

Determining if waste is hazardous or non-hazardous

Step-Wise Assessment

A full assessment should be conducted using the method and template below. This method is broken down in to the six sequential steps summarised below. All steps should be populated in full. Where a step does not apply this should be stated along with the justification.

Company details and listing possible waste codes	
Step 1	Waste composition details
Step 2	Assign Hazard statement or Risk phrase; Identify Hazardous Property/Properties associated with the assigned hazard statements
Step 3	Does the waste display HP1–HP13 &/or HP15?
Step 3.1	Assessment of Hazardous Properties <i>with</i> Concentration Limits
Step 3.2	Assessment of Hazardous Properties <i>without</i> Concentration Limits
Step 4	Does the waste display HP14
Step 4.1	Assessment of Hazardous Property HP 14 <i>with</i> Concentration Limits
Step 4.2	Assessment of Hazardous Property HP 14 <i>without</i> Concentration Limits
Step 5	Assessment of Persistent Organic Pollutants
Step 6	List of Waste Entry

Background

Note down the possible List of Waste entries for the waste in question. This is based on any existing knowledge of the waste in conjunction with reviewing the LoW chapters.

Step 1 – Waste Composition Details

Assessment is based on the concentration of the substances contained in the waste. Classifications based on knowledge of the partial composition of the waste are permitted only when all of the substances that could render the waste hazardous are identified and quantified. Such evidence must be included in the classification report. For example, in relation to contaminated soil, there may be knowledge from site history/events that the contamination is limited to certain substances and the classification could be based on the quantities of those substances in the soil.

In relation to metals, chemical analysis does not always identify the specific substance but rather the individual anions and cations that it contains. The precise form of the metal that is present needs to be identified (i.e. for example with zinc, whether it is Zinc chloride, Zinc oxide or Zinc chromate). The producer must determine the actual substance that is present and what, if any hazardous property is present, and the associated hazard statement. This is done either by further analysis or by applying knowledge from the site history, process, activity, etc. that generated the waste.

Where this cannot be done, the worst case compound should be applied for each of the identified hazardous substances. Where this approach results in a hazardous classification but the waste may still be considered non-hazardous, property testing targeted at the hazardous properties which resulted in the hazardous classification could be used to assess the waste further. Otherwise the waste is classified as hazardous. Such evidence must be included in the classification report.

Concentration limits do not apply to pure metal alloys in their massive form (not contaminated with hazardous substances). Those waste alloys that are considered as hazardous waste are specifically enumerated in the LoW and marked with an asterisk.

The notes included in Annex VI to Regulation (EC) No 1272/2008² are listed in Appendix 3. These are only relevant to the hazardous waste assessment where they alter the classification of the waste/preparation to which they relate. If necessary, ensure that these are considered during the classification of the waste. They are:

- S.1.1.3.1 'Notes relating to the identification, classification and labelling of substances' – Notes B, D, F, J, L, M, P, Q, R, and U.
- S.1.1.3.2 'Notes relating to the classification and labelling of mixtures' – Notes 1, 2, 3 and 5.

Sampling and testing should be conducted in accordance with finalised **European Committee for Standardisation** (CEN) standards and where these are not available, national standards or procedures or draft CEN standards which have reached the prEN stage – refer to:

- European Committee for Standardisation CEN website <http://www.cen.eu/cen/pages/default.aspx>
- National Standards Authority of Ireland (NSAI) website <http://www.nsai.ie/>

See Appendix 4 for a list of the waste sampling and testing framework standards.

Laboratory reports should be included in classification reports. You should clearly indicate the test methods used in column 4 of the Step 1 & 2 spreadsheet.

² Regulation [EC] No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation [EC] No 1907/2006. [Referred to as the Classification, Labelling and Packaging of Substances Regulation; Note there are a significant number of amendments to this regulation [Adaptations to Technical Progress] as per the Eurolex website.]

Step 2 – Assign Hazard Statements³ or Risk Phrases, and Associated Hazardous Properties

Hazard Statement Codes are linked to a hazard class that relates back Hazardous Properties as laid out in Commission Regulation (EU) No 1357/2014,⁴ e.g. HP1 is linked to H200, H201, via the hazard class Unst. Expl. and Expl. 1.1 etc.

Once hazard statements have been identified in Step 2, this allows identification of the hazardous properties they are linked to, for consideration in all subsequent steps.

The CLP database maintained by the European Chemical Agency (ECHA) contains data relating to:

- Harmonised substances from Table 3.1 of the CLP⁵ (as amended by Adaptations to Technical Progress) and
- Classifications of other substances notified to the European Chemical Agency.

