

Friends of the Earth Scotland

Response to ‘Developing Scotland’s circular economy: consultation on proposals for legislation

Friends of the Earth Scotland welcomes the opportunity to feed into this consultation.

About Friends of the Earth Scotland

Friends of the Earth Scotland exists to campaign, with partners here and across the globe, for a just transition to a sustainable society. We work in Scotland for socially just solutions to environmental problems and to create a green economy; we campaign to end the degradation of our environment and to create a society which cherishes and protects the natural world on which we depend; we think globally and act locally, enabling people to take individual and collective action. We are part of Friends of the Earth International - the world's largest grassroots environmental network, uniting 75 national member groups, over 2 million members and 5,000 local activist groups around the world. We are an independent Scottish charity with a network of thousands of supporters and active local groups across Scotland. Friends of the Earth Scotland's vision is of a world where everyone can enjoy a healthy environment without exceeding their fair share of the planet's resources, now and in the future.

Introduction

We believe that we urgently need to transform the way we consume and manage resources in Scotland.

The next logical step in reducing our overconsumption of natural resources is to move to a circular economy where products are designed to last as long as possible, are easy to repair, and made out of materials that can be recycled. Essentially, we need to keep materials circulating around the economy for as long as possible before they become waste.

There are many welcome ideas in this consultation from introducing charges for environmentally harming products to mandatory reporting on waste, however Friends of the Earth Scotland believes that we cannot drive the necessary action needed to transform into a true circular economy unless we take strong action, including setting targets to reduce our consumption of resources both produced in Scotland and imported.

As the global population increases, there is more pressure than ever before on the earth's decreasing resources. However there are growing inequalities in the world and alarming levels of resource use by a small minority of the global population, with European citizens consuming far more than our fair share of resources. That's why we need consumption levels to reduce so we can address the impacts of our resource use on the poorer countries within Europe and around the world.

In April 2109, the Scottish Government declared a Climate Emergency and we believe that given the emergency situation we are in, urgent action is needed to tackle our wasteful use of resources, which is a major contributor to climate change. Scotland's material consumption accounts for 68-74% of its entire carbon footprint and by moving to a circular economy it is estimated that Scotland would save 11 million tonnes of carbon emissions by 2050.¹

Friends of the Earth Scotland fully supports Scottish Environment LINK's 'Call for a Strong Circular Economy Bill for Scotland'² paper which was published in June 2019. We believe that in order to address the current climate crisis, the forthcoming Circular Economy Bill must include robust targets to reduce our carbon and material footprint. The targets we would like to see in the Bill include:

Carbon - reduction to net zero 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 including heating and transport. (note: this is different to the 2045 target for net-zero territorial emissions and these wider consumption emissions are already measured by the Scottish Government). We believe that in order to properly capture the environmental impact of consumption and help Scotland move towards a circular economy, the forthcoming Bill should set a target to reduce our carbon footprint produced by all goods and services consumed, including imports.

Material - 50% reduction from 2020 to 2030 for minerals, metals and fossil fuel feedstock

The material footprint covers raw materials used for all goods consumed in Scotland. It is measured by weight and includes metals, fossil fuels, non-metallic minerals and biomass. This target comes from the Netherlands, who are leading in this area in Europe, having set a target to halve their use of primary raw materials by 2030 and move to a fully circular economy by 2050³.

Biomass - strategy to be developed

While we need to use more timber in construction, substituting for concrete and steel, we need a strategy for biomass to ensure that increased demands for biomass do not result in habitat destruction and biodiversity loss. Biomass is a key, often overlooked, part of the circular economy - and we would like to see the Circular Economy Bill include an obligation to set a target when data becomes available.

