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27th February 2011

Zero Waste Delivery Team
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Dear Sir/Madam,

**REGULATIONS TO DELIVER ZERO WASTE – A CONSULTATION ON THE PROPOSED
ZERO WASTE (SCOTLAND) REGULATIONS 2011**

RESPONDENT INFORMATION FORM

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name/organisation: Confederation of Paper Industries.....
Postal Address: 1 Rivenhall Road, Swindon, Wiltshire, SN5 7BD.....

1. Are you responding: (please tick one box)

(a) as an individual (go to Q2a/b and then Q4)

(b) on behalf of a group/organisation (go to Q3 and then Q4)

Individuals

2a. Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No (We will treat your response as confidential)

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis: (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

On behalf of Groups or Organisations

3. The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government website).

Are you also content for your response to be made available?

Yes

Paper – the sustainable choice

No (We will treat your response as confidential)

Sharing Responses

4. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes ✓

No

Please return this information form with your comments by 28 February 2011.

Your comments with this form may be sent by post, e-mail or fax to:-

Postal address: Zero Waste Delivery Team
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Edinburgh EH6 6QQ

E-mail: EQCAT@scotland.gsi.gov.uk

Fax: 0131-244 0245

Confederation of Paper Industries Response to the Above Consultation

This response is made on behalf of the Confederation of Paper Industries (CPI). CPI has within its membership mill-owned and independent recovered paper merchants, paper manufacturers, tissue manufacturers and corrugated converters. Many Members of CPI may be impacted by changes to the way waste is managed and regulated in Scotland. This is because many CPI Members are based in Scotland, have operations in Scotland, supply Scottish markets, collect and process recovered paper generated in Scotland or carry, trade and broker recovered paper arising in Scotland. CPI supports the Scottish Government's vision of a zero waste society and feels paper and board has a significant role to play in achieving this due to its environmentally sustainable and recyclable nature.

Although CPI does not maintain specific details of Scotland's paper and board product consumption, waste paper generation, recovery and recycling, the UK recovered paper industry collectively was responsible for moving over 8.2 million tonnes of recovered paper in 2009 for recycling either in the UK or overseas. On many occasions this material was handled, traded or brokered by several different parties prior to final recycling with CPI Members handling around 67% of this volume. There is also likely to be around 4 million tonnes of waste paper being handled as residual waste in the UK going for incineration or landfill mixed with other waste streams, of which around 1.7 million tonnes is recyclable. In 2009 just under 4 million tonnes of recovered paper was recycled domestically in the UK with around 4.2 million tonnes exported for recycling overseas and around 90,000 tonnes imported to the UK for domestic use. CPI is only aware of minimal paper reprocessing being carried out in Scotland as most of its capacity has closed over the last decade. The vast majority, likely to be well over 95%, of recovered paper collected in Scotland is sent to other parts of the UK, Europe or the Far East for reprocessing.

Investment in paper and board reprocessing capacity in Scotland (with the attached economic, environmental and social benefits) has the potential to grow significantly in future and Scottish policies on waste will play a pivotal role in this. If Scottish waste policies can deliver a high quality, economically viable recovered paper raw material to potential paper reprocessors then Scotland may well become an attractive place for significant investment; creating significant jobs and wealth within the Scottish economy. However, if the quality of recovered paper is not up to the standard required for a Scottish paper reprocessing industry to be competitive in the global market then Scotland will continue to rely on reprocessing capacity outside of Scotland. This will in effect mean that the value add steps of the full paper recycling process and the associated job creation will go to other parts of the UK or overseas. The Scottish government should grasp this opportunity to put Scotland on the papermaking map as it was 40 years ago.

General CPI Response:

CPI believes that through the Scottish “zero waste plan” Scotland is setting out on an ambitious plan to maximize the resource efficiency of its economy based on one of its most abundant raw materials, waste. If effectively implemented and regulated then Scotland’s “zero waste plan” can result in a return to a more balanced Scottish economy with the recycling industry providing significant jobs and wealth creation. Alongside significant investment in low carbon energy sources, Scottish manufacturing could become a significant global player in “low carbon”, sustainable manufacturing based on recovered waste materials. On a smaller scale, Scottish paper recycling could mirror the achievements of the Scandinavian paper industries that utilize their abundant resources, forestry and renewable energy, to lead Europe in the manufacture of virgin based paper materials.

However, the above opportunities will be heavily dependent on how the proposals in this consultation document are interpreted and regulated. Volume and quality of recyclable materials collected and recovered from the waste stream, alongside economic competitiveness against primary raw materials, will be critical in cementing investment in manufacturing capacity and avoidance of leakage to energy from waste; yet the proposals, although suggesting an effective direction of travel, fail to adequately clarify how this will be achieved through regulation. There appears to be an acceptance that separation of material as close to the source as possible is the best option to achieve the highest quality output yet the proposed regulations as written may in fact lead to a greater degree of recyclable material mixing at the producer stage and in all likelihood through the transportation phase as well. In the specific case of paper, where there is a number of paper-only collectors servicing large paper waste producers (particularly in the commercial and industrial sectors) the fact that they may now have to service other non-paper materials listed in the regulation as well as paper will mean that they are likely to have to change their business model to retain service provision or lose out to multi-material collection services. This could in fact lead to a reduction in the volume of recyclables extracted from the waste stream by “material specific experts” and lead to more recovery by “general waste management” companies with less expertise in specific reprocessor requirements. “General waste management” companies are also more likely to move materials around several waste management options (especially if they own and manage all the options) depending on where the highest profitability lies which may not always be the best environmental option for the wastes in question.

