Meeting minutes for the CCS & BCS summer 2024 TAC

Wednesday 5th June, London and Edinburgh

Stephen Nortcliff (SN)	Chair	Fiona Donaldson (FD)	SEPA
Georgia Phetmanh (GP)	REAL	Kathy Nicholls (KN)	EA
Oliver Dunn (OD)	REAL	Alison McKinnie (AM)	Zero Waste Scotland
Duncan Craig (DC)	REAL	Sarah Pitcher (SP)	Labs' Representative
Megan Muller-Girard (MMG)	REAL Research Hub	Roy Lawford (RL)	OF&G
Thomas Aspray (TA)	REAL Technical Advisor	Rob Evans (RE)	NSF
Gregor Keenan (GK)	CCS Producers' Representative	Dave Roberts (DR)	NSF
Jo Chapman (JC)	BCS Operators' Representative	Nicholas Johnn (NJ)	ACL
		Lara Moggridge (LM)	NRW
		Simon Thorpe (ST)	Red Tractor

Welcome and apologies

SN opened the meeting and noted apologies from Gillian at UKAS and Liz Cooper at Defra.

Actions from the previous meeting

GP read through the actions from the November 2023 TAC meeting for the group to discuss.

- *AM to take forward action with GK and potentially FD, engaging with Scotland Excel and sharing GK's video*

GP reminded the group that this topic was discussed during the March TAC meeting as well.

GK informed the TAC that they have been working with Jenny Grant from REA on a letter signed by all Scottish composters, and that the letter should be ready shortly. GK also noted with the extension of the time period for the development of the Resource Framework, the deadline for this has been extended accordingly.

In response to FD checking whether the letter contained suitable evidence, GK confirmed that substantial photos and videos would be included with GK's conversation with Eleanor at Scotland Excel.

SN added that his local authority is running a campaign to encourage proper waste disposal, emphasising putting the correct waste in the correct bin to prevent landfill waste. SN plans to write to the LA with additional details and ideas.

- *REAL to come back to AM when decisions have been taken about how to support the initiative in Scotland*

Since the last full TAC meeting in November 2023, the policy work has slowly transitioned to DC from EL. DC has more or less caught up on the issue so will now be the point of contact to discuss this initiative in Scotland. DC mentioned that they would be happy to chat with AM and GK about how REAL might contribute to this if that would be helpful.

- *REAL to take forward actions around claims of use of the CCS conformity mark when rules have been published*

GP clarified that scheme rules have not been published yet, and that there is no current date for publication of the rules. The outcome of the formal review by UKAS is pending. REAL will then take forward this action after the rules have been published, taking into account UKAS' comments.

- *TAC to share final version of WRAP 2013 RBP review report with TA (ongoing*)

TA confirmed that REAL have the report from WRAP, and that the University of Southampton has been contacted for the final report, to confirm if there are any differences between the reports. TA also added that it is not clear if the final report was ever published but concluded that this action is complete.

- *REAL to send NIEA the details (name, PR number, and address) for the site certified in the Republic of Ireland*

GP confirmed this was actioned, there was no further discussion.

- *REAL to confirm to AM whether one of the suspended sites was based in Scotland*

GP informed that REAL confirmed to AM after the meeting that none of the suspended sites were based in Scotland. No further discussion was required.

- *FD and GK to discuss the potential complications for producers with the revised plastic limits specified in the permits (e.g., not a level playing field)*

This discussion had not taken place at the time of the meeting. There was a suggestion that the EA might need to be involved in the discussion. FD and GK had a conversation during the meeting and closed this action out.

- *REAL to consider following up with the EA about the permits and feedstock contamination issue with GK and FD*

This issue was discussed in a catch-up meeting, and it was confirmed that KN was aware of the issue but had not taken any further action yet.

REAL informed the TAC that a working group was being considered to focus on this issue or more widely on plastic contamination. The scope and timeframe had not been agreed upon at the time of the meeting. A more substantial update was promised for a later date.

- *REAL to ask the lab currently reporting stones separately what they do with the other physical contaminants*

GP confirmed that it was reported that one of the three labs was reporting stones separately as opposed to combined with PCs. TA explained that a position statement was being developed that requires labs to carry out the statement in full and report the test separately. The next step is to share that with labs for approval.