We also think it is vital that the Bill includes a duty on relevant ministers to report annually

¹<https://www.zerowastescotland.org.uk/CarbonImpactsOfTheCircularEconomy>

²<https://www.scotlink.org/publication/a-call-for-a-strong-circular-economy-bill-for-scotland-june-2019/>

³<https://www.government.nl/documents/policy-notes/2016/09/14/a-circular-economy-in-the-netherlands-by-2050>

on the progress of these targets, and for a Resources Reduction Plan to be introduced and updated every 5 years with policies and other instruments to steer our economy towards meeting the targets. This approach has been demonstrated to work through the 2009 Climate Change Act, directing the Government and making them more accountable for reducing emissions.

Answers to consultation questions

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?

A) Yes

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

A) Yes

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

A) Yes

If yes, please specify:

Single-use disposable items are a symbol of our throwaway culture and Friends of the Earth Scotland agree in principle with Scottish Ministers having the power to bring in environmental charges for single-use items which cause the most environmental harm.

There has been significant efforts made at EU level to tackle plastic pollution. Under the EU Single-use Plastics Directive (SUP), a ban on selected single-use products made from plastic for which alternatives exist is due to come into force in 2021. The Scottish Government has already made progress in banning some of these items, like cotton buds, and we welcome its intention to ban or restrict other items on the list which includes cutlery, plates, straws and balloon sticks.

Our preferred option would be a full ban on the items included in the SUP as this is the only way to fully eliminate these polluting products from our environment. Where possible, the best solution is to ban these items and substitute the most problematic materials with something else. However, where this is not yet possible, we would fully support environmental charges being introduced to curb our throwaway culture and reliance on single-use items.

In order to account for other environmentally damaging items, it is important that the

Circular Economy Bill creates a framework for Ministers to be able to introduce further bans or charges in the future rather than just consisting of a limited list of products.

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?

A) Yes

II – business surplus?

A) Yes

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

I – food waste?

A) Yes

II – food surplus?

A) 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?

A) Yes

In order for Scotland to move to a full circular economy we need transparency across all sectors, and introducing mandatory reporting on the waste and surplus of other items such as textiles and clothing would begin that process.

Textile production is a major contributor to climate change. The carbon footprint of clothing in the UK is continuing to rise - increasing from 24 million tonnes per year in 2012 to 26.2 million tonnes in 2016⁴. The fast fashion industry currently operates under a linear business model that encourages overconsumption, generates excessive waste and encourages consumers to change their wardrobe on a regular basis. And, if we are to move the fashion industry towards a circular economy model then we must understand how much waste is generated.

Given that one of the aims of a circular economy is to design out waste, we believe that mandatory reporting requirements need to apply across a multitude of sectors, starting with those with the highest life-cycle environment and social costs, and those with the

⁴http://www.wrap.org.uk/sites/files/wrap/valuing-our-clothes-the-cost-of-uk-fashion_WRAP.pdf

highest reuse potential.

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

Friends of the Earth Scotland believes the priority should be to reduce unwanted surplus stock and business models should be changed to design out large surpluses.

In relation to surplus clothing and textiles, any remaining stock and unwanted returns should be redistributed to charity shops. This would provide an opportunity for clothing and stock to remain in a circular economy model, while also extending the life of the material and providing the charities with added revenue.

The report “Fixing fashion: clothing consumption and sustainability” by the House of Commons Environmental Audit Committee recommended a charge of one penny per garment of clothing to producers which could raise £35 million to invest in better clothing and collection sorting in the UK.⁵

Friends of the Earth Scotland would also like to see a ban on retailers sending unwanted stock and returns to incineration or landfill. This proposal was put forward in the above report by the Environment Audit Committee, and in 2018 France introduced similar proposals to ban retailers from throwing away unsold clothing. This could be introduced alongside targets for retailers to increase their use of recycled materials when producing new clothing.

It is disappointing that repair and remanufacture only get one mention in the consultation. The Remarkery in Edinburgh and the network of Bike Stations in Scotland are excellent initiatives and these and similar initiatives deserve strong support to massively expand their reach. In 2016, the Scottish Government’s circular economy strategy ‘Making Things Last’⁶ said, “We want to empower Scotland’s repair sector to grow, both businesses and community organisations” yet very little seems to have been achieved on this and consideration should be given to how new power in the Circular Economy Bill could stimulate the repair and remanufacture sector..

