



CONSULTATION RESPONSE

DEVELOPING SCOTLAND'S CIRCULAR ECONOMY: PROPOSALS FOR LEGISLATION

by the Scottish Environment LINK Economics Group

Date: December 2019

Summary

LINK members welcome the proposals brought forward by the Government, but feel that they are insufficient in scope and ambition.

We have climate and nature emergencies and this bill should be part of an ambitious response to address these.

At the core of our impact on the environment is the sheer quantity of raw materials extracted, and the pollution from processing them, to feed our demand for products. A more circular economy can address this by making much better use of these materials and regenerating our natural systems. However, there is a danger that if our approach to a more circular economy is either piecemeal or overly focussed on waste, the impact of our high consumption will continue. LINK members feel that our transition to a more circular economy needs to be driven by an overarching focus on reducing our overall consumption of raw materials and the carbon associated with processing them.

LINK members are asking for:

- Long term, interim and year on year reduction targets for carbon and material footprints based on the precautionary principle and using scientific advice.
- A Resources Reduction Plan to meet the targets and address problematic materials, updated every 5 years, with outcomes and milestones and aligned budget resource.
- A duty on public bodies to act in such a way as to contribute to the targets set by this bill.
- Additional powers to enable the Scottish Government to introduce Extended Producer Responsibility obligations and Deposit Return systems to additional product areas.
- Regenerating our natural systems through nutrient budgeting and a National Soils Plan
- Enhanced measures on public procurement such that procuring bodies have a duty to demonstrate a year on year increase in 'circular spending'.
- Additional requirements on (and associated funding for) local authorities to establish sharing and reuse platforms.

Introduction

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK members welcome the opportunity to comment on this consultation and have both provided thoughts on the questions posed and included significant additional input at question 22.

1: Reduce: tackling our throwaway culture

1. Do you agree in principle that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups?

Yes

2. Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups?

Yes

3. Are there any other items that these new powers for environmental charging should be applied to in the future?

Yes

Charges (as a behaviour change incentive) should be considered for any single-use items, regardless of product or material, for which there are readily available re-useable alternatives or which are difficult to recycle. For example, take away food packaging. It is important to ensure that charges are used to incentivise use of reusable alternatives, whether brought from home or provided through a reusable scheme (see example here: https://www.breakfreefromplastic.org/wp-content/uploads/2019/10/2019_10_10_rpa_bffp_sup_guide.pdf) and discourage regrettable substitution of another single-use item of alternative material.

The income from charges of this nature should be used to support circular economy measures to reduce material consumption and pollution.

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We note that the Scottish Government is planning to consult on a proposed legislative approach to ban or restrict the sale of the Single-use Plastics Directive's priority plastic items by 2021; but would urge the Government to consider market restrictions on single use items in general, regardless of material. We would advocate that single-use beverage cups, cutlery and plates/bowls are banned from closed settings (such as sit-in cafes), and replaced with reusable alternatives.

Another environmentally harmful product to which an additional charge or levy should be applied is horticultural peat.

2: Reuse: encouraging use and reuse to prevent waste

4. To strengthen monitoring, measurement and reporting of waste across all sectors, do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of:

I – business waste?

Yes

II – business surplus?

Yes

5. Do you agree with the proposal to prioritise introduction of mandatory public reporting for businesses of:

I – food waste?

Yes

II – food surplus?

Yes

6. Are there any other items, such as textiles and clothing, that mandatory reporting requirements on waste and surplus should be expanded to in the future?

Yes

Over time, reporting requirements should be applied to all waste and surplus over a given quantity as one of the main aims of a circular economy is to design out waste.

Priority should be given to items with the highest life cycle environmental and social costs and those with the highest re-use potential.

Reporting requirements should be expanded to clothing and all textiles (including carpets) as soon as possible.

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Other items of waste surplus for early consideration should be bioresources – from the agriculture, forestry and fishing sectors (including aquaculture) and related processing.

7. Do you have any suggestions on how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles?

Yes.

Large quantities of surplus stock are undesirable. Business models should change to design-out large surpluses. The retailer should be responsible for ensuring use or recycling of surplus stock and landfill or incineration should not be an option.

Extended producer responsibility, if designed well, can encourage eco-design. Eco-design requirements would mean that surplus stock would become more valuable for re-use as it will have been made in a way such that it is relatively easy to take apart / re-use / recycle. We anticipate enabling powers for Scottish Ministers to bring forward an EPR scheme, either via the UK Environment Bill or the Scottish Circular Economy bill.

