

# Rethinking organic waste and regulation in NSW



By Peter McLean

AS THE peak body for the organics recycling industry, the Australian Organics Recycling Association (AORA) is resolute in its belief that in order to be effective, regulation must appropriately balance the often competing interests and objectives of government, industry, community and the environment.

While it is an opinion held by some that the NSW EPA exists to make their lives more difficult, this is an overly simplified view, which does not afford the authority the respect it deserves for the challenges it faces. The EPA needs to deliver government policy, administer the appropriate legislation, and respond to both community and stakeholders concerns. Without the EPA as the regulator, a fair, equitable and stable market simply could not exist. However getting the balance right is a complex task.

Together with its NSW members, AORA is currently working with the NSW EPA to support its regulatory role while ensuring there are no excessive compliance and procedural requirements, and that it is supported

by policy where business and market development can flourish. AORA wants to work with the regulator to promote best practice and awareness within the industry and to partner with the EPA to facilitate effective industry outcomes. Building and maintaining that relationship is the best long-term approach to engage industry stakeholders and improve best practice over time.

The centre point of AORA's regulatory improvement position is the definition of waste, which is currently very broad under the NSW POEO Act. This broad definition, along with the need for the EPA to develop a one-size-fits-all waste regulation has resulted in many unnecessary difficulties and costs to NSW industry. It is also becoming a significant barrier to the reuse of recovered resources. AORA is working towards a better outcome that recognises the point where a recovered resource transitions from a waste to an unregulated product.

Classifying a material as waste carries a variety of economic, litigious, logistical and market challenges. In simple terms, AORA believes that the inputs to the composting process are source separated wastes (predominantly green and food) but that composted outputs are a product if the processor has complied with the appropriate regulatory standards and/or processes.

The finished product is not a waste as it has added economic value attached to it as a consequence of the production process and is safe to use. The same philosophy applies to aluminium cans, paper, glass, and PET, where these materials are not waste once they are recycled properly. This is a discussion that is occurring across Australian jurisdictions.

The balance between enforcement and education is always going to be challenging. On the one hand, AORA wants to ensure consistent enforcement programs are applied across NSW, which allow for occasional flexibility in extenuating circumstances, sudden changes in operation, and of course changing regulations and exemptions.

On the other hand the NSW EPA must administer the POEO Act under continually changing community and political climates from one region to another, under the watchful gaze of the press and social media.

The new task, which the EPA has in this increasingly difficult operating climate, often results in parties becoming isolated at the very time we need to be working together. AORA can provide a gateway to keep talking and keep having the hard conversations to ensure government, industry, and community get the balance right.

*AORA wants to work with the regulator to promote best practice and awareness within the industry and to partner with the EPA to facilitate effective industry outcomes.*

The NSW government should be recognised for their leadership and funding of the issues of organic waste management and resource recovery as they are undoubtedly the leaders in Australia.

However more needs to be done to ensure organics recovery will reach the high targets set in government policy and by the industry. AORA has established relationships with regulators across Australia and is working with them to ensure the best policies are implemented and flow-on legislation from other states is adopted

Further areas of discussion include:

- The cost of green tape, compliance and financial assurances, which continue to grow and have become a significant burden on many businesses;
- Improvements to the existing exemptions and orders, particularly around raw mulch and compost. Currently, maturity testing is required for compost prior to land application, however, pasteurisation is equally as safe for the environment;
- Continuously reminding the consumer that they are purchasing regulated product and that they must comply with the regulation in regard to land application conflicts with the rhetoric of the benefits of resource recovery of materials/products that would otherwise be landfilled; and
- The liability to the consumer is embodied in the resource exemptions, which in many instances reduce the appeal of the "product", because it is still defined as waste under the regulation.

AORA appreciates the opportunity to cooperatively work through these issues with the NSW EPA with an expressed desire by both parties to achieve an improved outcome. AORA will seek a similar solutions-focused approach in other states throughout Australia.

while being mindful of individual state and territory needs as well as the pros and cons of each piece of legislation.

AORA has been involved in consultation sessions with the NSW EPA and industry in partnership with other likeminded associations. This, and other communications will be a key focus moving forward, and will be used to maintain open communication to seek solutions and avoid conflict.

AORA will facilitate a start-of-pipe discussion between industry and government rather than an end-of-pipe solution.

Constant change is an increasing challenge for business in the 21st century. While change makes many of us feel uncomfortable, resistant and cautious, in order to achieve what we all want, we must be prepared to be agile and adaptable to that change.

In most cases, we will all benefit from working collaboratively and accepting the needs of others. There is never one simple solution to a challenge of this nature but instead many approaches and tools, which need to be collectively considered and appropriately applied.

An old proverb once said: "A wise person changes their mind, a fool never will".

*Peter McLean is AORA's executive officer. Email: peter@aora.org.au*



AORA will continue to work with the NSW EPA to support its regulatory role: McLean