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?

A) Yes

Friends of the Earth Scotland believes that in principle there should be additional

⁵ <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1952/report-summary.html>

⁶ <https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/>

requirements on local authorities to increase rates and quality of household recycling. However, this should not come at the expense of prioritising the reduction of waste or reusing products.

We believe that local authorities need to have the correct knowledge, infrastructure and funding in place before any additional requirements can be placed on them. If resources can be put in place to help local authorities then we believe that household recycling rates would increase if more items were being collected. Having more regular collections or additional communal bins either on the street or at specific locations like supermarkets could increase rates and quality of items like clothing, shoes and electronics. In the 2016 report, 'Making Things Last', the Scottish Government talks about considering a framework for complementary reuse activities between third sector, local authorities, private sector and the public and we believe while increasing recycling rates is important, this previous consideration should be explored in depth as a way of promoting reuse and sharing facilities in local authority areas.

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

A) 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?

A) Yes

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

B) No

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?

A) Yes

Friends of the Earth Scotland believes the Scottish Government could learn from initiatives brought in in Wales to help increase recycling rates and reduce the amount of waste going to landfill. Wales has the highest recycling rates of all the nations of the UK.

Recent figures show that the household recycling rate in Wales was 60.7% in 2018/2019⁷

⁷ <https://resource.co/article/wales-recycling-rate-unchanged-last-year>

yet in Scotland only 44.7% of household waste was recycled in 2018⁸ and this was a reduction on the year before.

Significant steps have been taken by local authorities in Wales which could be implemented in Scotland as a way of increasing recycling rates. The Collections Blueprint was introduced in 2011 focusing on separate waste collections to achieve the 'Toward Zero Waste Strategy'. The Blueprint includes reducing the bin size for residual waste which has helped reduce the amount of waste thrown away by each person by a third between 2010 and 2015. The Blueprint also saw the introduction of single resource recovery vehicles which sort recycling at the kerbside and collect both dry recycling and food waste at the same time.

Denbighshire Council in Wales has introduced new fortnightly collections for clothes and small electrical items and fortnightly free opt-in kerbside recycling for nappies and incontinence pads.

The local authority is also the first in the UK to introduce a microchipping trial⁹ on food caddies in selected areas which will provide the council with data on how much waste householders are putting in the bin and whether the caddies are contaminated. The first report on the trial is due in March 2020, but the council's initial feedback has found 62% of residents in the trial area were supportive.

Another example of increasing collections is Project Beacon in Tayside which is leading the way with innovative recycling by creating a system that will allow householders to recycle all plastic together at the kerbside. The project, which is due to launch in 2020, could help close the loop on otherwise unrecyclable plastics.

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?

A) Yes

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

A) Yes

⁸<http://media.sepa.org.uk/media-releases/2019/official-statistics-publication-for-scotland-household-waste-summary-waste-landfilled-waste-incinerated-jan-dec-2018.aspx>

⁹<https://www.denbighshire.gov.uk/en/resident/news/November-2019/Micro-chipping-scheme-gets-underway-in-county-pilot.aspx>

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)?

A) 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.

The inclusion of a Disability Adviser on the Expert Panel on Environmental Charging and Other Measures (EPECOM) has been a good example of bringing all issues into consideration, and Friends of the Earth Scotland believes this is something that needs to be carried forward when considering future bans on items which may have an impact on people with disabilities.

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.

In time, most businesses will benefit from using less raw materials and reducing waste disposal costs in the move to a more circular economy.

The transition to a circular economy is still in the early stages and requires investments in circular products and services in order for it to be efficient, which could place costs and burdens on the business sector. However, costs could also be reduced by creating secondary markets for products which would otherwise be thrown away.

