

Ministry of Infrastructure and Water Management

Influence of Dutch Soil Quality Decree on EN 16637-series

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Some History

- Soil protection started in 1980 with first polluted site in Lekkerkerk
- It led to billions of euros for clean-ups and preventive legislation
- In 1995 the Building Materials Decree was published
- It took about 5 years to write and get accepted
- In 2008 it became part of the Soil Quality Decree
- In all those years no mayor changes
- High Recycling rates of building wastes

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Dutch Soil Quality Decree

- The Soil Quality Decree is the Dutch policy on sustainable soil management including groundwater and surface water. A balance between man and the environment, also aims to achieve a balance between a healthy living environment and the use of the secondary materials as building materials.
- Is main part of national legislation on BWR3 (Dangerous Substances). Also some legislation on Indoor air.
- Only for outside use of stony building materials
- Limit values for Emission *or* Content

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Principles

- After long discussions with producers, builders and others, 5 Principles were agreed on

1. Reliable testing through for the products as used:
 1. New standards for leaching and content and
 2. testing through accredited laboratories
2. Compliance through already existing Product certification. Working with the 50/90 principle (as Daan Smulders will explain)
3. Use of historic data and statistics to reduce unnecessary testing (k-value system)
4. No distinction between primary and secondary materials
5. Reuse and Recycling is also a goal of this legislation

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Lessons learned in the Netherlands (1)

1. Reliable testing
 - Reliable testing of leaching and content in building materials and other matrices is very difficult (including sampling)
 - In the 1990's environmental testing between Laboratories was bad, even with accreditation
 - Dutch legislation orders specific accreditation programs for laboratories with requirements on performance criteria and specific instructions for first, second and third line quality control.
2. Compliance through already existing Product certification
 - Is cost effective
 - Improved product quality through extra knowledge of environmental testing
 - Important for the trust of buyers and general public.

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Lessons learned in the Netherlands (2)

3. Use of historic data and statistics (*k*-value system)
 - Has proven itself; more info in the presentation of Daan Smulders
 - It's makes it very practical and without the need for batch testing
4. No distinction between primary and secondary materials.
 - Same way of testing
 - Better recycling
5. Reuse and Recycling is also a goal of this legislation
 - Setting limit levels was difficult for the balance between soil protection and reuse of building materials

- All parties in the Netherlands are now very satisfied with this legislation
- In beginning difficult discussion but it worked in the end
- If you don't believe me, ask Daan Smulders!

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Influence of Dutch Soil Quality Decree on EN 16637-series

- The new European standards; EN 16637-series
 - A lot of the Dutch experience was used as "Dutch input", but in the end there is some difference
 - Horizontal is the future
- Testing by specialised Accredited Laboratories is not covered yet in AVCP. EN 16637-series are different compared to other properties
- AVCP has still to be decided on:
 - In SGDS input was asked from member states: What is status in notified (national) legislation?
 - Dutch notified legislation uses "Product certification" *and* "the use of accredited laboratories" (Type testing)
- Additional use/support of the *k*-value system (CEN/TR 16797-1 and -2)
- Circular Economy: No differences for reused and recycled building materials

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Special Problem: The use of TS (Technical Specification) in harmonized product standards (hENs)

- For BWR3, the TSs are ready
- Some want to put those TSs in hENs for relevant building products
- Member state?, Commission?, DG GROW?
- Because we use national standards in our Soil Quality Decree we see problems with a implementation of the CPR
 - Leads to two transition periods
- We want to wait for validation of TSs and conversion into ENs
- When BWR3 ENs are ready, addition to hENs is OK

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Other "environmental properties" of building products

- CPR is very strict on the use of properties of building products in national legislation.
- For example protective barriers to protect the soil and ground water.
- Dutch notified legislation uses those "environmental properties" for harmonized building products
- These standards (hENs) and their properties are very difficult to update to the notified Dutch legislation.
- We fear more of those surprises

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Conclusions


- Lessons learned in 20 years in the Netherlands:
 - Reliable Environmental Testing (of leaching of and content in construction products and other matrices) is difficult, specially between different laboratories
 - Special "accreditation program" works/helps
 - Horizontal Standards reduce costs of testing
 - Good statistics and historical data can help reduce costs
 - Quality control through Product Certification (including waste materials) is:
 - Important for quality of the product
 - Cost effective to prove quality
 - Important for the trust of buyers and general public.
 - Do not differ between waste and other materials

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Questions? Or time for Daan Smulders?



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