



The Chartered Institution of Wastes Management

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 7,000 waste management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste management industry and has various grades of membership determined by education, qualification and experience.

The Scottish Centre of the Institution welcomes the opportunity to respond to the Scottish Government on their consultation on Potential Legislative Measures to Implement Zero Waste. The response made follows the format of proposals and questions within the consultation document.

Proposal 1 - Duties on Public Bodies and Businesses to Provide Recycling Facilities

Although there may be merit in providing legislation in this area, it could prove to be costly and an administrative burden. Neither does the provision of facilities on their own increase recycling. Who would monitor and enforce the provision?

There are also a number of successful pilot initiatives such as those recently provided by Valpak/Danone, Tetrapak and Taylors. Perhaps some form of incentive to businesses and/or Codes of Practice (CoP) would be a better way to proceed. There are examples of incentive schemes outside of the UK which could be looked at. Similarly some encouragement for public authorities and businesses to work together in the provision of facilities and outlets for the materials would be more appropriate.

CoPs agreed with trade bodies or sector associations would also be more relevant to types of facilities and materials and introduce a standard for all in that body/sector to achieve.

Regardless however, of what facilities are provided, there will be a need to integrate promotion of their use to the public.

Proposal 2 - Packaging

Any improvement in the recycling of packaging and waste is to be welcomed, even although it makes up a relatively small proportion of all waste.

It is also acknowledged, at least anecdotally, that it is an issue for consumers who may not however wholly appreciate the “preservation” and transport needs for packaging.

We would again be concerned about the monitoring and enforcement requirements of additional legislation and also any modifications. Would SEPA charges or compliance scheme charges have to increase? Would that in-turn mean more ‘freeloaders’ and more enforcement?

Questions

1. Do you consider that legislation should be made in this area?

Legislation already exists and rather than creating a further regulatory regime it would seem more sensible to modify the existing regime with specific targets to produce the required results e.g. more challenging product packaging targets; specific targets for household packaging.

Proposal 3 - Specifying Recyclate

Specifying recyclate content in procurement contracts should help stimulate demand for recycled products and close the loop in the commercial cycle. Scotland has had some non-statutory targets in this respect for a few years although the Institution is not aware of their impact or benefit or if they have been monitored.

It should also be noted that specifying recyclate content would encourage the development of markets, local reprocessors and hence economic growth.

Questions

1. Do you consider that legislation should be made in this area?

Any legislation should not be too specific or onerous and should be done in order to continue to allow flexibility and material choice as required.

Legislation should specify the types of public bodies and businesses to be included; should detail the nature of the materials and contracts to which the duty would apply, and require records to be kept.

Alternatives

Government and the Public Sector are by far the biggest procurers in Scotland (and the UK) it should not therefore be difficult to come up with appropriate standard specifications for the use of recyclate materials – within or outwith a legislative regime.

Specifications could be provided as guidance or as part of developing suitable building standards both of which could become material considerations in any planning or building control applications.

Proposal 4 - Waste Prevention Plans

Waste prevention is primary to any Zero Waste plan but has so far been largely ignored in the drive to achieve MSW recycling and diversion targets. Scotland's C&I waste and C&D waste has failed to be addressed at all.

Scotland has also failed to implement the Site Waste Management Plan (SWMP) requirement which is now in force in England although some specifying authorities are requesting them. SPP 10 also proposes that they be a requirement of a planning application but little enforcement is apparent. SPP

10 also refers to the requirements of the Demolition Protocol which like SWMP includes waste prevention and planning measures.

Questions

1. Do you consider that legislation should be made in this area?

Legislation should be introduced to implement Site Waste Management Plans and as a requirement on other identified bodies and businesses.

However, as noted above, in relation to C&D waste and SWMPs there are already requirements in place which, if applied more rigorously, should meet the requirement. Also as noted in Proposal 3 the procurement power of the Government and Public Sector could be used to require SWMPs and other waste prevention plans.

Who should be covered by any legislation requires to be fully considered and targeted through further discussion with relevant stakeholders. Equally the question of enforcement and sanctions/penalties needs full and further consideration if legislation is to be introduced.

