



Head Office
Overross House
Ross Park, Ross-on-Wye
Herefordshire HR9 7US
T 01989 566 017
E info@mcsuk.org

Scotland
Suite 7, CBC House
24 Canning Street
Edinburgh EH3 8EG
T 0131 633 4000
E scotland@mcsuk.org

London
Unit 120, Metal Box Factory
30 Great Guildford Street
Borough, London SE1 0HS
www.mcsuk.org

Litter and Fly-Tipping Prevention Plan Consultation Response

The Marine Conservation Society (MCS) is the UK's leading marine conservation charity. We work to ensure our seas are healthy, pollution-free and protected. Our vision is for seas full of life where nature flourishes and people thrive. We have actively been working in Wales to improve the health of Welsh seas for the past 30 years.

We have focused our responses largely on littering, with some additional comments on fly tipping, as our expertise is much more extensive in the former.

Theme 1 – Waste Reduction (WR)

Question 1: Do you agree litter and fly-tipping should be covered under one plan? If not, please provide a reason for your answer.

No. We believe that they should be kept separate, as they have distinctive behavioural route differences. Fly-tipping is likely to occur on a much less frequent basis per individual than littering and motivations often differ. Commercial fly-tipping is a very different issue in the sense that acts are largely driven by economic savings through disposal fee avoidance or making commercial profit¹.

While litter is commonly defined as “‘anything’ that is left, thrown, dropped or deposited and causes defacement in a public place” that is usually less than a back bin bag’s worth², fly-tipping typically involves the disposal of “anything from three-piece suites, old mattresses and builders’ waste through to bags of household rubbish and garden waste. Fly-tipping can also include materials hazardous to both humans and wildlife”³. Consequently, there is a considerable difference between the legal repercussions of fly-tipping and litter and appropriate prevention actions.

While this prevention plan lists multiple activities to achieve various aims, the identified actions are very disproportionate between the actions specified for littering and fly-tipping, and at times it is unclear whether an action is specified for both. These key discrepancies highlight that an attempt to align the two could result in confusion and management challenges.

Question 2: Do you agree with themes we have chosen? Do you think they will help us achieve our ambitions? If no, what other themes do you think need to be included?

Yes. The chosen themes are sufficient and the key concepts are covered. However, we would suggest the alteration of ‘waste reduction’ to ‘**resource reduction**’. This would emphasise the principle of using

1

<https://zerowastescotland.org.uk/sites/default/files/Evidence%20Review%20of%20Flytipping%20Behaviour.pdf>

² <https://www.gov.uk/guidance/fly-tipping-council-responsibilities>

³ <https://www.woodlandtrust.org.uk/media/1842/urban-woodland-management-litter-and-fly-tipping.pdf>

less in the first place; aligning with Welsh Government's commitment in the Beyond Recycling strategy⁴ to make the circular economy a reality in Wales.

It needs to be made clear what investments will be made to drive forward each prevention theme. It is inadequate to use undefined terms such as “*support*” and “*potential funding*”. Additionally, there needs to be clear targets, timelines and appropriate sanctions to ensure both achievable and measurable outcomes.

Question 3: Do you agree with the suggested actions in the waste reduction theme? If not, please provide reasons.

Definitions required

The suggested actions require some amendments. Definitions need to be provided for the following; “*environmentally sustainable options*”, “*sustainable alternatives*”, “*problematic single use plastic items*” and “*anti-littering measures*”.

Moving towards a circular economy

We greatly welcome the inclusion of specific actions surrounding the introduction of a Deposit Return Scheme (DRS) (WR(5)), Extended Producer Responsibility (EPR) (WR(11)) and single-use plastic legislation (WR(2)).

It is also positive to note specific actions aimed at addressing the litter problem from source during the design and manufacturing stage (WR(4)). We would recommend more actions to be developed and included under the final aim within this theme; “*Work with businesses and manufacturers to “design out” litter at source*” as management at source is the ultimate preventative measure and key in achieving a circular economy.

Issues with ‘biodegradable’ labelling

We have concerns surrounding ‘biodegradable’ products from a consumer perspective. The environmental benefits or correct method of disposal⁵ for these items could easily be misconstrued. This was evidenced in some key findings from YouGov surveys commissioned by the Marine Conservation Society, which asked members of the British public about their understanding of ‘bioplastic’, ‘biodegradable’ and ‘compostable’ labels.

- ◆ 38% of respondents thought ‘if it [‘biodegradable’ products] was littered, it would cause less harm to the environment than a product not labelled as ‘biodegradable’.
- ◆ 39% of respondents thought that ‘[‘biodegradable’ products] would break down causing no harm to the marine environment’
- ◆ Around a third of respondents selected an answer that could lead to incorrect disposal (41 % answered: it can be commercially composted, 30 % answered: It can be composted at home and 3 % answered: it can be safely flushed down my toilet).

⁴ <https://gov.wales/beyond-recycling-0>

⁵

https://www.wcl.org.uk/docs/assets/uploads/Misleading_Environmental_Claims_Link_evidence_14.12.2020.pdf

Please see further information on the issues with labelling confusion and more about our YouGov survey in Annex A.

Less focus on recycling

Evidence shows that recycling isn't particularly efficient at dealing with plastic waste; *"only about one third of household plastic packaging is currently recycled"*⁶. Across 2019-20, only 39.9% of municipal waste was reused/recycled in Wales⁷. Plastic and metal were found to *"make up the lowest identified material collected for reuse/recycling/composting"*, with plastic accounting for only 5.1% of materials sent to be recycled⁸. Of the top 12 countries that receive Wales' plastic recycling, only 6.6% is recycled within Wales with 18.4% shipped overseas⁹. Once shipped, this material is considered to be 100% recycled – however, this is commonly not the case. This is why Wales and the wider UK needs to support the Basel amendment¹⁰.

