

Statement by the Federal Association of German Hazardous waste Incineration Plants (Bundesverband Deutscher Sonderabfallverbrennungsanlagen, BDSAV) on the importance of cross-border transport as a prerequisite for safe, environmentally compatible and efficient disposal of hazardous waste

“Waste imports and exports are governed by general conditions and state controls based on international accords (the Basel Convention) and European Union regulations.” (Quotation from the 2005 balance sheet for waste imports and exports in North Rhine-Westphalia)

1 Background

Of the four principles on which the European Union bases its approach to waste management (the prevention principle, the ‘polluter pays’ principle, the precautionary principle and the proximity principle), it is the proximity principle that is the focus of current discussion. According to this principle, waste must be disposed of at the nearest suitable waste disposal facility. When consistently applied, the proximity principle is supposed to enable waste transportation to be reduced to a minimum. Transport of waste to countries with low waste disposal standards, popularly known as “waste tourism”, would as a result no longer occur. The new EU regulation on the shipment of waste was also enacted in this spirit, as a tool for combating “ecodumping” and “Scheinverwertung” (false recycling)¹. Against this background, the efforts to restrict waste shipments are understandable.

Unfortunately, in the context of this debate, the legitimate practice of transporting hazardous waste to the hazardous waste incineration plants provided for the purpose – including shipments across international borders – has attracted unwarranted criticism and is unfairly compared with the aforementioned phenomenon of “waste tourism”, which is rightly denounced.

The planned shipment of 22,000 tons of polluted material in the form of HCB-contaminated hazardous waste from Australia to Germany, which has recently attracted strong criticism, illustrates that the proximity principle, when dogmatically applied, is at the very least obstructive towards a rational, environmentally compatible waste disposal solution. According to the owners of this waste, ORICA, and the Australian authorities responsible for it, there is no suitable waste disposal facility for this type of waste anywhere in the southern hemisphere. After months of investigations, numerous consultations between the authorities and policymakers and several audits of performance capability, all those involved reached the conclusion that the best environmental solution for this contaminated waste was a one-off shipment to hazardous waste incineration plants in Germany - in particular, because the technical standards at the chosen plants, which are the strictest in the world, rule out the possibility of any public health risk, even from the incineration of hexachlorobenzene. Thus, the German

¹ Translator’s note: a practice, recently widespread in Germany, designed to avoid high costs of incineration: waste is declared to have been collected for recycling and is thus freely transportable; it is then shipped abroad, redesignated ‘waste from sorting’ and dumped as landfill at a lower cost.

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety concluded in a study published in July 2005 that, thanks to the limits that have been in force for over ten years, emissions from waste incineration plants are "no longer of significance in terms of health".

Waste policy is a part of environmental policy. If environmental policy in Germany is viewed from both a national and an international perspective, then policy on waste must also include international aspects. There are various reasons for shipping hazardous waste, both within Germany and within Europe, a process which always involves expense for the generator of the waste. The most important reasons are as follows:

- the free flow of waste within a specified geographic area and under a unified legislative framework, such as exists in Europe, permits optimized logistical assignment of specific categories of waste to those waste disposal facilities that are best technically equipped to handle them.
- in order to be able to provide business and the public with assurances of safe disposal, even in the event of maintenance-related and hence scheduled plant down time (which constitutes 10 - 20 % of plants' annual operating time), it is necessary to rely on a network of geographically separate plants.
- to operate a plant efficiently and in a technically, environmentally and economically viable manner, it is necessary to have the right combination of parameters, including the calorific value and consistency from various waste fractions (known as the waste menu).
- the investment required to construct a hazardous waste incineration plant capable of disposing of and recycling waste materials in all conceivable chemical and physical waste categories according to the exacting environmental standards in force in Germany range from tens to hundreds of millions. Not all German federal states, nor even all EU countries, can afford this. Under these circumstances, only a waste logistics process operating at German federal and European level, overseen by the appropriate authorities and subject to quantitative inventories, will provide the necessary economic framework conditions.

