



Dossier of communications

TRA with the Department for the Environment and the Environment Agency on EA enforcement of waste tyre rules

From May 2022 to May 2025

Submission to the Environment Agency Waste Tyres Review Team

TRA - Timeline of communications on EA enforcement of export rules

April 2020 – May 2025

(five years of inertia)

Activity	Response	Shortfall
<p>July 2020 – TRA receive a reply to their April letter to SoS. Reply signed by Rebecca Pow DEFRA PUS</p>	<p>“In our Resources and Waste Strategy, we have also committed to review the regulatory framework covering waste exports. “</p>	<p>Nothing happens. 10 months later the department give a similar and more detailed commitment - to no effect either (see below)</p>
<p>May 2021 – TRA receive reply to their February correspondence with DEFRA .</p>	<p>“We plan to address issues raised in respect to waste tyres exports as part of our reforms to the regulation of waste shipments and a public consultation in 2022 is currently planned. “It is our ambition to promote UK-based recycling and export less waste to be processed abroad. The Resources and Waste Strategy (RWS) sets out our plans to review the regulatory framework that covers waste exports. This includes our plans to consult on actions to better manage waste exports through tighter monitoring and enforcement of the existing regulations.“</p>	<p>Written plans and ambitions unfulfilled and not met four years later.</p>
<p>February 2022 – TRA receive reply to their correspondence with DEFRA from Minister for Climate Adaptation</p>	<p>On this basis, if the Tyre Recovery Association has evidence of the use of waste tyres of UK origin in India for pyrolysis or other energy recovery activities, I would encourage you to share that evidence with the relevant UK regulator so they can work with the Indian authorities to address these problems.</p>	<p>Promised activity yields no action.</p>
<p>May 2022 – TRA Member Recycling emailed Howard Leberman EA to raise awareness of Indian import license abuse.</p>	<p>Expected DEFRA consultation to be published in May and UK law changed in October 2022.</p>	<p>UK law still not changed May 2025</p>
<p>August 2022 – subscribed to Tendata (waste tyre import & export database) to identify key players in the illegal trade. Details sent to the EA.</p>	<p>No response.</p>	<p>N/A</p>

TRA - Timeline of communications on EA enforcement

Activity	Response	Shortfall
<p>August 2022 – TRA receive a letter from Steve Double MP in reply to correspondence of</p>	<p>Defra officials have conferred with the relevant officials in the Indian government who have clarified that the import of waste tyres into India for the purposes of energy recovery (including pyrolysis) is prohibited. ... On this basis, if the Tyre Recovery Association has evidence of the use of waste tyres of UK origin in India for pyrolysis or other energy recovery activities, I would encourage you to share that evidence with the relevant UK regulator so they can work with the Indian authorities to address these problems.”</p>	<p>DEFRA ask for evidence from TRA. A TRA member provides evidence (see below and TRA Member presentation). Nothing is done.</p>
<p>November 2022 – TRA Member exposes waste brokers operating out of Dubai with no UK address. Details sent to EA along with the breaches to Waste Shipment Regulations.</p>	<p>‘Due to a failure in our registration process, overseas brokers do not fall under our jurisdiction, and we are unable to act’ – Hannah Wooldridge EA</p>	<p>If a broker is unable to provide the EA with Annex VIIs, Article 50 of the Waste Shipment Regulations deem this to be an illegal shipment and can be dealt with under Article 24 (take-back obligations).</p>
<p>December 2022 – TRA Member letter to Rebecca Pow MP - Under SOS for Environment Resilience requesting clarity on government policy.</p>	<p>Rebecca Pow confirmed waste tyre exports to India for pyrolysis or energy recovery are prohibited. RP also stated that the delayed consultation discusses reforms to digital paperwork and EPR to help tackle waste crime.</p>	<p>Using existing Waste Shipment Regulation, whole tyres to India for pyrolysis could have been deemed illegal waste shipments under Article 36 Basel Convention.</p>
<p>January 2023 - Used Tyres To India Report – EA, DEFRA, MoEFCC. Report exposed the mass discrepancy between Indian import volumes using Tendata and MoEFCC licenses.</p>	<p>Rebecca Pow referred us back to the EA as the competent authority. EA said it was a matter for the Indian Authorities. No reply from Indian Authorities (MoEFCC).</p>	<p>The scale of the abuse in the report and the recommended solution of restricting exports to shred only should have been enacted using Article 4 section 11 of the Basel Convention – further restrictions consistent with the provision of the Convention.</p>
<p>February 2023 - report evidencing the gross overages of imported waste tyres to India which was the initial red flag, with EA response to the report</p>		
<p>March 2023 – EA Howard Leberman and Chris King consulted by waste tyre working group for COP28 for recommendations to improve technical guidance of Basel Convention.</p>	<p>EA & DEFRA response – ‘Tyres are not deemed a priority waste at this time, there are other waste streams in more need of our resource.’</p>	<p>This Small Intercessional Working Group is specifically set up to deal with waste tyres at COP. EA and DEFRA are UK industry representatives on the world stage. This is the perfect opportunity to tighten technical guidance of the Basel Convention.</p>