This is available at:

<http://echa.europa.eu/web/guest/information-on-chemicals/cl-inventory-database>

If the substance is not contained in the above database, the holder must determine what hazard classes or categories, if any, it could fall into. Additional sources of information include compliant Safety Data Sheets (SDSs).

SDSs must be European, REACH/CLP compliant and with no significant or relevant gaps in the data, particularly hazardous properties that have not been addressed which could possibly affect the waste classification, i.e. missing data “Not fully tested” under the relevant hazardous property, i.e. HP14 or HP3.

Step 3 – Does the waste display HP1–HP13 &/or HP15?

3.1 Assessment of Hazardous Properties *with* Concentration Limits

Concentration limits have been assigned for the hazardous properties HP4, HP5, HP6, HP7, HP8, HP10, HP11 and HP13. The waste is hazardous if the concentration limits are equalled or exceeded. All other entries in the harmonised LoW are considered non-hazardous.

In some situations, the assessment is based on the sum concentration of all relevant substances⁶, i.e. the assessment is additive (e.g. for HP4, HP5, HP6 and HP8). In other cases, assessment is based on comparison of the concentration of each relevant substance individually against the concentration limit (i.e. for HP5 (Asp. Tox. H304), HP 7, HP 10 and HP 11).

If Step 3.1 provides a cut-off value, the substances present below the threshold specified are excluded from the assessment.

3 Hazard statements are assigned to a hazard class and category that describes the nature of a hazardous substance or mixture, including, where appropriate, the degree of hazard. This supersedes the risk phrases (R Phrases) that were used in the previous waste classification system except currently for the hazardous property HP14.

4 Of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

5 Regulation [EC] No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation [EC] No 1907/2006. [Referred to as the Classification, Labelling and Packaging of Substances Regulation. Note that there are a significant number of amendments to this regulation [Adaptations to Technical Progress] as per the Eurolex website.]

6 Relevant substances means substances with the hazardous property under consideration.

3.2 Assessment of Hazardous Properties *without* Concentration Limits

Concentration limits have not been assigned for hazardous properties, HP1, HP2, HP3, HP9, HP12 and HP15. If your waste has a substance with any of these hazardous properties, the waste is classified as hazardous, unless property testing is done and demonstrates that the waste is non-hazardous. Evidence in this regard should be included in the classification report. Without such testing, however, the waste remains hazardous⁷.

Step 4 – Does the waste display HP14?

Agreement on how best to assess HP14 is ongoing by the European Commission. Once a formal decision has been reached at EU level, the HP14 assessment criteria will be updated. In the interim, assessment should be completed in accordance with Step 4 using the associated risk phrases. It is necessary to work through step 4.1 to 4.2.

4.1 Assessment of HP 14 *with* Concentration Limits

Concentration limits have been assigned for the risk phrase R59. If your waste has a substance with the risk phrase R59 in excess of the concentration (0.1% w/w), the waste is classified as hazardous, unless property testing is done and demonstrates that the waste is non-hazardous for HP14.

4.2 Assessment HP 14 *without* Concentration Limits

For risk phrases R50, R52, R53, R50–53, R51–53 and R52–53, the sum of the substances present in your waste (above the cut-off values) must be calculated. Four formulas are then used to determine the classification of the waste. If the thresholds are met or exceeded for any of the formulas the waste will be hazardous by HP14 unless property testing demonstrates that the waste is non-hazardous. If none of the thresholds are met, the waste will be non-hazardous for HP14.

Step 5 – Does the waste contain POPs above the specified concentration?

Wastes containing persistent organic pollutants (POPs) consisting of polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF), DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane), chlordane, hexachlorocyclohexanes (including lindane), dieldrin, endrin, heptachlor, hexachlorobenzene, chlordecone, aldrin, pentachlorobenzene, mirex, toxaphene hexabromobiphenyl and/or PCB exceeding the concentration limits indicated in Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council shall be classified as hazardous.

Wastes containing other POPs (for example endosulfan, hexachlorobutadiene, polychlorinated naphthalenes, SCCPs, PFOS, the POP-BDEs and HCB) shall be assessed for hazardous properties in accordance with the procedures described in Step 3.

Step 6 – List of Waste Entry

After completion of Steps 1 to 5, an appropriate hazardous or non-hazardous entry from the List of Wastes shall be assigned to the waste and the entered into the table in Step 6.

⁷ Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council [2014/955/EU].

