Safe management of healthcare waste

Introduction

A wide variety of waste is generated from healthcare activities and employers have a statutory duty of care in relation to the management of that waste. They are also responsible for complying with health and safety and transport legislation.

Department of Health guidance, the *Safe Management of Healthcare Waste*, defines healthcare waste as “any waste produced by, and as a consequence of, healthcare activities” and also covers offensive/hygiene and infectious waste produced in the community from non-NHS healthcare sources.

Launched in December 2006, it takes into account the changes in legislation governing the management of waste, its storage, carriage, treatment and disposal, and health and safety.

It draws on information from a broad cross-section of the healthcare waste industry including producers, waste management and other contractors and manufacturers of equipment and supplies.

The guidance includes the following.

- A methodology for identifying and classifying infectious and medicinal waste that complies with health and safety, transport and waste regulations. The methodology is described as the unified approach, and organisations using it will meet and go beyond the regulatory requirements.

- A colour-coded best practice waste segregation and packaging system. Producers may wish to adopt this system to aid the identification and segregation of their waste. By adopting the best practice system, standardisation can be achieved across the UK.

- The use of European Waste Catalogue (EWC) codes. The clinical waste classification system using groups A to E has been removed as it no longer reflects appropriate segregation for treatment or disposal and does not easily fit with the use of EWC codes, which are now mandatory for all waste transfer documentation.

- An offensive waste stream to describe waste that is non-infectious (human hygiene waste and sanpro waste such as nappies, incontinence pads and so on).

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The key points are summarised in this chapter.

**Duty of care**

The statutory duty of care applies to everyone in the waste management chain. It requires producers and others who are involved in the waste management to prevent its escape, and also to take all reasonable measures to ensure that the waste is dealt with appropriately from the point of production to the point of final disposal.

A key element of the duty of care is the requirement for businesses to keep a written description, adequately describing the type and quantity of waste, to accompany the waste as it is moved from point of production to point of final disposal.

The main responsibilities of the waste producer in line with the duty of care are to:

- describe the waste fully and accurately
- complete and sign a waster transfer note (or consignment note for hazardous waste) prior to waste being transferred to another party
- pack waste securely (where applicable) in line with the carriage regulations
- store waste securely on site
- register as a waste carrier (if required), and make all reasonable checks on waste carriers
- select an appropriate treatment or disposal method
- ensure waste falls within the terms of the waste contractor’s waste management licence or permit.

The statutory requirements covering duty of care in waste management are contained in:

- section 34 of the *Environmental Protection (EPA) Act*[^2]
- the *Environmental Protection (Duty of Care) Regulations (England, Scotland and Wales)*[^3]
- the *Controlled Waste (Duty of Care) Regulations (Northern Ireland)*[^4].

Further advice is given in Defra’s (1996) *Waste management: the duty of care – a code of practice*. There is also a leaflet available online at [www.defra.gov.uk](http://www.defra.gov.uk).

**Employer responsibilities**

[^2]: Environmental Protection Act 1990
[^3]: Environmental Protection (Duty of Care) Regulations 1991
[^4]: Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002
As well as the duty of care, employers are responsible for complying with health and safety legislation. Even if staff are self-employed for tax or national insurance purposes, they are treated as employees for health and safety purposes. If any doubt exists about who is responsible for the health and safety of a worker, this should be clarified and included in the terms of a contract. However, legal duties with respect to the Health and Safety at Work legislation cannot be passed on by means of a contract.

**The legal position**

The Environmental Protection Act, the *Waste Management Licensing Regulations*\(^5\) and the *Pollution Prevention and Control (England and Wales) Regulations*\(^6\) provide the legislative framework for waste management activities. These regulations specify, through waste management licensing and related exemptions and pollution prevention control permits, how waste should be managed and specific conditions that sites must adhere to.

Waste management licences and permits are required for the storage, treatment and disposal of many different types of waste.

Generally a licence is not required for the storage of waste on the site where it was produced, as this is covered by a waste management licence exemption. There are a large number of exemptions, with guidance on waste management licence exemptions, licences and permits provided in *The Safe Management of Healthcare Waste*.