- *REAL to consider communicating to all labs, CBs, and producers the agreed scheme position on stones being reported with all PCs and not separately following a stones failure*

GP stated that this had been agreed with the CBs and was to be sent to the labs next. It would be circulated to the TAC for final comments before finalisation and publication.

- *REAL to consider comments from the TAC on AfOR guidance and confirm decision later*

GP confirmed that it was discussed internally after the TAC and later with REA. It was agreed that the documents were to remain REA documents and would be reviewed and updated as needed. Once they were added to the REA website, the links on CCS website would be replaced and everyone would be notified. REA would keep everyone updated as they revised those documents.

The actions from the more recent TAC catch-up in March were covered next.

- *KN to share REAL's 2023 plastics report with QP revision T&FG*

KN reported that she had forgotten about this, but FD confirmed it had been shared.

- *DC to send REAL's QP revision plastic limit proposal to KN*

DC confirmed that this had been done.

- *KN to pick up issues around plastic contamination and LA contact requirements again with Jenny at the REA*

KN plans to revisit the topic with Jenny, emphasizing that the issue is largely about contracts. They questioned the origin of the 10% limit on contamination, which they believe might have a weak scientific basis. KN said the goal is reduce feedstock contamination to the lowest reasonable level by 2025 and challenged the current 10% contamination rate as unacceptable.

GP agreed that it's a complex issue and expressed interest in addressing it through a collaborative initiative, aiming to avoid duplicating the efforts of other groups. GP mentions that the scope of the initiative is still under discussion, with a more comprehensive update to follow. KN was happy for GP to take this initiative forward with everyone else supporting.

SN pointed out that if the compost produced doesn't meet quality standards, the local authorities may not meet their recycling quotas, adding that they believed FD's comment was crucial to the debate.

FD noted that the rules in England are different, but SN suggested that the same logic could still apply.

- *NSF and GK to pick up discussion around past NC raised at GK's CCS audit*

GK reported that a conversation had taken place regarding the clause stating all batches must meet a minimum standard, especially if there had been a failure in the year. GK reported that NSF had responded, suggesting it shouldn't be raised as a Non-Conformance (NC). GK expressed hope that this approach would be adopted by all other auditors and believed the issue was resolved.

GP informed that the topic had been added to the CBs roundtable for future discussion.

- *REAL to discuss plans for launch of new request forms and reporting templates with all Approved Laboratories*

GP reported that they had discussed this with the labs during the quarterly catch-up meeting. However, the launch of the SEPA guidance limits document had been paused since then. This was due to the announcement that the RFs will align plastic limits with SEPA-limits, and uncertainty remained about whether the regulators for Northern Ireland and Wales would introduce limits that would align to the RF or keep their current limits. GP also noted that new request forms would be released later in the year once those decisions had been finalised.

- *KN to revisit discussion around plastic limits for mobile plant permits with Mat Davis at the EA*

KN reported that there had been an ongoing discussion with Matt Davis (MD) who was about to launch the mobile plants consultation. MD was also involved in the QP reviews, and the QP limits were expected to be reviewed in line with SEPA. MD had posed a question about alignment. KN restated that the discussion was ongoing, and that they would keep REAL updated on progress.

CCS & BCS Updates

Scheme Updates

CCS Stats

OD reported the following scheme statistics:

170 certified processes
- *129 in England*
- *21 in Scotland*
- *13 in Wales*
- *6 in Northern Ireland*
- *1 in Republic of Ireland*

Total tonnages
- *~4.1 million tonnes per annum of inputs*
- *~2.0 million tonnes per annum of quality compost*

Applications, suspensions, and withdrawals
- *1 Applicant*
- *0 Suspensions*
- *2 Withdrawals*
- *0 New producers*

BCS stats

106 certified processes
- *79 in England*
- *12 in Scotland*
- *7 in Wales*
- *8 in Northern Ireland*

Total tonnages

- *~5.6 million tonnes per annum of inputs*
- *~4.9 million tonnes per annum of certified digestate*

Applications, suspensions, and withdrawals
- *1 Applicant*
- *0 Suspensions*
- *0 Withdrawals*
- *1 New operator*

Update on the Research Hub

Carbon Accounting for Compost and Digestate

MMG gave an update on the concluded carbon accounting project, that allowed producers to conduct their own carbon footprint analysis. The report was published in April and further consideration was being paid to whether the report could inform the creation of a carbon account tool for scheme participants.

