

Marine Conservation Society response to Scottish government consultation on introducing market restrictions on single use plastic items¹.

Submitted 21st December 2020

Questions

Question 1(a):

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

Question 1(b):

Please give reasons and where possible provide evidence to support the view expressed in response to Question 1(a).

During the 2019 Marine Conservation Society Great British Beach Clean, volunteers in Scotland found, on average, 492 pieces of litter per 100m of surveyed beach of which 317 were plastic- a 128% increase and 186% increase respectively from 1994 when the Marine Conservation Society first started monitoring. Around a quarter of all litter that is found can be attributed to the public including all the items listed in question 1(a). It is likely that this public contribution to litter is in fact higher with 44% classified as “unsourced” because the source of the litter is unable to be attributed. Typically, these are plastic pieces which are too degraded to determine the product type.

Results from the 2020 Great British Beach Clean show that volunteers in Scotland found, on average, 298 pieces of litter per 100m of surveyed beach of which 184 were plastic.

Beach and ocean clean ups are very costly and ineffective at reducing the amount entering and negatively impacting the Ocean. It is therefore important to focus on prevention- which is also important for reducing carbon dependency. The proposed bans in this consultation are therefore in alignment with Scotland’s circular economy ambitions. It is also important to note that since 90% of marine litter in Scotland comes from Scotland², we need to be bringing in preventative solutions here in Scotland.

¹ <http://www.gov.scot/publications/introducing-market-restrictions-single-use-plastic-items-scotland-consultation-document/pages/9/>

² <https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2019/11/marine-scotland-topic-sheets-ecosystems/documents/plastic-in-scotlands-seas-published-january-2020/plastic-in-scotlands-seas-published->

Disamenity of litter has shown that it impacts on tourism and can potentially weaken coastal economics. Beach users regularly highlight cleanliness as being a critical component^{3,4}.

Oxodegradability impacts the ability of plastic to be recycled since the required additive remains in any mechanically recycled material- meaning that any polymer subsequently made from it will be inherently unstable. This recognition led to recycling industry trade bodies and NGOs signing a letter that asked “the Government to implement a total ban on the use, sale and distribution in the UK of conventional non-biodegradable plastics containing additives”⁵. Research commissioned by Defra concluded that “incorporation of additives into petroleum-based plastics that cause those plastics to undergo accelerated degradation does not improve their environmental impact and potentially gives rise to certain negative effects⁶”. In particular we would highlight that the additive results in degradation, rather than biodegradation: the additive simply results in the breakdown of larger plastics into microplastic and thereby increases the bioavailability of plastic pollution and adverse impacts.

Question 1(c):

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/No) Yes**
- **Please give reasons.**

To reduce the amount of single-use plastic entering and negatively impacting the marine environment we need to reduce the use of single-use items at every opportunity. We would therefore support the introduction of a restriction on the supply in a non-commercial capacity to help decrease the levels of use.

Question 1(d):

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/No) Yes**
- **Please give reasons.**

Yes, the items should also be restricted for manufacture. Marine litter is an international, global problem that does not recognise national borders. The Great British Beach Clean data feeds into a global report on marine litter called the International Coastal Clean Up which last year had food wrappers,⁷ Therefore, Scotland should not be producing and profiting from single-use plastic. It should be leading the way both domestically and internationally in showing how we as a society can move to a reuse and circular economy.

