

External Frequently Asked Questions regarding Collecting and Transferring COVID 19 Lateral Flow Device Testing Wastes from Mass-Testing Sites

Background

This document is intended for those who operate transfer stations, to understand how the Environment Agency would deal with a request to accept used Lateral Flow Device (LFD) and Personal Protective Equipment (PPE) waste generated by community COVID-19 mass-testing, which would otherwise be in breach of their environmental permit. It may also assist those with waste management responsibilities at testing sites.

Operators have ultimate responsibility for the operation of their EPR-permitted activities. It is an offence under Regulation 38 of the Environmental Permitting (England and Wales) Regulations 2016 for an operator to accept waste in contravention of their environmental permit. We expect operators to comply fully with the requirements of the EPR.

It is the Environment Agency's role to protect the environment and human health and make sure all operators with permitted activities comply with the legal requirements of the EPR and conditions in their environmental permits.

How we will regulate the acceptance of LFD and PPE testing waste

Mass population and community testing is being utilised extensively to help reduce the spread of COVID-19. This is generating large quantities of non-hazardous waste for which incineration with energy recovery is the best environmental option. We are able to agree that some municipal waste incinerators (MWI) can make use of RPS C23 to incinerate this type of waste – see [Incinerating specified healthcare wastes at a municipal waste incinerator: RPS C23](#).

Most MWI expect larger loads of waste for health and safety reasons so these waste would need to be bulked up elsewhere. The operators of transfer stations where this testing waste could be bulked up do not normally have the relevant waste codes on their permit. Normally an operator would need to apply to us for a permit variation in order to add additional waste codes to their permits. However, under the current circumstances, there is insufficient time for this process to take place before the waste needs to be accepted and we anticipate the need to accept this waste stream will be temporary.

We have considered if there are circumstances in which the Environment Agency could confirm that we will not take enforcement action for the acceptance of specific un-permitted testing waste, provided that certain conditions are complied with.

What the Environment Agency will do

We will consider requests on a case-by-case basis and where appropriate issue a COVID-19 Temporary Local Enforcement Position (C-LEP) setting out the conditions upon which we will not normally take enforcement action for accepting specified testing waste outside of permit conditions.

Testing site waste should be clearly segregated upon generation to enable flexibility for the subsequent management of this waste. Ultimately, **the objectives** of any collection and transfer method should be to ensure that the PPE and LFD testing wastes:

- are safely collected, transported and stored in a way that maintains the integrity of the waste packaging; and
- can be presented at MWIs as discrete loads in order for it to be managed carefully.

Where these bagged wastes are collected separately and loose, the risks are lower than where front or rear end loading refuse collection vehicles are utilised, when more assessment will be required to meet the above objectives. This has to be considered when deciding whether to agree a request for a C-LEP.

We will determine each case according to its individual circumstances and will refuse a request if we do not consider the circumstances justify us issuing a C-LEP.

You must make requests by email to your EA regulatory officer. You should accompany your email with all the information necessary for a decision on your request to be made. This should include, as a minimum, information indicated in the bullet points below.

A C-LEP is a temporary position which means that the Environment Agency will not normally take enforcement action against you for accepting waste other than under and as authorised by an environmental permit. This is provided that you comply with the limitations and conditions set out in the C-LEP and that compliance with it can be demonstrated through the records you keep.

Requesting a COVID-19 Temporary Local Enforcement Position (C-LEP)

In order for the Environment Agency to consider whether it is appropriate to agree to a C-LEP, you must set out in writing the nature of the activities you are proposing to undertake in an Activity Plan. If the Environment Agency decides to agree to a C-LEP, the Activity Plan would form part of the C-LEP.

