

DEFRA Consultation: Non-agricultural diffuse water pollution in England and Wales (NADWP)

The Car Wash Campaign Group (CWCG) represents all aspects of the legitimate car wash industry, from manufactures to retailers. CWCG's members take their responsibilities towards the environment very seriously. We understand it is important to minimise the impact that our activities have on the environment and we welcome the thrust of DEFRA's suggestion to reduce non-agricultural diffuse water pollution.

However, as outlined in more detail in our response below, we feel that any further mechanisms must be backed up by effective enforcement. In particular, we are concerned that while the burden of regulations on site based car washes will increase, unregulated hand car washes will continue to escape enforcement. This leads to an extremely unfair market as well as an environmentally damaging one (Annex 2). Currently, hand car washes are being rapidly set up in garages, forecourts and car parks, and many of these do not comply with the necessary environmental, employment and health and safety regulations. Since these car washes could account for up to 20% of the market, it is vital that DEFRA and the Environment Agency (EA), if they wish to meet Water Framework targets, ensure that these car wash sites comply with current and future regulations.

We address each of the questions posed in the consultation paper, apart from question 12, which is not relevant to the CWCG.

Q1: Are the five priority areas identified correct? If not, why?

Q2: What, if any, are the other significant issues not covered within the priority areas?

Car Washes are mentioned in two areas of activity; industry and sediment. We agree that if unregulated, car washes could cause diffuse water pollution in the ways described.

Q3: What are your views on our assessment of existing legislation?

Q4: How might the effectiveness of existing legislation be improved?

DEFRA's conclusion that the success of existing legislation varies, depending on how well it has been enforced and the level of public awareness, is undoubtedly correct. Therefore it is vital that greater resources are found to promote and enforce existing legislation.

The legislation surrounding car washes needs to be publicised. Currently the public is not aware of the stringent legislation surrounding car washes and the environmental reasons that necessitate them. Since the EA will rely on reports from the public to help target unregulated car washes, particularly those that move from site to site quickly, it will be vital to have a high level of public

awareness of this issue. It will also encourage consumers to make the most environmentally beneficial choice when choosing whether to use a regulated or unregulated car wash.

For the effectiveness of legislation to be improved, it is also extremely important to have a robust method of enforcement. Currently unregulated hand car washes are making up a growing proportion of the car wash market. Compliance is costly; it is unfair that retailers who try to play by the rules are at a disadvantage in the market, where those who digress are rarely punished.

Q3: What are your views on our assessment of existing voluntary mechanisms?

Q4: How might the effectiveness of existing voluntary mechanisms be improved?

Due to the requirement of forecourt sites to have an environmental permit, many of the voluntary mechanisms governing the sector in the Pollution Prevention Guidelines are actually a requirement.

Voluntary mechanisms' success depends on how compliant companies are rewarded, as well as increasing consumer understanding on the issue. It is important that companies that have good environmental practice are visibly rewarded in a way that can be recognised by their customers. Therefore, alongside environmental good practice awards it would be useful to have a universal symbol, such as a green tick, that could be recognised by customers. It would identify the business as an environmentally conscious choice.

A reward system must be accompanied by increased public understanding on the repercussions of using unregulated car washes compared to regulated ones. For this to be successful, the environmental benefits of automatic car washing must be acknowledged, included on such issues as their water effectiveness. Using an automatic car wash uses considerably less water than washing a car by hand and this needs to be reflected in new drought regulations.

Q7: In your view, is it necessary to introduce further legislative mechanisms?

For DEFRA and the Environment Agency to meet the targets set in the Water Framework Directive, it is imperative that they focus on better enforcement. Otherwise, companies that currently have a decreased level of diffuse water pollution because they follow the existing guidelines will be further burdened, while those who ignored current rules will continue unrestrained, having a highly damaging impact on the environment.

However, the CWCG feels that introducing new legislative mechanisms has the potential to make enforcement easier. We shall outline the reasons for this

below, when we consider DEFRA's individual recommendations. Therefore we support the introduction of further appropriate legislative mechanisms.