[january-2020/govscot%3Adocument/Topic%2Bsheet%2B151%2Bv1%2B-%2BHow%2Bmuch%2Bplastic%2Benters%2BScottish%2Bseas%2Band%2Bwhere%2Bdoes%2Bit%2Bcome%2Bfrom.pdf](http://www.gov.scot/3Adocument/Topic%2Bsheet%2B151%2Bv1%2B-%2BHow%2Bmuch%2Bplastic%2Benters%2BScottish%2Bseas%2Band%2Bwhere%2Bdoes%2Bit%2Bcome%2Bfrom.pdf)

³ http://www.keepbritaintidy.org/ImgLibrary/beach_segmentation_2005_637.pdf

⁴ https://www.researchgate.net/publication/279579359_How_much_is_a_clean_beach_worth_The_impact_of_litter_on_beach_users_in_the_Cape_Peninsula_South_Africa

⁵ <https://1ur6751k3lsj3droh41tcsra-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Oxo-ban-open-letter-to-George-Eustice.pdf>

⁶ <http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0%20&ProjectID=16263>

⁷ <https://oceanconservancy.org/wp-content/uploads/2019/09/Final-2019-ICC-Report.pdf>

Question 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.

We are not aware of any such products on the Scottish market, but a ban should be implemented to safeguard against their introduction. This is in keeping with the [legislation banning the manufacture and sale of microbeads in Scotland](#), even though no microbeads were manufactured in Scotland at the time the legislation came into force.

Question 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?

- **(Yes/No) No**
- **Please give reasons.**

No. As outlined in question 4- any exemptions should be solely made to ensure fair and equitable accessibility.

Question 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?

We would encourage the Scottish Government to ensure those who need these items are well consulted as part of this process and to ensure that they have appropriate access to these items going forward but with no legislative loopholes being created.

Question 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.

We welcome the addition of the ban on PVC packaging and all polystyrene packaging in the Plastic Pact's "eight to go" list, highlighted alongside the other items already covered in this consultation,⁸ and would therefore support a market restriction on all PVC and polystyrene packaging in Scotland in future. We also welcome the investigation into solutions to tackle other items not listed in the "eight to go" however we would urge caution on the potential over-emphasis on recycling and encourage more focus on reuse. We would call for reuse targets to be included to ensure that loopholes are not created through language such as "where appropriate". 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 crisis and we should not simply replace a single-use plastic item with one made from a

⁸ https://wrap.org.uk/sites/files/wrap/Eliminating-problem-plastics-v2_0.pdf#page=9

“biodegradable” alternative as this perpetuates our linear make-use-throw society. Alternatives to plastic and polystyrene food packaging often include paper, card or moulded fibre products. In order to maintain a suitably water or greaseproof material, the packaging is often treated with a chemical from the PFAS group (per and poly fluorinated alkyl substances).⁹ PFAS are a group of over 4,000 chemically similar compounds, often nicknamed “ forever chemicals” because of their extreme persistence in the environment. These paper and board alternatives to plastic are often marketed as compostable or recyclable. However, composting represents a direct source of PFAS to the environment, and once there, they can persist for thousands of years, longer than much of the plastic they replace. Those PFAS that have been analysed are known to be bioaccumulative and harmful to both wildlife and human health, linked to a wide range of problems including immune, liver, kidney and blood functions in marine mammals.¹⁰

The EU Directive included other mechanisms that go further than the bans proposed in this consultation and therefore the EU Directive should be the minimum invoked. Reduction targets, that do not exceed dates set by the EU, should be set for items not recommended for market restrictions in this consultation, such as other types of food containers and cups for beverages, as well as recycling targets for other commonly littered items e.g., packets and wrappers. This is why we are recommending the Circular Economy Bill is brought back in 2021 and central to it must be reuse in order to achieve reduction in absolute resource use with set targets for refill and reuse of consumable items. The chemical and plastic footprint (including leakage to the environment) of products need to be considered from the outset. 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. Further items that we propose need market restrictions are listed below along with relevant evidence.

