

## A Duty Holder's Guide to the Waste Duty of Care

What the waste duty of care under the Environmental Protection Act 1990 requires of anyone who handles waste.

### What it is

The duty of care for waste applies to anyone who produces, carries, keeps, treats or disposes of waste. It is about making sure waste is handled responsibly from the moment it is created to its final destination.

### Who the duty holder is

The duty applies to every business in the chain that handles waste, including the producer. If your work creates or moves waste, it applies to you.

### What it requires of you

- Store waste safely and securely so it cannot escape or cause pollution.
- Only pass waste to an authorised person, such as a registered carrier or a permitted site.
- Describe the waste accurately and complete a waste transfer note for each transfer.
- For hazardous waste, follow the consignment note system and keep the paperwork.
- Take all reasonable steps to prevent waste escaping your control.

### How often

Waste transfer notes	Completed for every transfer, kept for at least 2 years
Hazardous waste consignment notes	Kept for at least 3 years

### What happens if you don't

Breaching the duty of care is a criminal offence. It can lead to fixed penalties, prosecution and unlimited fines, and your business can be liable for waste that is fly-tipped further down the chain.

Sources: [Waste duty of care](#), [Hazardous Waste \(England and Wales\) Regulations 2005](#)

This guide is general guidance, not legal advice, and is a summary only. Duties and intervals can change and depend on your circumstances. Always check the current regulation and take competent-person advice. Last reviewed June 2026.