If particular sectors such as textile and food are required to start reporting on waste and surplus, then that could require time and incur admin costs, but the industry will save on raw material and disposal cost in the long term.

It is very important that the government maximises the jobs' benefit, in line with its Just Transition commitments, stemming from the increasing quantity of high-quality recyclate in Scotland.

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.

Yes, Friends of the Earth Scotland believes that if the proposals in this consultation are implemented alongside targets to reduce our consumption of materials, then the forthcoming Circular Economy Bill has the potential to have a positive impact on the planet.

As outlined in the introduction, Scotland's material consumption is responsible for two-thirds of its entire carbon footprint. By moving to a circular economy where we produce and consume materials more efficiently, it is estimated that Scotland would save 11 million tonnes of carbon emissions by 2050¹⁰ - equivalent to around a quarter of our current total terrestrial emissions.

Plastic pollution is a major environmental concern, from the immediate impacts such as litter on our beaches and direct harm to birds and wildlife, to the lesser known impacts on habitats, human health and food chains. We believe that some of the measures outlined in this consultation such as charges for other environmentally harming products that are not fully banned, and increasing recycling rates will help reduce litter from our streets and countryside.

Mandatory reporting on waste and surplus in particular sectors also has the potential to impact positively on the environment, but additional measures would need to be in place to handle the excess items such as food and textile waste.

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?

A) Yes

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

A) Yes

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

B) Yes, there has been a massive reduction in single-use carrier bag use but work needs to be done to reduce the counter trend of some households apparently using 'bags for life' as disposable items¹¹, including setting a minimum price for these items.

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?

¹⁰ <https://www.zerowastescotland.org.uk/CarbonImpactsOfTheCircularEconomy>

¹¹ Figures from EIA and Greenpeace showed that in 2018, 1.5 billion 'bags for life' were sold which is around 54 per UK household. <https://eia-international.org/wp-content/uploads/Checking-Out-on-Plastics-2-report.pdf>

Given that the Scottish Government has declared a climate emergency, Friends of the Earth Scotland are calling for an ambitious Circular Economy Bill which includes robust targets to reduce our overconsumption of resources. These should include a carbon footprint target, a material footprint target and a commitment to set a biomass reduction target when data is available.

In order to meet those targets, we believe it is vital that the Bill also includes a duty of relevant ministers to report annually on the progress of the targets and for a Resources Reduction Plan to be introduced and updated every 5 years with policies and other instruments to steer our economy towards meeting the targets. Our full asks for the Bill are included in Scottish Environment LINK's Call for a Strong Circular Economy Bill.¹²

The transition to a circular economy is an international challenge, but countries like the Netherlands has made significant steps by setting a target of moving to a circular economy by 2050 and setting interim targets. Friends of the Earth Scotland believes that the Scottish Government should look at the example set out by the Netherlands and set targets within the forthcoming Circular Economy Bill which together presents Scotland with the opportunity to become one of the world's leading countries on delivering a circular economy.

Extended Producer Responsibility (EPR) is key to moving Scotland towards a full circular economy. We note the draft UK Environment Bill includes enabling powers for Scottish Ministers to bring forward an EPR scheme, we want to see the forthcoming Circular Economy Bill used to create a framework that can use any EPR powers Scotland is given in the future.

Friends of the Earth Scotland would also like to see a stronger emphasis on durability at the design stage of a product. We believe that this could be achieved by implementing a robust warranty policy that gets rid of the burden of proof and expands warrant periods to minimum 10 years for all products. When it comes to reused products, we believe that there should be minimum two year warranties introduced on reused products sold by approved reuse centres. This would increase consumer confidence, encourage reuse and drive sales the second-hand sector. We understand that this is a reserved power for Westminster, but would like to see the Scottish Government lobby for stronger warranty policies to help us move towards a circular economy.

¹² <https://www.scotlink.org/publication/a-call-for-a-strong-circular-economy-bill-for-scotland-june-2019/>