

Proposed Secondary Regulations

Within this proposed Bill, it is intended to use the vires to establish secondary legislation for environmental protection. The proposed application of equivalent UK environmental regulations or the fundamental EU Directives which establish frameworks for environmental protection where it is reasonable and proportionate to utilise on the Isle of Man are described below.

Regulations will be developed and open to public consultation following Tynwald approval of the Bill into law.

DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on waste (Waste Framework Directive (WFD))

The Directive 2008/98/EC establishes a comprehensive framework for waste management, aiming to protect human health and the environment by reducing the adverse impacts of waste generation and disposal.

The waste hierarchy is a central element of Directive 2008/98/EC, serving as a guiding framework for sustainable waste management. It prioritizes waste management strategies from most to least preferred: at the top is waste prevention, which aims to minimize waste generation at the source; next is preparing for reuse, followed by recycling, which converts waste into secondary raw materials; then recovery, such as through energy recovery; and finally disposal as the least favoured option. This structured approach not only reduces the environmental and health impacts associated with waste but also promotes the transition to a circular economy by maximizing resource efficiency and minimizing landfill use.

The primary aims of this legislation are:

- International Alignment of waste definitions;
- Increase in re-use and recycling targets for waste;
- Greater harmonisation and simplification of the legal framework on by-products and end-of-waste status;
- New measures to promote waste prevention, including for food waste, and re-use.

Waste (England and Wales) Regulations 2011

These are requirements for the management, handling, and disposal of waste to ensure environmental protection. The regulations emphasize the need for waste producers to ensure waste is managed properly, promoting recycling and the reduction of waste sent to landfill. Key provisions include duties on the segregation of waste, proper classification, and documentation, alongside the implementation of the waste hierarchy, which prioritizes waste prevention, reuse, recycling, and recovery over disposal. The regulations also outline responsibilities for businesses and local authorities in managing waste and enforcing compliance.

This legislation will support the Department of Infrastructure (DOI) Waste Strategy for:

- Ensuring an efficient household waste collection service
- Ensuring efficient Civic Amenity Site service
- Waste Strategy for Waste Prevention & Re-use
- Waste Strategy for Waste Recycling
- Waste Strategy for Landfill Waste

Energy Act 2023

The Energy Act 2023 seeks to allow comprehensive regulations to be made covering aspects such as energy licensing, offshore energy production, including environmental protection, licensing and decommissioning. The Act requires that licence applications demonstrate adherence to stringent ecological standards to minimize habitat disruption and other adverse environmental impacts, thereby aligning new energy infrastructure with net zero and sustainability goals. This integrated approach ensures that environmental safeguards remain a core priority, promoting both a resilient energy network and a healthy natural ecosystem.

This legislation will support environmental protection and sustainable environmental management of future industries.

Environmental Protection Act 1990

The UK Environmental Protection Act 1990 was designed to improve the control of pollution arising from certain industrial processes, including waste on land and the collection and disposal of waste. This is a key piece of waste legislation aimed at protecting the environment from pollution and promoting sustainable waste management practices. It sets out provisions for the control of waste, including the disposal, management, and treatment of waste materials to minimize environmental harm. The Act also establishes a framework for regulating air, land, and water pollution, outlines responsibilities for waste producers and authorities, and creates the legal basis for enforcing pollution control measures. Additionally, it introduces provisions for contaminated land remediation, the duty of care for waste management, and the licensing of waste disposal activities to ensure environmental standards are maintained. Provisions of this Act provided the power to make the following UK regulations.

- Controlled Waste Regulations 2012
- Hazardous Waste Regulation 2005

Controlled Waste (England and Wales) Regulations 2012

These regulations provide for classifications of household, industrial and commercial waste. The regulations provide for proscribed collections and disposal for resource consumption. The Controlled Waste (England and Wales) Regulations 2012 define and categorize different types of waste that are considered controlled. These regulations specify the types of waste that require special handling, disposal, and treatment due to their potential harm to the environment or human health. They set out a classification system for different waste streams, including household, industrial, and commercial waste, and outline the responsibilities of waste producers and operators to ensure proper management and disposal. The regulations also provide a framework for determining which waste is subject to the provisions of the Environmental Protection Act 1990, ensuring proper licensing and compliance.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

Hazardous Waste (England and Wales) Regulations 2005

The Hazardous Waste (England and Wales) Regulations 2005 set out the legal framework for the management, disposal, and transportation of hazardous waste. The regulations require businesses to ensure that hazardous waste is identified, classified, and handled safely, in compliance with strict requirements to protect human health and the environment. They specify how hazardous waste should be stored, transported, and disposed of, and establish a system for obtaining waste transfer notes and tracking the movement of hazardous waste. The regulations also impose responsibilities on producers, carriers, and disposal operators, requiring them to

ensure that hazardous waste is dealt with in an environmentally sound manner. The goal is to reduce the risks associated with hazardous waste and promote safe disposal and recycling practices.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) & REACH Enforcement Regulations 2008

This regulation is aimed at ensuring the safe use of chemicals. Its adaption to the Isle of Man will require downstream users to provide information on their properties and potential hazards of substances identified as substances of very high concern and demonstration that their use is restricted to only essential projects. The regulation is designed to improve human health and environmental protection.