SN recommended that people read the report, describing it as fascinating and interesting, despite some challenges in application.

JC and MMG agreed that a tool would be helpful due to the complexity of the subject. MMG agreed and emphasized the hub's focus on ensuring these projects have as wide an impact as possible.

New research proposals

MMG reported that 8 proposals were received. In May, a meeting was held to shortlist these proposals, with 3 being shortlisted. The panel will reconvene later this month to select up to 2 proposals. Tenders for the selected proposals will be run in the autumn.

In response to a query from LM, MMG confirmed that the report has not been circulated on the website due to a confidentiality agreement, but that if anyone in the TAC would like access, they can contact MMG, and it will be provided to them.

Update on QPs revision work

DC believed that since the March TAC meeting, there has been little progress. Drafts have been sent to the task and finish group.

DC was able to add that last week, a discussion was held with Richard Fairweather. During the election, the EA is not allowed to publish anything, providing a good window of opportunity to look at revisions. However, it was unclear what this window of opportunity would be used for at this time. The revisions are estimated to be published in July or August.

KN has been pushing to get these review drafts ready to publish after the election. KN will take an action to check for any movement and get a final draft ready for a quick turnaround by the publishing team.

In response to NJ's query, KN will check with Richard if UKAS will be included in the new process.

GP mentioned that UKAS provided comments some years ago and had been involved in discussions around formally reviewing the interim or final RF. Some documentation needs to be adapted for a regulator rather than a government body.

NJ expressed interest in the overall accreditation for the scheme and how it will affect them. GP promised to get back once they have more information.

No further questions about QP revisions were raised.

Update from the Certification Bodies

DR reported that there were few updates. They have been reallocating a lot of audits due to an assessor being off sick.

NJ reported that there were no significant updates from their end.

RL reported no complaints. They had the same issue with the same assessor being off sick and had been dealing with a lot of internal staff issues, but there were no complaints.

Updates from the Approved Laboratories

SP reported that there were no major operational updates. They were preparing for the annual audit and had sent off provisional information. They were also working through some issues with CSV file uploads and templates.

GP asked all attendees if they had any questions or comments regarding the scheme development summary paper.

Update on Webinars

TA confirmed that more webinars are being planned, with the development of the CCS interpreting test results webinar being finalised.

SN observed that the producers have become more comfortable with lab results and their interpretation as a result of the webinars. SN believes this has led to lab results being examined more thoroughly across the board.

Composting compostables

Commenting on interest in compostables capacity, SN noted that there is a broad interest in the capacity for composting compostables, but there is uncertainty about how to disseminate this information more widely. There is a need for a more widespread understanding of what happens to the content of the bins after they are collected. While there is interest, efforts need to be made to generate uptake of compostables.

Update from the CCS Producers' Representative

Local Authority contracts

GK discussed the difference between contamination rejection and what's allowed in local authority (LA) contracts. It has been agreed that a working group will be set up to tackle this issue, which GK was given permission to share to producers at the next forum meeting. GK also noted that once the level of plastic

contamination is lowered by the introduction of the RF, the levels allowed in the contracts will become obsolete.

Sample collection issues

GK raised the issue of couriers picking up samples late, impacting producers. SP responded that they have a dedicated person monitoring the couriers, with tracking numbers and daily calls until the package arrives. GK suggested that producers should send an email every time there is a logistics issue to keep everyone in the picture.

TA suggested that more data is needed from the labs to understand what might be causing the issue, especially for sites in remote locations. It might be easier to work with the labs rather than the operators, as the labs are well connected to the courier networks.

FD asked if there were examples of missed collections in regard to a failure. GK responded that if a sample is late, the lab might send an email asking if they should proceed, which can be a gamble. If it's a verification sample for a batch and it's late, then that batch cannot be moved off site, and storage capacity is limited.

GK suggested that if a sample took at least a week and the test failed, the delay could be the critical factor between passing and failing. TA added that if a sample is taken out of a high temperature windrow and then goes into cooler conditions, that will result in more time in that setting that might elevate E. coli levels.

