

## Food waste management in Scotland

### Purpose

This Food Waste Management Guidance sets out the Scottish Environment Protection Agency's (SEPA) expectations across the food waste supply chain in order to achieve high quality recycling.

Only food waste managed in accordance with this Food waste management Guidance will fulfil the waste acceptance permit condition at food waste treatment facilities regulated by SEPA in Scotland.

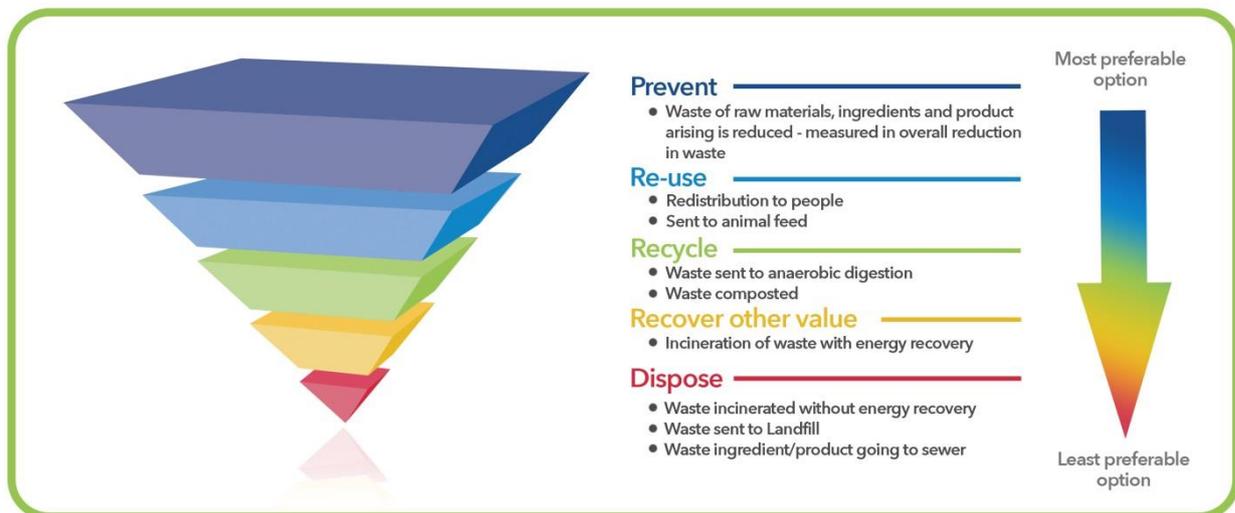
### Background

Section 34 of the [Environmental Protection Act 1990 \(as amended\) \(EPA\)](#) lays out a number of duties with respect to the management of waste. Waste must be managed correctly by storing it properly, only transferring it to the appropriate persons and ensuring that when it is transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment.

The [Waste \(Scotland\) Regulations 2012](#) amended Section 34 to implement a number of actions in the Scottish Government's Zero Waste Plan. Under these amendments, any person who produces or manages controlled waste (including food waste) has a legal duty to take all reasonable steps to ensure that the waste is managed in a manner that promotes high quality recycling.

### The Food Waste Hierarchy

Section 34 (2A) of the EPA places a duty on all persons who produce keep or manage waste, to take all reasonable steps to apply the waste hierarchy.



**Figure 1: Food waste hierarchy in Scotland**

Preventing food waste across the supply chain is the preferred option in the hierarchy. Any food surplus should, where possible, be used by redistribution centres and foodstuffs no longer intended for human consumption may be suitable as a source of nutrition in the animal feed sector. The types and quality of former foodstuffs used in animal feed are strictly controlled by European and domestic legislation, enforced by animal health officers in Local Authority Trading Standards departments. Further information on the use of

surplus food as animal feed is available<sup>1</sup>. Food redistributed to people or sent directly to animal feed, is not generally classified as waste.

## High Quality Recycling

High quality recycling of food waste is defined in the Scottish Government's statutory [Guidance on applying the waste hierarchy](#)<sup>2</sup>, as:

- Anaerobic digestion (AD) of source segregated food waste with energy recovery and production of PAS110 compliant outputs.
- In vessel composting (IVC) of source segregated food waste where PAS100 standards are met.

## Regulation of Outputs

In Scotland, if digestate complies with SEPA's regulatory position statement on the 'Regulation of outputs from anaerobic digestion processes' it may be spread on land without waste management regulatory control.

Similarly, if compost meets SEPA's end of waste criteria in the 'Regulation of outputs from composting processes' it may be spread on land without waste management regulatory control.

Material that does not meet the standards set out above will be regulated as a waste and its use must comply with any restrictions on application to agricultural land.

## Obligations along the chain of Food Waste Management

### 1. Obligations as a Food Waste Producer

The statutory [Duty of Care Code of Practice](#) states that as a food waste producer you must ensure that food waste presented for treatment is of sufficient quality to promote 'high quality' recycling' (in addition to other duty of care responsibilities).

Food businesses in Scotland producing 5kg or more food waste per week have a duty to take all reasonable steps to ensure the separate collection of food waste produced by the business unless the [rural exemption](#) applies.

