

Friends of the Earth Scotland

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

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

Friends of the Earth Scotland believes we need urgent action to tackle the plastic crisis.

Plastic is a major contributor to climate change and the more plastic we produce and consume, the more greenhouse gas emissions we release into the atmosphere. We are very concerned about the direct damage plastic is doing to our environment, and the effect single-use disposable plastic items have when they turn up on our beaches and in our oceans.

We welcome this consultation as the next logical step to eliminate single-use disposable plastic items, and we fully support a ban on the supply by business in a commercial capacity, non-commercial capacity and on the manufacturing of all the single-use plastic items (excluding those needed for medical use and to support independent living) and oxo-degradable products listed in the Single-Use Plastics Directive.

However if we are to truly address the plastic problem then the Scottish Government must go further than the SUP Directive, including the reintroduction of an ambitious Circular Economy Bill as soon as possible with robust targets to reduce our overconsumption of materials like plastic. In line with moving Scotland to a circular economy, it's vital that the SUP Directive comes hand in hand with a significant focus on reusable products. Where alternative products to single-use plastic items are being sought, it's important that the correct infrastructure is in place to deal with these products at the end of their life or they are just going to end up in landfill or incineration like their plastic counterparts.

It's also imperative that the conversation about tackling plastic pollution in Scotland addresses Ineos' petrochemical plant in Grangemouth, the largest producer of plastic and

plastic precursors in the UK. INEOS continues to import large volumes of fracked gas from the US to Scotland to make plastic which undermines the Scottish Government's current ban on fracking in Scotland. The longer we invest in or support the fossil fuel based plastic industry, which is heavily resource intensive, the longer we lock Scotland into increasing emissions that fuel the escalating climate crisis.

Therefore Friends of the Earth Scotland urges the Scottish Government to give the Grangemouth Future Industry Board the remit to map out a Just Transition and a strong future for Grangemouth with the phasing out of fossil fuel based plastic production. This must include giving communities, workers, and their trade unions representation on the Board, so the interests of those with the most direct investment in the future of Grangemouth are heard.

While we understand that we are in an unprecedented situation right now, it's crucial that as we come out of this pandemic, we take strong political action to tackle plastic pollution. The Scottish Government must commit to introducing the items listed in consultation by July 2021 with the remaining articles introduced to the correct timescale. Even a delay of just six months will lead to hundreds of millions of extra pieces of disposable plastic circulating in Scotland. This would also be in line with the Scottish Government's commitment to maintain or exceed environmental standards after the UK leaves the EU.

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).

Single-use disposable plastic items are a symbol of the throwaway culture in our current linear economy and therefore Friends of the Earth Scotland supports a full ban on all the items listed in question 1a). In order to move to a circular economy, it's vital that we eliminate single-use plastic products and move to reusables in line with the waste hierarchy.

Plastic pollutes at every stage of its life. A ban on the supply of these products in a commercial capacity in Scotland will be a significant step to protecting Scotland's beaches and oceans from pollution and reducing litter in our natural environment.

We have already seen the public adapt well to the ban on plastic-stemmed cotton buds and change their behaviour away from single-use bags following the carrier bag charge. These are positive signs that the market restrictions on the items listed will be welcomed and will lead to further behavioural changes to move us away from more single-use items.

While it's important that we introduce market restrictions on the products included in this consultation, it remains crucial that this is not the only action and it forms part of much wider work by the Scottish Government to reduce our plastic use and consumption in Scotland.

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.

Friends of the Earth Scotland believes that if we want to tackle the plastic crisis, then it's vital that we make as few exemptions as possible when eliminating single-use plastic and oxo-degradable items.

In whatever capacity the single-use items listed in this consultation are used (non-commercial or commercial), the plastic is still derived from fossil fuels and cannot be recycled. Therefore there is still a risk it will end up as litter, and if not, will only end up in landfill or incineration. The same applies for oxo-degradable plastic items which only break down into smaller fragments which still cause microplastic pollution.

Therefore, we support the introduction of a restriction on the supply in a non-commercial capacity of all the single-use plastic items (excluding those needed for medical reasons and independent living) and oxo-degradable plastics as the only way of securing these products are truly eliminated from our environment.

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.

Friends of the Earth Scotland believes that the implementation of the SUP Directive must include a ban on the manufacture of the listed single-use plastic and oxo-degradable plastic items.

If we are to move Scotland from its current linear economy to a circular economy, then it's essential that we move away from single-use products to reusable ones. In order to do that we need to focus on manufacturing products in Scotland which can be reused and recycled

in line with a circular economy as opposed to simply banning the sale of single-use items while continuing to manufacture them for sale elsewhere.

If Scotland is to be a leader in the circular economy then it must take a robust approach to transitioning plastic manufacturing in Scotland. Moving away from manufacturing single-use items and towards reusable products can provide Scotland with new economic opportunities that incentivise a move towards a more circular economy, ahead of the Circular Economy Bill being reintroduced.