Wet wipes: From an environmental, pollution and carbon footprint perspective, wet wipes (both those described as flushable and those described as non-flushable) do not fit in the circular economy. The Marine Conservation Society has seen an increase from 16 sanitary items found on average in 1994 to 71 items being recorded on average in 2020 on Scottish beaches. This includes a depressing increase of wet wipes in particular, from 1.9 per 100m in 2005 to 45.8/100m in 2020. Wet wipes, regardless of whether using a substrate made from plastic or whether semi-synthetic, use a huge amount of resources and are carbon heavy, due to the transportation of wet material. They are packaged in plastic, typically a flexible plastic which is usually not acceptable for recycling and, where it is, results in downcycling. However, we recognise that a ban of all wipes has the potential to cause health and other access issues. Therefore, we propose that plastic wet wipes be banned, with Extended Producer Responsibility (EPR) applied to all other types of wipes. The EU SUP Directive is only applied to wipes made of “natural polymers that have not been *chemically modified*”. However, wipes made of material such as lyocell and viscose are likely to be excluded under this definition. The Scottish Government needs to ensure clear definitions when looking at EPR for wet wipes¹¹ as these replacement materials do not move away from a model of make-use-dispose and therefore EPR must be applied to all material types (excluding those banned).

⁹ <https://www.pfasfree.org.uk/wp-content/uploads/Forever-Chemicals-in-the-Food-Aisle-Fidra-2020-.pdf>

¹⁰ Fair, P. A., et al. (2013) Associations between perfluoroalkyl compounds and immune and clinical chemistry parameters in highly exposed bottlenose dolphins, *Environmental Toxicology and Chemistry*, **32**.

¹¹ https://www.eunomia.co.uk/wp-content/uploads/2020/01/What-is-Plastic-Main-Report_Final.pdf

Banning plastic wipes alone will not remove the issue of incorrect disposal of wipes into the sewer system. Semi-synthetic wipes are not by default suitable for flushing and have the potential to contribute to blockages and pollution as shown by the discovery of regenerated cellulose fibres in deep sea sediments, and the impact of these entering the food chain is currently unknown^{12,13}. In addition, it has been highlighted that cellulose is particularly prone to adsorbing heavy materials, a characteristic exploited in the waste water treatment process to prevent them escaping beyond the treatment works^{14,15}. Consumers are already confused about wipes and their flushability, as mentioned earlier, with 45.8 wet wipes being found on average per 100m of beach surveyed during the 2020 Great British Beach Clean in Scotland, dramatically illustrating the extent of incorrect flushing. Water Companies also regularly report issues due to incorrectly flushed wipes. Welsh Water for example reported that 25% of flooding was caused by wet wipes in August 2020.

The water industry in January 2019 launched the Fine to Flush specification (WIS 4-02-06)¹⁶ in response to products being labelled as flushable, but which still potentially blocked the sewer systems. However, at the time of writing in December 2020 a number of high street retailers (MCS will be making this data available early 2021), still sell products labelled as flushable which have not been certified. We urge that legislation is introduced which requires that the terms "flushable", "dispersible" or similar labelling that indicates they can otherwise be disposed of down the toilet, can only be used if the wipe has been proven to pass the "fine to flush" standard.

Wipes which pass the water industry specification could have a lower EPR applied, however Fine to Flush should only be used for products which are expected to come into contact with faecal matter or other bodily fluids, and should not be applied to wipes with e.g., anti-bacterial applications, which should be continued to be disposed of in the waste bin. Scotland would/will continue to have the power to apply EPR, regardless of the future relationship with the EU. Industry should also cover education of consumers and cost of campaigns for correct disposal (see below), ongoing research to verify engagement is effective, cost of clean-up (regardless of by whom the clean-up is undertaken and could include, but is not limited to, water companies, local councils, Scottish government and its agencies and NGOs) and subsidising reusable wipes in line with Scotland's commitment to circular economy.