SN emphasised the need to collect data if failures can be attributed to the courier system. GP added that this will be a topic on the agenda for a lab catch-up meeting later this month.

JC confirmed that this is an issue for some sites, particularly sites based in Northern Ireland due to the remoteness of some Northern Ireland sites and the distance from these sites to the test labs.

Update from the BCS Operators' Representative

Defining a "sharp"

JC reported that the Operators' Forum was well attended, with various issues raised:

One operator raised the issue of failures on sharps in their digestate, which turned out to be slightly pointy or sharp bits of plastic. The rate at which sites were failing on this criterion seemed to be increasing across multiple sites recently. The question of "what is a sharp?" was raised, with the definition according to PAS 110 displayed on the screen. JC suggested that the ambiguity in the definitions may result in inconsistent application of this criterion in testing.

In response to this, GP confirmed that REAL plans to review these definitions during the revision of the test methods, with an independent committee being set up.

SP agreed that the definition of a sharp is subjective. JC suggested that this might be something to review, and whether research projects or another approach could be taken.

GP updated that REAL now owns a few scheme-specific test methods and is setting up a committee to oversee and steer the revision of the testing process for "Physical Contaminants & Stones" as a test. A further update will be given at the next TAC meeting.

SP expressed a desire for the definition of a sharp to be clearer, noting that someone's idea of physical injury might be very different. She noted that glass and metal are more clear cut, but brittle plastic can also be considered sharp.

JC raised the question of whether liquid digestate should have different risk factors as it is not handled directly by hand.

Appeals process

The need for an appeals process was discussed, with GP noting that operators can challenge or disagree with how a method has been written, and this will be considered during the next review of the method.

DR asked if they could appeal the failure or the methodology, expressing their belief that everyone should have the right to appeal. JC noted that there isn't a results appeal process, but a complaints procedure exists. SP clarified that this is different as it's not overturning a decision.

JC asked if an arbitration process is needed, with DR suggesting that if the methodology is strong, then that's it. SP agreed that both sides agree that the definition wasn't very helpful.

JC asked as a general principle, whether the procedures in place are efficient, or if some kind of appeals process should be put in place. SN compared this to the courier failures, emphasising the need to report problems when they occur to get an understanding of the magnitude of the issue.

Lab performance

JC reported a general sense that when there were many minor issues, resulting in an operator being concerned that if they failed, it might be due to the lab. Some operators had received a warning that some E. coli tests were invalid and the samples needed to be retested. Everyone was aware and was handling the correction in the proper manner, but the concern from operators is present. JC went on to list the following issues raised by operators during the forum:

An operator had sent multiple samples, and all had come back as no response. The results hadn't been transferred correctly and the tests were being reported as failures.

One operator had an issue with an RBP non-response. They didn't receive the early alert email and then found out right at the end, which significantly affected their operation. It was such a big deal to the operator to have their sample in safe hands. It was said that in all these instances, you could go to the lab and ask what happened and you would always get an answer.

SP said that regarding the non-response, that was not how they normally did things. They had a new RBP coordinator, an analyst who had stepped up to take over the role. They had some experience, but through their inexperience on occasion, it was found that RBP tests were being left longer than they should have been before reporting. Sometimes it was a close call, and so then he took a risk of leaving it on some occasions. SP restated that it was vitally important to communicate on day 5. It was down to his inexperience. He was trying to help people get that result, but it had caused more trouble than it was worth. SP concluded that -hopefully- that one was resolved.

SP had said that they encouraged people to come to them if they had any issues. There was an official complaints procedure, and they encouraged its use early and often in the event of an issue.

JC had expressed a lot of worry. Saying that prompt test reporting is extremely important to scheme participants and that it needs to be taken seriously.

The investigative sample process

The operator who had that issue had wanted to send lots of samples in for investigative purposes, without it being a formal sample. This led to a discussion around how one went about requesting investigative samples, whether they were or weren't being used. SP was asked, "Do people send extra tests that are PAS suite but not for certification?"

SP confirmed that people did send extra samples for additional tests that were not certification.

SP asked if there was a checkbox or section to indicate that the test was for investigative, non-certification purposes. GP confirmed that was not the case.