Overall, these environmentally-harming items know no boundaries and any disposable products manufactured in Scotland will end up polluting the beaches and waterways of any other country they are imported to.

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.

Friends of the Earth Scotland is not aware of any specific oxo-degradable products on the Scottish market. Oxo-degradable products are highly damaging to the environment because they simply break down into smaller pieces which cause microplastic pollution. So it's crucial that once the Scottish Government identifies where these products are present on the Scottish market, they eliminate them under the SUP Directive. Steps should also be taken to prevent any new oxo-degradable products from entering the Scottish market in the future.

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. The more exemptions we make, the more watered down the Directive becomes. We fully support exemptions for straws used for medical use and to support independent living, but we do not believe any exemptions should be made for plastic balloon sticks. All plastic balloon sticks, including the proposed exemption for sticks attached to or used to support balloons for industrial or other professional uses, are still made of fossil fuel derived plastic and cannot be recycled. While there may be less chance of them ending up as litter, the only way to dispose of them is either in landfill or incineration which adds to the waste problem. These exempt products will also be used to prop up plastic balloons which themselves are very damaging to the environment, in particular to wildlife and birds that either get caught in them or ingest them thinking they are food.

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, Friends of the Earth Scotland acknowledges that this is not our area of expertise, but we want to make sure there are no loopholes for manufacturers to claim exemptions in order to continue to make non-exempt single-use products. 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. We believe that this along with including disabled people in all decision-making is something which should be carried forward when implementing the SUP Directive in Scotland, especially when it comes to how the plastic straws exemption will be carried out in practise.

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.

Friends of the Earth Scotland believes it's imperative that in order to fully tackle the problem of plastic pollution, we have to address more products in the SUP Directive list. We would fully support market restrictions on the items mentioned above - plastic wet wipes and plastic tampon applicators - both of which cause huge environmental harm to our waterways as they are often flushed down the toilet. We note that some companies, including Sainsbury's, Aldi and Superdrug, have already stopped producing their own-brand plastic tampon applicators because of the environmental harm they cause. We also support a ban on additional items in the UK Plastic Pact's list which includes PVC packaging to be implemented as soon as possible in line with the 2020 elimination date.

We note that other countries in Europe are going above and beyond the SUP to tackle the plastic crisis, and we would urge the Scottish Government to adopt the best practice that other countries like France and Ireland have by setting ambitious targets to eliminate further unnecessary and problematic plastic items from our environment.

Under Ireland's Waste Action Plan for a Circular Economy¹, the Irish Government has committed to ban further single-use plastic items including but not limited to the following:

1. Plastic condiment sachets: 855 billion plastic sachets are used globally each year for condiments such as sugar, ketchup and vinegar as well as beauty products like shampoo and conditioner. These sachets cannot be recycled and end up in landfill or incineration.
2. Wet Wipes (non-medical): 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.
3. Plastic hotel toiletries: Around 200 million miniature toiletries such as shampoo and shower gel from UK hotels are sent to landfill each year. While some hotel chains like

¹ <https://www.gov.ie/en/publication/4221c-waste-action-plan-for-a-circular-economy/>

the InterContinental Hotels Group which has properties in Scotland has already committed to banning these items, they are still used in the majority of hotels across the country.

France has also made very strong commitments under the Anti-Waste Law² which will make France world leaders in tackling plastic pollution by committing to market restrictions on the following single-use items:

1. Plastic confetti: These small plastic pieces are very environmentally damaging and end up clogging sewers and polluting waterways, not to mention being ingested by wildlife. Plastic confetti is due to be banned in France from January 2021.
2. Plastic toys supplied with some menus: 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.
3. Plastic tea bags: Scottish people drink on average 4 cups of tea a day, which adds up to a vast amount of tea bags. The material which makes up each individual tea bag is usually made from plastic synthetic materials. France will ban the marketing of tea and herbal tea bags in non-biodegradable plastic from January 2022.

The Anti-Waste Law also includes further plans to tackle plastic pollution which we would like to see the Scottish Government consider including prohibiting the 'biodegradable' claim on products and packaging, and adding a plastic microfibre filter to all washing machines by January 2025.

Friends of the Earth Scotland believes that single-use nappies are another item which urgently needs to be addressed. Each year in the UK, 3,000,000,000 disposable nappies are thrown away into incineration or landfill where they take hundreds of years to break down. A switch to reusable nappies would not only reduce plastic pollution, but according to the Nappy Alliance, it could also reduce the carbon footprint of single-use nappy usage in the UK by 40%, a saving of 0.16Mt of CO₂e per year.

While the inclusion of reusable nappy vouchers in the Scottish Baby Box has been a welcome step to introducing parents to reusable nappies, Friends of the Earth Scotland believes that further action needs to be taken to reduce disposable nappy use and supports the Nappy Alliance in their calls to:

- Develop a strategy for the reduction of single-use nappy usage with measurable targets and deadlines, such as the 30% by 2030 and 60% by 2040 targets for reusables suggested at EU level.
- Establish environmental standards for nappies that would define the characteristics required for a nappy to be traded, advertised or promoted as "reusable", "biodegradable", "eco-friendly", "environmentally-friendly" and other similar terms.