An element of eco-design is to ensure that harmful chemicals are absent. Chemical additives in products can make them unsuitable for re-use and recycling <http://changingmarkets.org/wp-content/uploads/2018/10/SMALL-changing-markets-layout-EN.pdf>

There should be a landfill and incineration ban on items with re-use / recycling potential.

Investment is needed in enterprises that re-use or recycle materials.

Scottish Government should work with other UK Governments on product eco-standards based on full life cycle analysis of the environmental and social costs.

A levy should be applied to items that do not comply with eco-design requirements.

A database of surplus stock (and waste) should be publicly available so that potential users of this resource are aware of it.

3: Recycle: maximising value of materials

8. Do you agree with the principle of enabling Scottish Ministers to place additional requirements on local authorities in order to increase rates and quality of household recycling?

Yes

Although recycling is important, we want to emphasise that more attention needs to be placed on efforts higher up the waste hierarchy, such as sharing and re-use, and that local authorities could have a role in promoting and enabling these. Please see point 9 in Q22 at the end of this response.

With regard to recycling additional requirements which we suggest are:

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- To collect materials separately.
- To increase collection of textiles, batteries, small electronics, food waste, garden waste (in addition to glass, plastic and paper/card), by investing in infrastructure and services which allow ease of recycling these waste streams.
- To provide consistent and easily recognisable recycling bins in built up areas and all public buildings such that everyone has access to recycling services.
- To engage with the public in minimising and recycling municipal waste.

9. Do you agree with the principle of greater consistency in household recycling collections in different local authority areas?

Yes

10. Do you consider that we should move away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation?

Yes, if this requirement is adequately resourced

11. Do you consider that householders' existing obligations are sufficient?

Don't know

12. Are there any other measures that you consider Scottish Government should take to help accelerate the rate and quality of household recycling in Scotland, taking account of experience and approaches elsewhere and existing householder behaviours?

Yes

Follow the example of Wales where there has been significant investment, a blueprint followed by all but a few local authorities, and a focus on separated collection.

Observe the trial taking place in Wales of micro-chipping food waste bins.

Implement common consistent collection and recycling systems across Scotland's local authorities.

Implement all plastic collections under the Recycling Charter dual stream separate collection system. This is supported by innovations such as Project Beacon in Tayside.

Facilitate material brokerage and support the demand for Scottish recycled material to help price stability and the viability of domestic recycling industry.

Roll out deposit return schemes to encourage the recycling of additional and harder to recycle products, for example domestic lights and mobile phones/ tablets.

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Reform and roll out Extended Producer Responsibility schemes to items in addition to packaging.

To inform appropriate use, reuse, recycling and end of life disposal of products, a full materials disclosure should be mandatory for all products, providing transparent and accessible data of chemical use to users from across the supply chain. <https://www.fidra.org.uk/wp-content/uploads/Fidra-Statement-on-Chemicals-in-Circular-Economy.pdf>

Require clear labelling and raise consumer awareness and understanding about recyclability of materials, especially regarding bio-plastics (both biosourced and biodegradable).

Address leakages of resources at all stages of the supply chain to prevent the loss of materials to the environment (both terrestrial and marine), such as plastic pellets; where failure to prevent loss of pellets from the plastics supply chain at all stages, including recycling facilities and transport of recycled material, will undermine a closed loop circular economy.

Once an appropriate system is in place, such that everyone has access to good recycling and re-use services, obligations on the public could be considered, such as 'save as you recycle' schemes shown to be a key criteria in regions with highest rates of recycling (<https://www.interregeurope.eu/policylearning/news/550/pay-as-you-throw-schemes-increase-recycling-rates/>), eg Flanders

4: Improving enforcement

13. Do you agree that Scotland should have the power to seize vehicles suspected of waste crime, similar to the rest of the UK?

Yes

14. Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles?

Yes

15. Do you agree with the introduction of a new system that stipulates that the registered keeper of a vehicle is ultimately responsible for criminal offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time)?

Yes

5: Assessing impact of bill proposals

16. Taking into account the accompanying EQIA, are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please specify.

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The inclusion of a Disability Adviser on the Expert Panel on Environmental Charging and Other Measures (EPECOM) has been a good example of scrutinising the impact on particular groups, and LINK members believe this is something that needs to be carried forward when considering future measures.

17. Taking into account the accompanying BRIA, do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any business or sector? Please specify.