There are a number of specific questions stemming from the proposals that CPI would like answered around what exactly is being asked of stakeholders in the revised “Duty of Care” and these are set out in the specific answers to the consultation questions below.

Further, there is no reference within the consultation as to how the proposed Scottish regulations will dovetail with other UK administrations. It is not clear from the consultation

whether there will be a requirement to pre-treat waste in Scotland prior to shipment to other cross border UK destinations where policies such as landfill restrictions may not be in operation. This could simply lead to Scotland exporting its waste problems while failing to maximize the resource efficiency benefits highlighted in the Scottish “zero waste plan”. This area needs clarification.

LIST OF QUESTIONS IN THE CONSULTATION PAPER

Q1. Are there any other materials or waste streams which should be included in these requirements to sort and separately collect?

CPI Response: As environmental impact assessments of non-listed waste materials highlight the need for greater diversion up the waste hierarchy and as recycling technology improves to make more of waste materials then there will be opportunities to include other materials in the requirements to sort and separately collect. However, there will be important issues to understand before these are brought into the lists of recyclables to be targeted.

1. A full impact assessment must be made on the recycling efficiency of the currently listed materials before adding further materials to the lists, particularly if they are going to be able to be collected through a dry mixed recyclables system. Any environmental gains from recycling the newly listed materials may be offset by negative impacts on recycling efficiency of currently listed materials. Obviously if new or higher risk materials were required to be separated at source (i.e. not collected through a dry mixed recyclables collection) then these impacts will be less likely.
2. Point 1 above leads to a clear question from the proposals.

CPI Question 1 - Does the lists of recyclables to be targeted in the Regulations mean that waste materials outside of these lists cannot be collected in a dry mixed recyclables collection alongside those listed?

If the answer to the above question is yes then this may cement better quality through consistency of feedstock to MRFs through defined inputs but may on the other hand stifle innovation.

It would be helpful if the answer to the above question can be better defined within the Regulations and in the guidance.

3. If new waste materials are added to the lists of recyclables to be targeted then this could be construed as “gold plating” of the revised European Waste Framework Directive requirements. The inclusion of textiles in the lists is already more than is required by the EU Directive.

Q2. Food waste is required to be presented in a dedicated container. Are there any other recyclable materials which should be sorted and presented separately for collection in a dedicated container?

CPI Response: CPI Members using recovered paper as a raw material for potential food contact papers would argue that cellulose based fibrous materials (paper and board) should be collected in a separate container by Regulation from the other listed waste streams to avoid any form of food contamination of the fibre stream from organic residuals in cans, bottles and plastics. Potential contamination of the recovered paper

stream by organic residues may become a significant issue for recycled paper packaging manufacturers if they are producing paper for food contact use and may mean that in the medium to long term mills producing this type of paper are unable to source material from poorly run dry mixed recyclable collections. If this issue is considered within the Regulations now then there will be less likelihood of disruption in the future.

Q3. Do consultees have any comments on the new draft Duty of Care Code of Practice?

CPI Response: The proposed Duty of Care Code of Practice is a good document but needs more clarity on what is expected of all stakeholders with regards the segregation of waste. It is clear that producers must separate at least the materials mentioned in the lists of recyclables to be targeted within the Regulations and that if required this can be done through a single container for dry mixed recyclables. There then appears to be a requirement for the waste carrier to “have to” provide a service for picking up all of these materials as well.

CPI Question 2 - Is the above CPI interpretation of the code of practice correct?

Many current waste carriers and managers will have a specific interest in potentially only “one” material which may be 90%+ of the waste produced by that producer (paper from a printer is a clear example). Yet the Duty of Care Code of Practice suggests that the paper specialist may have to provide a service for the other materials in the lists of targeted materials with the added costs this may bring in terms of transport, environmental permitting and potential infrastructure requirements. If this is the case then the Code of Practice as written may well drive many producers to simply mix all recyclable materials to save space and effort and increase the need for significant infrastructure to sort these materials. It may also favour larger “general waste management” style companies who deal with all wastes rather than material specialists who are best placed to maximize the benefits of recyclable waste through particular resource management chains.

CPI would ask the Scottish government and the regulator to clarify what the Code of Practice actually means in this area.

CPI would also like to see clarification of exactly what is meant by a ban on “mixing” separated waste during and after collection.

CPI Question 3 - Is it acceptable to mix the listed recyclable materials within the Regulations during the collection phase even if they have been separated into individual containers by the producer at source or will this be deemed illegal?

Q4. Do consultees consider that Government should mandate more specifically what actions waste collection authorities must take to improve recycling of waste from households? If so, what are they?

