

Crackdown on waste crime: Time to stop trashing our future

Last Wednesday they invaded our home. A peaceful night shattered by the roar of engines and the glare of headlights. I opened the front door and was confronted by a large group of men who declared they now lived here. We were harassed. Our safe was smashed. Our keys were stolen, and a new lock was put on the gate trapping us. They dumped piles of waste and trash. We were threatened: "I'll smash your face in." By midday they were gone, leaving behind tonnes of rubbish, boasting it would cost £50,000 to remove.

This person, who can't be named for legal reasons, was a victim of the scourge we are here to halt today: waste crime.

Six years ago, I called waste crime "the new narcotics": A few decades ago it took a while for the authorities around the world to wake up to the damage drugs were doing and start to tackle the problem. As with drugs then, so with waste crime now. Today we are much clearer about the damage waste crime does to communities and to the economy, and we are now engaged in what will be a long struggle to nail the criminals. I'm here today to tell you how that's going and how we intend to win this fight.

Why waste crime is serious

Waste crime is serious crime. That is not just because serious organised criminals are involved in it, though they are, bringing with them all the other things they do that damage our society: trafficking of drugs, guns and people; theft; tax evasion; violence and intimidation, etc. But waste crime is serious in itself because it causes widespread and significant harm: to people, places, the economy, to law and order, and to the environment.

Like much of the waste involved, waste crime itself is toxic. It threatens every community through its thuggish links to crime and its willingness to despoil the places where people live. It undermines investment, growth and jobs in the legitimate waste businesses which the Environmental Services Association represents. It costs our economy around a billion pounds a year. And it harms our planet, because it piles more damage on top of the destruction that pollution and the climate emergency is wreaking on ecosystems, wildlife, and our way of living.

Why it's hard to tackle

There is a reason why organised criminals have moved into waste crime: it's attractive. The rewards are high (as high or higher than robbery, drug dealing or contract killing), the chances of being caught have always been

relatively low, and the penalties if you are caught traditionally light. Part of the answer to winning the fight against the waste criminals lies in altering those facts, so that waste crime becomes a lot less attractive for the criminal in the first place.

The scale of the challenge

One of the most unsettling things about waste crime is that nobody knows exactly its true scale. We do know that it is huge: our latest estimate is that some 18% of waste is currently managed illegally at some point in the waste stream. That is around 34 million tonnes of waste every year – enough to fill 13,500 Olympic swimming pools or Wembley stadium 30 times. So it's big.

And it's getting bigger. All the evidence suggests waste crime is on the rise. The ESA itself says so: your 2021 report said that the extent of waste crime had considerably worsened. The Environment Agency's own 2021 National Waste Crime Survey concluded that waste crime in England was endemic. And we have good reason to believe that the Covid lockdowns, which made it harder for the EA and law enforcement to operate freely, contributed to a further increase in the last two years.

How waste crime works

There are a series of inventive ways in which criminals make money from waste. The main ones we see in the EA are:

- **Illegal waste sites.** There are hundreds of sites all over the country which store or process waste illegally. Over the last few years we have made bearing down on them one of our top priorities. We have had some success, and have now got the number down to around 400 known sites across the country where action is being taken and evidence is being gathered. That's a lot less than there were. But there will be more out there we do not know about, and the criminals can open a new site a lot faster than we can close down an existing one.
- **dumping.** One of the most common and damaging acts of criminality is simply taking someone's waste away for cash then dumping it in a nearby field or on the roadside. Local councils are responsible for investigating and clearing waste from small-scale fly-tipping on public land, and responsibility for dealing with the waste on private land rests with the landowner. The Environment Agency responds to illegal dumping incidents which are big, bad and nasty, and we have the power to investigate and take enforcement action.
- **burning and burying.** Another scam is to take payment for waste disposal then just burn and/or bury it. We see a lot of this, including on isolated farms.