SP mentioned that they wanted people to be able to do these additional tests, but the process was not currently as formalised and clear as it could be.

JC said the operators wanted it to be clear whether they wanted the testing for certification testing purposes. It was a case of "Do we have an existing system, and if not, can we set that up?" Also, how did the results come out? Did they look different, or did they look the same?

RL mentioned that they had had operators send samples in without any registration just to see if they had passed.

JC said there was nothing wrong with that, they just needed to have a proper system for doing it.

ST pointed out that if you looked at US legislation, if you made the consequence of failure too bad, you made people not test. You couldn't have people do a non-cert test and then upgrade that if they liked the result. It was probably better to do that if it was in the agreed parameters.

SP mentioned that they had had that issue before, they had sent in investigation samples and then asked to retrospectively apply that. It was quid pro quo, if you wanted flexibility you couldn't allow the upgrading.

RL expressed curiosity as to why participants wanted to send multiple samples for independent testing, suggesting that they might think the process is dodgy? DR mentioned that they had one member who thought they could bring their process down to 5 weeks, and they wanted to test to see how well his new process worked. TA pointed out that if you had something you thought would fail, you then had to explain what you were going to do with the batch.

FD expressed concern that the rationale for additional testing was slightly unclear, and that the question of "what would happen if your investigation test came back as a failure, but your certification test was pass?" was left concerning unanswered.

NJ and GK mentioned several cases where multiple tests were requested by a scheme participant. Including sending multiple tests to different labs to "test the labs".

SN summarised that this issue might better be resolved by a working group. GP added that REAL had been discussing this issue and will update on this when a decision is made.

Audit timings

The topic of inconsistent audit timings was raised by JC. All CBs were in agreement that they are aligned in using 3 months prior to the expiry date as a deadline. RL mentioned that they frequently hear pushback from scheme participants requesting later audit dates, but their response is that they always try to allow 45 days to address any NCs.

RL mentioned that another potential source of disagreement between CBs and participants might be communication issues, referring to the changing of staff and contact addressing becoming out of date. GP commented that REAL could produce some scheme-wide comms piece referring to updating contact details.

Technical issues

Impacted compost and digestate samples tested for E. coli between March and May

TA announced that on the 9th of May, REAL was made aware of the fact that samples tested by SCI-tech in collaboration with NRM between the 19th of March and the 4th of May were invalid due to a procedural error; that affected solid material test matrices but not liquid matrices. The affected producers and operators were informed of this error on the 20th of May.

TA confirmed that the error resulted in an under-representation of E.coli values, so any result that is a "failure" would still be a failure, but some "passes" may in fact have been failures. This error was also confirmed to be affecting both CCS and BCS samples.

The following figures were provided for impacted producers and operators:

- 11 BCS processes
- 31 CCS processes

A re-analysis of the data was requested from SciTech to estimate whether improper tests were likely still passes. However, the result of this trial work was inconclusive. TA confirmed that the response was to treat all tests as "invalid" regardless of the E.coli value.

REAL is developing a risk assessment using anonymous data and looking at the data from NRM for affected processes. The first criterion was the result before the invalid test. For BCS, it was matrix-specific, i.e., whether fibre or liquid had passed/failed. For BCS, the failure rate was very low (1/700, or 0.14%). For CCS, higher failure rates were expected (9%).

The risk assessment is ongoing and REAL is considering the significance of dispatched materials and the market that the material is destined for. Most processes had one sample affected, and the majority had passes. The parallel result of liquor and fibre showed that the pasteurisation process had worked for most processes over quite a long period of time.

The same analysis is being applied to CCS, but the differences in production have resulted in a failure rate that is much higher, and a significant range in terms of process failure rates.

SP asked about the direction of the risk assessment and whether its purpose was to help affected participants now, or to safeguard going forward. TA responded that it was ongoing and needed a broader discussion with the regulators. DR mentioned that NRM had offered to do a retest on a suitable sample with different criteria, and some participants had revalidated. All the retests had come back as passes.

SN asked if anyone was commercially affected by this, to which GP responded that they were not aware of any.

LM asked about the long-term impacts, and TA responded that the idea with the risk assessment was to follow this issue as long as possible as both a way of resolving this issue and provided a valuable dataset to draw on if any similar issues occur in the future.

