

Environmental Legislation

Energy Efficiency Labelling

- Refrigerators and freezers 1994
- Washing machines 1996
- Tumble driers 1996
- Washer driers 1997
- Lamps 1999
- Dishwashers 1999
- Air conditioners 2003
- Electric ovens 2003

Eco Design for Energy Using Products Regs 2007

- Covers manufacture, usage and disposal of products in relation to the environment
- Minimum energy efficiency requirements
- Has resulted in the removal of inefficient boilers, domestic fridges & freezers and fluorescent lamp ballasts from the market
- More new products to be covered soon
- Consultation on enforcement – likely TS retail labelling and DEFRA do testing

Detergents Regs 2005

- Composition - Ingredients (e.g. surfactants) in detergents and other household and industrial cleaning products must meet strict standards for biodegradability
- Products must be labelled with the concentration, in percentage ranges, of these ingredients, and also of the presence of certain allergens.
- Powers of entry, inspection, sampling, warrants
- We can issue enforcement notices to rectify
- Or max up to 2 years and/or unlimited fine

VOC's & Solvents in Paints

- Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 - to reduce emissions for better air quality
- DEFRA recently delegated monitoring and enforcement to Local Authorities – TS and EHO's.
- Regulation 4 limits the marketing of paints and varnishes and vehicle refinishing products, listed in Schedule 1, unless they have a VOC (volatile organic compound) content which does not exceed the limit values set out in Schedule 2 by the dates set out in that Schedule.
- Regulation 5 requires that products in Schedule 1 carry a label concerning the maximum VOC content of that product in a ready to use condition.

The Biofuel (Labelling) Regulations 2004

- Where you sell to the "ultimate consumer" must place a permanent notice, which is obvious to your customers, on the dispenser which must state:
- "Not suitable for all vehicles: consult vehicle manufacturer before use"

Clean Air Act 1993

- Section 30 - offence to contravene compositional requirements of motor vehicle fuel under Regulations
- TS duty to enforce Regs made under Section 30 of Act and TDA powers
- e.g. Motor Fuel (Composition and Content) Regulations 1999

Packaging

- Packaging (Essential Requirements) Regulations 2003
- Complex definition of "Packaging" but wide – BERR Dec 2008 guidance – "anything recognised as packaging and in use as packaging would in general be likely to be covered by these Regulations"
- "Responsible person" – person liable – wide also – usually packer/filler or importer but can be brand owner
- No person who is a responsible person shall place on the market any packaging unless the essential requirements have been complied with in relation to it
- "Place on the market" – intention of sale or distribution
- Reg 5 – must meet essential requirements in Sch 1, part 1, i.e.
- Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.
- Reg 6 - concentration levels of lead, cadmium, mercury and hexavalent chromium of packaging must not exceed certain limits
- Reg 7 – If we request it, the responsible person must provide us –
- Within 28 days technical documentation showing how complies with essential requirements and heavy metal limits
- Technical documentation retained by them for 4 years after placed on the market
- Breach of essential requirements or heavy metals penalty -
- Summary conviction max £5000 fine
- On indictment unlimited fine
- Breach of technical documentation –
- Summary only max £5000 fine
- Reg 11 - Due Diligence defence
- Reg 12 –
- If due to an act or default committed by some other person in the course of any business of his, can proceed against either or both
- Company officers – consent, connivance, neglect

- Only 4 prosecutions under Regs since 1999
- Hard to define “excessive”
- Loophole in law - subjective criteria in the essential requirements - ‘acceptance for the packed product and for the consumer’
- This term enables a defence that the amount of packaging used is not “excessive”
- As it is expected by the consumer and affords the product a competitive advantage in the market
- Or that it is needed to present the product to the consumer in good condition
- BIS (formerly BERR) seeking to close loophole

HIP’s EPC’s and DEC’s

Housing Act 2004 Part 5 and The Home Information Pack (No 2) Regulations 2007

- Provision of Home Information Packs (HIP) (and Energy Performance Certificates) for residential properties on the market for sale.

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007

- Reg 5 - Provision of Energy Performance Certificates (EPC) for buildings for sale or rented out. This links in to HIPs.
- Reg 16 – Certain public buildings to display a Display Energy Certificate (DEC)

Fluorinated Greenhouse Gases Regulations 2009

- They aim to reduce emissions of f-gases by getting end users to better control their use and, in particular, to try and reduce rates of refrigerant leakage.
- They prescribe requirements for companies and qualifications for personnel working in five industry sectors covered by the EC regulation, there are offences and penalties for failure to comply

CPRS 2008

- unfair or misleading trade practices in connection with green claims or omissions