Promotion of 'reuse'

There needs to be an increased emphasis on the **reuse** component and promotion of reusable items e.g., reusable takeaway containers and delivery packages. This is particularly relevant in the context of Covid-19, which has resulted in a surge in takeaways and deliveries. The waste hierarchy highlights the building blocks of a circular economy to be reduction then reuse, followed by recycling⁵. Rather than substituting fossil-fuel based plastics with alternative materials, we urge Government to focus on plastic prevention, reuse and refillable solutions. Case studies of such solutions already exist. Loop UK¹¹ offers an online delivery service of popular household brands in reusable packaging. Waitrose & partners Unpacked¹² is a refillable initiative to reuse packaging.

Wales specifically hosts a variety of reusable initiatives beyond reusable packaging. The North Wales Nappy Collaborative¹³ works to promote reusable nappies and estimate they have prevented over 3 million nappies entering landfill since 2015⁴. Benthig, a Cardiff-based borrowing project offers rental of over 350 items to members of the community¹⁴. Frame is a Pembrokeshire-based reuse project that offers upskilling and training opportunities to vulnerable adults through upcycling and repurposing home items¹⁵.

There is a clear opportunity for the Prevention Plan to reflect the *"Upscaling prevention and re-use"* aim in the Beyond Recycling Strategy; *"to build on the cultural change that has already happened in Wales so that unnecessary waste is prevented, products are re-used and repair and remanufacturing are a core part of our society."*

⁶ <https://myrecyclingwales.org.uk/materials/plastic>

⁷ <https://statswales.gov.wales/Catalogue/Environment-and-Countryside/Waste-Management/Local-Authority-Municipal-Waste/annualwastereusedrecycledcomposted-by-material-source-year>

⁸ <https://myrecyclingwales.org.uk/>

⁹ <https://myrecyclingwales.org.uk/materials/plastic#lin-chart>

¹⁰ <https://www.euronews.com/living/2021/01/18/brexit-loophole-allows-uk-to-ignore-eu-ban-on-plastic-waste-exports>

¹¹ <https://loopstore.co.uk/how-it-works>

¹² <https://www.waitrose.com/ecom/shop/featured/groceries/unpacked>

¹³ <http://www.nwnccic.co.uk/>

¹⁴ <https://www.benthig.org/about>

¹⁵ <https://www.pembrokeshire-frame.org.uk/>

These existing and future initiatives need to be accompanied by investment and supportive policies to facilitate the development of the infrastructure needed to instil new culture norms and behaviour change.

More actions need to be identified and included under the *“take action to encourage greater reuse of products / items in Wales”* aim. Of the 3 actions listed, 2 relate solely to carrier bags. There are many reusable alternatives for other single use items e.g., bottles and takeaway containers. The third action commits to ‘support’, although this needs to be expanded to include a commitment to investment. A greater emphasis on reuse actions will better align with Welsh Government’s commitments to moving to a Circular Economy. Similarly, to make *“it easier for people to repair an item”*, we recommend the Welsh Government adopts and enforces the UK Right to Repair law that’s due to come into force this summer.

It would also be beneficial to highlight that a zero-waste Wales has the potential of creating hundreds of jobs¹⁶.

Removing single-use items from events

Action WR(6) does not directly align to the Beyond Recycling strategy. Within the strategy, Welsh Government commits to *“take action to remove unnecessary single-use items from events and other showcase activities in Wales”*, although WR(6) states Welsh Government will *“include provisions to prevent or reduce littering of single use items”* at events. The latter terminology should be revised to mirror the commitment in the Beyond Recycling strategy to *“remove”* and not solely *“reduce”* single use items.

Question 4: Do you think other actions should be included under the waste reduction theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

We would recommend the Welsh Government adopts the EU Single Use Plastic Directive approach on featuring producer-funded labelling and campaigns, as well as covering Extended Producer Responsibility and clean-up costs. The Directive was developed to tackle the top 10 most commonly found items, accounting for 50% of the marine litter found in the EU¹⁷.

We would recommend taking further action on the following:

Recognising microplastics as litter

While the new direct considerations made to wet wipes, sanitary products and cigarette filters are welcomed, reference to how microplastics fall within this theme and action WR(3) in particular is needed.

Microplastics, particularly intentionally added microplastics, should be considered a form of littering as they cannot be practically removed from the environment. Last year, microplastic pollution was discovered near the top of the highest mountain in Wales¹⁸. A 2019 study published by Cardiff University identified that nearly half of all insects collected from rivers in South Wales had

¹⁶ <https://zerowasteworld.org/zerowastejobs/>

¹⁷ <https://www.euoparc.org/wp-content/uploads/2018/01/Eu-plastics-strategy-brochure.pdf>

¹⁸ <https://www.bbc.co.uk/news/uk-wales-51546978>

ingested microplastic¹⁹. The Welsh Government needs to lead the way in committing to preventing microplastics entering our environment.

Macroplastics and microplastics are both problematic and may require different interventions. It is imperative that the place for microplastics within environmental policy is made clear (currently it is uncertain as to how microplastics is covered by Welsh policy).

Please see further information about the specific problems of microplastic pollution and their clean-up in Annex B.

Chemical impacts of littering

The **chemical impacts of littering** also need to be taken into account. For example, a group of chemicals called PFAS (per- and polyfluoroalkyl substances)²⁰ are often used in paper and cardboard food packaging in order to achieve a suitably greaseproof material that performs similarly to plastic.

