

LINK Consultation Response

Introducing market restriction on problematic single use plastic items in Scotland

December 2020



Scottish
Environment
LINK

Scottish Environment LINK

Response to 'Introducing Market Restrictions on Problematic Single-Use Plastic Items in Scotland'

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. This consultation response has been prepared by members of LINK's Economics Group.

Introduction

Scottish Environment LINK welcomes this consultation.

Scottish Environment LINK members recognise the usefulness of plastic as a material. However, the production, use and disposal of plastics has given rise to significant environmental problems. Plastics are a ubiquitous and growing source of pollution in the terrestrial, freshwater and marine environment and a major contributor to climate change¹. With predicted potential increases in global plastic entering the marine environment² and the contribution the UK makes to plastic waste predicted to rise by 20% by 2030 (at around 6.3million tonnes)³ the plastic problem is set to grow if it is not urgently addressed. Reducing the production and consumption of plastics is an urgent priority.

Today, single-use plastics come in a multitude of forms and are made from a variety of polymers. They need to be tackled in order of priority according to the environmental threat they pose, their use value and the availability of alternatives. We call for a transition away from our single-use plastic culture, phasing out all non-essential and unsafe⁴ single-use plastics by 2025.

This transition must involve input of a wide range of stakeholders who will be affected. In particular, disabled people must be involved in the process of designing the transition to ensure their needs are taken into account by policymakers, for example by defining the products included in the category of 'essential single-use plastics' and determining how any exemption(s) would work in practise. LINK members recognise that items such as single-use plastic straws have no viable alternative that meet the needs of some disabled people. Our recommendations to the subsequent questions should be viewed with the understanding that we would expect these to undergo further discussion and scrutiny with disabled people.

The Covid pandemic has brought enormous challenges, but it is vital that we take strong and prompt political action to tackle single-use plastics and implement the SUP Directive. It remains crucial that this forms part of wider and more ambitious work by the Scottish Government - the Circular Economy Bill should be introduced as soon as possible with robust targets to reduce our over consumption of materials like plastic. Our climate and biodiversity crises demand swift action on plastics and we must also uphold our commitment to keep pace with Europe

¹ <https://www.ciel.org/plasticandclimate/>

² Without action, the annual flow of plastic into the ocean will nearly triple by 2040, to 29 million metric tons per year (range: 23 million-37 million metric tons per year), equivalent to 50 kg of plastic per metre of coastline worldwide. https://www.pewtrusts.org/-/media/assets/2020/07/breakingtheplasticwave_report.pdf

³ https://www.wwf.org.uk/sites/default/files/2018-03/WWF_Plastics_Consumption_Report_Final.pdf

⁴ Free from harmful chemicals



1a) Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on each of the single-use plastic items listed and all oxo-degradable products?

- Single-use plastic cutlery (forks, knives, spoons, chopsticks) - Yes
- Single-use plastic plates (plates, trays/platters, bowls) - Yes
- Single-use plastic straws - Yes
- Single-use plastic beverage stirrers - Yes
- Single-use plastic balloon sticks - Yes
- Single-use food containers made of expanded polystyrene - Yes
- Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids - Yes
- All oxo-degradable products - Yes

1b) Please give reasons and where possible provide evidence to support the view expressed in response to Question 1(a).

LINK members support the restriction of these items as they harm our environment and are not essential.

During the 2019 Marine Conservation Society Great British Beach Clean, volunteers in Scotland found, on average, 492 pieces of litter per 100m of surveyed beach of which 317 were plastic - a 128% and 186% increase respectively compared to 1994. Research also shows that an estimated 90% of marine litter in Scotland comes from Scotland⁵. In addition, LINK member Keep Scotland Beautiful found fast food packaging and single use cutlery to be a significant component of terrestrial litter in their 2019-20 LEAMS⁶ audits. The prevalence of plastic in our natural environment is not only an eyesore, which affects both local people and visitor experience of the countryside, it is also harmful to wildlife. Ingestion and entanglement are causes of harm⁷; but also, once present in the marine environment, plastics accumulate and concentrate a mixture of chemical pollutants from the surrounding seawater which, once ingested, are shown to bioaccumulate and harm aquatic organisms⁸. The breakdown of the plastic itself can also lead to the release of toxic components⁹.