Ideally circular economy legislation / regulations should enact the principle of 'polluter pays'. Therefore, costs to polluting businesses should increase relative to those who pollute less.

Applying charges to beverage cups / other single use items will mean small additional costs in staff time as the customer is effectively sold two items (cup + beverage) rather than one, although this article suggests it will be an attractive prospect for small retailers <https://www.isonomia.co.uk/levelling-a-charge-small-business-and-levies/>

Mandatory reporting on surplus stock will have some costs associated with admin / time

There is a need for significant investment in the recycling system, but reformed Extended Producer Responsibility will help fund this.

18. Do you think that the proposals contained in this consultation are likely to have an impact on the environment? If so, which ones and how? Please specify.

The proposals put forward are insufficient. More comprehensive proposals with overall consumption reduction targets would have a greater positive impact on the environment.

With regard to the specific proposals put forward:

- Proposed charges should have a positive impact on the environment through reducing the use of single use beverage cups and an associated reduction in litter and waste. However, the extent that it will result in an overall reduction in material and carbon footprints, depends on reusable alternatives being readily available and used many times. The impact of the charge will be enhanced if charges are accompanied by reusable cup schemes (ideally with a uniform cup). The impact also needs monitoring; and targets for reduction introduced.
- Reporting on surpluses could potentially have a positive environmental impact, but this would be enhanced if it was accompanied by other measures to encourage uptake of surplus stock and its use as a substitute for raw materials.
- Enhancing household recycling services should have a positive environmental impact through diverting waste from landfill and increasing the range and quality of recycle. Impact would be further ensured with measures to incentivise recycled content in new goods (eg proposed UK plastics tax and similar taxes for other materials)
- Stronger enforcement should have positive environmental impact regarding reduced littering and pollution from end of life vehicles.

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6: Proposals for secondary legislation

19. Do you agree with the proposal that procurement strategies published by relevant public bodies should include consideration of activity which supports the circular economy and action on climate change?

Yes

20. Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p?

Yes

To be effective, this charge probably needs to be higher. Also, there needs to be measures to reduce the overall consumption of plastic bags in terms of total weight. All bags should be re-useable which means they should be washable and, ideally, repairable.

21. Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment?

Neither agree nor disagree

Early data showed that the charge reduced the number of single-use plastic bags being used significantly.

However, in terms of total plastic / overall footprint we do not know if the impact on the environment has been positive. The bigger / stronger plastic bags contain much more plastic and therefore need to be used many times for there to be a saving in our footprints associated with plastic bags. The recent EIA and Greenpeace report supports this <https://eia-international.org/wp-content/uploads/Checking-Out-on-Plastics-2-report.pdf> In terms of the plastic 'bags for life', EIA and Greenpeace recommend a price increase to at least 70p – or ideally to remove them altogether, enforced by a Government ban.

Conclusion

22. Do you have any other comments that you would like to make, relevant to the subject of this consultation that you have not covered in your answers to other questions?

Yes

Although welcome, we do not consider that the proposals brought forward are sufficient. We have climate and ecological emergencies and the Scottish Government wants to 'end our contribution to climate change'. UN Environment finds extractive industries are responsible for half the world's carbon emissions and carbon footprint data shows that 84% of Scotland's carbon footprint is derived from emissions embedded in goods we consume. Consumption of natural resources has tripled since the 1970's and is set to further double by 2060 according to research, and 80% of biodiversity loss is caused by resource extraction and processing. It is abundantly clear that we need to systematically reduce the impact from our production and consumption; and we need to bring in an ambitious plan of how to do this.

We welcome the Governments' recognition that reducing the carbon and resource footprints is one of the key objectives of a more circular economy and that progress towards a circular economy should be measured through our carbon footprint (as well as waste). **This points to the need to have footprint reduction targets.**

The proposals state 'that most of the climate impacts linked to products and materials occur in the production and consumption phase of the lifecycle'. It is somewhat puzzling that the following sentence reads 'preventing waste will therefore have the biggest impacts on our environment'.

We feel that a Circular Economy Bill should set the framework to drive our economy to one that is more circular. As with climate change, the changes needed are many and varied; also akin to climate change, it is hard to imagine those changes occurring without the overall framework of legally binding targets and a coordinated, national plan.

Additionally, a key feature of a circular economy is that it is restorative, regenerating natural systems. The CE proposals do not include any measures in this important area.

We would like to see the following additions to the current proposals.

