

Final position on end-of-waste status for recycled gypsum

06 January 2011

The EPA was requested to determine whether or not gypsum recovered from waste plasterboard can be classified as a non-waste.

Article 6 of the Waste Framework Directive (2008/98/EC)¹ – entitled ‘End-of-waste status’ – sets out the grounds by which a material which is recovered from waste, e.g. through recycling, can be deemed to be no longer a waste. The Directive commits the Commission to developing ‘end-of-waste’ criteria in accordance with the following conditions:

- (a) the substance or object is commonly used for specific purposes;
- (b) a market or demand exists for such a substance or object;
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

In accordance with Directive 98/34/EC² a proposed (draft) position paper was prepared and submitted to the Commission in June 2010. The Commission circulated the decision to all member states and a standstill period of 3 months followed during which member states and the Commission could raise objections or make observations on the draft position. Comments were received from the Commission in September 2010 (Notification 2010/350/IRL). The draft position paper has been amended in response to the comments received from the Commission.

In accordance with the conditions set out in article 6 of the Directive, the EPA has determined that gypsum, recovered from waste plasterboard, can achieve end-of-waste status if the following criteria have been met:

1. The plasterboard recycling process is carried out and managed according to the PAS:109³ standard;
2. The recovered gypsum meets the heavy metal quality limits as set out in the UK Environment Agency Quality Protocol⁴. The heavy metal testing regime must adhere to the requirements of the UK EA Quality Protocol;

¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

² Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

³ PAS 109:2008 – *Specification for the production of recycled gypsum from waste plasterboard.*

3. Recovered gypsum is used only as specified in the UK EA Quality Protocol;

Any departure from these criteria will signify that the recovered gypsum has not achieved end-of-waste status and that use of the material would represent a waste activity, subject to waste authorisation. If a waste facility operator or a local authority has doubts as to the appropriate waste authorisation required⁵, an article 11 request can be made to the Agency for a determination on the question. Article 11 requests should be made on-line at <http://www.epa.ie/whatwedo/licensing/waste/>.

Additional measures:

1. The necessary criteria and quality specifications, as referred to above, should be included in the conditions and/or schedules, as appropriate, of the Waste Facility Permit for each plasterboard recycling facility;
2. The plasterboard recycling facility should demonstrate, on an on-going basis, to their relevant permitting Local Authority that the recovered gypsum meets the necessary criteria and quality specifications for the material to attain end-of-waste status;
3. Results of nutrient and heavy metal quality testing of recovered gypsum should be made available on request by each plasterboard recycling facility to those intending to use recovered gypsum in agriculture or to those intending to make available for use in agriculture;

It should be noted that the sale of recovered gypsum as a soil treatment agent may invoke the relevant provisions of the REACH Regulations⁶ governing product safety and marketing.

This position is subject to review or withdrawal at the EPA's discretion.

END

⁴ UK EA Quality Protocol – *Recycled gypsum from waste plasterboard – end-of-waste criteria for the production and use of recycled gypsum from waste plasterboard* (2010).

⁵ That is, a waste licence, waste facility permit or certificate of registration. See <http://www.epa.ie/whatwedo/licensing/waste/who%20needs%20a%20waste%20licence/> for further explanation.

⁶ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).