Waste management licences (and related exemptions) and permits are regulated by the following agencies:

- the Environment Agency in England and Wales
- the Scottish Environmental Protection Agency (SEPA) in Scotland
- the Environment and Heritage Service (EHS) in Northern Ireland.

**EC directive on waste electrical and electronic equipment (WEEE)**

*The Waste Electrical and Electronic Equipment*\(^7\) (WEEE) *Directive* is European environmental legislation, which came into force in January 2007. The WEEE Directive aims to both reduce the amount of electrical and electronic equipment being produced and to encourage everyone to re-use, recycle and recover it.

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\(^5\) Waste Management Licensing Regulations 1994

\(^6\) Pollution Prevention and Control (England and Wales) Regulations 2000

The WEEE Directive also aims to improve the environmental performance of businesses that manufacture, supply, use, recycle and recover electrical and electronic equipment.

You will also have obligations under the WEEE regulations if you are a business with electrical or electronic equipment to dispose of.

Waste electronic and electrical equipment can only be disposed of at licensed sites, and due regard should be given to identifying and appropriately disposing of waste equipment, depending on any hazardous properties contained within that product.

EC directive on WEEE: the regulatory authorities (the Environment Agency, SEPA, and EHS) will regulate and monitor producer responsibility. Where waste producers make their own arrangements for disposal of waste electronic and electrical equipment, records will need to be retained for at least two years.

Healthcare waste policy

To effectively manage healthcare waste, all those involved in the management of the waste stream should have access to an appropriate healthcare waste policy that clearly identifies who is responsible for the waste and how it should be managed.

The policy should clearly identify the legal obligations set out in waste, health and safety, and transport legislation.

The policy should provide clearly written instructions on the way waste should be managed.

As a minimum, a healthcare waste policy should contain:

- a clear statement, outlining the aims of the policy
- legal and statutory obligations
- current waste management arrangements
- an outline of who has waste management responsibilities and the lines of accountability
- arrangements for implementing the policy
- processes for identifying improvement programmes and monitoring progress
- sources of further information and guidance, for example a healthcare organisation’s waste guidance.

Ownership of the policy needs to be at senior managerial level and should be linked to other organisations’ risk management systems.

To be successful, the policy needs to address all key issues and be actively supported by those involved in each stage of the waste management.

The policy should take into consideration all aspects of waste management, should identify the roles and responsibilities of those involved in the waste
management chain from ‘cradle to grave’, and should take into consideration procurement and disposal contractor requirements. The policy should clearly state how all parties involved in waste management should communicate with each other, ensuring compliance throughout the waste management chain.

The responsibilities of line managers and others need to be clear, and the waste management arrangements need to be properly monitored and audited.

The existence of a policy should not be assumed to be an indication of practice. Practice can only be determined and monitored by robust audit procedures.

Organisations should have access to a designated competent waste manager to co-ordinate and manage all healthcare waste and other waste management activities.

To be used effectively, the healthcare waste policy should link with other healthcare policies and guidance, and should be used as the basis for staff training and awareness.

Relevant legislation

- Waste Management Licensing Regulations\(^8\)
- Landfill Regulations\(^9\)
- Hazardous Waste Regulations\(^10\) (as applicable to England, Wales and Northern Ireland) and Special Waste Amendment (Scotland) Regulations\(^11\)
- List of Waste Regulations
- Controlled Waste Regulations\(^12\)
- Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (the Carriage Regulations)\(^13\)
- Control of Substances Hazardous to Health (COSHH) Regulations\(^14\)

More information

Safe management of healthcare waste is available on Department of Health website [www.dh.gov.uk](http://www.dh.gov.uk)

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\(^8\) Waste Management Licensing Regulations 1994
\(^9\) Landfill (England and Wales) Regulations 2002
\(^10\) Hazardous Waste (England and Wales) Regulations 2005
\(^11\) Special Waste Amendment (Scotland) Regulations 2004
\(^12\) Controlled Waste (Duty of Care) (Amendment) Regulations (Northern Ireland) 2004
\(^13\) Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004
\(^14\) Control of Substances Hazardous to Health (COSHH) Regulations 2002