- misdescription. Tariffs for disposing of different kinds of waste in landfills are deliberately designed to encourage the use of better options like recycling. There's a lower rate of tax (currently just over £3 a tonne) which applies to less polluting materials and a standard rate (currently just under £99 a tonne) which applies to more polluting materials. If you misdescribe the waste you are sending to landfill you can deposit every tonne for £3 pounds rather than £99 on top of the landfill charge, giving you a massive profit margin when you are disposing illegally of waste someone else has paid you to process properly. We saw a dreadful example of this recently at Stowey Quarry near Bath, where the operator was authorised to accept a limited amount of clean, inert waste, but instead took in a huge volume of hazardous substances, most of which he buried. The pollution of the environment from the site is likely to last for decades.
- illegal export. Some types of waste – the so-called “Green List” wastes like clean, un-contaminated paper, cardboard and certain types of plastic – can be legally exported to other countries for processing and recycling without prior approval from the relevant authorities and with very little paperwork. Some other wastes like Refuse Derived Fuel can also be legally exported, with the prior consent (“notification”) of the authorities in the exporting and importing countries. Which means there's a lot of money to be made in exporting misdescribed waste, and a lot of damage that happens as a result to people and the environment, mostly in developing countries.

Why the battle is worth fighting

The battle against the waste criminals is worth the fight. Literally, because every £1 spent on it brings at least £4 of benefit to the economy. But also because it will help with everything else the nation wants to focus on now. It will help deliver growth – a vibrant legitimate waste sector contributes to that. Research by the Green Alliance found that creating a circular economy, in which there would be no place for waste crime, could create 450,000 jobs in the UK by 2035.

Beating waste crime will help protect nature – we cannot have the clean green country we want if criminals are trashing it. It will help protect health – hazardous waste in the wrong place poses real risks to people. It will help levelling up – because many of the communities most blighted by waste crime are also the most economically and socially disadvantaged. And it will help protect human rights: the charity Hope for Justice report that two-thirds of modern slavery victims have been employed within the waste industry, which is why the EA has worked with the charity to train over 100 of our officers to recognise exploitative work practices.

Winning the war on waste criminals: our new

approach

Our goal for waste crime is very simple: stop it. That's an audacious ambition, about which we are totally unapologetic. But if we are going to realise it we need a new strategy. The Environment Agency now has one. In tackling waste crime in the past we tended to focus more on the waste than on the criminal. That made sense: the EA's job is to protect the environment and the communities blighted by the waste. But by focusing on the crime we were tackling the symptom not the cause. The better, proactive, approach to stopping the crime for good is to stop the criminal and deter future offenders.

So our new strategy targets the criminals themselves. It is based on the so-called 4 Ps, which also guide the work of the police and others who tackle serious crime or terrorism: * prepare to fight waste crime, by gathering the evidence and intelligence necessary to do so. * prevent waste crime, by seeking to deter or disrupt it before it takes place. * protect the environment, communities and business from the harm it does, focusing on the crimes that do the most damage. * and pursue the criminals, focusing on those who act deliberately and do the most harm. To ensure we do that we are now using the same system as the police, the immigration authorities and financial investigators to decide on our priorities – the Home Office's MORILE (Management of Risk in Law Enforcement) scoring.

What's different about our new approach is that we are now working much further upstream to prevent crime and harm before it happens, rather than tackle it after it has; that it's far more intelligence-led; that it applies the 80/20 rule, focusing on the worst criminals and the biggest environmental harms; that it takes a national rather than a local approach, focusing on the biggest threats across the country as a whole; and that it is a lot more high-tech (example: using drones for surveillance and heat-sensitive cameras to identify what's in shipping containers or warehouses).

The other crucial difference between our approach of a few years ago and now is that it is much more collaborative. In 2019 the Environment Agency teamed up with eight partners – Natural Resources Wales, the Scottish Environment Protection Agency, the Northern Ireland Environment Agency, the police, the National Crime Agency, HM Revenue & Customs and the British Transport Police to create the Joint Unit for Waste Crime, and we have now been joined by the National Fire Chiefs Council. The unit shares intelligence and plans joint operations against the criminals. Together we are stronger than them.