There also needs to be clearer labelling with only those which pass the "Fine to Flush" standard allowed to describe to the consumer that the disposal method should be anything other than disposal in the bin. Non "Fine to Flush" products should be labelled with "Do Not Flush" clearly on

¹² <https://advances.sciencemag.org/content/6/23/eaay8493.full>

¹³ Jamieson, A.J., Brooks, L.S.R., Reid, W.D.K., Piertney, S.B., Narayanaswamy, B.E., and Linley, T.D. (2019) Microplastics and synthetic particles ingested by deep-sea amphipods in six of the deepest marine into the food chain of such organisms with unknown effects

¹⁴ Jamshaid, A., Hamid, A., Muhammad, N., et al. (2017) Cellulose-based Materials for the Removal of Heavy Metals from Wastewater - An Overview, ChemBioEng Reviews, Vol.4, No.4, pp.240–256

¹⁵ Bediako, J.K., Wei, W., Kim, S., and Yun, Y.-S. (2015) Removal of heavy metals from aqueous phases using chemically modified waste Lyocell fiber, Journal of Hazardous Materials, Vol.299, pp.550–561

¹⁶ <https://www.water.org.uk/wp-content/uploads/2019/11/Fine-to-Flush-Issue-1.2-November-2019.pdf>

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. For instance, 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 respondents¹⁷”

Cigarettes: On average 15.5 cigarettes butts were recorded for every 100m of Scotland’s beaches that were surveyed during the 2019 Great British Beach Clean, and it was the eighth most prevalent litter type found during the Great British Beach Clean weekend. During the 2020 Great British Beach Clean 7.5 cigarette butts were found on average per 100m of beach surveyed in Scotland.

As MCS we are signatories on letters to both the Scottish and Welsh Governments in support of a ban on plastic filters and a review of other single use filters’ biodegradability and health implications. The letter highlights concern that there is a general lack of awareness that part of the stub is a plastic filter and that the filters do not benefit health, although two thirds of smokers think they do¹⁸. Cigarette stubs are understood to take around 14 years¹⁹ to degrade, during which time thousands of chemicals and micro-plastics are released²⁰ into the environment²¹. These results highlight that while Extended Producer Responsibility, raising consumer awareness and clean-up costs for cigarettes regardless of material should be applied, a ban on plastic filters would be a simple additional measure to bring both environmental and health improvements.

Tethered lids: The EU Directive has highlighted the issue of separate lids and will require by 2024 that all drinks lids are tethered. We believe this is an important addition as it would ensure that drinks containers would include their lids when recycled, and if returned under a Deposit Return Scheme. In Scotland on average 14.6 caps and lids were found per 100m of beach surveyed during the 2019 Great British Beach Clean weekend, and caps and lids were the tenth most prevalent item found. During the 2020 Great British Clean weekend 10.5 caps and lids were found per 100m of beach on average in Scotland.

Single-use sachets: Single use sachets and other applications comprised of multiple layers of multiple materials should be banned. Alan Jope, CEO of Unilever when asked recently during the launch of the “Break the wave plastic report”²² (July 2020) about multilayer single use plastic sachets stated “we have to get rid of them” saying they have “no real value” for mechanical recycling and that chemical recycling is not economical²³. This material is not fit for the circular economy of the future.

Packets and wrappers: These were a top 10 item (no.6) during the 2019 MCS Great British Beach Clean survey with 23.3 packets per 100m of surveyed Scottish beaches. The 2020 Great British

¹⁷https://www.keepbritaintidy.org/sites/default/files/resources/20132_Journal%20of%20Litter%20and%20Environmental%20Quality_Vol3-V6-ONLINE.pdf

¹⁸ <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-015-2643-z>

¹⁹ Joly & Coulis 2018 <https://www.sciencedirect.com/science/article/pii/S0956053X17308474> “conventional plastic filters take 7.5–14 years to disappear, in the compost and on the soil surface, respectively....cellulose filters take 2.3–13 years to disappear, in the compost and on the soil surface, respectively”.