LINK members welcome the inclusion of expanded polystyrene (EPS) products as fragments of EPS are consistently found in coastal litter¹⁰. A further concern surrounds the number of compounds and chemicals which are incorporated during production as these can enter the environment either by leaching or through degradation of the material¹¹.

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2019/11/marine-scotland-topic-sheets-ecosystems/documents/plastic-in-scotlands-seas-published-january-2020/plastic-in-scotlands-seas-published-january-2020/govscot%3Adocument/Topic%2Bsheet%2B151%2Bv1%2B-%2BHow%2Bmuch%2Bplastic%2Benters%2BScottish%2Bseas%2Band%2Bwhere%2Bdoes%2Bit%2Bcome%2Bfrom.pdf>

⁶ Local Environmental Audit and Management System

⁷ 16 Jan A. Van Franeker et al., "Monitoring Plastic Ingestion by the Northern Fulmar *Fulmarus glacialis* in the North Sea," *Environmental Pollution* 159, no. 10 (2011): 2609–15, <https://doi.org/10.1016/j.envpol.2011.06.008>.

José G B Derraik, "The Pollution of the Marine Environment by Plastic Debris: A Review.," *Marine Pollution Bulletin* 44, no. 9 (September 2002): 842–52, <http://www.ncbi.nlm.nih.gov/pubmed/12405208>.

Pablo Denuncio et al., "Plastic Ingestion in Franciscana Dolphins, *Pontoporia blainvillei* (Gervais and d'Orbigny, 1844), from Argentina.," *Marine Pollution Bulletin* 62, no. 8 (August 2011): 1836–41, <https://doi.org/10.1016/j.marpolbul.2011.05.003>.

⁸ C, Rochman et al. (2013). Ingested plastic transfers hazardous chemicals to fish and induces hepatic stress. *Scientific Reports*. 3 (3263).

⁹ León, VM., et al. (2018) Potential transfer of organic pollutants from littoral plastics debris to the marine environment. *Environmental Pollution* 236: 442-453.

¹⁰ Marine Conservation society, 25th Great British Beach Clean 2018 Report

¹¹ Manalac et al (2010) Leaching behaviour of sulfonated polystyrene (SPS) from recycled Styrofoam. *International Journal of Environmental Science and Development*, 1(4), 368-370.



Oxodegradable plastics contain a chemical additive to accelerate the fragmentation of the material into micro plastics – they do not biodegrade. What’s more, the presence of the additive makes the material unsuitable for recycling. This is acknowledged by recycling industry trade bodies as well as NGOs¹². Research commissioned by Defra concluded that “incorporation of additives into petroleum-based plastics that cause those plastics to undergo accelerated degradation does not improve their environmental impact and potentially gives rise to certain negative effects¹³”. The additive simply results in the breakdown of larger plastics into microplastic and thereby increasing the bioavailability of plastic pollution and adverse impacts.

The proposed restrictions are an early step towards achieving more sustainable patterns of consumption in our society more broadly. At present, the ubiquity of single use items across many aspects of everyday life is one reflection of our throwaway culture and linear economy. Banning some of these items will help raise the profile of wider issues relating to our consumption which need to be addressed through further measures such as active support and promotion of re-use, effective EPR schemes, restrictions on materials that are difficult to recycle, the Plastics tax, consumption reduction targets, and aligned public procurement.

There are high levels of public concern over plastic pollution and support for measures to address it. Recent national¹⁴, European¹⁵ and global¹⁶ commitments have evidenced the growing interest and appetite for change from the public, NGOs, industry leaders and governments worldwide to tackle plastic pollution. A LINK survey¹⁷ found 80% of respondents support a ban of all environmentally harmful single use plastic items where there are practical reusable alternatives.

All the items listed can be replaced by re-usable alternatives or less harmful materials. LINK members strongly advocate for work to promote reusable alternatives where at all possible and not substituting one single-use material for another.

1c) Do you support the introduction of a restriction on the supply in a non-commercial capacity (rather than only in the course of commercial activity) of the specified single-use plastic and oxo-degradable items?

Yes

Please give reasons: For the same reasons given in 1b)

1d) Do you support the introduction of a restriction on the manufacturing of the specified single-use plastic and oxo-degradable items, excluding those for which exemptions will be introduced?