Our strategy is working

We are already having some successes.

In April 2021, as part of a major investigation into an organised crime group dumping and burying thousands of tonnes of illegal waste at sites across the Midlands, we conducted a joint operation with the police to arrest the suspects. Five search warrants were executed at properties belonging to the group. Significant amounts of evidence and cash were recovered. All five

suspects were arrested, and the police are also investigating a number of other offences, including firearms and drugs.

In May 2021, five years after we secured the conviction of a Darlington man for illegal dumping of waste at a farm in County Durham, we went back to court to challenge his failure to pay back £350,000 under the Proceeds of Crime Act. As a result he has now been jailed for three years.

In July 2021 enforcement officers from the Environment Agency swooped on a farm in Worcestershire which is the business address of a man who received a 26-month prison sentence in 2018 for operating an illegal waste site there where he dumped, buried or burned 25,000 tonnes of waste. This time we found and seized a number of stolen vehicles, now the subject of a criminal investigation by West Mercia Police.

In January this year we ran a joint operation with Lincolnshire Police to target criminals involved in nationwide theft of catalytic converters, the value of which has risen significantly of late (they contain precious metals). The operation resulted in two arrests, seizure of hundreds of stolen converters, vehicles, and a large amount of cash. In February, as part of an investigation by the Joint Unit for Waste Crime into a suspected illegal waste operation at a landfill site in Lancashire that was also posing a risk to the environment and causing harm to the local community, we seized and crushed skip wagons suspected of being involved in waste offences.

And over the last several months, behind the scenes, we have been refusing more environmental permits based on operator competence to stop waste criminals securing a place in the industry.

Giving the law the edge

To tip the scales against the criminals we need to be tough on waste crime, with better knowledge, more resources, tougher deterrents; and tough on the causes of waste crime, with smarter policies that keep one step ahead of criminals, shut them out of the system and move us towards an economy in which there is no space for waste crime.

This is not an easy fight. There are a large number of criminal operators. The criminals are well resourced. They have very sophisticated techniques to evade detection, and if those don't work will resort to the very unsophisticated but effective techniques of violence and intimidation. They move their money and their assets around, making those difficult to identify, find or seize. They have access to highly paid lawyers. They are unconstrained by the law, and can act how they like and move as quickly as they want: we have to follow due process and act within the law. So if we are to win the fight against them we need the strongest weapons available.

The strongest of all weapons are:

- Knowledge: we are now getting good intelligence on the criminals from our partners, and sharing our own intelligence with them. We have new

powers allowing us to monitor the criminals' communications data, which we are using. We are improving our cooperation with the legitimate waste industry to help us understand where the criminals which threaten it are operating. And we are encouraging the public to help us too, by reporting suspicious activity when they see it. At present only 25% of waste crimes are reported, largely because people think it's pointless to do so. It isn't: it helps us to understand what's happening where and to tackle it fast. So to the public I say: you are our eyes and ears. Don't let the criminals get away with it. Report anything suspicious to Crimestoppers on 0800 555 111 or our 24 hour incident hotline on 0800 80 70 60.

- Money: our ability, and that of our partners to fight the criminals depends on our resourcing. The government has shown its support by committing £10m for the EA to fight waste crime this year. But there is no reason why the taxpayer should bear all the burden. We are already using the Proceeds of Crime Act to seize criminals' assets and use our share of that money to fund the fight against them: we would like to see more of that. And we'd like to use some of the charge income we get from regulating the legitimate waste industry to fight the criminals which damage it: while we can't do that under the current rules on how we use charge income, we are keen to explore whether the industry could provide some funding – either through charges or directly to the EA – that would allow us to better protect legitimate waste businesses against the criminals. We know that there is a lot of support from within the industry itself to do exactly this.
- Deterrence: our policy now is to try to stop waste crime before it happens. One of the best ways to do that is to change how criminals calculate the odds, by imposing much tougher penalties on them if caught. We would like to see much bigger fines (at present many serious criminals treat these as business expenses) and more use of confiscation of criminals' assets. But in particular we would like to see more and longer prison sentences, which really concentrate the criminal mind.
- The law: there is scope to tighten the law to make it harder for the criminals to exploit the opportunities that currently exist.