Section 34 (4B) of the Environmental Protection Act 1990 defines food businesses as;

"An undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food".

Food waste is processed to produce compost or a biofertiliser (also known as digestate) and biogas to generate power in Scotland. As both the compost and the biofertiliser could potentially be used on agricultural land, it is imperative that any food waste collected is free from unwanted material such as plastic, glass and metal.

To ensure quality compost, biofertiliser and maximum power generation from food waste, SEPA expects that food waste producers:

- 1.1 Follow their food waste collection service provider's instructions on how to present food waste for collection. These instructions reflect the food waste treatment facility process (AD or IVC) and their depackaging capability. Instructions must be followed to avoid problems at the treatment facility.
- 1.2 Do not contaminate food waste with non-food waste items, such as coloured or ink-printed paper napkins (unless certified compostable, e.g. BS EN 13432), non-compostable packaging, non-compostable cutlery, metal cans or glass. Agree in advance with the food waste collector whether certified compostable packaging or certified tableware can be included with the food waste. Further

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<sup>1</sup> <https://www.gov.uk/guidance/supplying-and-using-animal-by-products-as-farm-animal-feed>

<sup>2</sup> <http://www.gov.scot/Resource/0042/00420711.pdf>

guidance on food waste in the hospitality and food industry sector is available from Resource Efficient Scotland<sup>3</sup>.

- 1.3 Remove food waste packaging. Primary packaging (i.e. the immediate packaging layer around the product) may only be retained if agreed with your food waste collector (who will know the treatment facility depackaging capability). Secondary and transit packaging such as cardboard sleeves and boxes should be removed and recycled separately, either by the food waste producer or, with their agreement, by the treatment facility.
- 1.4 Label food waste containers clearly and ensure they are easily accessible by staff.
- 1.5 Train all staff to use internal and external waste segregation systems effectively.
- 1.6 If bags are used in the collection of food waste destined for anaerobic digestion:
  - Check whether the treatment facility requires certified, compostable bags that can be fed into the process (e.g. for a dry AD operation) or whether conventional bags that can be removed during pre-treatment are acceptable.
  - Ensure collection bags enable the contents to be visually inspected without opening the bag.
  - Use only a single bag to collect food waste; avoid double or triple bagging material as this can cause problems at the food waste treatment facility.
- 1.7 Confirm with their food waste collector whether food waste going to in vessel composting or dry AD treatment must be collected separately or may be co-collected with garden waste. If either or both fractions are bagged, they should only be collected in certified BS EN 13432 biodegradable and compostable bags. Non-biodegradable bags should not be used.

Your waste contractor may refuse to uplift food waste (or charge extra) if it is deemed to be contaminated by other materials.

**Persistent non-compliance with the above obligations should be reported to SEPA. Enforcement options include a Fixed Monetary Penalty of £300 or a court imposed fine of up to £10,000 depending on the severity of the non-compliance.**

## 2. Your Obligations as a Food Waste Collector

The statutory [Duty of Care Code of Practice](#) states that as a waste collector you must ensure recycling services are designed and operated to promote 'high quality' recycling' (in addition to other duty of care responsibilities). Food waste collectors are not simply providing a service but share responsibility for food waste entering the treatment chain and the impact on quality of the final output from the treatment facility.

Food waste collection service providers must work with the food waste producers they collect from and the food waste treatment facilities they deliver to and ensure that material collected meets the facility's waste acceptance criteria (confirmed through Pre-Acceptance Assessment procedures).

In general SEPA expects that food waste collection service providers to:

- 2.1 Only collect food waste that complies with the requirements in section 1.
- 2.2 Be clear on the waste acceptance criteria for food waste treatment facilities and to refuse to collect food waste that does not meet the required criteria.
- 2.3 Provide instructions to your customers on their Duty of Care and how they should present food waste for collection. These instructions must reflect the requirements of the food waste treatment facility process (AD or IVC), including their depackaging capability and Quality Management System. This may form part of your customer contract agreement.

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<http://www.resourceefficientscotland.com/sites/default/files/Managing%20Food%20Waste%20in%20the%20Hospitality%20%26%20Food%20Service%20Industry.pdf>