There are environmental protection risks posed by substances of very high concern for operations onshore and offshore. The restriction of SVHCs means that whereby industry alternatives should be applied where ever possible to do so, and that continued use of these substances for essential activities is conducted in a safe and controlled manner.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

Water Framework Directive 2000/60/EC

The Water Framework Directive (WFD), aims to protect and improve the quality of water resources by promoting sustainable water management. It establishes a framework for achieving "good status" for all water bodies, including rivers, lakes, groundwater, and coastal waters, by addressing pollution, over-extraction, and ecosystem degradation.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

Groundwater Directive 2006/118/EC

Currently, the Isle of Man does not have any protective groundwater legislation. The primary intention of this proposed legislation is to adopt groundwater controls for managing chemical status and pollution prevention and protecting against over-extractions; in particular risks from landfills. The proposed legislation will set specific quality standards for groundwater and permissible levels of various pollutants such as nitrates, heavy metals, pesticides and organic pollutants that could cause harm to the environment or human health.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

EU Energy Efficiency Directive 2012/27/EU

The EU Energy Efficiency Directive (2012/27/EU) aims to promote energy efficiency to reduce energy consumption, lower greenhouse gas emissions, and enhance energy security. It sets binding targets for energy

efficiency improvements, with a key objective to achieve a 32.5% improvement in energy efficiency by 2030. The directive requires member states to adopt national energy efficiency plans, implement measures like energy audits, and encourage energy-saving practices in public buildings, industry, and transportation. It also mandates that public bodies lead by example in energy savings, promotes the use of energy services, and establishes frameworks for energy efficiency funding. The directive supports the EU's broader climate and energy goals, aiming for a cleaner, more sustainable energy system.

The Air Quality Regulations 2010

This legislation sets out legal limits and objectives for key air pollutants in order to protect public health and the environment. These regulations establish limits for substances such as particulate matter (PM10), nitrogen dioxide (NO2), sulphur dioxide (SO2), and ozone. The regulations seek to make provisions to monitor air quality, assess compliance with these limits, and take necessary actions if air quality standards are exceeded. They also include provisions for public information, ensuring that citizens are informed about air pollution levels, and outline the responsibilities of authorities in managing and improving air quality. This legislation allows the Island to align its air quality standards with international commitments to reduce air pollution and protect health under the Convention on Long-Range Transboundary Air Pollution.

This legislation will support the DOI Waste Strategy for:

- *Waste Strategy for Waste Prevention*
- *Strengthening waste legislation for environmental protection*

Classification, Labelling and Packaging (CLP) Regulation 2008

The legislation sets out the legal framework for classifying, labelling, and packaging hazardous chemicals, ensuring they are communicated clearly to users about the risks they pose. The regulation aligns with the European Union's CLP Regulation (Regulation (EC) No 1272/2008), which implements the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). It requires that substances and mixtures are classified according to their health, environmental, and physical hazards, and that appropriate hazard symbols, precautionary statements, and safety information are displayed on packaging and labels. The goal is to enhance the safe use of chemicals, protect human health and the environment, and ensure consistency in labelling across countries. Post-Brexit, the UK has retained the CLP regulations, with minor adjustments to ensure they function within the domestic legal framework.

This legislation will support the DOI Waste Strategy for:

- *Strengthening waste legislation for environmental protection*

Landfill Directive 1999/31/EC & Landfill (England and Wales) Regulations 2002

These regulations aim to reduce the environmental impact of landfilling waste, focusing on promoting recycling and waste recovery. It sets stringent requirements for the operation, closure, and aftercare of landfill sites, including the need to reduce methane emissions and prevent leachate contamination. The regulations establish criteria for the classification of waste accepted at landfills and requires monitoring and reporting to ensure compliance with environmental standards.

The landfill regulations establish the regulatory framework for the management and operation of landfills. These regulations aim to reduce the environmental impact of landfill sites, particularly concerning waste disposal, leachate, and landfill gas emissions. They set requirements for the classification of waste, ensuring that only suitable materials are disposed of in landfills, and impose strict conditions on operators regarding the monitoring, reporting, and management of landfill sites. The regulations also include sustainability and zero

waste principles related to waste management and landfill diversion, while introducing more stringent controls on waste types accepted at landfills and enhancing provisions for closure and aftercare. The regulations are an effort to reduce waste going to landfill and encourage recycling and more sustainable waste management practices.