²https://circulareconomy.europa.eu/platform/sites/default/files/anti-waste_law_in_the_daily_lives_of_french_people.pdf

While we believe the SUP Directive will help us to reduce our reliance on unnecessary single-use plastic items, Scotland cannot become a world leader in this area unless it sets further ambitious commitments to phase out other single-use plastic and move Scotland towards a circular economy.

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.

The Strategic Environmental Assessment states that the Scottish Government understands that we cannot simply replace single-use items with alternative single-use items made from other products. However, Friends of the Earth Scotland is alarmed by the analysis that suggests that while alternative products (such as wooden drink stirrers, wax coated paper straws and wooden cutlery) are compostable, their disposal is subject to the availability of the infrastructure to collect and manage the waste stream. Removing single-use plastic products and moving to reusable items is a key part of our progress towards a circular economy in Scotland, and creating a new waste stream which still ends up in landfill or incineration is detrimental to that.

The SEA also includes the assumption that “both targeted and alternative items are disposed of by incineration. This aligns with the Scottish forthcoming 2025 landfill ban which will prohibit the landfilling of municipal solid waste containing biodegradable content”. We are very concerned that the SEA fails to assess the environmental impact of burning waste, especially as research by Friends of the Earth Scotland³ has discovered plans to increase incineration capacity in Scotland to burn at least an extra one million tonnes of waste a year. This huge increase in capacity threatens the Scottish Government’s recycling targets, and should not be used as a solution to the waste problem.

The SEA also fails to address how plastic affects human health despite a new study from October 2020⁴ which found that bottle-fed babies are swallowing millions of microplastics and trillions of nano-plastics. Friends of the Earth Scotland believes that the SEA should be considering the impact of plastic on human health considering items on the list like straws and food containers are also likely to shed microplastics, and this must be included in further assessments on plastics in Scotland.

³. <https://foe.scot/resource/incineration-briefing/>

⁴. <https://www.theguardian.com/environment/2020/oct/19/bottle-fed-babies-swallow-millions-microplastics-day-study>

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 as well as an increase in plastic bottles of hand sanitizer. The majority of these items cannot be recycled meaning even if disposed of properly they will end up at landfill or incineration. While these products have been needed to help protect people from the virus, they are also becoming a symbol of global plastic pollution in 2020 as many items, like other plastic waste, have been found littering our streets and polluting our beaches and waterways.

Over the last few years, we have made some significant steps in the fight against plastic pollution by reducing our reliance on certain single-use items and moving towards reusables instead. However, during the pandemic many food and drink outlets have taken a step backwards by refusing to accept reusable cups from customers. This will no doubt have created a rise in single-use plastic waste in this sector, and the Scottish Government should be reviewing this situation in relation to this urgently to get reusables back on the menu again. So that as our society moves out of this pandemic, we have not reversed the previous positive long-term gains we have secured in the battle against plastic pollution.

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 would have helped us to transform the way we consume and manage resources and move Scotland towards a circular economy. This is more important as we recover from this pandemic because moving to a circular economy has the potential to make Scotland more resilient to future global crises by creating more local sustainable jobs and developing circular business opportunities. If Scotland is to cement itself as a world leader in the circular economy, then the Scottish Government must commit to reintroducing the Circular Economy Bill as soon as possible.

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?

The pollution caused by single-use plastic items, like those under the SUP Directive, is often defined by the damage they do to our beaches, oceans or birds and wildlife. However, plastic pollutes at every stage of its life starting with when oil and gas is extracted to produce it.

Friends of the Earth Scotland believes that we cannot tackle the problem of plastic pollution in Scotland without addressing that INEOS in Grangemouth is the largest producer of plastic in the UK and one of the biggest in Europe. INEOS has been importing large volumes of fracked ethane from the US to Grangemouth since 2016 to make plastic pellets which are used for products such as plastic bags, food containers and juice bottles.

While we are pleased that fracking has effectively been banned in Scotland, that ban has been undermined by the fact the Scottish Government is still allowing INEOS to import fracked gas into the country which has huge implications for the environment and communities on both sides of the Atlantic.

In contrast, Ireland has taken a significant step forward to tackle the climate emergency by including a ban on the import of fracked gas from a proposed new LNG terminal in this year's Programme for Government, which said "we do not support the importation of fracked gas and shall develop a policy statement to establish that approach." French energy giant Engie have just abandoned plans to import LNG from US shale gas operations because of concerns over environmental and climate impact.

The longer we invest in or support the fossil fuel based plastic industry which is heavily resource intensive, the longer we lock Scotland into increasing emissions that fuel the escalating climate crisis. If we want to avoid a climate breakdown then we must redirect support away from the plastic industry, planning and managing the shift in deep partnership with trade unions, workers and communities to ensure a Just Transition into a clean industry that guarantees environmentally and socially sustainable jobs, secures local economies and moves us towards a sustainable circular economy.