Yes

Please give reasons: It is a matter of principle – if we consider these items harmful to the environment and propose to ban their sale in Scotland, we should not manufacture them in Scotland. Implicit in allowing their manufacture, is a disregard for the terrestrial, freshwater and marine environments in

¹² <https://1ur6751k3lsi3droh41tcsra-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Oxo-ban-open-letter-to-George-Eustice.pdf>

¹³ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0%20&ProjectID=16263>

¹⁴ <https://www2.gov.scot/Resource/0054/00543093.pdf>

¹⁵ Josh Gabbatiss, “European Parliament Votes to Ban Single-Use Plastics in Bid to Tackle Pollution,” 2018, <https://www.independent.co.uk/environment/plastic-pollutionban-vote-eu-european-parliament-environment-ocean-meets-a8599686.htm>

¹⁶ 9 Ellen MacArthur Foundation, “‘A Line in the Sand’ - Ellen MacArthur Foundation Launches Global Commitment to Eliminate Plastic Pollution at Source,” 2018, <https://www.ellenmacarthurfoundation.org/news/a-line-in-the-sand-ellen-macarthur-foundation-launch-global-commitment-to-eliminate-plastic-pollution-at-the-source>

¹⁷ <https://www.scotlink.org/publication/survey-report-public-attitudes-on-circular-economy-may-2020/>



other countries and the contribution they will make to climate change. We need to focus on manufacturing products in Scotland which can be reused and recycled in line with a circular economy. There may be a limited scope to manufacture single-use items for exemptions (as below). The principles of just transition should be applied to restrictions on manufacturing.

2) To your knowledge, are any of the oxo-degradable products identified in this document present on the Scottish market? Are there any additional oxo-degradable products available on the Scottish market that we have not identified? Please provide evidence to support your answer.

We are not aware of any such products on the Scottish market, but a ban should be implemented to safeguard against their introduction.

3) The SUP Directive includes limited exemptions for single-use plastic straws and balloon sticks. Are there other exemptions we should consider in relation to the market restrictions being proposed?

No

Please give reasons: The Single-Use Plastics Directive has been drawn up to deal with problematic plastic items and exemptions should be minimised and not create loopholes. We fully support exemptions for medical use and to support independent living, but we do not believe any exemptions should be made for single-use plastic balloon sticks. The exemption described is somewhat confusing as it relates to multi-use balloon sticks, which would not fall into the listed items to be banned (single-use balloon sticks).

4) How can we make sure disabled people have access to plastic straws if they require them for medical reasons or to support independent living, whilst at the same time restricting wider access for environmental purposes in a way that fulfils the SUP Directive requirements?

As an environmental charity, Scottish Environment LINK acknowledges that this is not our area of expertise. We recommend that disabled people are involved in discussions to determine appropriate measures.

5) This consultation highlights other items that the Scottish Government intends to consider market restrictions for in future (plastic wet wipes, plastic tampon applicators and those other products contained in the UK Plastics Pact's list of items to be eliminated by end of 2020 which are not currently subject to existing or proposed market restrictions). Would you support the consideration of market restrictions on these items or any other items we haven't listed? Please provide reasons and evidence where possible.

LINK members fully support market restrictions on the additional items mentioned above - plastic wet wipes, plastic tampon applicators and other products contained in the UK Plastic Pact¹⁸.

We note that some retailers have voluntarily removed these items from sale, but want to stress that the Government should not rely on a voluntary approach, but should introduce legislation to provide a 'level playing field' and provide the clear policy signal that helps investment commitment.

We note that other countries in Europe are going above and beyond the SUP to tackle single-use, and we would urge the Scottish Government to follow suit.

¹⁸ As well as PVC packaging and all polystyrene packaging listed in the Plastic Pact 'first 8' (to be banned by 2020), a further list of items is also proposed for action, including restriction https://www.wrap.org.uk/sites/files/wrap/Eliminating-problem-plastics-v2_0.pdf#page=9



Under Ireland's Waste Action Plan for A Circular Economy¹⁹, the Irish Government has committed to ban further single-use plastic items including: **plastic condiment sachets²⁰, wet wipes (non-medical)²¹ and plastic hotel toiletries²².**

France has also made strong commitments under their Anti-Waste Law, committing to market restrictions on **plastic confetti²³, plastic toys supplied with some menus²⁴, and plastic tea bags²⁵**: The Anti-Waste Law also includes further plans to tackle plastic pollution which we would like to see the Scottish Government consider, including prohibiting misleading labelling regarding biodegradation, and requiring a plastic microfibre filter in all washing machines by January 2025. France is also progressive in terms of its EPR schemes, where a portion of fees are used to promote and support re-use.