- 2.4 Engage with customers and provide information (e.g. leaflets, posters, bin stickers & training) to eliminate non-conforming material from the food waste collection.
- 2.5 If bags are used in the collection of food waste destined for anaerobic digestion:
- Check whether the treatment facility requires certified, compostable bags that can be fed into the process (e.g. for a dry AD operation) or whether conventional bags that can be removed during pre-treatment are acceptable.
  - Ensure the bags enable the contents to be visually inspected without opening the bag.
  - Use only a single bag to collect food waste; avoid double or triple bagging material as this can cause problems at the food waste treatment facility.
- 2.6 Identify whether food waste going to in vessel composting or dry AD treatment must be collected separately or may be co-collected with garden waste and advise customers accordingly. If either or both fractions are bagged, they should only be collected in certified BS EN 13432 biodegradable and compostable bags. Non-biodegradable bags should not be used.
- 2.7 Instruct collection crews to assess material is fit for collection and treatment by visually checking every food waste bin for contamination. Customer feedback should be provided in order to maintain or improve the quality of material collected.
- 2.8 Implement a policy of refusing uplift of food waste deemed to be contaminated by non-conforming waste, this will require:
- Training collection crews to understand the rejection criteria to enable them to identify non-conforming waste & empower them to refuse uplift of non-compliant material.
  - Clearly labelling rejected containers.
  - Taking an evidential photograph and sending it to the customer with information on why their food bin was not emptied.
  - Giving the customer the option of removing contamination and rescheduling the uplift.
  - If the customer refuses to remove contamination, arranging uplift as residual waste and charge for additional treatment and / or disposal costs and admin fee.
  - Advising customers on how to segregate food waste correctly for future collection.
- 2.9 Report persistent offenders to Local Authority enforcement function or to SEPA via [zerowaste@sepa.org.uk](mailto:zerowaste@sepa.org.uk).

### 3. Your Obligations as a Food Waste Treatment Facility

The statutory [Duty of Care Code of Practice](#) states that as a waste manager (in the treatment of food waste), in addition to complying with the conditions of your environmental permit; you must take all reasonable steps to promote 'high quality' recycling.

In order to achieve high quality recycling, SEPA expects food waste treatment facilities to:

- 3.1 Only accept food waste that complies with the requirements of this guidance.
- 3.2 Work with food waste collection service providers to ensure that material collected meets the facility's waste acceptance criteria.
- 3.2 Conduct a Pre-Acceptance Assessment on waste streams from individual collection service providers. This will include evidence that they are complying with requirements in section 2 of this Guidance.
- 3.3 Understand the facility's capability to remove packaging from food waste and use this to develop 'critical limits' for waste acceptance criteria.
- 3.4 Inspect all incoming loads and reject food waste that is contaminated by non-target material to an extent that may compromise the quality of the facility's output.
- 3.5 Notify SEPA of rejected food waste loads and the reason for rejection.

- 3.6 Produce output certified to the relevant PAS where possible. If the digestate or compost complies with the relevant SEPA regulatory position it may be used without waste regulatory controls.
- 3.7 Ensure your customers are aware of their obligations set out in section 4 of this guidance.

#### 4. Your Obligations as a Farmer, Contractor or Land Manager in the Application of Food Waste Derived Anaerobic Digestate or Compost to Agricultural Land

Anaerobic digestate and compost are valuable sources of nutrients and may be applied to arable, grass and forage land. There are regulatory controls in place for composts and digestates derived from kitchen wastes and other animal by-products (ABP) to ensure their safety.

However, if the digestate complies with SEPA's regulatory position statement on the 'Regulation of outputs from anaerobic digestion processes' it may be spread on land without waste management regulatory control.

Similarly, if the compost complies with SEPA's 'Regulation of Outputs from Composting Processes' regulatory position statement processes' it may be spread on land without waste management regulatory control.

Material that does not meet the standards in the relevant position statement will be regulated as a waste and its use must comply with any restrictions on application to agricultural land.

SEPA expects farmers, contractors and land managers applying food waste derived anaerobic digestate or compost to agricultural land to:

- 4.1 Check the quality of the material before it is applied to land and obtain analysis results to demonstrate the value of the material to agriculture and determine the appropriate application rate. Additionally it may be useful to:
  - Visit the site and talk to the compost/digestate producer about the quality of their product(s) and any plastic contamination that may be present.
  - Access the information and use the checklist in the Farmer's Guide to Sourcing and Using Digestate and compost available on the NFU Scotland website<sup>4</sup>.
- 4.2 Inform the compost or digestate producer of any specific end user requirements and check the material complies with any relevant quality assurance scheme rules.
- 4.3 Comply with CAR [General Binding Rule 18](#)<sup>5</sup> and the [Prevention of Environmental Pollution from Agricultural Activity Code of Good Practice](#) (PEPFAA Code) on fertiliser application
- 4.4 Ensure appropriate application equipment is available. Recent research has shown that applying whole digestate and digestate liquor using modern bandspreaders (and shallow injectors on grass) results in reduced nitrogen losses and increased use efficiency, therefore their use is recommended where possible.
- 4.5 Understand and comply with the [Animal By-Products Regulations](#), i.e.
  - prevent livestock access to composts and digestate that are stored on farm before application to land;
  - adhere to specified minimum grazing / harvest intervals following application;
  - keep records to demonstrate that grazing / harvest intervals have been observed.

**This guidance applies only in Scotland. The terms of this guidance may be subject to periodical review and be changed or withdrawn in light of technological or scientific developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the guidance outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.**

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<sup>4</sup> [http://www.nfus.org.uk/uploadedFiles/ZWS566\\_Farmers\\_guidance\\_document\\_FINAL\\_WEB.pdf](http://www.nfus.org.uk/uploadedFiles/ZWS566_Farmers_guidance_document_FINAL_WEB.pdf)

<sup>5</sup> GBR18: The storage and application of fertiliser