PFAS are a group of several thousand chemically similar compounds, often nicknamed ‘forever chemicals’²¹ because of their extreme persistence in the environment. Cardboard alternatives to plastic packaging are often labelled as ‘compostable’ or ‘biodegradable’. However, PFAS used in these items have been shown to be able to leach into soil and persist there for hundreds of years²², possibly even longer than the plastic packaging that they were designed to replace. PFAS have been shown to cause problems in the environment, for example affecting the immune, liver, kidney and blood functions in marine mammals such as bottlenose dolphins²³, seals²⁴ and otters²⁵. As a step in the right direction, McDonalds have recently committed to removing all PFAS from their packaging by 2025²⁶.

We would also like to take this opportunity to provide the relevant information and evidence below that can support the inclusion of additional actions under this theme:

‘Eco-friendly’ alternatives to plastic packaging

Alternatives to plastic packaging that are described as ‘eco-friendly’ often include paper or card-based packaging and may have the aforementioned issue with the use of PFAS chemicals. They also do not move society towards a reuse economy and away from single use.

Another problem associated with food packaging is the use of bamboo in food and drinks containers. The claimed biodegradability of these bamboo cups has been misleadingly advertised. Quite often, bamboo is marketed as being biodegradable. However, a German consumer organisation, the stiftung warentest, have stated that the resin used to make the cups (mainly melamine) will render them unable to degrade in the environment or even in an industrial composter²⁷. They are also not able to be recycled by ordinary means and therefore the only option for their disposal currently is incineration.

In 2019, the European Food Standards Agency published a review on wood flour and fibres in food contact material and concluded that there is insufficient information to support that the current

¹⁹ <https://www.sciencedirect.com/science/article/pii/S0048969718327669>

²⁰ <https://www.mcsuk.org/clean-seas/pfas>

²¹ <https://www.pfasfree.org.uk/wp-content/uploads/Forever-Chemicals-in-the-Food-Aisle-Fidra-2020-.pdf>

²² <https://www.sciencedirect.com/science/article/abs/pii/S0048969720335373>

²³ <https://pubmed.ncbi.nlm.nih.gov/23322558/>

²⁴ <https://pubmed.ncbi.nlm.nih.gov/18504957/>

²⁵ <https://pubmed.ncbi.nlm.nih.gov/16955890/>

²⁶ <https://chemtrust.org/news/mcdonalds-pfas-ban/>

²⁷ <https://www.foodpackagingforum.org/news/re-useable-bamboo-cups-tested-and-criticized>

authorisation of ‘wood flour and fibres, untreated’ is still in accordance with Regulation (EC) No 1935/2002²⁸. Following this, in February 2021 the Dutch Food and Consumer Product Safety Authority (NVWA) banned the sale of tableware made from bamboo and melamine²⁹, as there is a risk of formaldehyde leaching into the hot food or drink that is contained within it.

Biodegradable glitter

There is very limited research into the impacts of biodegradable glitter, but a study released in October 2020 by Green, D. S. et al looked at 3 different types of glitter (conventional PET, mica and cellulose based) and their impacts on a freshwater ecosystem³⁰. It was found that all 3 glitters including those dubbed as eco-friendly alternatives (mica and cellulose) impacted aquatic ecosystems. All 3 types of glitter caused a decrease in the abundance of certain plants (duckweed) and the cellulose glitter was found to cause an increase in the abundance of a non-native snail which could ultimately disrupt the ecosystem balance. In the conclusion of this study, they state: *“Interestingly the biodegradable glitters used in this study elicited stronger effects than the non-biodegradable PET glitter overall”*.

Wet wipes

Many wet wipes are labelled as ‘biodegradable’, ‘compostable’, ‘natural’, ‘flushable’ or other such similar claims. However, consumers are often confused by the meanings of these terms and are not always aware how they should be disposed of correctly, which can lead to incorrect disposal in the toilet. This causes environmental pollution and flooding.

MCS has found a depressing increase from 4.6 wet wipes per 100m on UK beaches a decade ago, to 17.7 in 2020. Welsh Water reported that 25% of flooding was caused by wet wipes in August 2020. Research commissioned by United Utilities, found that *“one in five women (20%) said they had never been told how to dispose of sanitary items such as tampons and sanitary towels”* and for baby or child wet wipes it was *“almost a third (32%) of respondents”*³¹.

In the MCS 2020 retailer wet wipes survey³², it was revealed that only 1 out of 12 main UK retailers have all their own brand flushable wet wipes meeting the ‘Fine to Flush’ specification.

Legislation is urgently needed to ensure that all wipes (regardless of material) which do not meet the ‘Fine to Flush’ specification are labelled with ‘Do Not Flush’ clearly on the front of the packaging. This should be statutory, standardised and have a minimum size. Companies producing wet wipes should pay for campaigns and public awareness raising around this issue.

For further evidence and information on the incorrect disposal of wet wipes, please see Annex C.

Cigarette filters

MCS are signatories on a statement that supports a ban of plastic filters and a review of other single use filters’ biodegradability and health implications. *“Comparison of conventional plastic filters take*

²⁸ <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2019.5902>

²⁹ <https://www.dutchnews.nl/news/2021/02/bamboo-fibre-crockery-banned-for-containing-too-much-formaldehyde/>

³⁰ <https://www.sciencedirect.com/science/article/abs/pii/S0304389420320604>

³¹

https://www.researchgate.net/publication/341071847_Understanding_behaviours_causing_blockages_Research_with_United_Utilities_to_identify_flushing_habits_in_the_North_West_of_England

³² <https://www.mcsuk.org/news/wet-wipe-survey-2020>

7.5-14 years to disappear, in the compost and on the soil surface respectively [...] cellulose filters take 2.3-13 years to disappear”³³. The latter are those that are typically labelled as biodegradable.

In a study carried out by Keep Wales Tidy in 2018, cigarette butts were found on 80.3% of streets across Wales³⁴, making them the most common form of litter in the country. On Welsh beaches surveyed during the Marine Conservation Society's annual Great British Beach Clean event show that cigarette butts are typically in the top five items annually (number 5 in 2020).