Example: the waste carriers, brokers and dealers regime, which currently only requires people to register with the Environment Agency in order to carry out a range of waste activities, with little or no checks on who they are or what they actually do. That allows criminals to present themselves as legitimate waste operators – and has also allowed people to register their pets as official waste carriers and have fun at the EA's expense. We would like to see the system tightened and those regulated charged the full cost of policing them, which would include the costs of the EA doing the necessary checks on those who want to register. The Government is leading the way in ensuring there is no longer any scope for criminals to exploit the current

system, with plans to move from a registration to a permit-based system; to enhance the background checks needed to operate as a waste carrier, broker or dealer; and to introduce a technical competence requirement. These plans have our full support.

Example two: waste exports. Sending certain kinds of waste abroad is legal, but is it right? As more countries refuse to take our waste, how sustainable is it as a business model for those who currently export it from the UK? And is the current legal framework doing what it should, which is to protect people and the environment against harm, or is it actually providing cover for illegal and damaging waste trafficking?

The government has already said, in its farsighted Resources and Waste Strategy published in 2018, that our aim should be to process more of our waste at home and eliminate waste crime. The strategy is due to be updated next year. I think we should set ourselves the challenge then of getting as soon as possible to a position where we process all our waste at home and end all waste exports.

That would have a number of benefits. It would mean there was no longer any scope for criminals to exploit the current system and send hazardous or misdescribed waste overseas, because there would simply be no explanation for any waste going through our ports. Ending waste exports would require us to treat the waste ourselves in the UK, and we have the technical know-how to do that or develop ways to do that. The requirement to manage all our waste at home would drive more recycling, more innovation and new business in the UK, including for those firms currently exporting. And it would end the damage done to other countries and the UK's own reputation by illegal waste exports.

- Policy: last but not least, there is one rather more subtle but potentially game-changing thing we could do: if we want less waste crime, have less waste. We can do that – and help save the planet at the same time – by shifting to a circular economy in which we keep resources in use as long as possible; in which we reduce, reuse and recycle more and more of what we have, and – critically – in which we treat waste as a resource not a problem. That is the vision at the heart of the government's Resources and Waste Strategy. And it's already starting to happen, with the legitimate waste industry leading the way.

We are moving away from reliance on landfills, which can damage the environment, cause problems for the communities near them and offer easy opportunities for criminals. The country is increasingly sending waste that would have gone to landfill to modern incinerators – another route that criminals cannot get their dirty hands into. I know that incinerators are controversial, but modern Energy from Waste plants are not the same bogeyman once feared by communities in the 1970s. These days they maximise energy generation, helping keep energy bills down – particularly important right now; they take waste that can't be recycled and would otherwise end up in landfill; and they operate without harm to people or the environment, not least because the EA ensures through our regulation that they do operate in that way.

Example: Veolia's Recycling and Energy Recovery Facility in Leeds takes black bin waste, removes the recyclable materials, then sends the rest for combustion to generate electricity for the national grid and steam which provides low carbon heat and hot water to some 2,000 council homes; and recycles the incinerator ash into construction materials.

Conclusion: new things always seem impossible until they are done

Stopping waste crime is central to the struggle to free communities and our planet from pollution and tackle the climate emergency. If you cared about COP26 and you care about the Earth, you need to care about waste crime. And we need to stop it.

With our partners, with the support of the legitimate waste industry and the backing of the public we are aiming to do just that. We are doing it by bearing down on the criminals and by removing the elements in the system which allow them to commit waste crime.

Most radically of all, we are aiming not just to eliminate the criminal but to eliminate the waste as well, by transforming what is often a liability into an asset that – used in the right way as a resource – can help enhance everyone's prosperity and create a cleaner greener world.

And if we can do that, and with your help we can, we will finally have confined waste, waste crime, and the waste criminals themselves to the place they belong: the dustbin of history.