1. Targets

i) We need to set long term, interim and year on year reduction targets for carbon and material footprints based on the precautionary principle and scientific advice.

What should our long-term targets be?

Here we make some suggestions for ambitious targets based on three factors:

- The overall aim for One Planet Prosperity.
- Reductions in resource consumption will be needed to help meet climate emissions targets and globally it is necessary to hit net zero by 2050 in order to have a reasonable chance of limiting temperature increases to 1.5°C.
- Examples of best practice within the EU, for example the Netherlands' targets for 50% reduction in non-renewable resources by 2030 with the aim of 'achieving a circular economy by 2050'.

The carbon footprint covers greenhouse gas emissions from goods and services consumed in Scotland including those which are imported; as well as emissions directly produced by Scottish residents, such as from heating and transport. We already report on our carbon footprint periodically but have no targets associated with it.

Suggested target for carbon footprint: reduction to net zero by 2050 (note: this is different to the 2045 target for net zero production emissions)

The Material footprint covers the raw materials used for all goods consumed in Scotland. It includes metals, fossil fuels, non-metallic minerals and biomass (for example food and timber). In the near future, there will be data available to measure basic flows of raw materials in Scotland.

Suggested target for metals, minerals and fossil fuel feed stock: 50% reduction by 2030 (following the Netherlands)

Target for biomass: to be developed. We need a target for biomass to ensure that increased demands for biomass (for example, the proposed substitute of timber for concrete and steel in construction) do not result in habitat destruction and biodiversity loss and to guide us towards One Planet Prosperity.

2. A Duty on the relevant ministers

A Duty on the relevant ministers to report annually on the progress towards these targets

3. A Resources Reduction Plan

A duty to produce a plan to meet the targets and address problematic materials¹, updated every 5 years. This plan would show the policies and other instruments needed for each sector, and the associated investment, to steer our economy to one that is more circular. There needs to be a requirement for the plan to have

¹ Certain materials are particularly problematic but might not be adequately captured by the overall targets. For example, plastic waste is known to cause particular harm in the environment, textile production is very polluting and water intensive, and the mining of rare earth metals leaves areas contaminated.

outcomes, milestones and aligned budget resource; and for Ministers to report progress to parliament on an annual basis.

4. A Resources Reduction Committee

To establish a committee, including representatives from academia, NGOs, Local Authorities, the resource recovery sector, community 're-use' sector, SEPA; to advise Government on how to meet the targets.

5. A duty on public bodies

A duty on public bodies to act in such a way as to contribute to the targets set by this bill.

6. Additional powers

To give the Scottish Government sufficient powers to introduce Extended Producer Responsibility obligations and Deposit Return systems to additional product areas.

7. Regenerating our natural systems

- An inclusion on the face of the bill that a key feature of a circular economy is that it is restorative, regenerating natural systems.
- A commitment to nutrient budgeting, including a phosphorus balance sheet.
- A National Soils Plan, which reports on a 3 year cycle on the state of Scotland's soils with ambitious targets to increase soil carbon based on biophysical potential, a duty on land managers to maintain and enhance soil carbon levels and to prevent soil erosion, a Chief Soils Officer in SG, a specific and sizeable levy paid on any activity which seals soil (and therefore destroys its regenerative capacity) which can be used for remediation of contaminated soils and peatland.

8. Public Procurement

We are pleased to see that the Scottish Government has identified Public Procurement as an important vehicle to support a shift to a more circular economy. However, we feel that additional obligations on procuring departments are needed if procurement is to play its full role. We would like to see:

- A mandate to ensure that Green Public Procurement Guidelines are being followed.
- A requirement to report on 'circular spending': service hire or product sharing, repairing of existing products, or purchasing second-hand / refurbished, rather than purchasing new products.
- A requirement to demonstrate a year on year increase in circular spending.
- A requirement on suppliers to report on material and carbon footprints.
- A requirement to demonstrate a reduction in public procurement footprints per £ spent.

9. Additional requirements on local authorities

As well as being responsible for delivering a coordinated approach to recycling collection, local authorities (or another public agency) should be tasked with establishing sharing and re-use platforms and services. For example, all recycling centres should have an associated outlet for items which can be repaired and re-used. A re-use target should be introduced in line with EU recommendations. There need to be targets that reflect the waste hierarchy and the desire to increase sharing and reusing as well as increasing the proportion of waste that is recycled. The aim should be a 'hire first' economy, where it is more attractive to rent a service rather than to own a series of products.

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