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<p>June 2023 – TRA Member presented ‘Tracking Presentation’ to the EA and DEFRA demonstrating UK GPS tracked waste going to illegal sites in India.</p> <p><i>* Copy of presentation and DEFRA meeting note attached</i></p>	<p>DEFRA – this is one for the competent authority (EA). EA – This is outside of our jurisdiction and one for the Indian Authorities (using convenient parts of Waste Shipments Regulation). DEFRA circulate full meeting note following presentation of materials.</p>	<p>Clear breaches of WSR and duty of care contrary to the Basel Convention. Inaccurate use of the law. UK authorities do not accept tighter enforcement of export rules necessary or recognise outcomes in India have a genesis in the UK</p>
<p>July 2023 – EA sent a letter from Dentons law firm recommended as top regulatory advisor by ESA to outline UK authority obligations. Letter flags to EA their failure in duty of care.</p>	<p>Incomplete response from EA not addressing the action points requested citing they do not have the ‘powers.’</p>	<p>Dentons clearly point out in their letter that if they had the will to enforce existing regulation they could do so without consultation or fear of legal contest.</p>
<p>August 2023 – DGFT start restricting import license renewals to shred only.</p>	<p>Without announcement the DGFT have started restricting license renewals to shred only on a monthly basis and reducing the import volumes.</p>	<p>A change in Indian policy is needed to give clarity to UK industry to make the necessary changes.</p>
<p>August 2023 – Tessa Munt visits TRA Member for an update of the situation.</p>	<p>TM requests a summary of what has gone before and the mishandling of the situation.</p>	<p>N/A</p>
<p>August 2023 – TRA send Theresa Coffey 3-page letter ‘call to action’ demanding clarity from UK authorities following Indian tightening of regulations.</p>	<p>27 Oct 23 – letter from Rebecca Pow MP, Minister for Environmental Quality and Resilience “Individuals and businesses found to be exporting waste in contravention of the requirements of the legislation can face a two-year jail term and an unlimited fine. “The EA has also been working through partners to identify links and tackle critical waste streams into India, helping the EA understand regulatory approaches adopted within the country.”</p>	<p>Pow’s letter states - <i>The Environment Agency (EA) is the Competent Authority for England regarding the movement of waste internationally and enforces the relevant UK legislation. The EA takes all reports of illegal waste exports seriously and works closely with other Competent Authorities overseas to ensure compliance with the Basel Convention on the control of transboundary movements of wastes.</i> – 18 months later File on 4 demonstrate the EA is incapable of using its teeth.</p>
<p>September 2023 - TRA Briefing Day – EA tyre lead attended and talked about need address tyre exports and how shred only export would illuminate illegal activity</p>		<p>Nothing changed</p>

Activity	Response	Shortfall
<p>November 2023 – TRA write to Steve Barclay new secretary of state. <i>On behalf of our members, we have been in correspondence with your predecessor in post and the Minister for Environmental Quality and Resilience to bring pressing concerns that must be resolved to the attention of DEFRA’s political leadership. Our foremost concerns are:</i></p> <ul style="list-style-type: none"> • T8 exemptions • Ending whole tyre end-of-life exports (ELTs). 	<p>No response from SoS or his office</p>	<p>Indifference.</p>
<p>17 January 2024 – TRA write to Robbie Moore new Minister for Environmental Quality and Resilience <i>“On behalf of our members, we have been in correspondence with your predecessor in post as the Minister for Environmental Quality and Resilience to bring pressing concerns that must be resolved to the attention of DEFRA’s political leadership. Our foremost concerns are:</i></p> <ul style="list-style-type: none"> • T8 exemptions • Ending whole tyre end-of-life exports (ELTs)” 	<p>26 February 2024 - Minister’s reply <i>I am grateful for your ongoing engagement with the Environment Agency (EA) on this issue. I encourage you and other stakeholders in the sector to <u>share any further information with the EA that would support their engagement with the Indian authorities.</u></i></p>	<p>No action. A minister poorly briefed?</p>
<p>29 February 2024 - TRA letter to Robbie Moore <i>I write to ask what steps DEFRA and the Environment Agency are taking to respond to the Indian Tyre Manufacturers plea for an end to the UK’s dumping of end-of-life whole tyres (ELTs) on their market?</i></p>	<p><i>No response</i></p>	<p>No engagement. A minister poorly briefed? A communication of indifference or deafening complicity?</p>
<p>March 2024 – BBC GPS tracking undertaken by Source Material</p>	<p>n/a</p>	<p>n/a</p>
<p>June 2024 – basis of our complaint against the EA to the OEP</p>		
<p>September 2024 – TRA briefing day. Focus on export irregularities, the ongoing lack of enforcement of the rules – UK waste tyre operators facing pressures that will close their business</p>	<p>EA speaker</p>	<p>No action</p>