The International Coastal Clean-Up 2020 report³⁵, to which MCS contributed data, revealed that cigarette stubs were the 2nd most commonly littered item found by volunteers around the world in 2019.

Theme 2 – Evidence, Monitoring & Evaluation (EME)

Question 5: Do you agree with the suggested actions in the waste evidence, monitoring and evaluation theme? If not, please provide reasons.

Although we broadly agree with the actions, improvements could be made:

If a Task & Finish Group is to be set up for EME(1), it would be useful for the group to identify successful **preventative approaches** from international and national best practice.

EME(2) and EME(4): Littering should be included. Whilst some historical and continuous litter collection records exist, some demonstrate distinct limitations. Spatial mapping of litter would also be a useful information source for supporting decision and policy makers. In a 2019 study, members of the Wales Clean Seas Partnership made the following recommendation to local authorities; *“to implement COPLAR zones within the authority and mapping litter hotspots onto GIS, providing an immediately practical way for Local Authorities to identify hotspots and direct resources accordingly.”*³⁶ We would once more recommend this option be considered.

EME(3): While supporting data training programmes for Local Authorities is welcomed, we identify this action as an opportunity to **better engage members of the public as citizen scientists**. Identifying opportunities to provide relevant **training and skills for volunteers** should be strongly considered – if not within this action, within an additional one.

While recording and reporting activities may assist in identifying the sources and levels of littering and fly-tipping, it may not address their **impact on the environment**; a key component of aim 1. We recommend the commissioning of scientific studies of the impacts of litter on the environment, e.g., leaching of chemicals from litter and fly-tipped items into waterways.

Many of the existing evidence bases that support the delivery and monitoring of littering and fly-tipping are collected and provided by eNGOs. Thus, these organisations should **receive support** for monitoring and data collection activities, including financial aid.

³³ <https://www.sciencedirect.com/science/article/abs/pii/S0956053X17308474>

³⁴ <https://www.keepwalestidy.cymru/Handlers/Download.ashx?IDMF=00522334-9e7a-423d-b6c8-4227f87dbec3>

³⁵ https://oceanconservancy.org/wp-content/uploads/2020/09/2020-Report_-FINAL.pdf

³⁶ <https://businesswales.gov.wales/marineandfisheries/sites/marineandfisheries/files/litter-management-in-wales-an-analysis-of-litter-data-and-strategies.pdf>

We also believe there is the potential that fly-tipping on private land is under-reported. It would be good to enhance data collection surrounding this, such as adopting the mapping method previously mentioned.

Question 6: Do you think other actions should be included under the waste evidence, monitoring and evaluation theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

Yes.

As briefly mentioned in our response to Question 5; the first aim should include actions that specifically address **improving our understanding of the impacts** of littering and fly-tipping; both socially and environmentally. This would better coincide with the range of existing actions that focus on reducing incidents of littering and fly-tipping.

While it is not fully understood what defines a “reporting dashboard” under EME(7), we would additionally recommend **quarterly inter-disciplinary stakeholder progress meetings and annual reports**. This would provide a platform for partners to contribute the most up-to-date knowledge and share constructive feedback as the plan develops.

This plan has the opportunity to engage positively with members of the public, through empowering citizen science and public voice. Members of the public need to be considered and listed as “owners” through the provision of training and upskilling. This would also strengthen a sense of shared responsibility.

Although the first aim is described as to better understand the “*sources, levels and impacts*” the actions focus solely on reporting and recording. Work should be commissioned / relevant organisations funded to undertake work into studies of the **impacts**. An increased understanding of the impacts will help identify the most appropriate prevention and recovery strategies.

Regarding the second aim, gathering data and information on public perception of the success of a prevention plan would be needed. This might also identify areas where communication and awareness raising campaigns would be beneficial.

Introducing a spatial component such as mapping in reporting is a good idea. This should be extended to littering.

An additional action should explore the potential changes in the future i.e., increases or decreases of littering and fly-tipping due to possible events. This is particularly relevant for Covid-19, which has led to increased rates at which people are littering and fly-tipping.

Theme 3 – Education and Behaviour Change (EBC)

Question 7: Do you agree with the suggested actions in the education and behavioural change theme? If not, please provide reasons.

Extending existing environmental education resources

We strongly agree with the actions suggested – notably, the need to consolidate resources and opportunities for partnerships to disseminate resources available. There is a clear disconnect between

an understanding of the issue and actions taken to reduce the impact of littering. Starting with education, awareness raising and teaching appropriate behaviour from the offset will reduce the need to retrain the thinking and behaviour in late adulthood.

Charges for single use plastic items

The introduction of charges on single use items has been shown to be highly effective in both reducing resource use and littering. For example, since the introduction of the plastic bag charge in Wales, MCS has recorded that the number of plastic bags found on Welsh beaches has fallen by 88%. Data from retailers compiled by Welsh government shows that a reduction in the sale and use of carrier bags has occurred during this time too. This shows that placing a monetary value on what was regarded as waste incentivises behaviour change.

When exploring options to reduce single use plastics and support a shift to reusables, best practise should be employed. In 2017 the Environmental Audit committee found that only 0.25% of coffee cups were recycled³⁷. Industry's response to this was to set a lowly target of 8% by 2019 which they have so far failed to achieve, reaching only 6%³⁸. We would highlight that these products are part of a linear-make-use-throw and even with industry setting its own low target of 8% it was still unable to achieve a basic response recycling rate.

For single use coffee cups, banning them would provide a level playing field for all companies and not negatively impact those being progressive. If a ban was not put in place, then reusables need to be encouraged. Research by Cardiff University showed that charging was considerably more effective than a discount³⁹. We therefore recommend a minimum charge of 25p on all single use cups with a target for reduction.