²⁰ <https://www.sciencedirect.com/science/article/abs/pii/S0269749119364693?via%3Dihub>

²¹ Novotny, T.E., Slaughter, E. Tobacco Product Waste: An Environmental Approach to Reduce Tobacco Consumption. *Curr Envir Health Rpt* 1, 208–216 (2014). <https://link.springer.com/article/10.1007/s40572-014-0016-x>

²² https://www.systemiq.earth/wp-content/uploads/2020/07/BreakingThePlasticWave_MainReport.pdf

²³ <https://www.youtube.com/watch?reload=9&v=tNtkgRkenlk&feature=youtu.be>

1hr21-22 mins into panel

Beach Clean data shows that increased to 26.5 packets per 100m on average in Scotland. We therefore recommend that these should be considered under EPR; in particular they need to show feasible economic recyclability and if they cannot meet this criterion, the material should be removed from market, as well as campaigns to encourage correct disposal.

Balloons 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 issues around potential fire risk and use of vital emergency services²⁴. We suggest that Scottish government legislates to ban intentional 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 recycled across the UK²⁵. Industry’s response to this was to set a disappointingly low target of 8% by 2019 which they have so far failed to achieve, reaching only 6%²⁶. We would highlight that these products are part of a linear make-use-throw economy and even with industry setting its own low target of 8% it was still unable to achieve a basic recycling rate. In line with the waste hierarchy reusables need to be encouraged. Research by Cardiff University showed that charging was considerably more effective than a discount²⁷. We recognise that commitment in the consultation paper by the Scottish Government to set up a working group in 2021 to prioritise the charge on single-use beverage cups and would call for this to be implemented as soon as possible taking on board the conclusions from the EPECOM report²⁸. We recommend a minimum charge of 25p on all single-use beverage cups as was recommended by EPECOM and the Environmental Audit Committee²⁹ along with a target for reduction.

Sanitary items: Sanitary items, in addition to wet wipes (see above) should be addressed. Plastic tampon applicators should be banned³⁰ as, similar to plastic cotton bud sticks, they are regularly flushed, instead of being disposed of properly and end up on our beaches. During 2019 MCS Beachwatch surveys in Scotland 733 tampons/applicators were picked up by volunteers with one survey recording 85 in a single 100m stretch. Suitable alternatives are also available with the vast majority of high street retailers now selling non-plastic tampon applicators, therefore a ban on these items will ensure a complete shift.

Sanitary items regardless of material (e.g., cardboard applicators would be included) should have Extended Producer Responsibility applied as well as ensuring correct labelling and customer awareness-raising of correct disposal. Many items are often not clearly labelled and the terminology and definitions used are not clear, adding to consumer confusion for disposal e.g., biodegradable, compostable etc.

EPR funds should be used to promote reusable alternatives and support these as they reduce waste and carbon footprint. The Scottish Government has already identified period poverty as a significant

²⁴ <https://gov.wales/grass-fire-warning-following-use-sky-lantern-show-support-nhs>

²⁵ <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/657/65705.htm>

²⁶ <https://www.foodservicefootprint.com/disposable-cup-recycling-group-misses-8-target/>

²⁷ <http://orca.cf.ac.uk/99366/1/Coffee%20cup%20summary%20report%20-%20Poortinga%20%28FINAL%29.pdf>

²⁸ <https://www.gov.scot/publications/report-expert-panel-environmental-charging-measures-epecom-recommendations-single-use-disposable-beverage-cups-july-2019/>

²⁹ <https://committees.parliament.uk/committee/62/environmental-audit-committee/news/100314/mps-call-for-latte-levy-on-coffee-cups/>

³⁰ <https://www.change.org/p/make-all-menstrual-products-plastic-free/u/27810460>

social issue and allocated funding³¹ and identified reusables as part of this solution³². They can last a number of years and therefore are cost efficient but can represent an expensive upfront cost.

The Scottish Government's successful Baby Box scheme³³ added vouchers for reusable nappies³⁴ after the public supported this addition, which we also welcome. We want to see further support for reusables being implemented as part of the Baby Box scheme to make it as easy as possible for new parents to choose reuse over single-use. Providing parents with a free starter pack of e.g., reusable nappies and wipes so they can try these is likely to improve uptake. EPR on nappies should be used to support reusable nappy schemes as well as campaigns, ensuring correct and easy to understand labelling on products and clean-up costs.