Your Activity Plan should set out, as a minimum, the following information:

- **Proposed Activities**
 - Location – including permit number and site plan if appropriate
 - What will be done – specify the methodology including if the activities will be managed in accordance with your existing EMS or operating techniques document(s) or an additional procedure that has been written for the activity, which should be attached
 - How staff will be made aware and provided with any training that is required
 - Equipment (e.g. containers) and parameters for use
 - Appropriate or mitigation measures designed to minimise risk of pollution and harm to human health
 - Timescales

- **Risk Assessment**
 - How the risk level for the proposed activities compares with your normal activities
 - Why appropriate/mitigation measures you have identified will control risk effectively

Expiry date

Each C-LEP will be given an expiry date. After this date, you must comply with all the conditions of your environmental permit. If you are granted a C-LEP and there is a risk that you may not be able to comply with its conditions, you must tell your local Environment Agency officer immediately.

This document is intended to help you if you wish to request a C-LEP for the acceptance of PPE and LFD waste from testing sites to facilitate disposal under RPS C-23, or have more general questions about the collection and transfer of Covid-19 testing waste.

Frequently Asked Questions

Q1. Is there any information about classification and coding of mass testing site waste?

A. Yes, see [Waste codes for mass testing with lateral flow antigen testing devices](#).

Q2. Does the PPE and LFD Test Kit waste need to be stored for 72 hours before it is collected?

A. No, only waste from known or suspected infected people in household settings should be stored for 72 hours before putting it out for collection. See <https://www.gov.uk/guidance/coronavirus-covid-19-disposing-of-waste>.

Storing the waste for 72 hours does not change the classification or coding of LFD Test Kit waste or PPE wastes.

Q3. Can refuse collection vehicles be used to collect testing site PPE and LFD Test Kit waste?

A. Refuse collection vehicles (RCVs) can be used to collect testing site PPE and LFD Test Kit waste if they can be operated so that there is no loss of integrity to the packaging (e.g. bags) during collection and transport.

Q4. Can testing site PPE and LFD Test Kit wastes be collected together?

A. Testing site PPE and LFD Test Kit wastes can be co-collected (for example, in a caged tipping vehicle or a Luton van) if they are being taken directly to a MWI or to a transfer facility subject to a C-LEP (to facilitate disposal under RPS C-23). The waste description must be clear that this is co-collected waste and the whole load must be handled as healthcare waste for incineration.

Note: it is not illegal to mix the PPE waste (18 01 04) and LFD Test Kit wastes (18 01 04 /18 01 07) in the same bag, provided that there is a clear waste description. However, we would not recommend this approach unless these mixed wastes will be sent directly to MWI or via a transfer station subject to a C-LEP (to facilitate disposal under RPS C-23).

Q5. Can testing site PPE and LFD Test Kit wastes be collected with other municipal wastes?

A. If the bagged PPE and LFD Test Kit wastes are collected in a manner that meets the following objectives:

- safe collection, transport and storage in a way that maintains the integrity of the waste packaging; and
- can be presented at an MWI as discrete loads in order for it to be managed carefully,

then they can be collected with other municipal waste.

Q6. Must there be an environmental permit in place to authorise storage (collection) of testing site PPE and LFD Test Kit waste?

A. There are circumstances where temporary storage could occur without the need for a permit, which are covered by the following Non-Waste Framework Directive Exemptions (NWFD):

[Exemption: NWFD 3 temporary storage of waste at a place controlled by the producer](#)

Under this exemption, a producer can store up to 50m³ of solid and 1000 litres of liquid waste generated elsewhere within the same organisation at their normal business premises. The waste collected together must be stored in a secure place.

[Waste exemption: NWFD 4 temporary storage at a collection point](#)

This exemption enables waste to be securely stored at a collection point for 3 months before it is recovered or disposed of elsewhere. Up to 50m³ of non-hazardous waste that isn't WEEE and 5m³ of other waste can be stored at any one time. This exemption allows the storage of waste at a collection point from more than one producer as long as waste collection is not the main business activity (i.e. no payment is received for waste collection).

Q7. Can testing site PPE and LFD Test Kit waste be taken to a transfer station?

