

# CHEMICAL DISPOSAL

## — accepting responsibility

**Duncan Stewart advises you to show care when disposing of chemicals – as falling foul of new regulations could be extremely costly**

When I was asked to write a piece on 'Golf and the Environment' I should have been told "write a book". This article is mainly on the Law as it affects you, the user, regarding chemicals in all their forms and waste, mainly hazardous waste. Yet again I have to write that many clubs and companies have not yet done their COSHH assessments or updated them. You have had years to comply and if you still refuse to carry out or update your COSHH, you will deserve to be prosecuted. COSHH is there to protect you and those who work for you, the club and the environment.

### **The Duty of Care**

There are many Laws, enacted over the years that affect greenkeepers. Many of the more recent are beginning the job of cleaning up the world around us and trying to ensure that the waste from one person is not poison to another. The catch-all legislation is the Duty of Care, if nothing else catches you, this one will. You have a Duty of Care not only to those around you but to yourself, and the environment.

### **The carriage of dangerous goods by road and rail – CDG**

The latest legislation which will affect you directly or indirectly, is The Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994 which came into effect on July 1 1995. This Act and the earlier 1992 Act still in force, are supported by: Approved Carriage List, Approved Methods for the Classification and Packaging of Dangerous Goods for Carriage by Road and Rail to be known as CDG-CPL for short.

So you think this does not affect you? Wrong! The part in brackets certainly will. Manufacturers and distributors must comply with CDG-CPL together with CHIP

1994 legislation. Distributors in particular will have to ensure they comply when splitting outers of chemicals, check their labelling and ensure correct classification of all items of their deliveries. They will have to ensure the correct TREM cards are carried and display hazard plates when required by Law, these have been altered by CDG-CPL so that in many cases existing cards cannot be used.

You, as the user, are likely to have to pay these increased costs and when you have waste empties to be disposed of or transported, the onus is on you as the consignor, to re-label, classify by class number, quote the UN product number and package in a UN approved container prior to transport, the manufacturers label is not acceptable for transportation of waste. So you see what appears not to affect you most certainly will. Later I will explain how industry can and does help you.

The most central point the user must appreciate is that ignorance of the Law is no defence. Recent legislation places a personal responsibility on the individual as well as or instead of the club or employer. This can mean in extreme cases jail and most certainly unlimited fines on conviction. Waste in all, its forms, whether hazardous or otherwise is the responsibility of the creator, that is you the user of the products. You cannot delegate the responsibility even to the contractor who collects your waste. You must protect your position with the club regarding your personal liability.

The driving force behind most of this is the fact that the National Rivers Authority has to comply to the Government and EC drinking water standards by the year 2000, only four years away. At present the water companies test for about 20% of the chemicals in use under the general heading "Agrochemicals". Its testing will increase and if it finds further ongoing pollution, there is no guarantee that existing plant will clean the pollution. Agrochemical and Nitrate pollution gets into the system by leaching into the

ground water, leaking into bore holes, from spray run off or by drainage linked directly to ditches then straight into the river or streams, also by the illegal or improper dumping of waste. If waste is illegal or improperly classified and is tipped in an unlicensed or unprotected tip, then leaching will occur. There are too many examples of this, reported almost daily in the press.

### **How the Law affects a greenkeeper**

You will now understand how the greenkeeper fits into, and influences, the environment for good or otherwise. As stated earlier I would need a book to explain it all but I will endeavour to explain how you can help yourself and receive support. Firstly adopt common sense practices, only use chemicals when you have to. In fact that is the Law. Use the correct chemical for the problem, use only the stated dose, mix enough only to treat the area required and avoid spray run off. Always follow the label recommendations and only spray at the correct time of year and when the conditions are right to avoid drift. Remember COSHH and your protective clothing. Be aware a plant can only take up the feed and chemical it can use. The rest will remain in the soil and on well drained soils will rapidly leach either into the ground water or into your drainage system which might be linked directly to the rivers or streams. Waste and pollution is not just that which you do not use but also can be, that which you do use.

The current United Nations legislation takes into account European recommendations and directives. In particular those developed by the UN committee of experts. UN Recommendation on Transport of Dangerous Good – The 'Orange' Book. This classifies the risk and as all products have to be transported at some stage, this affects you. All classified goods, as from July 1 1995 have to be packaged in UN approved drums or containers with the legal labelling and signs. There is, of course, a transition

period and some exemptions, mainly regarding tankers and out of date products on the shelf. Storage of chemicals has been adequately covered in earlier articles, make sure you abide by The Codes of Practice. If in any doubt ask a consultant to visit and give a written report on storage of current stocks, empties and waste. While there, ask him to review and update, where necessary your COSHH.