Assessment Template

Company details	
Company Name	
Company Address	
Date	
IED, IPC or Waste Licence Number (if applicable)	
Contact Person	
Contact Number	
Assessment Date	
Assessment based on partial composition, (Yes/No) (if Yes, provide the necessary evidence)	

List of Waste Entries		
List of Waste Entry	Asterisk	
	Yes	No

Step 3.1 Assessment of Hazardous Properties with Concentration Limits

Note: Hazardous properties without concentration limits (HP1, 2, 3, 9, 12, 15) are required to be addressed in Step 3.2

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Cut off value (% w/w)	Concentration limits (% w/w)	Sum of the concentrations of all substances above the cut-off value (% w/w)	Maximum individual substance concentration above the cut-off value (% w/w)	Greater or equal to the concentration limits (yes/no)
HP4 Irritant – Skin and eye damage	Skin corr.1A	H314	1	$\geq 1 < 5$			
	Eye dam. 1	H318	1	≥ 10			
	Skin irrit. 2 Eye irrit. 2	H315 H319	1	≥ 20			
HP 5 Specific target organ toxicity (STOT) / aspiration toxicity	STOT SE 1 STOT RE 1	H370 H372	N/A	≥ 1			
	STOT SE 2 STOT RE 2	H371 H373	N/A	≥ 10			
	STOT SE 3	H335	N/A	≥ 20			
	Asp. Tox.	H304	N/A	≥ 10			If yes = hazardous only where the overall kinetic viscosity (at 40oC) does not exceed 20.5 mm2/s

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Cut off value (% w/w)	Concentration limits (% w/w)	Sum of the concentrations of all substances above the cut-off value (% w/w)	Maximum individual substance concentration above the cut-off value (% w/w)	Greater or equal to the concentration limits (yes/no)
HP6 Acute toxicity	Acute Tox.1 (oral)	H300	0.1	≥ 0.1			
	Acute Tox. 2 (oral)	H300	0.1	≥ 0.25			
	Acute Tox. 3 (oral)	H301	0.1	≥ 5			
	Acute Tox. 4 (oral)	H302	1	≥ 25			
	Acute Tox. 1 (dermal)	H310	0.1	≥ 0.25			
	Acute Tox. 2 (dermal)	H310	0.1	≥ 2.5			
	Acute Tox. 3 (dermal)	H311	0.1	≥ 15			
	Acute Tox. 4 (dermal)	H312	1	≥ 55			
	Acute Tox. 1 (Inhal.)	H330	0.1	≥ 0.1			
	Acute Tox. 2 (Inhal.)	H330	0.1	≥ 0.5			
	Acute Tox. 3 (Inhal.)	H331	0.1	≥ 3.5			
	Acute Tox. 4 (Inhal.)	H332	1	≥ 22.5			

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Cut off value (% w/w)	Concentration limits (% w/w)	Sum of the concentrations of all substances above the cut-off value (% w/w)	Maximum individual substance concentration above the cut-off value (% w/w)	Greater or equal to the concentration limits (yes/no)
HP 7 Carcinogenic	Carc. 1A	H350	N/A	≥ 0.1			
	Carc. 1B	H351	N/A	≥ 1.0			
HP8 Corrosive	Carc.2	H314	1	≥ 5			
	Skin Corr. 1A, 1B or 1C	H360	N/A	≥ 0.3			
HP10 Toxic for reproduction	Repr. 1A	H361	N/A	≥ 3			
	Repr. 1B						
HP 11 Mutagenic	Repr. 2						
	Muta.1A	H340	N/A	≥ 0.1			
	Muta. 1B						
HP13 Sensitising	Muta. 2	H341	N/A	≥ 1.0			
		H317 H334	N/A	≥ 10			

Step 3.2 Assessment of Hazardous Properties *without* Concentration Limits

Note: Hazardous properties with concentration limits (HP4, 5, 6, 7, 8, 10, 11, 13) are required to be addressed in Step 3.1

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Concentration (% w/w)	Property test result	If present and no property testing = hazardous
HP 1 Explosive	Unst. Expl	H 200			
	Expl. 1.1	H 201			
	Expl. 1.2	H 202			
	Expl. 1.3	H 203			
	Expl. 1.4	H 204			
	Self-react. A	H 240			
	Org. perox. A*				
	Self-react. B	H 241			
	Org. perox. A*				
	HP2 Oxidising	Ox. Gas 1	H270		
Ox. Liq. 1		H271			
Ox. Sol. 1					
Ox. Liq. 2, Ox. Liq. 3		H272			
Ox. Sol. 2, Ox. Sol. 3					

