

## Environment Bill briefing for Lords Committee Days 3/4 Waste and resource efficiency

25 June 2021

### Summary

This briefing is on behalf of the environmental coalitions [Greener UK](#) and [Wildlife and Countryside Link](#) and covers **Clauses 49 to 70** and **Schedules 4 to 10** on waste and resource efficiency.

The UK is currently using and wasting resources at unsustainable levels, contributing to simultaneous climate and ecological breakdowns. UK consumption is now such that the average UK citizen will have a [greater](#) carbon footprint in twelve days than citizens in seven other nations will have in a year. Litter is wreaking [havoc](#) on British wildlife, killing millions of mammals every year and [choking](#) our seas with plastic.

We welcome that Part 3 of the bill proposes several measures designed to bring our throwaway culture under control. These include the introduction of new producer responsibility schemes, deposit return schemes and resource efficiency product requirements. However, these measures are too focused on recycling and 'end of life' solutions to waste. To be fully effective, there must be an increased emphasis on reducing resource use and encouraging design for resource efficiency, including through reuse. Reducing resource use will ensure a more efficient economy, reduce the effects of extraction and disposal on wildlife and ecosystems, and contribute to the delivery of achieving net zero greenhouse gas emissions by 2050.

### Amendments we strongly support

#### **Amendment 139: charges for single use plastic items (Viscount Colville of Culross)**

Schedule 9 seeks to reduce the consumption of single use plastic by allowing charges to be imposed. However, the provision for charges to only apply to single use plastic items risks merely shifting the environmental burden, as alternative materials may be used with equal environmental recklessness. Risks of material substitution are many and have been documented by the [EFRA Committee](#) and can be viewed in these reports from [Greenpeace](#) and [Green Alliance](#). As the Green Alliance report sets out, switching all current consumption of plastic packaging on a like for like basis, to the other materials currently used for packaging in the UK, could almost triple associated carbon emissions from 1.7 billion tonnes CO<sub>2</sub> equivalent to 4.8 billion tonnes CO<sub>2</sub> equivalent. **The problem lies with the single use throwaway culture, not with plastic per se.**

The short-sightedness of the government's approach was recently highlighted by its [consultation](#) on extended producer responsibility for packaging, where it said it may look to reduce disposable cups through Environment Bill powers to charge for single use plastic items. However, without amendment, it will not be able to institute charges for all such cups. The bill only allows charges for items made partly or wholly of plastic. Disposable cups that contain no conventional or plant-based plastic are poised for introduction to the market. It would not therefore be possible to use the bill powers to charge for those paper cups or for paper bags, which are also on the rise following the government's single use carrier bag charge that similarly only applies to plastic.

According to [a 2018 study by the Danish environment ministry](#), environmental and social impacts associated with paper production are considerable and include ozone depletion, human and ecosystem toxicity, air and water pollution. The study found that a paper bag could have to be reused 43 times to have a lower overall impact than an average plastic bag.

We are also seeing shifts in some markets, [like bottled water](#), away from plastic towards equally unnecessary single use plastic alternatives like aluminium, glass and fibreboard cartons. Compostable and bio-based alternatives to conventional plastic are also on the rise and frequently touted as solutions. However, while such materials may be useful as caddy liners for food waste collection, for instance, they should not be scaled as like for like replacements for conventional plastic for [reasons including](#): consumer confusion meaning items are currently [more likely to be littered](#); the unsustainable demand on land they could create if they become widespread; and the fact that they do not always offer carbon benefits compared to conventional plastics, as variations occur because of factors including farming practices, and the energy and technologies used for processing.

An inability to charge for alternatives to plastic will therefore unnecessarily limit the impact of any charges the government brings in and could see the market simply switch to other unnecessary single-use items, instead of driving reuse and reduction as the government intends. These are far from the only examples where the limited power will hamper future environmental improvements. **This clause must be amended to future proof government action on reduction and reuse.**

It is not only environmental NGOs who are concerned about this shortcoming. In November 2020, a group of businesses, professionals and representative organisations [wrote to the Commons Environment Bill Committee](#) expressing concern that 'Shifts from single use plastic cutlery, stirrers, straws etc., to single use alternatives made from paper, wood, or compostable material are already happening – even when such items are unnecessary, the alternatives are not recyclable, and reusable options are easily accessible'. They concluded that, without amend, 'the Bill's wording means that not only will this continue unchecked, it will, in fact, appear to be encouraged by government policy'.

