

Leicester company's recycling failure leads to charity payment

- Enforcement Undertaking accepted to address breach of environmental legislation
- Local environment and public to benefit from the Environment Agency's response to company's failure to meet packaging recycling obligations

Leicestershire's Bradgate Park Trust's Jubilee Woodland project has received a financial boost after the Environment Agency accepted an Enforcement Undertaking (EU) from Leicester-based Trafalgar Scientific Limited.

The payment is part of an EU offered by the company for its failure to register as a packaging producer and take steps to recover and recycle its packaging waste under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007.

Trafalgar Scientific Limited is now complying with the regulations and has made a payment of £17,600 to the Bradgate Park Trust's Jubilee Woodland project, along with taking other actions to ensure it doesn't happen again.

The Jubilee Woodland project aims to advance the education of the public in the appreciation and care of the environment; plant more trees for the purpose of CO² sequestration (removal and storage of CO²); protect biodiversity of the woodland and create a walkway through the park.

Trafalgar Scientific is a supplier of laboratory and microbiological equipment to both public and private sectors across the UK which includes items such as air samples, petri dishes, laboratory protection wear and DNA testing kits.

Jake Richardson, Senior Technical Officer for the Environment Agency, said:

We're pleased that Trafalgar Science is now working in line with the regulations.

Enforcement Undertakings enable businesses to address historical non-compliance under the Packaging Regulations, through a series of actions that ensure future compliance and a financial contribution to a suitable environmental project.

The aim of the Packaging Regulations is to reduce the amount of packaging waste that enters our landfill sites by requiring obligated businesses (producers) to contribute financially towards the recovery and recycling of packaging waste.

The Environment Agency is increasingly using this method of enforcement for cases to restore or enhance the environment, improve practices of the offending business and ensure future

compliance with environmental requirements. However, we will continue to pursue prosecution where appropriate.

James Dymond, Director, Bradgate Park Trust, said:

The funding from the Enforcement Undertaking will be used to plant a new area of parkland tree planting in a field adjacent to our Hallgates car park. This will also include fencing, new hedgerows, field margins and interpretation.

Please report any environmental issues to the Environment Agency's 24-hour incident hotline on 0800 80 70 60.

The company has also paid the Environment Agency's administration, investigation and legal costs.

The regulation/s the company did not meet

The aim of the Packaging Regulations is to achieve a more sustainable approach to dealing with packaging materials by ensuring that businesses take responsibility for the packaging used in their operations. This in turn reduces the amount of packaging produced and the material going to landfill.

Trafalgar Scientific has acknowledged that by failing to comply with the regulations they avoided paying the Environment Agency's annual registration fees, and they did not fund the recovery and recycling of packaging waste

In the years 2012 – 2020: Regulation 40(1)(a) – a failure to register under the Producer of Responsibility Obligations (Packaging Waste) Regulations 2007.

In the years 2012 – 2020: Regulation 40(1)(b) – a failure to recover/recycle under the Producer of Responsibility Obligations (Packaging Waste) Regulations 2007.

If a business or organisation produces or uses packaging, or sells packaged goods, they may be classed as an obligated packaging producer.

Companies are an 'obligated' packaging producer' if they (or the UK group of companies they are part of) meet both of the following criteria:

- handled 50 tonnes of packaging materials or packaging in the previous calendar year
- have a turnover of more than £2 million a year (based on the last financial year's accounts)

What is an Enforcement Undertaking?

An Enforcement Undertaking is available to the Environment Agency (EA) as an alternative sanction to prosecution or monetary penalty for dealing with

certain environmental offences. It is a legally binding voluntary agreement proposed by a business (or an individual) when the EA has reasonable grounds to suspect that an environmental offence has occurred.

Enforcement Undertakings for environmental offences were introduced under the Environmental Civil Sanctions (England) Order 2010 and the Environmental Civil Sanctions (Miscellaneous Amendments) (England) Regulations 2010.

Accepting an Enforcement Undertaking is always at the discretion of the EA but if accepted enables firms and individuals who have damaged the environment or operated outside of legislative requirements to offer to complete actions which will address the cause and effect of their offending, including making a payment to an appropriate environmental project.

EUs can be offered for offences including polluting rivers, breaching permit conditions designed to protect communities, or failing to register and comply with recycling/recovery obligations. The Environment Agency then carefully considers whether the actions offered by the offender are acceptable.

Why use Enforcement Undertakings?

- Businesses will voluntarily secure compliance now and in the future, without attracting a criminal record
- The environment, local community and those directly impacted by the offending can benefit through actions being offered in an EU
- They allow the EA to deal with the less intentional and polluting offending in a more proportionate way than prosecution through the criminal courts

The Environment Agency reserves the right to prosecute, where offenders fail to comply with the terms of an Enforcement Undertaking offer.