

## PAINTS, VARNISHES, AND VEHICLE REFINISHING PRODUCTS – QUESTIONNAIRE

This report provides information on monitoring and enforcement action in accordance with the programme referred to in regulation 7 of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012.

### 1. General information

Country	United Kingdom
Reporting period	1/1/2020 – 31/12/2020

Name of Organisation	Department for Environment Food and Rural Affairs
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### 2. Competent authority (Article 5)

#### 2.1 Name of the competent authority (or authorities) responsible for the following:

a) establishing, coordinating and managing the monitoring programme (at national level)	The Department for Environment, Food and Rural Affairs in partnership with the Governments of Scotland, Wales and Northern Ireland.
b) carrying out inspections and checks in the field (at national, regional or local level)	<ul style="list-style-type: none"><li>• Local Authorities in England and Wales and Scotland</li><li>• District Councils in Northern Ireland</li><li>• Scottish Environment Protection Agency (SEPA) for any point-of-use or productive process already regulated by SEPA under the Pollution Prevention and Control (Scotland) Regulations 2000</li></ul>
c) ensuring enforcement of the provisions transposing Directive 2004/42/EC	These functions were delegated by the Secretary of State for Environment, Food and Rural Affairs in June 2009 for England, Scotland and Wales and in April 2008 in the case of Northern Ireland

**2.2 If more than one competent authority is named above, please list the measures taken to ensure the consistent implementation of the regulation throughout the entire territory**

Market surveillance traces the source of non-compliant paints back from the end-user or the final point-of-sale. Regulatory checks on wholesalers and retailers are the responsibility of Local Authority Trading Standards Officers.


Local Authority (or District Council in Northern Ireland) Environmental Health Officers (EHOs) are responsible for regulating certain facilities for emissions to air and checking that they are not using non-compliant paints. For example vehicle refinishing facilities (VRs) that consume more than 1 tonne of solvent a year for activities are regulated by EHOs under our environmental permitting regime.

Manufacturers that use more than 100 tonnes per year of solvent in the manufacturing process are regulated by Local Authority EHOs through the environmental permitting regime. Although this is not directly relevant to market surveillance as these permits relate to VOCs released in production not the VOC content once made.

Importers are regulated by Local Authority trading standards officers and health and safety officers. Most paint used in the UK is sold to businesses and individuals by large retailers that buy their paint directly from manufacturers in the UK or within the European Union. Under UK REACH, which came into force at the end of the transition period, manufacturers or importers need to register any substance they supply to the GB market at or above 1 tonne per year. There are several transitional provisions in place to enable companies to meet this requirement. Under the terms of the Northern Ireland Protocol, EU REACH still applies in Northern Ireland. EU REACH also requires manufacturers or importers to register any substance they supply to the EU market at or above 1 tonne per year. These measures are also described in the attached national plan, which sets out a consistent approach to enforcement across the UK.

**3. Monitoring programme (Article 6)**

**3.1 Provide a copy of the national monitoring programme, or a link to the website where this programme is available**

Copy provided	Yes, The UK national monitoring programme plan provided was produced in 2010 and has not been updated.
Link to the website	 UK national monitoring program

**3.2 Provide an overview of the national monitoring programme, or provide a link to the website where the relevant information is available, indicating the following:**

**a) how operators are selected for inspection**

Targeted inspections of retail premises are the responsibility of Local Authority/District Council trading standards officers prompted by intelligence from environmental health officers through their inspections of regulated facilities, e.g. vehicle refinishing facilities (VRs). Inspections can also be carried out on information received from legitimate suppliers and from scans of internet advertising. VRs which consume more than 1 tonne of solvent a year for activities in England, Wales

& Northern Ireland, or 2 tonnes in Scotland, are regulated under our environmental permitting regime, and are inspected by Local Authority/District Council EHOs or by SEPA in Scotland.

Link:

**b) how the manner of inspection is decided (e.g. site visits, remote checks)**

Inspections are carried out as part of planned regular visits and are supplemented by specifically targeted inspections acting on intelligence received.

Link

**c) how the inspection frequency is decided**

Local Authority and District Council Environmental Health officers inspect regulated facilities and check paint labels during routine regular inspections of relevant facilities, e.g. vehicle refinishing. Trading Standards officers are responsible for carrying out targeted inspections of retail premises acting on intelligence received from Environmental Health Officers or other sources (see the response to 3.2 a).

Link

**d) whether distinction is made between large and small operators**

Operators consuming more than 1 tonne of solvent a year for activities in England, Wales & Northern Ireland, or 2 tonnes in Scotland, are regulated under our environmental permitting regime and will be subject to routine inspection. Distributors to smaller operators are subject to intelligence-based targeted inspections.

Link:

**e) the estimated market share that the monitoring programme is intended to check in any given year**

As per 3.2.c, Local Authority Environmental Health officers will inspect regulated facilities and check paint labels during routine inspections, whilst targeted inspections will take place to act on other intelligence. It is not possible to accurately estimate the market share that this represents in any given year.

**f) any other pertinent features ensuring the effective and efficient operation of the monitoring programme**

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Link:	
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### 3.3 Application of the monitoring programme

	Manufacturers	Importers	Wholesalers	Retailers	Others Operators
a) Are the following categories of operators covered by the monitoring programme?	Yes	Yes	Yes	yes	Operators at end use e.g. vehicle refinishing
b) How are the inspections scheduled	Other (please specify)	Other (please specify)	Other (please specify)	Other (please specify)	Planned
c) Is notice given prior to inspecting the premises?	Not applicable	Not applicable	Not applicable	Not applicable	Yes
d) What is the frequency of inspection?	Not applicable	Not applicable	Not applicable	Not applicable	A minimum of once every two years

Full response for 3.3b) - Inspections by Trading Standards Officers would occur if and when intelligence is received that non-compliant paint may be entering the supply chain.