Stopping pollution at source, as outlined above, should be the primary step taken to reduce sanitary waste impacts. However, the amount of sanitary waste recorded on beaches, which is double the amount in Scotland than in any other UK country³⁵, highlights a failing within the sewerage system and urgent action is needed to stop sewage being discharged from storm overflows. All Combined Sewer Overflows should be monitored, and information used to identify and fix problematic sites. Natural solutions to reduce the amount of rainwater run-off going into the sewerage network should be used wherever possible to provide wider benefits to society and biodiversity.

Microplastics: Any product which contains intentionally added microplastics is by definition single-use plastic, because the plastic is too small to be recovered. As the UK exits the EU, we are also leaving REACH which is consulting on restricting the use of intentionally added microplastics. ECHA's committee for Risk Assessment (RAC) supports the proposal to restrict the use of microplastics that are intentionally added to products on the EU/EEA market, in concentrations of more than 0.01% weight by weight³⁶. Microbeads that are currently restricted under Scottish legislation only comprise a small proportion of microplastics. Analysis by ECHA cites (across the EU) emissions of microbeads, i.e., from rinse-off cosmetics containing microbeads, comprise only 107 tonnes per year, whereas cosmetics in total emit 9300 tonnes/year. In addition, other sources of emissions include detergents (9700tonnes/year), agriculture (23500 tonnes/year), paints (5,200 tonnes/year) and medicinal (2,300 tonnes/year)³⁷. Therefore, the restrictions implemented by REACH should be invoked as a minimum.

Fishing litter: Both aquaculture and wild capture fisheries are a significant part of the rural economy in Scotland. Unsurprisingly therefore, fishing-related litter comprises 14% of that found on Scottish beaches – for example, plastic/polystyrene ropes are in the Great British Beach Clean 2019 top 10 (at number 7 with 16.1 pieces/100m found) and stayed in the top ten for the 2020 Great British Beach Clean (at number 9 with 4.9 pieces/100m found) - and therefore steps need to be taken to address this. We understand work has been conducted to look at the current supply chain of fishing gear and what options there are for including fishing gear as part of a circular economy. We support the proposal to include fishing gear under an EPR scheme, and due to the drastic impacts of ghost gear on our marine wildlife³⁸, we would call on government and industry to implement this scheme as soon as possible.

³¹ <https://www.gov.scot/news/sanitary-products-anniversary/>

³² <https://www.zerowastescotland.org.uk/our-work/reusable-menstrual-products>

³³ <https://www.mygov.scot/baby-box/>

³⁴ <https://www.totsbots.com/blog/blog-post/scotland-gets-it-in-the-box>

³⁵ <https://www.mcsuk.org/media/mcs-gbbc-2019-report-digital.pdf>

³⁶ <https://echa.europa.eu/-/rac-backs-restricting-intentional-uses-of-microplastics>

³⁷ <https://echa.europa.eu/documents/10162/05bd96e3-b969-0a7c-c6d0-441182893720>

³⁸ <https://blogs.gov.scot/rural-environment/2017/12/21/signing-global-ghost-gear-initiative/>

EPR for aquaculture equipment and items such as feed bags, including collection points and recycling services are essential. Best practice, in terms of waste minimisation, post-use disposal and local area clean-ups, needs to be determined and enforced via audit through the Code of Good Practice³⁹.

In addition, ports need to ensure there is a flat fee for port reception facilities, all harbours and piers need to provide facilities to allow for landing of waste, and government support for Scottish fisheries to adopt a more circular approach is crucial. The full implementation of the Ports Reception Facilities Directive, including fishing vessels being able to land all waste and all end-of-life gear, will greatly help towards this and action to enable this has to happen as quickly as possible.