Q8: How do you think the introduction of further voluntary mechanism would help mitigate non-agricultural diffuse water pollution? What support would be necessary to achieve voluntary action?

As stated before, the CWCG takes its environmental responsibilities very seriously. Therefore, providing they were sensible and realistic to comply with, voluntary mechanisms could have a wide take up. However, it must be remembered that our members already comply with existing regulations that cut down the amount of diffuse water pollution. Therefore, the reduction in diffuse water pollution would not be significant. A much more effective way of reducing diffuse water pollution would be by targeting those businesses that currently do not comply with any rules, voluntary or not.

Suggestions such as an industry code of practice for car wash operators is worthy of further consideration. However, for the car wash sector to achieve any such voluntary mechanism, they will need assistance from the EA. The only way to create a credible industry wide voluntary mechanism is to ensure that only car wash operators who take their environmental repercussions seriously are allowed to operate. Otherwise such a code will not be truly representative, and those who are currently unregulated in the industry will continue to be so. The car wash industry itself does not have the power to make these rogue operators comply; that is the job of the EA and they must ensure they take it seriously.

Q9: What are your views on the selected options for possible new mechanisms?

Q10: What are your views of the cost or the cost effectiveness of introducing any of these new mechanisms? How might the inclusion of new mechanisms help remove current mechanisms which are not cost effective?

The CWCG believes that further legislation has the potential to be helpful. In particular, DEFRA's suggestion of General Binding Rules based on the current Pollution Prevention Guidelines (PPG's) sound particularly promising and would be welcomed by the car wash sector. In the consultation DEFRA states that these rules would remove the need for forecourts to apply for an environmental permit. This would definitely prove cost effective for both for the industry and the EA. Hopefully the EA could use these savings to target those car wash companies who do not comply with environmental standards. Having the PPG's made into legislative requirements should make them easier to enforce, since the actions of car washes that do not stick to the rules will be readily identifiable as illegal.

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However, further legislation would be useless unless greater steps are taken to ensure it is enforced. Currently, many hand car washes operate without an environmental permit, but since there is little action from the EA, they continue to operate. The EA must insure that it is these sorts of sites that are targeted. The nature of the drainage requirements for car washes means that hand car washing in car parks, without the use of wash bays, and operations that temporarily set up in old garage forecourt sites are likely to be breaking regulations. The EA needs a strategy is in place to ensure that these operators are being tackled.

The discussed voluntary mechanisms, such as code of practice, industry sector plans and awards for good practice could all play a part in encouraging retailers who already comply with regulation to do more. However to tackle diffuse water pollution, more has to be done to enforce environmental legislation.

Q11: How do small firms and trade bodies believe the proposals will affect their businesses?

Though further regulations are burdensome, if they have a tangible environmental impact and are enforced fairly across the sector, the CWCG will support them. However, it is vital that we end the current situation which is that those companies who abide by the regulations are put at a competitive disadvantage with those who do not.

Replacing the need for an environmental permit with General Binding Rules will ease the regulatory and financial burden, particular for smaller businesses

Q13: How effective do you think the mix of strategies proposed in this consultation will be?

The strategies suggested in this consultation could be successful. However, it will be vital that they are developed more fully and with further opportunities to consult. The CWCG would be willing to assist DEFRA in any way possible during this process.

However, ultimately these strategies will only succeed in the EA is willing to increase its enforcement activities. It is vital suitable punishment is in place and used for those car wash operators who flout the rules and damage the environment.

Car Wash Campaign Group

Annex 1: The Car Wash Campaign Group is the campaigning voice of all aspects of the car wash industry. Membership includes car wash manufacturers and forecourt retailers. David Charman from Parkfoot Garage is the CWCG's spokesperson. The Association of Convenience Stores is the Group's Secretariat.

For questions concerning this submission, please contact Jennifer Brown on 01252 515001 or jenny.brown@acs.org

Annex 2: Diagram comparing the environmental impact of regulated and non-regulated car washes.