**We strongly support amendment 139** which would enable charges to be made for all single use materials. This would ensure that the government can successfully tackle our throwaway culture at the same time as tackling plastic pollution. Treating plastic in a policy vacuum is a short-sighted approach that risks encouraging regrettable substitutions. We believe this amendment is compatible with the government's commitment to a holistic approach to tackling single-use consumption regardless of material, as [explained](#) by Minister Goldsmith on Day 2 of Committee.

### **Amendments 133 and 135: implementation of the deposit return scheme (Baroness Jones of Whitchurch and Viscount Colville of Culross)**

As with extended producer responsibility, the government's timeline for introducing a deposit return scheme for beverage containers has slipped repeatedly. The recent government [consultation](#) confirmed that the introduction of a deposit return scheme in England, Wales and Northern Ireland will not be until "late 2024" at the earliest.

This delay has been [criticised by MPs](#) and campaigners and ignores the [strong levels of public support](#) for the change. The delay kicks the can down the road into the next Parliament, thus failing to deliver on the 2019 Conservative Party [manifesto pledge](#) to introduce a deposit scheme.

It makes a DRS the responsibility of a future government without any reasonable justification. It also means that a wholly unreasonable length of time – at least six and half years – will have passed between the [government's announcement](#) that England would benefit from a deposit return scheme and its actual implementation. **This government should reconsider and ensure it is delivered in this Parliament. We support amendments 133 and 135 which would encourage or require deposit return schemes to be in place by 2023.**

### **Amendment 133A: scope of the deposit return scheme (Baroness Jones of Whitchurch)**

Schedule 8 outlines the powers for the relevant national authority to introduce a deposit return scheme. With these powers in place, it is imperative that the UK government promises to deliver the model that will best achieve its aims as set out in the [resources and waste strategy](#). These include changing behaviour to reduce littering on land, in rivers and the sea and improving recycling rates.

We **support amendment 133A** which would set a minimum level of ambition for the deposit return scheme.

'All-in' deposit return schemes (drinks containers of all sizes and materials) offer the best financial return, achieve the best recycling rates and constitute the clearest system for the public to use. This was confirmed by a series of impact assessments, undertaken by the government in 2019, which found that an 'all-in' DRS would offer substantial financial benefits, and collect a greater proportion of containers, compared to a more limited system that only covered so-called 'on-the-go' drinks containers.

It is also the most likely to offer opportunities for scaling it up to a refill system in the future. Furthermore, an 'all-in' deposit return scheme would ensure compatibility across the UK, setting out a system for England that would work in harmony with Scotland's plans, which would especially benefit those who live near to the border between England and Scotland and anyone travelling between, while ensuring the systems do not undermine one another financially or environmentally. Likewise, this approach is in line with the Welsh government's stated preference for such a scheme and would facilitate a simple rollout to Northern Ireland.

### **Comments on other amendments**

#### **Amendment 119: implementation of producer responsibility obligations (Baroness Jones of Whitchurch)**

The government's timeline for introducing extended producer responsibility (EPR) reforms has already slipped considerably. If it had fully implemented the [EU's Circular Economy Package](#), from which these proposed measures originated, the scheme would have to be operational by January 2023, as would reformed EPR schemes for waste electrical and electronic equipment (WEEE), batteries and end of life vehicles (ELVs), none of which the government has even consulted on yet.

**The timeline for reforms should not be allowed to slip further:** EPR for packaging must be delivered by 2023, consultations on EPR for WEEE, batteries and ELVs should be published without delay, and EPR must be introduced as soon as is practicable for other resource intensive sectors such as textiles and construction.

We support **amendment 119** which aims to ensure that the new packaging producer responsibility system would be in place for the beginning of 2024.

### **Amendment 128: consistent mandatory recycling labelling (Lord Teverson)**

In its [recent consultation](#) on extended producer responsibility for packaging, the government signalled an intention to bring in mandatory labelling to indicate whether packaging is recyclable or not. Its preferred approach, though, is to allow multiple approved labels to indicate recyclability rather than a consistent design framework.

