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Hazardous Waste (Regulation of **Exports and Imports)** (Decision IV/9) Regulations 1999

Statutory Rules 1999 No. 🖌

102

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the Hazardous Waste (Regulation of Exports and Imports) Act 1989.

Dated 0 9 JUN 1999 1999.

WILLIAM DEANE

Governor-General

By His Excellency's Command,

ROBERT HILL Minister for the Environment and Heritage

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Hazardous Waste (Regulation of Exports and Imports) (Decision IV/9) Regulations 1999

Statutory Rules 1999 No. 2^{-1}

10Z

made under the

Hazardous Waste (Regulation of Exports and Imports) Act 1989

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1 Name of regulations

These regulations are the Hazardous Waste (Regulation of Exports and Imports) (Decision IV/9) Regulations 1999.

2 Purpose of regulations

The purpose of these regulations is to amend the Schedule to the *Hazardous Waste (Regulation of Exports and Imports) Act* 1989 to incorporate changes to the text of the Annexes to the Basel Convention made by Decision IV/9 of the fourth meeting of the Conference of the Parties to that Convention held at Kuching, Malaysia on 23 to 27 February 1998.

3 Commencement

These regulations are taken to have commenced on 6 November 1998.

Note The amendments to the Basel convention made by Decision IV/9 had effect for Australia on 6 November 1998.

4

Amendment of *Hazardous Waste* (*Regulation of Exports and Imports*) *Act 1989*

For subsection 62 (2) of the Hazardous Waste (Regulation of Exports and Imports) Act 1989, Schedule 1 amends the Schedule to that Act.

2

Hazardous Waste (Regulation of Exports and Imports) (Decision IV/9) Regulations 1999 1999, **Z**

Schedule 1

Amendments of the Schedule to the *Hazardous Waste* (Regulation of Exports and Imports) Act 1989

(regulation 4)

[1]

Note Omit the note after the heading, and insert:

Note The following text incorporates corrections made by the Rectifications of 4 November 1992 and 16 May 1994, and amendments made by Decision IV/9 of the Fourth Conference of the Parties to the Convention.

[2] At the end of the text of Annex I

insert

- (a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.
- (b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.
- (c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.

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(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.

[3] After the text of Annex VI

insert (including footnotes)

Annex VIII

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

- A1010 Metal wastes and waste consisting of alloys of any of the following:
 - Antimony
 - Arsenic
 - Beryllium
 - Cadmium
 - Lead
 - Mercury
 - Selenium
 - Tellurium
 - Thallium

but excluding such wastes specifically listed on list B.

- A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
 - Antimony; antimony compounds
 - Beryllium; beryllium compounds
 - Hazardous Waste (Regulation of Exports and Imports) 1999, (Decision IV/9) Regulations 1999

	 Cadmium; cadmium compounds Lead; lead compounds Selenium; selenium compounds Tellurium; tellurium compounds
A1030	 Wastes having as constituents or contaminants any of the following: Arsenic; arsenic compounds Mercury; mercury compounds Thallium; thallium compounds
A1040	Wastes having as constituents any of the following:Metal carbonylsHexavalent chromium compounds
A1050	Galvanic sludges
A1060	Waste liquors from the pickling of metals
A1070	Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
A1080	Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
A1090	Ashes from the incineration of insulated copper wire
A1100	Dusts and residues from gas cleaning systems of copper smelters
A1110	Spent electrolytic solutions from copper electrorefining and electrowinning operations
A1120	Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
A1130	Spent etching solutions containing dissolved copper
A1140	Waste cupric chloride and copper cyanide catalysts

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A1150	
	Precious metal ash from incineration of printed circuit boards not included on list B^1
A1160	Waste lead-acid batteries, whole or crushed
A1170	Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous
A1180	Waste electrical and electronic assemblies or scrap ² containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex II (note the related entry on list B B1110) ³ .
	tes containing principally inorganic constituents, th may contain metals and organic materials
A2010	Glass waste from cathode-ray tubes and other activated glasses
A2020	Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B
A2020 A2030	liquids or sludges but excluding such wastes

¹ Note that mirror entry on list B (B1160) does not specify exceptions.
² This entry does not include scrap assemblies from electric power generation.
³ PCBs are at a concentration level of 50 mg/kg or more.