Introducing a DRS

A Deposit Return Scheme for drink containers is believed to provide a high-quality material stream with low contamination⁴⁰ as well as reduce the amount of littering. A US study reported a 70-84% reduction in drinks container litter following the introduction of a DRS⁴¹. A European study in 2019 discovered that following 2 years of having a DRS in Estonia, the share of drinks container litter dropped by over 70%⁴².

In the 2020 Great British Beach Clean, an average of 23 drinks containers were found per 100m of beach in Wales. It is important that the introduction of a DRS occurs as a matter of urgency. Consumers would then perceive drinks containers as having a value once the drink has been consumed.

We recommend that drink containers of all materials should be included to prevent material substitution. We welcome Welsh Government's position "*that the scope of the deposit return scheme in Wales should be for an "all-in" scheme capturing containers up to 3L in size.*"

³⁷ <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/657/65705.htm>

³⁸ <https://www.foodservicefootprint.com/disposable-cup-recycling-group-misses-8-target/>

³⁹ <http://orca.cf.ac.uk/99366/1/Coffee%20cup%20summary%20report%20-%20Poortinga%20%28FINAL%29.pdf>

⁴⁰ <https://www.zerowastescotland.org.uk/sites/default/files/Deposit%20Return%20Evidence%20Summary.pdf>

⁴¹ <https://www.reloopplatform.org/wp-content/uploads/2021/02/DRS-Factsheet-Litter-long-5FEB2021.pdf>

⁴²

https://www.researchgate.net/publication/332242306_Deposit_Return_Systems_for_Beverage_Containers_in_the_Baltic_States_Riga_Green_Liberty

The cigarette litter problem

Further education needs to be delivered to reduce cigarette littering. Year on year, the Marine Conservation Society's Great British Beach Clean finds cigarette stubs among the top 5 most common forms of litter on Welsh beaches. In 2019, an average of 33 cigarette stubs were found for every 100 metres of Welsh beach, making them the third most common litter form. During the 2020 Great British Beach Clean, cigarette filters were the fifth most common form of litter found on Welsh beaches (9.5 / 100m).

Despite the impact they have on the environment they are not widely recognised as being part of the plastic problem with less than half of smokers aware that they contain plastic⁴³, according to a survey by Keep Britain Tidy. Globally in 2019, over 4,200,000 cigarette filters were found on beaches³⁵. To be 'A Globally Responsible Wales' under the Well-being of Future Generations (Wales) Act, Welsh Government have a responsibility to address this through a ban of plastic cigarette filters.

Disposal of sanitary items and promotion of reusables

Finally, we would highlight sanitary items and the need to prevent these being flushed, but also to facilitate a shift to reusables. Research commissioned by United Utilities in 2019 found that *"one in five women (20%) said they had never been told how to dispose of sanitary items such as tampons and sanitary towels"* and for baby or child wet wipes it was *"almost a third (32%) of respondents"*⁴⁴. We recommend that to overcome barriers to reusable items, cost can be prohibitive. We would welcome the Welsh Governments' inclusion of reusables in their scheme to address period poverty, as already adopted by the Scottish Government⁴⁵.

Promoting reusable baby products

Disposable nappies and wet wipes add hugely to the amount of waste that goes to landfill in Wales each year. A newborn baby can get through 5-10 nappies in just one day, over 2,000 in one year. Wet wipes, if disposed of incorrectly, can end up causing "fatbergs" (blockages) in sewage systems, resulting in high cost to the taxpayer. Those that make it through the system can end up in Welsh seas where they can end causing harm to marine wildlife. Furthermore, most commercially available disposable nappies and wet wipes contain plastic and are therefore contributing to the consumption of fossil fuels and the Climate Crisis.

Following the 2020 Welsh Government baby bundle pilot, it emerged that *"parents were generally in favour of rolling out the baby bundles more widely."* However, of the 34 parents that received reusable nappies, only 13 intended to use them while 12 were unsure and 9 didn't plan to use them⁴⁶. As highlighted in the Beyond Recycling strategy, reusable nappy initiatives support a move to a circular economy. Since 2015, the North Wales nappy collaborative estimate more than 3 million nappies have been prevented from going to landfill due to the scheme⁴.

The rolling out of these free baby bundles would be welcomed, however based on the evaluation of the pilot, we recommend that sufficient additional information on the benefits of reusable nappies (and reusable wipes) is provided – including demonstrations. We believe there is likely to be a much

⁴³ <https://www.keepbritaintidy.org/news/its-flicking-blue-murder>

⁴⁴

https://www.researchgate.net/publication/341071847_Understanding_behaviours_causing_blockages_Research_with_United_Utilities_to_identify_flushing_habits_in_the_North_West_of_England

⁴⁵ <https://www.legislation.gov.uk/asp/2021/1/section/9/enacted>

⁴⁶ <https://gov.wales/sites/default/files/statistics-and-research/2021-03/evaluation-of-the-baby-bundles-pilot.pdf>

higher uptake of these products in Wales if parents are given the opportunity to try them and understand the benefits. This should extend to the use of reusable wipes also. We perceive this to be a good example of how the appropriate education can support a shift in behaviour change towards an uptake of reusables.

Question 8: Do you think other actions should be included under the education and behavioural change theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

As a matter of priority, environmental awareness programmes need to link the issue of littering to people's own experiences to make the issue directly relevant to them. Sharing of a breakdown of research into littering behaviours of different demographics, for example, would make this issue relevant and real.