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Concentration (% w/w)	Property test result	If present and no property testing = hazardous
HP3 Flammable	Flam. Gas 1	H220			
	Flam. Gas 2	H221			
	Aerosol 1	H222			
	Aerosol 2	H223			
	Flam. Liq. 1	H224			
	Flam. Liq. 2	H225			
	Flam. Liq. 3	H226			
	Flam. Sol. 1 / Flam. Sol. 2	H228			
	Self-React. CD/ Self-React. EF/ Org. Perox. CD/ Org. Perox. EF	H242			
	Pyr. Liq. 1 / Pyr. Sol. 1	H250			
	Self-heat. 1	H251			
	Self-heat.2	H252			
	Water-react. 1	H260			
	Water-react. 2 Water-react. 3	H261			

Hazardous property	Hazard Class and Category Code(s)	Hazard Statement Code(s)/ Supplemental Hazard Code(s)	Concentration (% w/w)	Property test result	If present and no property testing = hazardous
HP9 Infectious					
HP 12 Release of acute toxic gas		EUH029 EUH031 EUH032			
HP14 Ecotoxic	Agreement on HP 14 is ongoing by the European Commission. Once a decision is made, HP14 will be updated to reflect it. The Environmental Protection Agency will accept assessments completed in accordance with Step 4.				
HP15 Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste		H205 EUH001 EUH019 EUH044			

Step 4.1 Assessment of Hazardous Property HP14 *with* Concentration Limits

Risk Phrase	Concentration limit (% w/w)	Result (%)	Greater or equal to the concentration limits (yes/no)
R59	0.1		

Step 4.2 Assessment of Hazardous Property HP14 *without* Concentration Limits

Sum of the concentrations of all substances above the cut-off value

Risk Phrase	Cut-Off Value (% w/w)	Sum of the concentrations of all substances above the cut-off value (% w/w)
R50	0.1	
R52	1	
R53	1	
R50-53	0.1	
R51-53	0.1	
R52-53	1	

Step 4.2 Assessment of Hazardous Property HP14 *without* Concentration Limits

Formula*	Concentration limits (%)	Result (%)	Greater or equal to the concentration limits (yes/no)
$\sum \left(\frac{\text{PR50} - 53}{0.25} + \frac{\text{PR51} - 53}{2.5} + \frac{\text{PR52} - 53}{25} \right)$	≥1		
$\sum (\text{PR50} + \text{PR50} - 53)$	≥25		
$\sum (\text{Pr52})$	≥25		
$\sum (\text{PR53} + \text{PR50} - 53 + \text{PR51} - 53 + \text{PR52} - 53)$	≥25		

* PRx = total concentration in percent (%) of the substance(s)
 ∑ = sum of brackets

Step 5 Assessment of Persistent Organic Pollutants

Note: Wastes containing other POPs (for example endosulfan, hexachlorobutadiene, polychlorinated naphthalenes, SCCPs, PFOS, the POP-BDEs and HBCD) shall be assessed for hazardous properties in accordance with the procedures described in Step 3

	Concentration Limit	Result and Units	Greater or equal to the concentration limits (Yes/No)
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)	15 µg/kg		
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	50 mg/kg		
Chlordane	50 mg/kg		
Hexachlorocyclohexanes, including lindane	50 mg/kg		
Dieldrin	50 mg/kg		
Endrin	50 mg/kg		
Heptachlor	50 mg/kg		
Hexachlorobenzene	50 mg/kg		
Chlordecone	50 mg/kg		
Aldrin	50 mg/kg		
Pentachlorobenzene	50 mg/kg		
Polychlorinated biphenyls (PCBs)	50 mg/kg		
Mirex	50 mg/kg		
Toxaphene	50 mg/kg		
Hexabromobiphenyl	50 mg/kg		

Step 6 List of Waste Entry

LoW entry	Hazardous (Y/N)	Description

Appendix 3 Notes included in Annex VI to Regulation (EC) No 1272/2008 as amended

S.1.1.3.1. Notes relating to the identification, classification and labelling of substances: Notes B, D, F, J, L, M, P, Q, R, and U.

Note B:

Some substances (acids, bases, etc.) are placed on the market in aqueous solutions at various concentrations and, therefore, these solutions require different classification and labelling since the hazards vary at different concentrations. In Part 3 entries with Note B have a general designation of the following type: 'nitric acid ... %'. In this case the supplier must state the percentage concentration of the solution on the label. Unless otherwise stated, it is assumed that the percentage concentration is calculated on a weight/weight basis.

Note D:

Certain substances which are susceptible to spontaneous polymerisation or decomposition are generally placed on the market in a stabilised form. It is in this form that they are listed in Part 3. However, such substances are sometimes placed on the market in a non-stabilised form. In this case, the supplier must state on the label the name of the substance followed by the words 'non-stabilised'.