We note that other countries in Europe are going above and beyond the SUP Directive to tackle the single-use crisis, and we would urge the Scottish Government to follow suit. We are contributors to and signatories of the Scottish Environment LINK response, and would reiterate recommendations from that response for the Scottish Government to follow good practice from Ireland, where the Waste Action Plan for a Circular Economy includes commitments to ban plastic condiment sachets, non-medical wet wipes and plastic hotel toiletries, and France where there is commitment to ban plastic confetti, some plastic toys and plastic tea bags. Beyond Europe, we would encourage following Canada in banning plastic grocery bags and six pack rings.

Question 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/No**
- **Please give reasons.**

<https://consult.gov.scot/zero-waste-delivery/introducing-market-restrictions-on-single-use-plas/>

We agree with Scottish Environment LINK in their response that on the whole the impact assessment looks comprehensive in the areas that we hold expertise.

In particular we agree that in terms of the effect on biodiversity, the estimate of +/- seems cautious and it appears it would warrant a clear +. For example, MCS Great British Beach Clean data from 2015 to 2020 has revealed a 68% decline in carrier bags recorded on Scottish beaches since all the respective UK charges were put in place, potentially reducing exposure of marine biodiversity to that form of single-use plastic, and we would anticipate future bans and market restrictions on other plastic single-use items to lead to a reduction in exposure of marine biodiversity to any additional items.

Question 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**

³⁹ <https://www.scottishsalmon.co.uk/code-of-good-practice>

- **Please give reasons.**

A need and the importance for a pristine environment has been highlighted more than ever over the last 12 months. Therefore, we would ask the Scottish Government to ensure support is provided to relevant businesses to move to a just and fair economy with the environment at its heart. We should not allow business to use the COVID-19 pandemic as an excuse or a delay tactic to move to a low carbon, reusable society.

We would also like to highlight our joint concern with Scottish Environment LINK on the dramatic increase in plastic waste from PPE. Face masks and gloves were found on almost a quarter (23.5%) of Scottish beaches cleaned and surveyed during the 2020 Great British Beach Clean. The inland Source to Sea Litter Quest survey data shows a similarly worrying presence of masks and gloves, with more than two thirds (69%) of litter picks across the UK finding PPE items. We support the ongoing work with partners Keep Scotland Beautiful and Zero Waste Scotland on this issue through the #ReuseBeatsSingleUse campaign and would call on Scottish Government to look at other mechanisms for dealing with the problem while keeping in line with health advice at all times.

We would also like to draw attention to the evidence presented by Scottish Environment LINK on concerns over the decrease in use of reusables due to the COVID-19 pandemic and the research that shows reusables are safe to use during a pandemic. With so much great work having been done to encourage an increase in reusables we need to ensure information, procedures and guidance are in place to ensure the rise of reusables is not stalled or reversed for good.

Finally, as highlight in Scottish Environment LINKs response and elsewhere in this response, the crisis has also had an affect on relevant policy in Scotland and across the UK. The Circular Economy Bill, which was due to be introduced in Spring 2020, has been delayed and therefore to ensure we move from a single use to a re-use society the bill needs to be brought back stronger as soon as possible.

Question 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?

We would like to highlight two areas of particular concern which have arisen from the SUPD implementation in the EU and have been highlighted by other NGOs in Europe⁴⁰:

1) The definition of single use vs multi-use. We have concerns that manufacturers will label products which were designed as single-use, and that consumers view as single-use, as “re-usable” resulting in no fundamental change in outcome. Examples of particular relevance to this consultation include single-use cutlery now being relabelled as re-usable and larger crisp packets now being classified as re-usable simply because they are advertised as multi-serve.

2) Material definition under the SUPD was designed to include “bio-based” material such as PLA (polyactide) by defining the material as “consisting of a polymer...to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified”. The definition of plastic and specifically of “non-chemically modified” has undergone investigation because of the potential loopholes that it can generate for materials⁴¹ (e.g., viscose and cellophane

⁴⁰ <https://www.breakfreefromplastic.org/2020/07/30/draft-guideline-sup/>

⁴¹ https://www.eunomia.co.uk/wp-content/uploads/2020/01/What-is-Plastic-Main-Report_Final.pdf

would be excluded) and can lead to regrettable substitution. Put simply, regenerated cellulose may not guarantee biodegradation, for instance it has been found in deep-sea sediments with the impact of these entering the food chain currently unknown^{42,43}. Therefore, the definition of plastic should be given extra consideration. Overall, we want to see a move from single-use items, regardless of material, in order to achieve a successful re-use and circular society.