For behaviour to change, there needs to be a clear understanding of the impact of littering on the environment as well as society. Underpinning this is a need for awareness of the role that the ocean, which collects our inland litter, has on our lives. With increased awareness of the interconnected nature of our world, the littering issue becomes more impactful and young people are more likely to take relevant actions. Co-creation of any new resources and a period of testing and review across demographics would ensure that messaging and approach work for the intended audience. I would also suggest expanding focus beyond schools to youth groups and to ensure that inland and coastal communities are targeted.

Theme 4 - Effective Enforcement (EE)

Question 9: Do you agree with the suggested actions in the effective enforcement theme? If not, please provide reasons.

Partially agree. There is room for improvements to be made.

EE(1): We welcome the view to increase fixed penalty levels if needed. These amounts should be proportionate to the content found littered / fly-tipped and need to cover the clean-up costs covered by LAs. The fine amount should reflect the hazardous and environmentally persistent nature of the content, as well as size and quantity. In addition to proportionate penalty fees, a 'baseline' minimum fixed penalty should ensure that the penalty outweighs any potential profit. **With that in mind, we question whether the current minimum Fixed Penalty Notices listed under the 2020 Welsh Government EPN Guidance⁴⁷, such as £120 for Fly-Tipping or £120 for an abandon vehicle abandonment is sufficient.**

EE(2): We find Welsh Government's call to "*seek agreement for all LAs to move voluntarily to a consistent approach to littering enforcement*" contradicts the earlier statement made under this theme that Welsh Government are "*keen to support all Local Authorities regardless of their approach*". Further clarity is needed here.

As mentioned, the amount of funding and investment available to enforcement approaches and the most suitable approach could reasonably vary between LAs. We agree with the UK Government Code

⁴⁷ <https://gov.wales/sites/default/files/publications/2020-01/guidance-on-the-use-of-fixed-penalty-notices-for-environmental-offences.pdf>

of Practice for Litter and Refuse section 11D.0, which states; “As far as is possible, enforcement should be self-financing, and neither national nor local taxpayers should be expected to meet any deficit.”⁴⁸ FPN receipts therefore should go towards preventative and responsive functions of future offenses. This is particularly important when considering not all environmental offenses have function restrictions for FPN receipt usage – for instance, fly-tipping⁴⁹.

While certain enforcement approaches should remain consistent across all LAs (i.e., fixed penalties and fines), additional enforcement actions should reflect the needs of the LA e.g., more awareness raising campaigns. A “consistent approach” across Wales in this instance may not always be the best solution on a local scale.

EE(3) & EE(4): While we would welcome the development and implementation of statutory enforcement guidance, it is important this is co-developed across relevant stakeholders.

EE(6): The utilisation of new technology could help improve litter and fly-tipping enforcement action. Although, it is important that sufficient digital skills training and troubleshooting support is provided to the relevant stakeholders involved.

Question 10: Do you think other actions should be included under the effective enforcement theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

N/A

Theme 5 – Efficient Operational Delivery (EOD)

Question 11: Do you agree with the suggested actions in the efficient operational delivery theme? If not, please provide reasons.

We would like to express our appreciation for the recognition of the contributions made by volunteers and environmental charities. We recommend that this acknowledgement is better reflected in the actions of this theme. For example:

EOD(9) should specify working with environmental organisations such as the Marine Conservation Society, as well as Local Authorities and community groups – particularly when referencing beach litter picks.

EOD(6): should additionally cover implementation; gaps and areas for improvement are already well understood.

There are also various existing stakeholder groups that work together to tackle litter e.g. WG Clean Seas Partnership and the WG Litter Advisory Group. With financial support, these groups could be utilised for operational delivery work.

48

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907500/part1a-enforcement-guidance1.pdf

⁴⁹ <https://gov.wales/sites/default/files/publications/2020-01/guidance-on-the-use-of-fixed-penalty-notices-for-environmental-offences.pdf>

EOD(8): We recommend that an all-in DRS is incorporated into operational delivery to tackle on-the-go litter. We recognise that a DRS consultation is currently being considered separately. However, we wish to highlight that drink containers of all sizes and materials should be included.

EOD(10): We welcome this action to increase accessibility to recycling facilities, such as mobile household waste recycling centres.

There are a lot of actions here in utilising and supporting groups and organisations, yet **there is little financial commitment to support these groups**. For examples, allocating funds for disposing of beach litter after clean ups would potentially save local authorities money. Domestic legislation on Extended Producer Responsibility and Single Use Plastic would support this move, as funding for clean-up costs could be allocated.

Question 12: Do you think other actions should be included under the efficient operational delivery theme to achieve the aims of the Plan? If yes, please provide relevant information and evidence.

Yes. In addition to the recommendations highlighted under Question 11:

We recommend **increasing accessibility to recycling facilities**. Logistical support should be provided for remote litter picks, including a coordinated network for rural collection points.

Question 13: Our Litter & Fly-tipping Prevention Plan includes a number of actions. Which ones do you think should be a priority? Please give reasons.

Moving to a reusable and refillable society is the most effective way at tackling litter at source.

We need to move from a single use society to one which puts reuse at its core. We cannot recycle our way out of our current plastics crises and we should not simply replace a single use plastic item with one made from an “biodegradable” alternative, as this perpetuates our linear make-use-throw society.

The EU single plastic directive was devised to tackle the top 10 littered items found on European beaches. While the recent consultation has focused on bans on certain items, the Directive included other important aspects including extended producer responsibility, consumer awareness and campaigns as well as labelling and costs of clean-ups.

Reduction targets, not exceeding dates set by the EU, should be set for items such as food containers and cups for beverages as well as recycling targets for other commonly littered items e.g. packets and wrappers.

Labelling where plastic is present in a product should be included in future proposals, as well as the environmental impacts of littering and appropriate waste disposal options. The need for these applications is reinforced by the Welsh Government’s commitment to achieving the well-being goals under the Well-being of Future Generations (Wales) Act, primarily, ‘A Resilient Wales’.