This legislation will support the DOI Waste Strategy for:

- *Waste Strategy for Waste Prevention*
- *Waste Strategy for Landfill Waste*

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

These regulations will require businesses that produce, import, or use packaging to take responsibility for the recycling and recovery of packaging waste. The regulations aim to reduce the environmental impact of packaging by setting recycling targets for different types of packaging materials and requiring businesses to contribute to the costs of recycling through compliance schemes. The regulations are part of efforts to increase recycling rates, and promote sustainable practices in line with the UK Climate Change Plan waste management.

This proposed interpretation of this UK legislation will support the DOI Waste Strategy for:

- *Waste Strategy for Waste Prevention & Re-use*
- *Waste Strategy for Waste Recycling*

Environmental Permitting (England and Wales) Regulations 2016

The regulations provide a framework for the regulation of activities that could impact the environment, such as waste management, water management, air pollution, and industrial processes. The regulations require businesses and operators to obtain environmental permits for activities that have the potential to cause pollution or harm to human health and the environment. These permits set conditions on emissions, waste disposal, and resource use, ensuring compliance with environmental standards. The regulations streamline and simplify environmental permitting processes, replacing numerous previous laws and regulations. They are key to the UK's efforts to ensure sustainable and compliant environmental practices across various industries, helping to meet domestic and international environmental obligations.

Pollution Prevention and Control Act 1999 & (Fees) Regulations 2017

The UK Pollution Prevention and Control Act 1999 provides the legal foundation for regulating industrial emissions in the UK, aiming to prevent and control pollution from industrial and other activities. It establishes a framework for granting permits to operators of installations that may pollute the air, water, or land, with the aim of minimizing the environmental impact of their operations. The Act introduces the requirement for Best Available Techniques (BAT) to be used in controlling emissions and sets out a licensing system for a wide range of industrial sectors, including power generation, chemical production, and waste management. The legislation is designed to comply with EU directives and to contribute to achieving both national and international environmental goals, such as reducing air and water pollution and improving public health. It has been updated and integrated with other regulations, particularly in relation to industrial emissions and environmental permitting.

The legislation introduces the use of fees for companies applying for environmental permits in order to apply the Polluter Pays Principle, in which those producing pollution contribute to the management and monitoring of such emissions.

Offshore Chemicals Regulation 2002

The regulations govern the use and discharge of chemicals in offshore oil and gas operations. The regulations require operators to obtain consent before discharging chemicals into the marine environment, ensuring that only substances deemed safe for marine life are used. The regulations align with international agreements on protecting the marine ecosystem, including a rigorous assessment and approval process for chemicals used offshore, aiming to reduce environmental harm from chemical discharges under our OSPAR commitments.

Urban Waste Water Treatment Directive 91/271/EEC

This aims to protect the environment from the harmful effects of untreated wastewater. It sets requirements for the collection, treatment, and discharge of urban wastewater from cities and industrial areas, particularly focusing on reducing organic matter, nutrients (such as nitrogen and phosphorus), and pathogens in treated water. The regulations mandate secondary and, where necessary, tertiary treatment for wastewater and requires compliance with water quality standards to improve the health of aquatic ecosystems.

Waste Electrical and Electronic Equipment (WEEE) Directive 2012/19/EU & The Waste Electrical and Electronic Equipment Regulations 2013

This seeks to minimize the environmental impact of waste electrical and electronic equipment (WEEE) by promoting the recycling and proper disposal of such products. It establishes producer responsibility, requiring manufacturers and importers to finance the collection, treatment, recycling, and disposal of WEEE. The directive aims to reduce the amount of electronic waste sent to landfills, increase the reuse of valuable materials, and ensure that hazardous substances in electronic products are handled safely.

This establishes a framework for the collection, recycling, and recovery of electrical and electronic waste. The regulations require producers to register with a compliance scheme, ensure their products are marked for recycling, and contribute to the costs of waste collection and treatment. They aim to reduce the environmental impact of WEEE by encouraging recycling, reducing landfill disposal, and improving the recovery of valuable materials from electronic waste.

Batteries and Accumulators Directive 2006/66/EC

The environmental impact of batteries and accumulators is targeted in this legislation, aiming to minimize waste and encourage recycling. It sets requirements for the collection, treatment, and recycling of waste batteries and accumulators, as well as for the labelling of hazardous substances. The directive promotes the reduction of hazardous materials in batteries, ensures that they are collected and recycled properly to ensure responsible disposal.

Asbestos Directive 87/217/EEC

This aims to reduce the risks posed by asbestos to human health and the environment by controlling its disposal. The directive sets guidelines for the safe disposal of asbestos-containing materials, to protect groundwater and the environment.