A. These wastes can be taken to a transfer station if the operator is authorised to accept them by the permit or a C-LEP has been agreed. It is important that the integrity of the waste packaging is not compromised where these wastes are transferred.

Q8. How must PPE and LFD Test Kit waste be stored at a transfer station?

A. PPE waste (18 01 04) and LFD Test Kit wastes (18 01 04 /18 01 07) are offensive healthcare wastes and should be handled in accordance with [Healthcare waste: appropriate measures for permitted facilities](#):

12. You must store and handle offensive wastes in a secure building or in secure, fully enclosed, rigid, waterproof and leak-proof bulk containers. If you store waste externally in bulk containers, the containers must remain closed at all times, except when waste is being loaded or unloaded from them.

Note that 'offensive waste' is not 'clinical waste' and both are defined in [The Controlled Waste \(England and Wales\) Regulations 2012](#)

Q9. How much of this PPE and LFD Test Kit waste can be stored at a transfer station if a C-LEP has been agreed?

A. Once a viable load has been accumulated at a transfer station it must be transported to the MWI as soon as possible. Whether a load is viable will be determined by the size of the vehicle or container being proposed by the operator to transport the LFD waste to the MWI and will be subject to the C-LEP.

Q10. How long can this PPE and LFD Test Kit waste be stored for at a transfer station operating in accordance with a C-LEP?

A. Under our Appropriate Measures guidance offensive waste can be stored for up to

- 7 days if outside; or
- 14 days if stored in a building.

As this testing site waste will not be odorous, longer storage times may be acceptable in a building or sealed container, if required to consolidate a full load prior to transfer to MWI. The duration of storage in a building or sealed container should appear as a condition of the C-LEP, if longer timescales are proposed.

Q11. Can this PPE and LFD Test Kit waste be mechanically handled?

A. Waste must be handled in a way that ensures there is no loss of integrity of the packaging (e.g. bags). Mechanical handling can be used where the integrity of the waste packaging is maintained.

Q12. Can this PPE and LFD Test Kit waste be landfilled?

A. There is a legal requirement to consider the waste hierarchy when managing any waste. PPE waste (18 01 04) can be disposed of in a landfill but this is lower down the waste hierarchy than incineration in an EfW plant.

LFD Test Kit waste (18 01 04 / 18 01 07) can contain liquids and the landfilling of liquids is prohibited.

Q13. Are LFD Test Kit wastes subject to Carriage of Dangerous Goods (CDG/ADR)?

A. While LFD Test Kit and PPE wastes are healthcare wastes they are not a clinical waste and as such do not fall into the scope of dangerous goods regulations. They should be packaged in unmarked packaging.

The testing is from an assumed healthy population in order to identify asymptomatic people (not known to be infectious) and so the waste stream is considered non-hazardous waste. Additionally, the reagent that allows the LFD to work contains a dilute biocide/preservative or similar which is the reason that the waste has been classified as a non-hazardous healthcare chemical waste. This means that the spent devices are not hazardous for transport.

Q14. Does an operator have to comply with the pre-acceptance and acceptance requirements of How to comply with your environmental permit additional guidance for Clinical waste (EPR 5.07)/Appropriate Measures guidance for LFD Test Kit wastes?

A: For non-infectious PPE and LFD Test Kit wastes i.e. 18 01 04 and 18 01 04/18 01 07 from testing sites, ensuring waste is segregated in accordance with the relevant DHSC / NHS standard operating procedure (SOP) is adequate to demonstrate compliance with [EPR5.07/Appropriate Measures](#).

Q15. How does an operator code the quarterly waste returns?

A: Written descriptions of waste should record the LFD Test Kit wastes dual coded as 18 01 07 / 18 01 04 and the PPE coded as 18 01 04.

Mixed loads should be described as such to meet Duty of Care obligations and the rough proportion of each waste stream noted. Mixed loads will need to be split as 2 entries for the waste returns.

The 18 01 07 code for the LFD waste should appear on waste returns as dual coding cannot be accommodated.