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## MPA CODE OF PRACTICE FOR THE USE OF WASTE MATERIALS IN CEMENT AND DOLOMITIC LIME MANUFACTURE

### NOTE ON THE MOVE TO “GUIDANCE ON THE CLASSIFICATION AND ASSESSMENT OF WASTE - TECHNICAL GUIDANCE WM3” IN ANNEX II - LIST OF EXCLUDED SUBSTANCES AND PROPERTIES

#### INTRODUCTION

1. Following the EU Regulation on the Classification, Labelling and Packaging of Substances and Mixtures 1272/2008 (CLP)<sup>a</sup> coming into full force, the UK Regulators issued *Guidance on the classification and assessment of waste - Technical Guidance WM3*<sup>b</sup>, superseding *Technical Guidance WM2* which was withdrawn. The CLP regulation embeds the United Nations’ Globally Harmonised System on the classification and labelling of chemicals (GHS) into law. The Health and Safety Executive<sup>c</sup> notes that: “As GHS was heavily influenced by the old EU system, the CLP Regulation is very similar in many ways.”
2. The updated regulations and guidance use ‘Hazard Statements’ which have replaced the ‘Risk Phrases’. As a result, the attached information should be used in place of *Annex II - List of Excluded Substances and Properties*, when using the *MPA Code of Practice for the Use of Waste Materials in Cement and Dolomitic Lime Manufacture*, specifically those used in *Annex II - List of Excluded Substances and Properties*.
3. The attached information ensures the currency of the Code of Practice and maintains the original agreements with UK Regulators on the excluded substances and properties. The change from WM2 to WM3 does not affect existing arrangements to use alternative raw materials and waste derived fuels.

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<sup>a</sup> EU Regulation on the Classification, Labelling and Packaging of Substances and Mixtures 1272/2008 (CLP) available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008R1272>

<sup>b</sup> Environment Agency, Natural Resources Wales, Northern Ireland Environment Agency and Scottish Environment Protection Agency, *Guidance on the classification and assessment of waste (1st edition 2015) - Technical Guidance WM3*, May 2015, available at <https://www.gov.uk/government/publications/waste-classification-technical-guidance>

<sup>c</sup> Health and Safety Executive, The CLP Regulation, webpage - <http://www.hse.gov.uk/chemical-classification/legal/clp-regulation.htm>, last accessed 02/02/2018

## ANNEX II- LIST OF EXCLUDED SUBSTANCES AND PROPERTIES FROM MAY 2015

The following properties and substances, where classified for the waste material to be used, are the absolute exclusions referred to in the code of practice. Where material under assessment contains substances which would individually attract these classifications but they appear in low concentrations then these would be subject to scrutiny by the risk assessment.

HP Code	WM3 Hazard Statement	ARM Absolute Exclusions
HP1	H200	Unstable Explosives
	H201	Explosive: mass explosion hazard
	H202	Explosive, severe projection hazard
	H203	Explosive, fire, blast or projection hazard
	H204	Fire or projection hazard
HP3	H220	Extremely flammable gas
	H222	Extremely flammable aerosol
	H224	Extremely flammable liquid and vapour
	H250	Catches fire spontaneously if exposed to air
	H251	Self heating: may catch fire
HP1 HP3	H240	Heating may cause an explosion
	H241	Heating may cause fire or explosion
-	H230	May react explosively even in the absence of air
	H231	May react explosively even in the absence of air at elevated pressure and/or temperature
HP6	H300	Fatal if swallowed
	H330	Fatal if inhaled
	H331	Toxic if inhaled
HP7	H350	May cause cancer
HP9	-	Infectious
HP10	H360	May damage fertility or the unborn child
HP11	H340	May cause genetic defects
HP12	EUH029	Contact with water liberates toxic gas
	EUH031	Contact with acids liberates toxic gas
	EUH032	Contact with acids liberates very toxic gas
HP15	H205	May mass explode in fire

HP Code	WM3 Hazard Statement	WDF Absolute Exclusions
HP1	H200	Unstable Explosives
	H201	Explosive: mass explosion hazard
	H202	Explosive, severe projection hazard
	H203	Explosive, fire, blast or projection hazard
	H204	Fire or projection hazard
HP1 HP3	H240	Heating may cause an explosion
-	H230	May react explosively even in the absence of air
	H231	May react explosively even in the absence of air at elevated pressure and/or temperature
HP7	H350	May cause cancer
HP9	-	Infectious
HP10	H360	May damage fertility or the unborn child
HP11	H340	May cause genetic defects
HP12	EUH029	Contact with water liberates toxic gas
	EUH031	Contact with acids liberates toxic gas
	EUH032	Contact with acids liberates very toxic gas
HP15	H205	May mass explode in fire