Apart from being essential in terms of the global approach to environmental protection, the import of hazardous waste to Europe/Germany is also, for North Rhine Westphalia Environment Minister Eckhard Uhlenberg, "the expression of a highly efficient waste disposal infrastructure", and is based on various factors:

- the absence of waste disposal capacity for certain categories of waste.
- the statutory duty of German industry to take back and recycle waste.
- GTZ [the German Society for Technical Cooperation] projects, as a special form of German developmental aid.

Thus, hazardous waste such as persistent organic pollutants (POPs) or pesticides from Germany/Europe are incinerated in German hazardous waste incineration plants at the expense of the German taxpayer. The target countries for this assistance are in Africa, Latin America and Asia.

Imposing rigid restrictions on the shipment of waste would not only have direct negative consequences, but would also counteract the efficiency and environmental benefits of being able to freely choose between waste disposal plants.

2 Significance for Hazardous Waste Incineration in Europe

Hazardous waste disposal requires high-tech equipment and personnel with first-class training. In view of the high level of private sector investment required, plant operators need at least a minimum degree amount of security in terms of political plans in order to ensure their economic survival and maintain the safety of the waste disposal process. We are convinced that maintaining a functioning infrastructure of purpose-built hazardous waste incineration plants is vitally important for ensuring a hazardous waste disposal process in Europe that conserves resources.

In order to recoup investments (particularly in minimizing emissions), in some cases amounting to hundreds of millions over a period of about 30 years, hazardous waste incineration plants must, from the technical and economic points of view, have a minimum size. Decentralized hazardous waste disposal process in numerous small plants is therefore not viable, nor will it be viable in the future. As a result of these practical constraints, a waste disposal infrastructure has been developed that is based largely on a few high-technology, in part specialized plants, which can only fill their available capacity if they are supplied with a flow of material, including cross-border shipments. Thus a modern system of hazardous waste disposal such as we have been successfully practicing for years is essentially cross-border in nature. We therefore issue a warning that the main thrust of the current proposals by the North Rhine-Westphalia Environment Ministry on waste shipments as announced in the media has the potential to jeopardize the existence of an infrastructure that has been tried and tested over decades.

If these channels of waste shipment are categorically ruled out, these plants will be robbed of the reason for their existence and the owners of the waste will then be denied the option of disposing of their hazardous waste in a safe and regulated manner for the foreseeable future.

Conclusion

The energy-efficient, safe and environmentally friendly disposal of hazardous waste is a service offered across borders and is only possible using existing hazardous waste incineration plants. These plants indisputably possess the required technology and know-how. Blanket coverage achieved through decentralized provision of expensive hazardous waste incineration plants consuming large amounts of energy makes no sense from an environmental standpoint and is economically unrealistic. What does make sense is to keep waste disposal centers with finely-tuned logistical processes enabling them to receive the precise quantities and categories of waste to ensure efficient disposal.

The shipment of hazardous waste must remain an option within Germany and Europe in the future in order to ensure:

- that government and private sector financial resources are put to the most effective use
- that the best (which is not always the nearest) plant can be selected in each case
- that the safety of the disposal process can be safeguarded everywhere.

The importation of hazardous waste to Europe must also remain an option in the future in individual cases, in particular those involving developmental aid projects, requests for aid from other countries, the statutory obligation of German industry to take back waste and provision of support during plant down times. It must once again be stressed that, in view of the high prices that those generating the waste are prepared to pay for the safe and

environmentally friendly disposal of their hazardous waste , this does not constitute "waste tourism".

Hazardous waste must be disposed of exclusively in hazardous waste incineration plants that are operated and equipped for this purpose, not only to comply with the law but more specifically in the interests of a sustainable environmental policy. Shipments are thus a necessary precondition for this logistics and waste disposal process, and, like the waste disposal process itself, are subject to the most stringent safety requirements.