Note F:

This substance may contain a stabiliser. If the stabiliser changes the hazardous properties of the substance, as indicated by the classification in Part 3, classification and labelling should be provided in accordance with the rules for classification and labelling of hazardous mixtures.

Note J:

The classification as a carcinogen or mutagen need not apply if it can be shown that the substance contains less than 0.1 % w/w benzene (EINECS No 200-753-7). This note applies only to certain complex coal- and oil-derived substances in Part 3.

Note L:

The classification as a carcinogen need not apply if it can be shown that the substance contains less than 3% DMSO extract as measured by IP 346 'Determination of polycyclic aromatics in unused lubricating base oils and asphaltene free petroleum fractions — Dimethyl sulphoxide extraction refractive index method', Institute of Petroleum, London. This note applies only to certain complex oil-derived substances in Part 3.

Note M:

The classification as a carcinogen need not apply if it can be shown that the substance contains less than 0,005% w/w benzo[a]-pyrene (EINECS No 200-028-5). This note applies only to certain complex coal-derived substances in Part 3.

Note P:

The classification as a carcinogen or mutagen need not apply if it can be shown that the substance contains less than 0.1% w/w benzene (EINECS No 200-753-7). When the substance is not classified as a carcinogen at least the precautionary statements (P102-) P260-P262- P301 + P310-P331 (Table 3.1) or the S-phrases (2-)23-24-62 (Table 3.2) shall apply.

This note applies only to certain complex oil-derived substances in Part 3.

Note Q:

The classification as a carcinogen need not apply if it can be shown that the substance fulfils one of the following conditions:

- a short term biopersistence test by inhalation has shown that the fibres longer than 20 µm have a weighted half-life less than 10 days; or
 - a short term biopersistence test by intratracheal instillation has shown that the fibres longer than 20 µm have a weighted half-life less than 40 days; or
 - an appropriate intra-peritoneal test has shown no evidence of excess carcinogenicity;
- or
- absence of relevant pathogenicity or neoplastic changes in a suitable long term inhalation test.

Note R:

The classification as a carcinogen need not apply to fibres with a length weighted geometric mean diameter less two standard geometric errors greater than 6 µm.

Note U:

When put on the market gases have to be classified as 'Gases under pressure', in one of the groups compressed gas, liquefied gas, refrigerated liquefied gas or dissolved gas. The group depends on the physical state in which the gas is packaged and therefore has to be assigned case by case.

S.1.1.3.2. Notes relating to the classification and labelling of mixtures: Notes 1, 2, 3 and 5.

Note 1:

The concentration stated or, in the absence of such concentrations, the generic concentrations of this Regulation (Table 3.1) or the generic concentrations of Directive 1999/45/EC (Table 3.2), are the percentages by weight of the metallic element calculated with reference to the total weight of the mixture.

Note 2:

The concentration of isocyanate stated is the percentage by weight of the free monomer calculated with reference to the total weight of the mixture.

Note 3:

The concentration stated is the percentage by weight of chromate ions dissolved in water calculated with reference to the total weight of the mixture.

Note 5:

The concentration limits for gaseous mixtures are expressed as volume per volume percentage.

Appendix 4 Sampling and Testing Standards

Sampling and Testing Standards ⁹	
Testing Programme Framework	I.S. EN 16457:2014 Characterisation of Waste – Framework for the Preparation and Application of a Testing Programme – Objectives, Planning and Report
Sampling Plan Framework	I.S. EN 14899:2006 Characterisation of Waste – Sampling of Waste Materials – <u>Framework</u> for the Preparation and Application of a Sampling Plan
Sampling Plan, Statistical approaches	I.S. CEN/TR 15310-1:2006 Characterisation of Waste – Sampling of Waste Materials – Part 1: Guidance on Selection and Application of Criteria for Sampling Under Various Conditions I.S. CEN/TR 15310-5:2006 Characterisation of Waste – Sampling of Waste Materials – Part 5: Guidance on the Process of Defining the Sampling Plan
Taking and delivering a sample	I.S. CEN/TR 15310-2:2006 Characterisation of Waste – Sampling of Waste Materials – Part 2: Guidance on Sampling Techniques I.S. CEN/TR 15310-3:2006 Characterisation of Waste – Sampling of Waste Materials – Part 3: Guidance on Procedures for Sub-Sampling in the Field I.S. CEN/TR 15310-4:2006 Characterisation of Waste – Sampling of Waste Materials – Part 4: Guidance on Procedures for Sample Packaging, Storage, Preservation, Transport and Delivery

⁸ This lists standards issued up to time of print; refer to CEN.eu, nsai.ie and similar sources for standards issued post-publication.

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