

Waste Amendments to the Climate Change (Scotland) Bill

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Friends of
the Earth
Scotland

This briefing sets out Friends of the Earth Scotland's views on the waste amendments to be debated at stage 2. The table below lists the amendment number, the section of the Bill to which it applies, FoES comment on the amendment, and whether it should be supported.

Amendment No(s)	Section in Bill	Title of grouping / SCCS Comment	FoES Position
241 Elaine Murray	Section 52	<p><u>Date certain waste regulations to be made by</u></p> <p>The powers provided under section 52 are welcome. The establishment and implementation of waste management plans for certain commercial and industrial facilities such as supermarkets or construction sites, is a key measure to enable reduction of commercial and industrial waste volumes.</p> <p>This amendment simply ensures that these powers would be enacted promptly, to provide certainty for business, and avoid the risk that those companies taking voluntary steps to adopt such plans would be disadvantaged in comparison to competitors making less efforts to improve waste management.</p>	Strongly Support
243 Elaine Murray	Section 53	<p>The powers provided under section 53 are welcome. There are gaps in information about waste, especially in respect of commercial wastes, which hamper effective waste management and waste reduction.</p> <p>This amendment simply ensures that these powers would be enacted promptly, to provide certainty for business, and ensure that full and consistent information becomes available to policy makers, regulators and local authorities.</p>	Strongly Support

<p>244 Elaine Murray</p>	<p>Section 56</p>	<p>The powers provided under section 56 are welcome. The limited development of markets for recycled materials has led to unnecessary transport of wastes for processing – even export to China in some cases, and to a failure for Scotland to capture the maximum economic and employment benefits from the development of recycling businesses.</p> <p>This amendment simply ensures that these powers would be enacted promptly, and in a concerted fashion. The critical step to capturing the economic benefits of recycling is establishing the critical mass of markets at a scale that merit local processing facilities to be established. This can only be achieved by implementing these powers, not through a piecemeal voluntary approach.</p>	<p>Strongly Support</p>
<p>242, 242A Elaine Murray</p>	<p>After Section 52</p>	<p><u>Disposal of waste</u></p> <p>Scotland has established an aspiration to move beyond European targets for waste diversion towards zero waste, setting a welcome target of 70% recycling by 2020. The Belgian region of Flanders has already achieved such a target by the use of two principal tools: selective landfill and incineration bans, and waste charging.</p> <p>The amendment specifies certain specific types of waste to be excluded from landfill or incineration respectively. The proposed specific provisions for selective bans are based directly on the practices applied in Flanders. The key to success in Flanders has been to create a strong incentive to the segregated collection and sorting of waste. The detailed application of these principles to Scotland would be a matter for consultation before the introduction of the regulations. By sketching the outline of the regulations in legislation we believe this amendment provides certainty as to the environmental outcomes and greater clarity to business of the direction of policy.</p> <p>The amendment provides for exemptions and derogations as used in Flanders to ensure that they are not applied in a disproportionate manner – allowing for derogations for small volumes of specified wastes, for temporary derogations where new treatment facilities are needed and for exemptions for specified high calorific value wastes (such as segregated wood wastes) suitable for energy recovery.</p>	<p>Strongly Support (also supported by Stop Climate Chaos Scotland)</p>

<p>279 Elaine Murray</p>	<p>After Section 52</p>	<p><u>Waste reduction scheme</u></p> <p>Waste reduction measures are rightly included in the Bill. Waste reduction cuts greenhouse gas emissions both from waste management (notably methane from landfill, and carbon dioxide from incineration); from the processing and manufacture of new products avoided, or substituted for by reuse or recycling. Scotland has established an aspiration to move beyond European targets for waste diversion towards zero waste, setting a welcome target of 70% recycling by 2020. The Belgian region of Flanders has already achieved such a target by the use of two principal tools: selective landfill and incineration bans, and waste charging.</p> <p>The first of these is proposed in amendment 242. This amendment would allow Scotland to explore the second strand of effective Flemish waste reduction policy: variable 'pay as you throw' charges for residual household waste averaging around 60 euros per household per year.</p> <p>We have been told that the Scottish Government believes waste charging is too controversial to merit bringing forward provisions. However, the UK Government has introduced such provisions for England and Wales in the Climate Change Act 2008. This amendment is modeled directly on those provisions, albeit leaving more of the detail to the consultation on the detail of the regulations. It provides scope for the schemes to offset the direct charges for waste collection with reductions or rebates in other local taxation, rather than simply being additional charges.</p> <p>This amendment provides Scottish Ministers with the powers to establish waste reduction incentive pilot schemes within Scotland, based on Scottish conditions, rather than relying solely on learning from elsewhere in this respect.</p>	<p>Strongly Support</p>
<p>162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 245, 176, 177, 178, 179, 180, 181, 182 Stewart Stevenson and Elaine Murray (245)</p>	<p>Section 58</p>	<p><u>Deposit and return schemes</u></p> <p>Section 58 makes welcome provision for the establishment of deposit and return schemes. However the provisions refer only to packaging, such as bottles. While such measures are desirable, and highly effective in countries such as Denmark; these amendments seeks to widen the scope of this section to allow for deposit and return schemes for any specified reusable or recoverable products, or products with recoverable components (such as vehicle engine oil, advertising banners, or electrical equipment). The exact coverage of specified products would be a matter for detailed consultation before any such regulations were brought in.</p>	<p>Strongly Support</p>

185, 186 Alex Johnstone	Section 58 and 64	This amendment would remove the deposit and return scheme measures in the Bill and as such is opposed by FoES.	Strongly Oppose
246 Elaine Murray	After Section 58	<u>Charges for single-use or disposable products</u> Section 59 of the Bill makes provision of charges for the supply of carrier bags. This amendment would prevent carrier bags being singled out by providing enabling powers for charges relating to any single-use or disposable products. The exact coverage would be a matter for consultation on the regulations themselves, but could include, for example, disposable razors or pens; disposable paper cups, plates and plastic cutlery; or PVC advertising displays. The amendment allows for this, and ensures that regulations made under this power could be applied wherever necessary – for example to take-away food and drink shops.	Strongly Support
247 Elaine Murray	After Section 61	<u>Civil penalties for waste offences</u> The scope and nature of penalties under Sections 60 & 61 is very limited. The current statutory maximum on summary conviction is £10,000 which would be of little disincentive to supermarkets or major developers, yet might seem severe applied to a small or medium sized enterprise. There are various ways to make penalties more proportionate, or to otherwise establish a more effective incentive to compliance. These include equity fines on companies as advocated by Bill Wilson in his members bill, including for environmental offenses; or civil penalties as used under certain transport provisions (roadworks, renewable fuels obligation), or under competition law. Alternatively the enforcement agency might be permitted to keep the proceeds of civil penalties or other fines as an enhanced incentive to pursue enforcement. This amendment offers a framework in which variable civil penalties could be applied. In UK competition law such penalties are defined as a proportion of turnover, but in this context defining them in terms of a multiple of the costs avoided by the offence, or as a multiple of any income arising as a result of the offence, as provided for by the amendment, would seem more likely to be commensurate with the offences involved.	Strongly Support

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