Activity	Response	Shortfall
31st October 2024 – Letter to Steve Reed MP, Secretary of State EFRA	2 Dec 2024 – Mary Creagh reply , no mention of EA , highlights new government priorities and reviews.	Minister poorly briefed
11 March 2024 – Letter to Mary Creagh MP <i>“It is therefore with some reluctance that I prick that balloon of optimism. However, with increasing urgency, I am required to reiterate the pressing concerns of TRA members. Of particular concern is the ability to achieve the political ambition of reducing waste and creating a circular economy if the UK’s domestic tyre recovery capabilities have ceased operating. ”</i>	No response	The letter explicitly forewarns of the coming media interest, even then there is no engagement on the substance of concern – UK waste tyre exports and the undermining of UK operators.
1 April 2025 – Letter to Steve Reed MP, Secretary of State <i>“In light of the BBC’s investigation, the Environment Agency (EA) has acknowledged that the time for inaction on illegal tyre exports has passed, as it announced it will conduct a review of its approach to waste tyre shipments. In doing this the EA effectively admits its past shortcomings, their minds no doubt sharpened now they face the prospect of legal action from Leigh Day if they do not rectify the situation.</i> <i>The TRA, along with the responsible UK tyre recycling industry, has been right to raise the alarm. The EA is also right to now acknowledge the necessity for immediate intervention to bring an end to the export of 1,000 tonnes of tyres a day – with the vast majority bypassing their designated destination.”</i>	No response	A Secretary of State not on top of his department and its agencies
<i>WH Debate – TRA member’s MP calls debate follow BBC expose on File on 4. The emotional response to the BBC programme from the Minister clearly indicated that it was the first time a Minister had genuinely engaged on the issue. It was disappointing for the Minister to find it to easy to genuflect when aske about the EA and again so clearly demonstrate how quick each body is to point to the other when called to take accountability.</i>	Reply to questions yet to be received	Deadline missed again, promised action yet to be seen
Ongoing communication from TRA to Ministers asking the questions that all his members are evidencing to it. Correct that members flag issues to Association and then the Association is continually updating and providing civil servants in EA and Defra, but it is one way correspondence with platitudes as replies, no serious engagement with the issues raised.		
Only now following BBC exposure and media interest is there a call for information. And call for information to aid the review of process rather than review of fundamental changes or a wake call to enact the current rules that would bring about the end of the illegal activity.		

Additional information and context.

In summary – UK tyre recovery industry have been pinballed between DEFRA and the EA when clearly their policy is out of sight out of mind. By continually flagging this up and evidencing the problem the Indian authorities have now had to take action, to the shame of UK authorities. UK tyre recycling industry is now changing at an uncontrolled pace dictated by regulatory changes in India and the EU with the consequences that will arise landing squarely on the desk of the EA and DEFRA.

The continued practices and UK reliance on exporting ELT baled tyres mean that it is only a matter of time before UK based operators close and the nation becomes a 100% exporter of tyre waste.

May 2025 - Communication from the Executive of the Australian Tyre Recyclers Association (that led the successful introduction of shred only regulations there) highlighted UK's responsibilities and poured cold water on the idea that things will sort themselves out in India and that UK can rely on foreign authorities as a solution to their domestic problems.

Responding to the May 2025 news story <https://www.tyreandrubberrecycling.com/articles/news/indias-cpcb-gets-serious/> the ATRA said “Unfortunately nothing will happen in India ... They have no capacity to police these rules ... and [officials] will lose interest... ... This is the responsibility of the UK – but unfortunately India is giving the go ahead to bales with their batch ops position”