The introduction of an “all in” DRS (meaning drink containers of all sizes and materials) in the UK decreases the likelihood of drinks containers being littered. The significant impact a DRS would have on litter reduction is well-documented outside the UK. US studies have noted a 70-84% reduction in drinks container litter following the introduction of a DRS⁴¹. A European 2019 study highlighted that

following the introduction of a DRS, the share of beverage litter found dropped from 80% to less than 10% in two years⁴². Drink containers of all sizes and materials should be included.

The **reforming of EPR**: EPR funds should be used to promote reusable alternatives and support these as they reduce waste and carbon footprint. We will be responding to the current EPR consultation as a member of WCL LINK. However, we would like to highlight the WCL LINK response from the previous EPR consultation in 2019 that *“we strongly encourage the EPR principles to be refocused to incentivise a wholesale transition away from a system reliant on single-use packaging, primarily through prevention and reusable packaging solutions, rather than a simple substitution of one single-use material for another. Furthermore, we advocate that the EPR principles should be designed to ensure producers internalise the full life cycle costs of packaging materials. Currently, ‘costs’ are defined purely as those related to waste-management services, whereas there are environmental and social risks at each stage of the life cycle for all packaging materials –from extraction, to production and transport, through to consumption and disposal.”*⁵

We need to **phase out single use plastic items**, a common source of litter, where alternatives are readily available. For example:

- **Cigarettes filters:** In 2019 on Welsh beaches- 32.6 cigarettes butts were found on average for every 100m surveyed, and it was the third most prevalent litter type found. MCS support a ban of plastic filters, and a review of other single use filters biodegradability and health implications.
- **Bottle caps and lids:** In Wales on average 17.8 lids were found per 100m of beach, with caps and lids being the no.3 most prevalent item found in 2020. Ensuring all bottle caps are tethered is critical, as it would ensure that drinks containers would include their lids when recycled (and if returned under a Deposit Return Scheme).
- **Single use sachets:** Single use sachets and other applications, which have multilayer, multi-material, should be banned. This material is not fit for the circular economy of the future.
- **Packets:** These were found in the top 10 items (no.4) during the 2020 Great British Beach Clean with 14.3 packets per 100m on Welsh beaches. We therefore recommend that these should be considered under EPR - in particular they need to show feasible economical recyclability and if they cannot meet this criterion, the material should be removed from market. As well, as campaigns to encourage correct disposal.
- **Ballons and sky lanterns:** Balloons should also be subject to EPR and awareness raising. Sky lanterns while typically made of paper are a single use item, which causes environmental harm as well as an issue around potential fire risk and use of vital emergency services. We suggest that Welsh government legislates to ban mass sky lantern and balloon releases.
- **Cups (for all beverages, not just “coffee” cups):** A charge should be applied to all single use cups, as they are not compatible with a circular economy. “Coffee” cups are difficult to recycle - requiring specialist equipment, meaning that very few are recycled. In 2017, the Environmental Audit committee found that only 0.25% were recycled³⁷.
- **Sanitary items:** Plastic tampon applicators should be banned as similar to plastic cotton bud sticks this item is regularly misflushed and ends up being found as litter on our beaches. Sanitary items should also have Extended Producer Responsibility applied regardless of material (e.g., cardboard applicators would be included) as well as ensuring correct labelling and customer awareness raising of correct disposal.
- **Fishing litter:** 37.5 items of fishing litter on average were found per 100m of Welsh beach during the 2020 great British Beach Clean. Extended producer responsibility for nets as well

as ensuring that ports offer a flat fee for port reception facilities would be the minimum, with lockable skips.

- **Wet wipes:** Through our Beachwatch Programme, MCS has found a depressing increase of 361% in the number of wet wipes found on the beaches since wet wipes first started being monitored in 2005. We propose that plastic wet wipes be banned, with Extended producer responsibility (EPR) applied to all other types of wipes.

Annex A

Labelling confusion & YouGov survey results

As a result of increased awareness around the environmental impacts of single-use plastics there has been a move toward marketing products which are perceived to be more sustainable and may be labelled as 'compostable', 'biodegradable', 'bioplastic', 'flushable', 'oxo-biodegradable' and oxodegradable/oxobiodegradable. The impact of the latter to the recycling stream led it being included in the Single use plastic Directive and prohibits it from being placed on the market as of 3rd July 2021 in European states. We would recommend the same action be undertaken by governments across the UK. However, the labelling utilizing the concepts of compostable, biodegradability and "bio" results in confusion to the consumer. Unfortunately, many of these terms are confusing to the consumer in terms of their environmental benefits and correct methods of disposal.

In 2018, the Marine Conservation Society commissioned a YouGov survey to ask members of the British public about their understanding of the labels 'bioplastic', 'biodegradable' and 'compostable'. The data showed that 60% of consumers understood that if the product was labelled as compostable, it meant that it could be composted at home. However, a large number of products (we would suggest the majority) are actually only certified for industrial composting and are not suitable for home composting.

Respondents appeared confused by the term 'bioplastic', attributing a wide range of properties upon hearing the term (see Appendix A for full results). Bioplastic or bio-material are not "protected terms" and the use of them is not guided by a standard definition. Further survey findings about the term bioplastic include:

- 31% of those surveyed associated the term bioplastic with 'biodegradable' (which is not always true).
- Only 22% of people selected the option 'it is made from natural/renewable sources'.
- Worryingly, almost 1 in 5 respondents selected an answer that would lead to incorrect disposal of a bioplastic product and also associated the term with a reduced environmental impact:
- 19% believed a bioplastic item could be commercially composted, although this is not always the case as these items can contaminate composting processes and output.
- 19% thought if it was littered it would cause less harm to the environment (studies have shown this is not the case).
- 18% believed that a bioplastic item would break down, causing no harm to the marine environment (also inaccurate).

