

Dear Sir or Madam

Waste Upholstered Domestic Seating

Information to help you ensure you comply with the existing legal requirements for waste containing Persistent Organic Pollutants (POPs)

We are sending this letter because you may be handling waste which may contain waste upholstered domestic seating.

This letter contains advice about managing waste upholstered domestic seating containing persistent organic pollutants (POPs). You should read this letter to check what you need to do and to ensure that you are compliant with the law.

The requirement set out in this letter are existing legal requirements relating to the POPs Regulations and came into force during 2016 and 2019 for the two main chemicals found in upholstered domestic seating.

We are contacting you, before we undertake compliance checks, to make sure you are aware of the requirements and give you the opportunity to review your procedures and ensure affected wastes are being managed correctly.

Background

Persistent Organic Pollutants (POPs) remain intact in the environment for long periods, and if not disposed of properly become widely distributed geographically. They accumulate in the fatty tissue of humans and wildlife and have harmful impacts on human health and on the environment.

The Environment Agency has undertaken an investigation and confirmed the widespread presence of very large quantities of Persistent Organic Pollutants (POPs) and other hazardous chemicals in both the textiles and foam of waste upholstered domestic seating. These chemicals were used as flame retardants and are now banned.

The law¹ requires that POPs in waste are destroyed to prevent lasting environmental harm and impacts on the food chain. This means waste containing POPs must be incinerated and must not be re-used, recycled, or landfilled. Most treatment is also prohibited.

Your [Duty of Care](#) means you must make sure the waste you or your contractors handle is described and managed appropriately both by you, and by anyone the waste is transferred to.

What items are affected - waste upholstered domestic seating

Waste upholstered domestic seating includes any item of upholstered seating of a household type from households or businesses that is waste. For example sofas, sofa beds, armchairs, kitchen and dining room chairs, stools and foot stools, home office chairs, futons, bean bags, floor, and sofa cushions.

¹ The Persistent Organic Pollutants Regulations 2007 (as amended) and Retained Regulation (EU) 2019/1021 on persistent organic pollutants as amended by the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020.

Upholstery includes any foam and fabric, for example textiles, leathers and synthetic leathers.

The following items are not considered 'waste upholstered domestic seating':

- Items that are not upholstered (for example a wooden chair without a cushioned or textile back, seat, or arms). These should not contain POPs.
- Deckchairs, mattresses, curtains, blinds, and beds
- Wastes from the manufacture of new domestic seating that are known not to contain POPs

You should assume that an item of waste upholstered domestic seating contains POPs unless the foam and fabric of that item has been tested to demonstrate otherwise.

What action must you take?

We expect you to review your procedures to make sure that waste upholstered domestic seating is:

- Segregated from other waste
- Described and classified correctly
- Sent for destruction in a municipal or hazardous waste incinerator, or cement kiln.

If you are currently not compliant with these requirements, you should take steps to come into compliance promptly.

You must only shred and mix waste upholstered domestic seating where that is necessary to achieve the specification provided to you by the destination incinerator. You must ensure that you

- Do so in accordance with the guidance on preparation for destruction (see How to Comply section below), and
- Have appropriate abatement and containment controls in place to prevent release of foam, fabric and particulates containing POPs.

We have published an interim regulatory position statement (RPS) to allow shredding to continue whilst appropriate abatement is installed. See [RPS 264 on Shredding waste upholstered seating containing POPs](#) for further details. You must notify us of your intention to use this RPS and comply with the conditions within it.

How to Comply

We have published the following guidance to help you comply.

Our general guidance on waste containing POPs applies to all waste containing POPs and provides an overview of the requirements.

- [Identify and Classify Waste Containing Persistent Organic Pollutants](#)
- [Manage Waste Containing Persistent Organic Pollutants](#)

In addition, we have provided specific guidance on waste upholstered domestic seating containing POPs

- [Manage Waste Upholstered Domestic Seating Containing POPs](#)

This guidance provides advice on

- Identifying and describing affected items
- Segregation, collection, and storage
- Destruction of the POPs, and preparation for destruction.

We have also provided guidance on reuse of upholstered domestic seating

- [Reusing upholstered domestic seating containing POPs](#)

Compliance Checks

Our initial approach will be to support companies seeking to come into compliance promptly.

We will start monitoring compliance from early 2023, with a more formal audit campaign planned for August 2023.

Our compliance activity will be risk based and targeted at activities that are high risk. This includes landfilling and not operating in accordance with the guidance on preparation for destruction of POPs or RPS 264 on Shredding waste upholstered seating containing POPs.

Our priority is to ensure that POPs are destroyed by incineration and are not landfilled. We will approach past or ongoing landfill of waste upholstered domestic seating in accordance with our Enforcement and Sanctions Policy.

Contacting Us

We will continue to work with our key Stakeholders, which includes the Environmental Services Association (ESA), Chartered Institution of Waste Management (CIWM), United Resource Operators Consortium (UROC), Wood Recycling Association, Charity Retail Association and Re-Use Network to help deliver a high level of compliance. There is an industry 'Resolver Group' to support customers in delivering compliance.

If you are a member of one of these bodies, you may wish to seek advice from them and raise any questions through them.

Alternatively, if you need additional advice or support on the matters referenced in this letter, and want to contact us, please use the following e-mail address.

E-mail: POPsinSOFAS@environment-agency.gov.uk



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