CPI Response: CPI awaits the “best practice guidance for collection systems” being developed by Zero Waste Scotland (as mentioned in 6.1 of the consultation) with great interest. Where there are clear, measurable impacts on collection performance and recycle quality we expect that the Scottish Government will offer clear, unequivocal advice to Local Authorities on the best collection methods to employ to maximize economic, environmental and social benefits to Scotland.

Q5. What additional measures, if any, should Government consider in order to oblige householders to recycle?

CPI Response: CPI believes that Government should continue to engage householders on the benefits of recycling and the need to follow instructions from the collector to ensure quality is maintained through whatever collection system is used; particularly in relation to job and wealth creation emanating from their considerable efforts.

Q6. Do consultees agree that banning the listed materials accompanied by a “requirement to sort” will be effective in achieving high recycling rates? If not, what additional or alternative measures could be adopted?

CPI Response: CPI believes that landfill restrictions and bans can be an effective tool for increasing recycling rates but care must be taken in ensuring that the quality and integrity of materials diverted from landfill are protected otherwise they will simply become waste through the collection, sorting or reprocessing processes at significant economic and environmental costs to the recycling industries. This is particularly important where the majority of material is being exported, primarily to the Far East, for recycling.

Q7. Do consultees consider that banning the listed materials accompanied by a requirement to sort will help support investment in the infrastructure required to achieve high recycling rates?

CPI Response: As with the answer to question 6 above, the effectiveness of landfill restrictions will be wholly dependent on the ability of the “requirement to sort” to deliver a quality raw material to manufacturing industries. Only with effective sorting to produce high quality raw materials will Scotland have any chance of achieving significant investment in reprocessing capacity with the resultant economic and job creation benefits associated with this.

Q8. What pre-treatment do consultees consider is necessary in order to ensure that only residual waste is managed in EfW facilities?

CPI Response: CPI agrees with the proposals in the consultation except for the allowance of MRF rejects to be considered “residual waste”. This could lead to significant leakage to energy from waste unless a specific efficiency rating is applied to MRFs or a specific cap on rejects from MRFs is introduced. MRFs could exceed the efficiency rating or cap but be required to show the reasons for this and the corrective action to the satisfaction of the regulator. MRF rejects may still contain a significant quantity of valuable recyclable materials (see WRAP studies in this area) and should be treated as “unsorted” waste rather than “residual” waste. This will ensure MRFs are not considered as an easy option to bypass pre-treatment requirements.

If MRF rejects are indeed to be considered “residual” waste then reprocessor wastes should be considered in the same way. Reprocessor rejects are likely to be made up of the same materials as MRF rejects. Only by making both MRFs and reprocessors equal in terms of treatment of rejects will there be an avoidance of a possible economic benefit of running a material to a MRF rather than directly to a reprocessor.

Q9. Do consultees agree that this is an appropriate measure to prevent overprovision of residual waste management infrastructure?

CPI Response: Apart from the concerns of leakage of MRF rejects directly to residual waste management as a way of bypassing pre-treatment CPI believes the proposals should prevent overprovision of infrastructure.

Q10. What single stream waste, such as contaminated wood, do consultees consider are appropriate for EfW?

CPI Response: Papermill sludge may be a suitable waste stream for consideration as a direct input into EFW not requiring pre-treatment. Indeed in the case of a paper recycling mill the papermill sludge will actually be a residue from the recycling process and should be treated the same as MRF rejects in terms of being able to go directly to EFW. Currently much of the papermill sludge created at UK mills is landspread to give some basic soil benefits but this treatment option should be weighed up through an impact assessment to determine if it is in fact the best environmental option for this waste stream. More papermills are starting to use papermill sludge as a biomass source on site to provide power and heat to the papermaking process and this reduces the need to transport papermill sludge to other uses and in many cases offsets fossil fuel energy sources.

Q11. Scottish Government intends that the EfW restrictions will apply immediately to any new installation. What transitional period should be allowed for existing EfW installations to comply with the regulations?

CPI Response: No comment.

Q12. Do consultees consider that the lead-in times for the landfill bans are reasonable?

CPI Response: CPI believes the proposed lead in times are reasonable.

Q13. What test method do consultees consider should be used to assess the level of biological activity?

CPI Response: No comment.

Q14. Do consultees have any other comments?

CPI Response: As mentioned in the CPI general response we believe the Scottish Government needs to clarify the regulatory position with regards cross UK border movements where other UK administrations do not have a similar regulatory provision.

CPI would like to see the Scottish Government take a stronger position on product design either through regulation or indeed voluntary agreements. The proposed regulatory policies in this consultation deal with waste issues after it has been generated but give no regard to the individual products themselves prior to the waste phase. Significant quality issues through the waste management phase are associated with products themselves rather than collection systems. These quality issues within the waste management phase due to products themselves could be significantly reduced if packaging designers (of whatever material type) are required to consider 'end of use' implications at the design stage.

CPI will be pleased to work with the Scottish government and the regulators in taking the regulatory proposals forward and are happy to input on paper related issues should this be required.

Kind regards,

Peter Seggie.

Peter Seggie
CPI Recovered Paper Sector Manager