The term 'biodegradable' also caused confusion; it does not mean that a material is 'compostable' or 'recyclable' and is meaningless to the consumer unless there is also information about the

environment and timeframe in which biodegradation is expected to occur. Further findings about the term biodegradable include:

- Around a third of respondents selected an answer that could lead to incorrect disposal (41 % answered: it can be commercially composted, 30 % answered: It can be composted at home and 3 % answered: it can be safely flushed down my toilet).
- Worryingly, 39% of respondents thought that 'it would break down causing no harm to the marine environment'
- 38% of respondents thought 'if it was littered, it would cause less harm to the environment than a product not labelled as 'biodegradable''

Annex B

Microplastics as a form of litter

Microplastics are a persistent pollutant and it is infeasible for them to be cleaned up once released into the environment. ECHA commented that there are close parallels to emissions of microplastics with greenhouse gases citing:

- Microplastics are released by numerous individual point sources
- Prohibitively expensive and impractical to clean up the environment polluted with microplastic plastics
- Their (bio)degradation is expected to take many hundreds, possibly thousands of years
- Microplastic releases into the environment are in a practical sense irreversible and pollution stocks has been building up.

The impact on ecosystems as well as human health is becoming increasingly evident. The cost benefit has been clearly calculated with the ECHA report showing an overall cost-effectiveness of the restriction of about €23/kg (€16/kg - €31/kg) calculated into account uses, emissions and costs⁵⁰.

Restrictions for intentionally added microplastics are being considered under EU REACH legislation. The restrictions proposed under ECHA would control around 85-95% annual microplastic emissions to the environment. As of April 2021, the proposal for the intentionally added microplastic restriction hasn't been duplicated in UK REACH, instead concentrating on 2 other⁵¹ (out of 13 in total) ECHA proposed restrictions⁵². We believe it is vital that Britain, as a minimum remains aligned and up to date with REACH under the new UK-REACH. The Government previously committed to deliver a regulatory system that provides the same level of protection for human health and the environment as previously enjoyed under REACH. By falling behind the progress achieved by REACH increases the risks of chemicals negatively impacting the health of humans and the environment in the UK and beyond.

⁵⁰ <https://echa.europa.eu/documents/10162/05bd96e3-b969-0a7c-c6d0-441182893720>

⁵¹ <https://www.gov.uk/government/news/restrictions-under-new-chemical-regime-announced-for-first-time>

⁵² <https://echa.europa.eu/registry-of-restriction-intentions>

Annex C

Wet wipes

In 2016, MCS commissioned a YouGov survey to ask members of the UK public about their understanding of disposal issues associated with wet wipes. The data showed that 32% of respondents were not confident about which types of wet wipes are flushable and which ones aren't. Before taking the survey 42% were unaware that wet wipes contain plastic fibres and do not disintegrate like toilet paper when flushed, 19% were unaware that flushing wipes down the toilet can contribute to blockages and 61% unaware that wet wipes that are labelled as 'flushable' or 'dispersible' may not pass water industry standards.

Labelling of some wet wipes could be considered misleading. Some wet wipes, including toddler training wipes, toilet cleaning wipes and moist toilet tissue are increasingly being marketed as 'flushable' based on the wet wipes industry's own guidelines, established by EDANA. These guidelines are insufficient for UK sewers because it doesn't test the wipes for conditions realistically found in UK sewers and could lead to sewer blockages. This problem is made worse by people flushing wet wipes which were never designed to be flushed, like baby or cosmetic wipes.

In 2019 the UK water industry published the water industry specification Fine to Flush (WIS 4-02-06) to provide clarity on what items can be safely labelled as flushable. To meet the standard, wipes must pass strict tests which prove they break down quickly and easily in the sewer system and must not contain any plastic fibres. If wet wipes pass these tests, they can feature the 'Fine to Flush' symbol on their packaging.

Action is urgently needed to ensure that all wipes (regardless of material) which do not meet the 'Fine to Flush' specification are labelled with, 'Do Not Flush' clearly on the front of the packaging, which should be statutory, standardised and have a minimum size. Companies producing wet wipes, should pay for campaigns and public awareness raising around this issue.

More than 4 out of 5 British people (83%), questioned in another YouGov survey for MCS in 2017, said they supported the removal of the claim of 'flushable' from all wet wipes if they do not meet water industry standards for what can be safely flushed.

Wet wipes that contain materials other than plastic

Another example of misleading labelling are baby wipes that are labelled as 'home compostable' or 'biodegradable' which we know from our survey in 2018 (see appendix A) can be understood to mean that they can be home composted. Disposable baby wipes are typically used to clean up faecal matter and therefore there are concerns that it could present a public health risk. There isn't any specific research to support this, however the FSA advise that "*fruit or vegetables to be eaten raw and planted after flooding should not be harvested for at least six months after the floodwater has receded*"⁵³. This is so that any harmful micro-organisms in the soil don't contaminate produce to be eaten. Composting baby wipes may not pose comparative risks to flood water; however, it is noted by Recyclenow that soiled tissues should never be added to a home compost bin⁵⁴.

The terms 'compostable', or 'biodegradable' may also lead disposal of wet wipes in the food caddy which typically does not go to a composting facility but to an anaerobic digester, for which wet wipes would not be suited.

⁵³ <https://www.food.gov.uk/business-guidance/food-safety-after-a-flood>

⁵⁴ <https://www.recyclenow.com/reduce-waste/composting/making-compost>

Thank you for the opportunity to provide comments on the Litter and Fly-Tipping Prevention Plan. If you would like to discuss any points in further detail, please do get in touch.

Yours Sincerely,

Gill Bell

Gill Bell
Head of Conservation Wales
Marine Conservation Society