Beyond Europe, Canada will ban a range of single-use plastic products by the end of next year²⁶. The ban will focus on six items that are often found in the environment, are often not recycled and that have readily available alternatives: **plastic grocery bags, straws, stir sticks, six-pack rings, cutlery and food take-out containers.**

China has banned **plastic bags** (also in New York, Kenya, Bangladesh), and has a target for the restaurant industry to reduce the use of single-use plastic items by 30%, and hotels have been told that they must not offer free single-use plastic items by 2025.

In addition to the examples from other countries described above, **multipack wrapping, plastic cigarette filters, and beverage cups and food containers / plates / bowls in closed settings** should also be considered.

6) Taking into account the accompanying Impact Assessments, can you identify any environmental, economic or social impacts we have not identified when developing the proposals contained in this consultation?

Yes

Please give reasons: On the whole the impact assessment looks comprehensive. In terms of litter, the only factor noted in reducing the prevalence of litter is the market restriction leading to a change in consumer behaviour, away from littering. Is it not the case that the alternative materials will persist for shorter time periods in the environment, resulting in additional benefit in terms of the quantities of litter.

In terms of the effect on biodiversity, the estimate of +/- seems cautious and it appears it would warrant a clear +

¹⁹ <https://www.gov.ie/en/publication/4221c-waste-action-plan-for-a-circular-economy/>

²⁰ 85 billion plastic sachets are used globally each year for items such as sugar, ketchup, vinegar and beauty products. These sachets are not practicably recyclable and generally end up in landfill or incineration.

²¹ Plastic wet wipes are a major source of pollution with 93% of blocked sewers in the UK being caused by people flushing wipes down the toilet.

²² Around 200 million miniature toiletries such as shampoo and shower gel from UK hotels are sent to landfill each year. Whilst some hotel chains like the InterContinental Hotels Group, have already committed to banning these items, they are still used in the majority of hotels across the country.

²³ These small plastic pieces are very environmentally damaging, being ingested by wildlife, clogging sewers and polluting water ways. Plastic confetti is due to be banned in France from January 2021.

²⁴ The majority of these small plastic toys cannot be recycled and end up in landfill. The new law will make free plastic toys prohibited as of January 2022. Follows similar moves by fast food chains like McDonalds and Burger King.

²⁵ Scottish people drink on average 4 cups of tea a day. Teabags are generally made from plastic synthetic materials. France will ban the marketing of tea and herbal tea bags in non-biodegradable plastic from January 2022.

²⁶ <https://www.canada.ca/en/environment-climate-change/news/2020/10/canada-one-step-closer-to-zero-plastic-waste-by-2030.html>



7) Do you believe the COVID-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation?

Yes

Please give reasons: The COVID-19 pandemic has resulted in a huge global increase in plastic waste from items such as single-use disposable masks, gloves and wipes and hand sanitizer bottles. It has also wakened our awareness that we need to live with nature – our incursions into habitats and pressure on the natural environment are thought to be key risk factors behind such pandemics²⁷. Ninety per cent of global biodiversity loss is caused by resource extraction and processing²⁸ – it would be perverse if we allowed the pandemic to justify unsustainable practices that put further pressure on our natural environment.

Since the onset of the Covid pandemic, concern over hygiene has meant that reusable containers and cups have been turned away due to confusion around the risk of single use versus reusables, pubs served drinks in disposable cups, and some shops even waived plastic bag charges to speed up deliveries and reduce contamination risk²⁹. However, research shows that reusables are as safe during the pandemic³⁰ and over 100 scientists from 18 countries signed a letter outlining the evidence to show that 'reusable systems can be used safely by employing basic hygiene'³¹. Moving forward in a world where public health needs to take a strong role in society; information and procedures which ensure safe use of reusables need to be developed and promoted to counter unfounded concerns of these systems.