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A2050	Waste asbestos (dusts and fibres)
A2060	Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (Note the related entry on list B B2050)
	tes containing principally organic constituents, which contain metals and inorganic materials
A3010	Waste from the production or processing of petroleum coke and bitumen
A3020	Waste mineral oils unfit for their originally intended use
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
A3040	Waste thermal (heat transfer) fluids
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080	Waste ethers not including those specified on list B
A3090	Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (Note the related entry on list B B3090)

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A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
A3120	Fluff — light fraction from shredding
A3130	Waste organic phosphorous compounds
A3140	Waste non-halogenated organic solvents but excluding such wastes specified on list B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated napthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more ⁴
A3190	Waste tarry residues (excluding asphalt cements)

arising from refining, distillation and any pyrolitic treatment of organic materials

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⁴ The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (eg., 20 mg/kg) for specific wastes.

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stituents			
constituents			
Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B			
Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects			
Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated, ⁵ or unfit for their originally intended use			
Wastes from the manufacture, formulation and use of wood-preserving chemicals ⁶			
 Wastes that contain, consist of or are contaminated with any of the following: Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides Organic cyanides 			
Waste oils/water, hydrocarbons/water mixtures, emulsions			
Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)			

 $^{\rm 5}$ "Out-dated" means unused within the period recommended by the manufacturer.

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⁶ This entry does not include wood treated with wood preserving chemicals.

A408	30	Wastes of an explosive nature (but excluding such wastes specified on list B)
A409	90	Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
A410	00	Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
A412	10	 Wastes that contain, consist of or are contaminated with any of the following: Any congenor of polychlorinated dibenzo-furan Any congenor of polychlorinated dibenzo-dioxin
A412	20	Wastes that contain, consist of or are contaminated with peroxides
A413	30	Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
A414	40	Waste consisting of or containing off specification or out-dated ⁷ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
A41:	50	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
A410	50	Spent activated carbon not included on list B (note the related entry on list B B2060)

⁷ "Out-dated" means unused within the period recommended by the manufacturer.

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Annex IX

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

- B1 Metal and metal-bearing wastes
- B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:
 - Precious metals (gold, silver, the platinum group, but not mercury)
 - Iron and steel scrap
 - Copper scrap
 - Nickel scrap
 - Aluminium scrap
 - Zinc scrap
 - Tin scrap
 - Tungsten scrap
 - Molybdenum scrap
 - Tantalum scrap
 - Magnesium scrap
 - Cobalt scrap
 - Bismuth scrap
 - Titanium scrap
 - Zirconium scrap
 - Manganese scrap
 - Germanium scrap
 - Vanadium scrap
 - Scrap of hafnium, indium, niobium, rhenium and gallium
 - Thorium scrap
 - Rare earths scrap

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B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:

- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

B1030 Refractory metals containing residues

- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
- B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics⁸
- B1060 Waste selenium and tellurium in metallic elemental form including powder
- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex II characteristics
- B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristics H4.3⁹

⁸ Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

⁹ The status of zinc ash is currently under review and there is a recommendation with United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

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B1090	Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
B1100	 Metal-bearing wastes arising from melting, smelting and refining of metals: Hard zinc spelter Zinc-containing drosses: Galvanizing slab zinc top dross (>90% Zn) Galvanizing slab zinc bottom dross (>92% Zn) Zinc die casting dross (>85% Zn) Hot dip galvanizers slab zinc dross (batch) (>92% Zn) Zinc skimmings Aluminium skimmings (or skims) excluding salt slag Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics Wastes of refractory linings, including crucibles, originating from copper smelting Slags from precious metals processing for further refining Tantalum-bearing tin slags with less than 0.5% tin
B1110	 Electrical and electronic assemblies: Electronic assemblies consisting only of metals or alloys Waste electrical and electronic assemblies or scrap¹⁰ (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-

¹⁰ This entry does not include scrap from electrical power generation.

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switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)

- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use,¹¹ and not for recycling or final disposal¹²
- B1120 Spent catalysts excluding liquids used as catalysts, containing any of:
 - Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:

	Calaryous on mol m.	
	Scandium	Titanium
	Vanadium	Chromium
	Manganese	Iron
	Cobalt	Nickel
	Copper	Zinc
	Yttrium	Zirconium
	Niobium	Molybdenum
	Hafnium	Tantalum
	Tungsten	Rhenium
,	Lanthanides (rare earth metals):	
	Lanthanum	Cerium
	Praseodymium	Neodymium
	Samarium	Europium
	Gadolinium	Terbium

¹¹ Reuse can include repair, refurbishment or upgrading, but not major reassembly.

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¹² In some countries these materials destined for direct re-use are not considered wastes.