As stated earlier, the supplier's labelling is not legal regarding the transportation and disposal of the waste. There is no grey area regarding full waste, whether solid or liquid. It has to be correctly classified secondary risks identified, re-packed or over packed into UN approved containers, labelled, sorted and packed for collection and that is your responsibility. Washings also have to be in either UN approved containers or holding tanks, as washings are usually mixtures, you will have to list all the chemicals in that mixture and identify the main risk. These will give the disposer and contractor some major problems and it may be necessary to have the contents analysed before transport and disposal and costs will be involved.

If you spray off on to sacrificial land the correct records must be kept, the site marked and plans kept, it is also likely that the area could be classified as contaminated land. You must also be aware of the products you use such as fuels, oils, filters, protective clothing, fertiliser bags and drums, dyes, markers, additives, de-greasers etc, these must be assessed by you and if necessary classified and disposed of in the legal manner. Be aware of solvent, oils etc. These are major pollutants.

### **Empty chemical containers**

It is your responsibility to make sure all waste is legally and correctly transported and disposed of. CDG-CPL states that chemical containers falling within the Act are considered as full until they have been cleaned or purged so that there is no risk to the health or safety of any person. Fine you



The beaker contains enough active ingredient to poison this entire reservoir

say, wash it out say three times, dispose of the washings correctly – as stated earlier – pay a contractor who claims to take “clean” empties. Firstly read the contractors contract and exemptions then read the BM codes of practice and note all the exemptions. To be clean, the Law states that it must be guaranteed clear of contamination, including the lid and outer packaging. If just one container is contaminated by 5ccs hazardous waste, the whole consignment is designated as hazardous. You will probably have committed at least five offences, the contractor may say you were in violation of his contract, although he will also face prosecution. CDG-CPL also states that “Plastic containers cannot be reconditioned and have a maximum life of five years.” This refers to containers falling within the regulations. It is accepted and proved that present plastic containers absorb their contents. The Department of the Environment and the United Nations have conducted tests on most of the plastic containers available at present. The UN concluded that even after daily washing out of Agrochemical plastic drums over a period of six months, the plastic drum was not clean as defined by Law. It is only allowable to refill a plastic container with the same product but there is a risk of contamination as you cannot guarantee that every container returned has, throughout its existence, contained only one type of chemical. If rehilled the container must be labelled to the current legal standard and the age of the plastic container must be provable within the CPL-CDG regulations. Where Agrochemical products are exempt from the requirements of CPL-CDG and CHIP 2, it is often because they are regulated elsewhere for example under The Environmental Protection Act. Waste will also be subject to the general requirements of the

Health and Safety at Work Act. Under the EPA (1990) Act, waste producers must supply a written description of their waste, which will ensure that anyone who handles this waste has sufficient information to do so safely. You must be able to prove that any empty container is clean as defined by Law. It is unlikely you will be able to do so given the previous information.

Take advantage of those manufacturers who offer a free collection service for empty drums. Be aware it is still your responsibility to make sure the correct transportation and disposal Laws are obeyed by whoever collects your waste. It is wise to assume that even if you have washed out your empty containers that they are classified as hazardous waste and therefore the seven part Section 17 route should be used and a contractor who is licensed to carry both special and hazardous waste. If you do not sign or use a seven part Section 17 you must be sure that whoever is collecting is doing so legally and taking it to a site which is licensed to receive this type of waste, it is in your interest to establish these facts. If at a later date it is found not to be a legal disposal, it does not matter that you thought it was in order, or the contractor told you it would be all right, you can be held liable even after several years.

Help is at hand, use a collection service using the seven part, Section 17 system, that is a classification for the disposal of special and hazardous waste, it is audited and traceable from user to final disposal, the containers collected are listed and therefore no arguments. Do not remove any labels, do not cut up or deface any drums. Every contractor and disposer must know what the drum originally contained. The final disposer should and will refuse to accept “unknowns”, how can he know what bits of cut up contain-

ers contained? Some contractors using the Section 17 method will classify, label and re-pack where necessary, sort and label the load according to the new CDG-CPL regulations and although the responsibility is still yours, this will alleviate some of the work load the new regulations will involve. There is a cost, but it will save you time (which is money) effort and above all give you peace of mind that the job has been done legally. Keep all your records for at least as long as the Law states, it is recommended at least three years. Finally landfill

owners will have liability for any pollution resulting from their sites for years to come, the National Rivers Authority must comply by the year 2000 with regard to standards of drinking water. There are no cheap, easy solutions for you. In many ways you have to prove you have complied with the Law, not the other way round. Do it right first time, there may be only one chance and you know it makes sense.

■ *Duncan Stewart is Managing Director of Envirogreen Ltd and can be contacted on Lo-Call 0345 125398.*

## DISPOSE OF YOUR FULL, BANNED AND EMPTY CHEMICAL CONTAINERS LEGALLY



**ILLEGAL**



**LEGAL**

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