Proposal 5 - Deposit and Return

Any incentive to encourage recycling in a practical and cost effective way is to be welcomed. However, although evidence suggests that such schemes are popular with the public; their impact is relatively small in terms of overall recovery/recycling rates

We believe that some supermarkets are proposing to run trials in Scotland and perhaps these trials together with actual and validated data from other European country schemes should be assessed along with their suitability for application in Scotland.

It would also seem to CIWM that any deposit and return proposal should be considered along with wider producer responsibility and not as a separate requirement on packaging or retailers.

Questions

1. Do you consider that legislation should be made in this area?

Prior to the introduction of legislation in this area CIWM would like to see further investigation carried out on the practicalities and benefits of such schemes together with how it might fit with any proposed wider producer responsibility.

Meantime it is suggested that the introduction of deposit and return systems should be encouraged and supported on a voluntary basis with businesses being made aware that legislation is being considered.

Proposal 6 - Mandatory Waste Data Returns from Business

Whilst recognising the need for accurate waste data from business, CIWM does have concerns that this could introduce a significant burden on business.

Questions

1. Do you consider that legislation should be made in this area?

On balance yes, although any legislation which may be required in this area should be kept as straightforward and uncomplicated as possible to ensure the desired outcomes are achieved and at low cost. CIWM acknowledges that a current failing is that you cannot properly manage waste if you haven't measured it.

In our view however, if the requirements of Proposals 2, 4 and 5 are introduced or encouraged it is likely that all will require measurement and data collection. Therefore specific legislation may not be necessary nor the requirement on all businesses above a threshold (e.g. £2m as per packaging regulations) might not be a significant addition or burden. The converse is that over 90% of all businesses in Scotland are SMEs and many will be outwith a threshold unless set very low.

Similarly, more accurate production, administration and enforcement of Duty of Care Transfer Notes (already a regulatory requirement) could provide a lot of the waste and material flow data.

Although LAs make returns on MSW the requirement for specific waste data returns from their offices and estate (as well as the Government's estate) should be included in any proposals.

Proposal 7 - Other Measures to Encourage Waste Prevention, Including Action on Single Use Carrier Bags

CIWM fully supports waste prevention which is in accordance with the existing waste hierarchy where waste reduction occupies a higher position than recycling etc.

CIWM generally supports action on single-use carrier bags, however, it should be acknowledged that the impact bags have is on litter and to reinforce the waste prevention message, not because it will contribute a large contribution to waste prevention. The tonnage of plastic carrier bags is minimal, there is little or no biodegradable content; and replacement with paper bags could result in greater environmental damage.

Questions

1. Do you consider that legislation should be made in this area?

For carrier bags, **no** as we believe that there are other areas which would give a better "return" albeit current initiatives should be continued.

Other areas not covered

An area that CIWM considers has been missed from this consultation is the introduction of Landfill Bans. This measure is used extensively elsewhere in Europe to drive C&I and C&D recycling/waste prevention and, arguably, is what underpins their recycling strategies.

The Household Waste Prevention Action Plan (Scotland) Annex D outlined the Scottish Ministers views on the subject of landfill bans for specific materials. This view intimated that landfill bans may be considered where:

- There were clear environmental and human health criteria for doing so
- Where sufficiently strong markets would benefit from the use of such materials

Research undertaken by Remade Scotland suggests that there is also a clear economic justification for promoting landfill bans for specific materials.

We therefore suggest that the application and impact of landfill bans should be explored and considered for inclusion in any proposals.

Conclusion

CIWM welcomes this Scottish Government consultation on the potential legislative measures to implement zero waste and by implication encourage the prevention of waste and the sustainable use of resources.

In general and as specifically mentioned under our response to specific Proposals we are concerned about how any legislative changes will be monitored and enforced and if SEPA are adequately resourced and funded to accept their likely increased role. If not then changes will produce little or no benefit.

Finally, as the professional representative of waste practitioners and across the complete sector (e.g Government, regulator, LA and private sector) we would be happy to assist the Scottish Government in exploring and assessing their proposals in more detail.

If you require further information on this response please contact:

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