End-of-Life Vehicles (ELV) Directive 2000/53/EC

A framework for the treatment, recycling, and disposal of end-of-life vehicles has been developed in these regulations. The regulations require dismantling and recycling, with mandates that a high percentage of vehicle components be reused or recycled. It also sets targets for the recovery of materials from scrap vehicles, ensures the safe disposal of hazardous substances, and encourages the development of systems for the collection and treatment of ELVs.

Industrial Emissions Directive (IED) 2010/75/EU

This regulates the emissions of pollutants from industrial installations. It sets stringent standards for a wide range of industrial activities, including energy production, manufacturing, and chemical processing. The legislation requires industries to use the Best Available Techniques (BAT) to reduce emissions of air, water, and soil pollutants and to monitor and report their emissions. It aims to protect human health and the environment while promoting cleaner and more efficient industrial practices.

Medium Combustion Plant Directive 2015/2193/EU

This legislation sets emissions limits for medium-sized combustion plants (between 1 and 50 MW) to reduce air pollution from industrial and power generation activities. It establishes requirements for monitoring, reporting, and controlling emissions of pollutants such as nitrogen oxides (NO_x), sulfur dioxide (SO₂), and particulate matter (PM). It aims to improve air quality and contribute to the EU's efforts to reduce the environmental impact of medium-sized combustion installations.

The intention of the Bill is to provide vires for emission limits in such cases where there are combustion plant energy sources.

Stage I Petrol Vapour Recovery Directive (PVR I) 94/63/EC

This legislation aims to reduce the release of volatile organic compounds (VOCs) during the refuelling of vehicles at service stations. The directive requires the installation of vapour recovery systems at fuel pumps to capture and return gasoline vapours to storage tanks, preventing their release into the atmosphere.

A proportional response to implement this legislation is recommended given the current political decision to move away from internal combustion engine vehicles.

Solvent Emissions Directive 1999/13/EC

The legislation seeks to limit the emissions of volatile organic compounds (VOCs) from industrial activities that use solvents, such as painting, printing, and coating. The legislation allows for emission limits for specific sectors to be developed and requires the use of techniques to reduce solvent emissions, such as process modifications, solvent recovery, and the use of low-emission solvents. The goal is to improve air quality, and minimize the environmental and health risks associated with solvent use.

Persistent Organic Pollutants Regulations 2007

These are a set of legal measures implemented in the UK to control and reduce the production, use, and release of persistent organic pollutants (POPs). These harmful chemicals, which include substances like polychlorinated biphenols and certain pesticides, are known for their long-lasting environmental and health impacts due to their ability to persist in the environment, accumulate in living organisms, and travel long distances. The regulations align with international agreements such as the Stockholm Convention and impose restrictions on the manufacturing, import, and export of POPs, while also setting requirements for their disposal and monitoring to minimize risks to human health and the environment.

Offshore Installations (Emergency Pollution Control) Regulations 2002

This legislation set out requirements for the prevention and control of pollution from offshore oil and gas installations in the event of an emergency. The regulations require operators to have emergency plans and procedures in place to deal with potential pollution incidents, such as oil spills. These plans must include measures to contain, mitigate, and remediate the effects of pollution, and operators must ensure that resources are available for an effective response. The regulations help to minimize environmental harm and ensure swift and efficient action during emergency situations offshore.

Environmental Liability Directive 2004/35/EC and the Environmental Damage (Prevention and Remediation) (England) Regulations 2015

The aim of the legislation is to establish a legal framework for preventing and remediating environmental damage, including contamination of land, water, and biodiversity. The regulations make operators financially liable for any environmental damage caused by their activities, requiring them to take preventative measures and restore the environment to its original state. They also provide a system for authorities to enforce remediation and ensure that polluters bear the cost of the damage they cause, aligning with the Polluter Pays principle.

Control of Major Accident Hazards 2015 (COMAH) & Seveso III Directive 2012/18/EU

This requires operators of establishments where dangerous substances are used, stored, or processed to take measures to prevent major accidents and limit their consequences. The regulations apply to a wide range of industrial activities, including chemical manufacturing and storage, and mandate the preparation of safety reports, risk assessments, and emergency plans. COMAH also requires operators to notify authorities and the public about potential risks and to regularly review and update safety measures. The regulations align with the EU's Seveso III Directive and aim to protect human health, property, and the environment from major industrial accidents.

The primary aim of the Seveso Directive is to prevent major accidents involving dangerous substances and to limit their consequences for human health and the environment. The directive sets safety requirements for industrial facilities that handle hazardous chemicals, including the preparation of risk assessments, safety reports, and emergency plans. It also mandates public access to information about risks and safety measures. The Seveso III Directive strengthens the previous Seveso II Directive by expanding its scope to include more substances and by enhancing the role of national authorities and public participation in industrial safety.