Manufacturers, sellers, distributors and recyclers of electrical and electronic equipment (EEE) containing:**
- **lead;**
- **mercury;**
- **cadmium;**
- **hexavalent chromium;**
- **polybrominated biphenyls (PBBs); or**
- **polybrominated diphenyl ethers (PBDEs).**
- **In order to put products on the market in the EU, manufacturers will need to ensure that their products and product components comply with the requirements of the Regulations by the relevant date.**

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2005 (RoHS)



- Protect human health and the environment by restricting the use of certain hazardous substances in new equipment; and
- Medical Devices (Cat 8) and Control Equipment (Cat 9) are outside scope (under review!)
- But many MD manufacturers changing anyway as leaded components will disappear
- EC review of Cat 8 & 9 exemptions – could be included post 2012

WASTE STRATEGY 2007

- Diverting waste from landfill
- Increasing recycling rates
- Climate Change – environmental concerns
- Sustainable consumption, production & procurement
- Materials and resource management – better value
- Waste prevention & re-use – economic benefits

How:

- Better price mechanisms
- **Smarter, more focused regulation**
- Voluntary agreements!



Consultation on the controls on the handling, transfer and transport of waste

Defra – www.defra.gov.uk/corporate/consult/waste-controls/index.htm

Aim:

- To build on primary legislation
- To help waste industry and others to adopt a problem-solving approach to waste crime
- To improve regulatory system i.e. easier to use

Proposals for Duty of Care:

- Incentives to improve compliance
- Home workers and compliance
- Penalties



Consultation on the controls on the handling, transfer and transport of waste



Proposals for waste carrier registration regime

- One size fits all or tiered registration
- Adequacy of registration
- Incentives for compliance

Proposals for registration & control of waste brokers

- Covers regulatory requirements for those who dispose/recycle on behalf of another
- Regulatory controls
- Offences

SITE WASTE MANAGEMENT PLANS

- Increasing number of construction sites
- 400 m tonnes construction materials p.a. – 1/3rd wasted
- Illegal dumping/Fly tipping – 1/5th construction or demolition waste
- Incidents/accidents/organised gangs

SWMP:

- Details amount and type of waste on construction site
- Forecast how waste will be reused, recycled or disposed of
- Updated during construction process
- Record how waste is managed
- Confirms disposal arrangements for waste that cannot be recycled at a legitimate site



Whose responsibility?

- Principal contractor to produce
- Trust to ensure it is available for their capital schemes over £250,000
- More detail required for schemes over £500,000

GUIDANCE

HTM 07-01 - SAFE MANAGEMENT OF HEALTHCARE WASTE

NATIONAL COLOUR CODED APPROACH

- Consistency
- Segregation
- training

OFFENSIVE WASTE STREAM

- Sanpro waste – incontinence pads, nappies etc
- Assessment based:
 - Infected sanpro waste = hazardous infectious waste
 - Non infected sanpro waste = landfill waste

HTM 07-05 WEEE & RoHS due shortly

ENERGY

&

ENVIRONMENT

LEGISLATIVE UPDATE

ENERGY MANAGEMENT

- **EU EMISSIONS TRADING SCHEME**
 - Applies 20 megawatts thermal capacity - De minimis 3 MW – phase II – New Entrants Reserve
- **BUILDING REGULATIONS 2006**
- **ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE**
 - Energy Performance Certificate
 - Display Energy Certificate
- **ENERGY WHITE PAPER 2007**
 - 60% CO₂ reduction by 2050
- **CARBON REDUCTION COMMITMENT**
 - To achieve 1.2 MtC / year by 2020
 - half hourly metered electricity consumption of 6,000 + megawatt hours per annum
 - Cap and trade approach



LEGISLATIVE UPDATE

ENERGY MANAGEMENT

- **ENERGY SERVICES DIRECTIVE** – EU Directive on Energy End Use Efficiency and Energy Services
 - Energy saving target of 1% per annum by 2017 by procurement of energy efficient equipment and transport
- **CLIMATE CHANGE BILL**
 - New legal framework to a statutory goal of 60% reduction in CO₂ emissions by 2050 with interim targets based on a new system of “carbon budgets”



GUIDANCE:

- EnCO₂de – making energy work in healthcare
- Mid Term Report “Statistics on Energy Performance”
- DH Energy and Sustainability Capital Fund - £100m

LEGISLATIVE UPDATE

WATER MANAGEMENT

- SUDS – Sustainable Urban Drainage Systems
- DCLG – mandating water efficiency in new buildings



GUIDANCE:

- Water conservation and water efficiency
HTM 07-04 (due 2008)



ENVIRONMENTAL MANAGEMENT

ENVIRONMENT

- Environmental Liability Directive

BIODIVERSITY

- Natural Environment and Rural Communities Act
 - Section 40 requires Biodiversity Action Plans from 1st October 2006

TOOLS/GUIDANCE:

- NEAT/BREEAM for Healthcare (later 2008)



ENVIRONMENTAL LIABILITY



Defra

- Transposed into national law **30 April 2007**

Aim:

- Prevention & remedying of environmental damage to
 - Habitats and species
 - Water resources
 - Land contamination
 - Pose threats to human health

www.defra.gov.uk/environment/liability/index.htm

ENVIRONMENTAL LIABILITY



Characteristics:

- Polluter pays principle
- Remediation of damage
- Competent authorities responsible for enforcement
- Individuals and others may request action by competent authority

Issues:

- Risk management
- Partnership – whose risk?

Government requirements

- **STERN REVIEW**

- Market failures prevent potential for energy efficiency
- Lack of understanding of true costs of energy efficiency
- Lack of information about those costs and benefits
- External budget constraints
- Split incentives, lack of motivation, awareness or interest



- **Procuring the Future – SUSTAINABLE PROCUREMENT NATIONAL ACTION PLAN**

- Materials and waste = resource
- Whole life costing
- ⇒ Sustainable Operations in the Government Estate



IMPACTS ON NHS

What does all this mean?

NHS = legally autonomous bodies = No Crown Immunity = responsibility at local level

- It means impacts on NHS
- It will need senior level buy-in
- It will require managing:
 - Activities and operational practices
 - Procurement procedures
 - EFM services
 - Training & **competence**
 - Monitoring and auditing
- It will require 'responsible' persons knowledgeable about legislation

What the NHS can do?

- Senior level leadership - resources
- Champions for the cause
- Consider benefits of consortia arrangements
- Dedicated waste/energy managers etc
- Local Waste/Energy Management Strategy – policies & procedures
- Contracts for Total Waste Management (TWM)
- Duty of Care – waste audit trails/reporting
- Contingency planning/ Emergency Planning Scenarios
- Comply with Standards for Better Health
- Implement awareness raising and **competency** based training
- Audit, monitor and review
- **Work with the Regulatory Bodies**

What else the NHS can do?



Procurement and Contracts:

- At time of procurement think of management and disposal
- Supplies to work together with Estates
- Whole life costing is key
- Compliance with ALL legislation is mandatory for contracts
- Request details of compliance schemes/disposal arrangements
- Include contract clauses relating to responsibility i.e. for WEEE etc
- Record keeping and awareness
- Site logistics for deliveries/collections
- Identify Treatment, Recovery Disposal services in your area
- Identify storage arrangements
- Identify partnership working arrangement

What else the NHS can do?



Servicing and Maintenance:

- Lead and lead free devices being repaired
- Skill updating
- Service tool updating
- Service records
- Stock management
- Reliability
- Resilience
- Equipment performance

Thank you and have a nice day!



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