

only materials other than primary sales are overburden and topsoil. These materials are used in site bunding and to meet companies' legal obligations for site restoration of the site. They are inert and non-hazardous and should not constitute waste requiring a management plan under article 5 of the directive, it has told Benn.

"The use of the Environment Agency (EA) rather than MPAs to administer the process remains a fundamental flaw, as advised unanimously by the entire industry throughout this over-lengthy and wasteful debate. The use of the untested environmental permitting process appears also to be creating additional bureaucratic load and is allowing a widening of the scope of the directive as well as imposing further unnecessary expensive and burdensome intrusion by the state."

BAA secretary Peter Huxtable said the EA and DEFRA are placing too much emphasis on pollution matters already covered by other UK legislation. "This is coupled with a serious misconception and understanding in government about what is involved in quarrying operations in the UK," he said.

Huxtable complained that the UK minerals industry is being more heavily burdened with this directive than its counterparts elsewhere in Europe. He urged Benn to adopt a simple self-certification scheme to avoid double legislation.

SAFETY

MINING WASTE

Association approaches minister to air concerns over mine waste regime

The British Aggregates Association (BAA) has complained that its concerns over topsoil and overburden in the UK transposition of the EU Mining Wastes Directive have not been addressed.

In a letter to environment secretary Hilary Benn highlighting the issues, the association says that the "industry is being unnecessarily and disproportionately burdened by the over-bureaucratic gold-plating approach to transposition in England and Wales".

In particular, the BAA voices concern about the position for aggregate quarries, where the