		·	
		Dysprosium Erbium Ytterbium	Holmium Thulium Lutetium
B1130	Clean spent	precious-metal-beari	ng catalysts
B1140		tal-bearing residues i s of inorganic cyanic	
B1150	platinum gro	tals and alloy wastes oup, but not mercury) orm with appropriate	in a dispersible,
B1160		tal ash from the incir s (note the related en	-
B1170	Precious-me photographic	tal ash from the incir c film	neration of
B1180	Waste photo and metallic	graphic film containi silver	ing silver halides
B 1190	Waste photo and metallic	graphic paper contai silver	ning silver halides
B1200	Granulated s and steel	lag arising from the	manufacture of iron
B1210	÷ •	from the manufactur ags as a source of TiC	
B1220	having a hig processed ac	nc production, chemi h iron content (above cording to industrial nainly for constructio	e 20%) and specifications (e.g.,
B1230	Mill scaling steel	arising from the mar	ufacture of iron and
B1240	Copper oxid	e mill-scale	

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	B2		ntaining principally inorganic constituents,	
	B201	0 Wast form •	tes from mining operations in non-dispersible: Natural graphite waste Slate waste, whether or not roughly trimme merely cut, by sawing or otherwise Mica waste Leucite, nepheline and nepheline syenite w Feldspar waste Fluorspar waste	ed or raste
	B202	20 Glas •	s waste in non-dispersible form: Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses	1
	B203		mic wastes in non-dispersible form: Cermet wastes and scrap (metal ceramic composites) Ceramic based fibres not elsewhere specifi- included	ed or
	B204	cons	er wastes containing principally inorganic tituents: Partially refined calcium sulphate produced from flue-gas desulphurization (FDG) Waste gypsum wallboard or plasterboard arising from the demolition of buildings Slag from copper production, chemically stabilized, having a high iron content (abov 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 820 mainly for construction and abrasive applications Sulphur in solid form	ze I
16		Hazardous V	Vaste (Regulation of Exports and Imports)	1999,

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	 Limestone from the production of calcium cyanide (having a pH less than 9) Sodium, potassium, calcium chlorides Carborundum (silicon carbide) Broken concrete Lithium-tantalum and lithium-niobium containing glass scraps
B2050	Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)
B2060	Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on List A A4160)
B2070	Calcium fluoride sludge
B2080	Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)
B2090	Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
B2100	Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
B2110	Bauxite residue ("red mud") (pH moderated to less than 11.5)
B2120	Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)
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B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

- Scrap plastic on non-halogenated polymers and co-polymers, including but not limited to the following¹³:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10-C13 (plasticiser)
 - polyurethane (not containing CFC's)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol
 - polyvinyl butyral
 - polyvinyl acetate
- Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins

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¹³ It is understood that such scraps are completely polymerized.

- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides
- The following fluorinated polymer wastes¹⁴
 - perfluoroethylene/propylene (FEP)
 - perfluoroalkoxy alkane (PFA)
 - perfluoroalkoxy alkane (MFA)
 - polyvinylfluoride (PVF)
 - polyvinylidenefluoride (PVDF)
- B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard 2) unsorted scrap

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
 - Wastes shall not be mixed

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¹⁴ Post-consumer wastes are excluded from this entry

- Problems arising from open-burning practices to be considered
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) or ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres

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• Worn clothing and other worn textile articles Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials - sorted - other B3040 Rubber wastes The following materials, provided they are not mixed with other wastes: • Waste and scrap of hard rubber (e.g. ebonite) • Other rubber wastes (excluding such wastes specified elsewhere) B3050 Untreated cork and wood waste: • Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms • Cork waste: crushed, granulated or ground cork Wastes arising from agro-food industries provided it B3060 is not infectious: • Wine lees • Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included • Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes • Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised • Fish waste • Cocoa shells, husks, skins and other cocoa waste • Other wastes from the agro-food industry excluding by-products which meet national and

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	international requirements and standards for human or animal consumption
B3070	 The following wastes: Waste of human hair Waste straw Deactivated fungus mycelium from penicillin production to be used as animal feed
B3080	Waste parings and scrap of rubber
B3090	Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)
B3100	Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)
B3110	Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)
B3120	Wastes consisting of food dyes
B3130	Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
B3140	Waste pneumatic tyres, excluding those destined for Annex IVA operations

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Schedule	1

B4 Wastes which may contain either inorganic or organic constituents B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070) B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050) B4030 Used single use cameras, with batteries not included on list A

Note

1. Made by the Governor-General on the Commonwealth of Australia Gazette on 1999, and notified in λ 1999.

9 June 17 June

1999,

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