We believe this will perpetuate the unnecessary confusion amongst the public at the plethora of recycling labels currently in use. It will therefore hamper improvements to recycling as [extensive consumer research](#), from the On Pack Recycling Label (OPRL) as well as others, shows that confusion over multiple recycling labels reduces the chance that people will act on information, and increases the chance they will not recycle correctly. The primary aim should be to minimise public confusion, so they are as engaged as possible in recycling packaging correctly and their behaviour supports the transition to a circular economy.

The consultation document seemed to suggest the government would prefer to permit multiple labels because it could allow existing labels to be approved and put in use quickly, which seems like poor logic for reforms that are aiming to achieve long term improvements and not merely quick, inadequate tweaks.

### **Amendment 134: deposit return scheme (Baroness Bennett of Manor Castle)**

Successful deposit return schemes abroad sometimes do vary deposit fees by the size of containers, though this is not a universal approach adopted by those that are considered world leading. For the time being, we would urge against adopting such an approach in England, Wales and Northern Ireland, as the priority should be for consistency with the Scottish system. There, the regulations have set a fixed deposit of 20p for all containers regardless of size, and setting a different fee for some containers in England, Wales and Northern Ireland would increase the likelihood of cross-border fraud or 'waste migration'.

This has [proven to be a problem](#) in some European countries, such as Estonia, where consumers pay a lower deposit than in neighbouring countries like Finland. That means people can pay a relatively low deposit in Estonia (€0.10 for all relevant containers) and then travel across the border to Finland and, in some instances, get more money back than they originally paid (as deposits there range from €0.10 to €0.40). This is problematic for both countries: Estonia does not capture material through its system and Finland pays out more money to consumers than it should. Any discrepancy in deposit levels between the two systems on our small island could therefore similarly incentivise fraud.

### **Amendment 148A: export of waste to developing countries (Baroness Bakewell of Hardington Mandeville)**

We support the implementation of restrictions to stop the export of materials that damage environments and people abroad, to both non-OECD countries and even those in the OECD group that also lack adequate facilities, including Turkey. It is worth noting, though, that there are already requirements for restricting the export of plastic and other harmful wastes through the Basel Convention, to which the UK is an independent signatory, but monitoring and enforcement to date have been entirely inadequate. Therefore, further bans could also be ineffective without proper enforcement.

Moreover, any new bans must be accompanied by much more attention to reducing waste arisings in the first instance and developing the domestic infrastructure necessary to recycle what is left over. Though the government does not centrally track recycling infrastructure, it is estimated that the UK currently only has plastic recycling infrastructure to reprocess around [1/8th of the household plastics](#) that are placed on the market each year. The government needs to conduct an urgent infrastructure stocktake, identify opportunities to reduce plastic waste arisings and create a plan for developing adequate domestic recycling capacity for the remainder.

### **Amendments 149 + 149A: food waste (Baroness Boycott and Earl of Caithness)**

We support the underlying intent of **amendments 149 and 149A**, which would place some much needed mandatory obligations on companies to prevent food waste in the first instance and redistribute it where that is not possible. These amendments rightly highlight the need to have much better information on food waste: currently, there are no reliable figures for the waste created through supply chains and before food leaves farms, despite more than 15 years of voluntary commitments from the sector. **A consultation on mandatory food waste reporting, promised in the resources and waste strategy for mid-2019, has still not been launched.**

The amendments also highlight the importance of the food waste hierarchy, which aims for prevention in the first instance and then redistribution to humans where food is still fit for consumption. The UK has signed up to [the UN's Sustainable Development Goal 12.3](#) to halve global food waste by 2030, but remains off track towards meeting that, even before additional supply chain waste is factored in. **Amendment 149A** would ensure the UK meets this important goal.

And while rates of surplus food redistribution have increased in recent years and accelerated during the pandemic as a solution to supply chain disruptions, action by government, as encouraged by **amendment 149**, could accelerate this trend and consolidate relationships built during difficult times. Such legislation has [proved effective in countries like France](#), where food retailers are obliged to set up relationships with charities that redistribute food that would otherwise go to waste to those that need it.

#### **For more information, please contact:**

Ruth Chambers, senior parliamentary affairs associate, Greener UK  
e: [rchambers@greener-alliance.org.uk](mailto:rchambers@greener-alliance.org.uk)  
t: 020 7630 4524

**On behalf of Greener UK and Wildlife & Countryside Link**

## **GREENER UK**