### 3.4 : (Optional) Provide an estimate of the following:

a) The total estimated number of staff involved in monitoring and control	
b) The qualifications of staff involved in monitoring and control	
c) The estimated monitoring costs (in euro) per year (personnel, sampling and analysing, checks on labelling, enforcement, other costs)	

## 4. Results of actions carried out under the monitoring programme (Article 7)

### 4.1 Results of actions taken under the monitoring programme<sup>(1)</sup>

<sup>1</sup> Enter '0' in the Table if no inspections or checks were carried out.

	Manufacturers	Importers	Wholesalers	Retailers	Others (please specify)	Total
A. Estimated total number of premises in the country	150	Unknown	3500	1000	1000 Permitted Vehicle Refinishers	>4700
B. Estimated annual quantity of products on the market within the scope of the Directive (indicate units of weight or volume)						700 million litres annually
C. Number of premises inspected:						
C1. For VOC content and label	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	5 <sup>b</sup>	5 <sup>b</sup>
C2. For VOC content only	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
C3. For label only	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
C4. Total number of premises inspected (i.e. C1 + C2 + C3)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	5 <sup>b</sup>	171
D. For the premises inspected for VOC content (i.e. C1 + C2):						
D1. Number of product samples analysed by an accredited third-party laboratory (using the analytical methods set out in Annex III to the Directive)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
D2. Number of product samples analysed by the operator (using the analytical methods set out in Annex III to the Directive)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
D3. Number of product samples analysed by other means (please specify)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
D4. Total number of product samples analysed (i.e. D1 + D2 + D3)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	1
D5. Number of product samples analysed, which were non-compliant with the VOC limits for paints	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	1

	Manufacturers	Importers	Wholesalers	Retailers	Others (please specify)	Total
and varnishes in Part A of Annex II to the Directive						
D6. Number of product samples analysed, which were non-compliant with the VOC limits for vehicle refinishing products in Part B of Annex II to the Directive	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
E. For the premises inspected for labels (i.e. C1 + C3):						
E1. Number of labels checked by on-site visual inspection	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	3 <sup>c</sup>	6 <sup>c</sup>
E2. Number of labels checked by submission of labels to the designated competent authority	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
E3. Number of labels checked by other means (please specify)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>
E4. Total number of labels checked (i.e. E1 + E2 + E3)	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	3 <sup>c</sup>	6 <sup>c</sup>
E4. Number of labels inspected, which were not complying with the labelling requirements in Article 4 of the Directive	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	n/a <sup>a</sup>	3

<sup>a</sup> – data is unavailable at this level of disaggregation.

<sup>b</sup> – Data is only available for a small number of district councils in Northern Ireland.

<sup>c</sup> – Data provided represents known label inspections in Northern Ireland and instances of non-compliance reported in England and Wales. No information is available about the number of labels inspected in England, Wales, or Scotland.

#### Comments:

The UK adopts a risk-based approach to enforcement as set out in the attached National Plan.

#### 4.2 In cases of identified non-compliance :

**What actions have subsequently been taken by the competent authorities in order to restore compliance with The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulation 2012:**

Operators have been reminded of their permit conditions and verbally advised that they must use compliant product. Continued non-compliance would result in their permit to operate being revoked.

## 5. Product exemptions (Article 3(2))

### 5.1 Have you used the derogation regime provided in the legislation

Yes

### 5.2 If yes indicate:

a) Number of product exemptions granted during the reporting period	Approx 900 SEA permitted facilities (data only available for England and Wales)
b) Activities where these exempted products are used (refer to the activities listed in Part 1 of Annex VII to Directive 2010/75/EU)	All activities as listed in Part 1 of Annex VII to Directive 2010/75/EU are exempted
c) The estimated quantity of exempted products during the reporting period (according to the classification listed in Schedule I to the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulation 2012)	Unknown
d) Kind of controls established to ensure that exempted products are not used by unauthorised installations	Solvent Emissions Activities are permitted and inspected.

## 6. Other relevant information

**Provide any additional relevant comments, suggestions or information pertinent to implementation of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulation 2012**

Our annual Industrial Pollution Control statistics returns for 2020 for England and Wales is still underway, and there are Local Authorities still to submit data. The information provided in respect of England and Wales is from those returns we have received (just over 90%). Whilst data on the total number of inspections is available, no data is available which delineates the category of the site inspected, although we know that they are all end users. Limited data is available from three of eleven district councils in Northern Ireland, whilst no data is available for Scotland. Additionally, data on the number of samples or labels sent for inspection is not available, but must be at least as many samples or labels that are not compliant with the Directive. Numbers of inspections given for vehicle refinishing assumes that paint labels are checked during visits by LA regulators in accordance with our National Plan. The 2010 National Plan is attached in the Annex, which will be reviewed in due course to reflect regulatory changes.

In 2016-17, the industry trade association (the British Coatings Federation) undertook an awareness campaign aimed at increasing the need to comply with the regulation. Research led by the trade association in support of this campaign has identified non-compliance with the regulation, particularly at permitted vehicle refinishers, where it was found that approximately 25% of UK accident repairs are made with non-compliant solvent-based products. The trade association is continuing its efforts to encourage compliance with the regulation across the UK and have held training sessions and webinars for Trading Standards Officers to improve the effectiveness of monitoring and enforcement activities.