FD expressed concern about the robustness of the scheme and the perception. FD emphasised the need for a thorough investigation and steps to prevent such incidents in the future. FD also mentioned the potential loss of trust in the scheme and the materials by end users. SN agreed, noting that one bad report could undermine years of work. FD commented that we may have been lucky this time.

JC asked if the issue affected only the E. coli analysis on PAS suite tests or if it affected other tests as well. SP responded, saying they did not have all the information.

JC mentioned that AD operators take different samples at different points for the PAS sample of their end products. They only sample the whole digestate directly out of the pasteuriser, whereas salmonella is taken out of storage. These operators have ongoing data samples, which could be valuable for risk assessment.

DR agreed that this data might help with the risk assessment but did also mention that if those tests turned out to be invalid, it would open up another set of problems.

AOB

RL raised an issue about a company that was screening and sampling batches that were formed several months prior. The company had a breakdown, resulting in windrows being formed but not screened at the time of the sample. The company was almost half a year behind in their screening process, and another site of the same firm reported a similar issue. There was a discussion amongst REAL and the CBs about whether this constituted an NC, but no consensus was reached.

FD pointed out that end of waste is based on the end product and its dispatch to the user, suggesting that the company was testing a product that wasn't finished yet.

GK asked if the company had figured out a model for screening. RL reported that the company was taking shovel loads and putting them through the screener. The original issue was the delay in screening. The screener was no longer broken, but the company was still behind with no plan to catch up.

LM suggested engaging with the regulator, as this seemed like an issue with waste permitting.

TA confirmed that hand screening is allowed if the screener is broken down.

RE stated that there was a NC here not explicitly because of the hand screening, but instead because the company hadn't done a root cause analysis or taken the next step for preventative action in a timely manner.

KN wondered if the approach should be that the product should be ready for market. RL stated that the product had been screened and tested, so they didn't understand why it wasn't ready for market.

GK suggested that the company needed to rectify their screening process.

RL committed to getting a plan out of the company and was going to go on the assumption that the screener must be able to screen prior to sample to be defined as a working screener.

International Compost Awareness Week

OD concluded the meeting with the news that the first full week of May was International Compost Awareness Week and REAL decided to mark the occasion by releasing an article and infographic

explaining the process of industrial composting and the myriad benefits it afford us all. This was coupled with a series of social media posts throughout the week as well as targeted outreach by MMG and DC.

OD asked that if anyone knows of any other similar events coming up this year please let REAL know.

Actions:

- REAL to discuss internally how to use the final version of the WRAP 2013 RBP review report
- FD and GK to discuss the potential complications for producers with the revised plastic limits specified in the permits (e.g., not a level playing field) (ongoing)
- REAL to share update with the TAC later regarding the new working group development, intended to focus on issues related to plastic contamination
- KN to revisit discussion around plastic limits for mobile plant permits with Mat Davis at the EA (ongoing)
- TAC to share any ideas with MMG on whether developing the Hub's GHGP project into a tool for industry would be beneficial (composting and AD operators)
- TAC to share any ideas with MMG on how the Hub could further the project impact work (reviewing the Hub's achievements against its objectives, considering policy implication of outcomes, etc.)
- KN to check progress of the final draft revised QPs with the aim for them to have a quick turnaround time for publishing
- GK to check the remoteness of sites with producers who raise issues around courier collections and share information with REAL to aid investigation
- REAL to collaborate with the Approved Labs to understand the courier collection issues
- REAL to consider whether there is a need for a test result appeal process in the event that a challenged result is investigated by the lab but remains as originally reported
- JC to advise operators to raise any complaints with labs directly for them to investigate
- REAL to consider feedback from the TAC about how or whether to accommodate investigative samples
- REAL to address inconsistency across the CBs in terms of scheduling audits
- REAL to circulate comms to producers around changing contact details and raise awareness at forums
- REAL to consider collating data on subsequent batch test results for the E. coli investigation risk assessment and look at E. coli results taken for ABP approval at a different point in the process
- REAL to investigate the potential for producers to have retested a new sample for E. coli from the same batch
- SP to check if non-certified samples were also impacted by this E. coli issue e.g., ABP samples, and confirm to REAL for use in risk assessment