The crisis has also had an effect on relevant policy in Scotland and across the UK. The Circular Economy Bill, which was due to be introduced in spring 2020, has been delayed. This is more important than ever as we recover from this pandemic to drive a circular recovery, making Scotland more resilient to future global crises and creating circular business opportunities.

8) 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?

Single-use plastics come in a multitude of forms and are made from a variety of polymers. They need to be tackled in order of priority according to the environmental threat they pose, their use value and the availability of alternatives. We call for a transition away from our single-use plastic culture, phasing out all non-essential single-use plastics by 2025.

It is important to tackle the single-use items under this consultation as they are a visible manifestation of the problems with a linear economy and, in particular, our reliance on plastics. However, there are a few important issues to bear in mind.

Although single-use plastic is a particular problem due to the nature of plastic in the environment, single-use in general is also problematic as it is wasteful of natural resources. Reusable alternatives are preferable to single-use items made from another material. Where there are reusable alternatives, a ban on single-use (regardless of material) might be appropriate.

When switching between materials, there must be vigilance over chemical content and related standards, particularly for food packaging.

²⁷ https://ipbes.net/sites/default/files/2020-10/20201028%20IPBES%20Pandemics%20Workshop%20Report%20Plain%20Text%20Final_0.pdf

²⁸ <https://www.resourcepanel.org/reports/global-resources-outlook>

²⁹ 1 Department for Environment, Food and Rural Affairs. Carrier bags: why there's a charge. March, 2020

³⁰ https://www.breakfreefromplastic.org/wp-content/uploads/2020/05/5eb58b44d3681df0dc5a0c56_UPSTREAM_Reuse-Safety-FAQ.pdf

³¹ 3 Health Expert Statement Addressing Safety of Reusables and COVID-19. 2020



The sheer quantity of resources extracted, processed, used and wasted has a massive impact on climate change and biodiversity loss. Plastic is a major contributor to climate change³². Emissions from the plastic lifecycle³³ threaten the ability of the global community to keep temperature rise below 1.5° C. Reducing the production and consumption of plastics must be a priority. Changes required to the plastics industry should apply the principles of just transition.

In addressing single-use plastics it is important to keep an eye on overall plastic consumption. For example, there has been a marked increase in the use of heavier duty plastic bags from some retailers since the plastic bag charge came in³⁴. Durable plastic items need to be used repeatedly before they are discarded if they are to offer net benefit over single-use in terms of plastic consumption.

The Covid pandemic has brought enormous challenges, but it is vital that we take strong and prompt political action to tackle single-use plastics and implement the SUP Directive. It remains crucial that this forms part of wider and more ambitious work by the Scottish Government - the Circular Economy Bill should be introduced as soon as possible with robust targets to reduce our over consumption of materials like plastic. Our climate and biodiversity crises demand swift action on plastics and we must also uphold our commitment to keep pace with Europe.

This response is supported by the following LINK member organisations:

The Association for the Protection of Rural Scotland)
Badenoch and Strathspey Conservation Group
Buglife
Butterfly Conservation Scotland
Cairngorms Campaign
Fidra
Friends of the Earth Scotland
Froglife Scotland
Keep Scotland Beautiful
Hebridean Whale and Dolphin Trust
Marine Conservation Society
North East Mountain Trust
Nourish Scotland
RSPB Scotland
Scottish Badgers
Scottish Countryside Ranger's Association
Scottish Wild Beaver Group
Scottish Wildlife Trust
Scottish Wild Land Group
Whale and Dolphin Conservation

For more information contact: Phoebe Cochrane, Sustainable Economics Officer, phoebe@scotlink.org

LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899), core funded by Membership Subscriptions and by grants from Scottish Natural Heritage, Scottish Government and Charitable Trusts.
Registered Headquarters: 13 Marshall Place, Perth, PH2 8AH; Advocacy Office: Dolphin House, 4 Hunter Square, Edinburgh, EH1 1QW

³² <https://www.ciel.org/plasticandclimate/>

³³ GHGs are emitted during the extraction and transport of the raw fossil fuel, plastic refining and manufacture, and managing plastic waste.

³⁴ <https://eia-international.org/wp-content/uploads/Checking-Out-on-Plastics-2-report.pdf>