In conclusion, MCS recognises that the proposed action in this consultation will be an important step towards reducing litter in the marine environment. However, to reduce the quantity of litter entering our ocean, where it threatens wildlife, and to decrease carbon emissions, the Scottish Government needs to be taking faster and bolder steps to achieving a circular economy. Targets for re-use must be brought in as part of a Circular Economy Bill as soon as possible, otherwise the bans listed in this consultation will only solve a very small part of the problem. As highlighted in Scottish Environment LINKs recently published Ocean Recovery Plan⁴⁴ that we helped coordinate and input to, all members of the LINK Marine Group are calling on the Scottish Government by the year's listed to:

2021 Circular Economy (Scotland) Bill is introduced that commits to reduction of absolute resource use, sets targets for refill and reuse of consumable items and prevents plastic and chemicals of concern from entering the sea

2025 Scotland's refill and reuse system to meet targets is introduced and operational

2024 Per-fluorinated alkyl substances (PFAS) are removed from all non-essential uses and Scottish Government develops road-map for PFAS removal from essential uses such as firefighting foam

2030 Scotland has a waste-free circular economy, where refill/reuse of consumable products is required and where single-use items become redundant.

These measures, combined with the market restrictions brought forward for consultation in this document, would make Scotland a world-leader in truly circular economy policies to the ultimate benefit of Scotland's people and Scotland's seas, coasts and wildlife.

Environmental Report

We would welcome your views on any aspect of this Environmental Report. We are particularly interested to receive your response to the following questions:

1. To what extent does the Environmental Report set out an accurate description of the current baseline and the business as usual scenario? (Please give details of additional relevant sources)

Due to limited capacity MCS concentrated on answering the main consultation questions and did not have time before the deadline to fully review the Environmental Report.

⁴² <https://advances.sciencemag.org/content/6/23/eaay8493.full>

⁴³ Jamieson, A.J., Brooks, L.S.R., Reid, W.D.K., Piertney, S.B., Narayanaswamy, B.E., and Linley, T.D. (2019) Microplastics and synthetic particles ingested by deep-sea amphipods in six of the deepest marine into the food chain of such organisms with unknown effects

⁴⁴ [OceanRecoveryPlan_spreads-1.pdf \(scotlink.org\)](#)

2. Do you think that the Environmental Report has correctly identified the likely significant effects of the proposed restriction on single-use and oxo-degradable plastics placed on the market in Scotland?

MCS are confident that the proposed market restrictions, if introduced in full as we have recommended, would have a net positive effect on both biodiversity and the environment, marine and terrestrial, by reducing the number of "leaks" of single-use plastics into freshwater and the sea, as highlighted in the consultation by our data on carrier bags decreasing on beaches after the introduction of the 5p carrier bag charges across the UK.

3. Do you agree with the recommendations and proposals for mitigation and enhancement of the environmental effects set out in the Environmental Report? (If not, what do you think should be the key recommendations and why?)

Due to limited capacity MCS concentrated on answering the main consultation questions and did not have time before the deadline to fully review the Environmental Report.

4. Are you aware of any further information that will help to inform the findings of the assessment? (Please give details of additional relevant sources.)

As a marine conservation charity we do not have the expertise to comment on human health, although we do of course know of the impact of plastics on marine organisms. However, the following report does consider the impact plastics have on human health and suggest that this report be given due consideration <https://ipen.org/documents/plastics-edcs-health>.

After working with partners ASH Scotland and Keep Scotland Beautiful on a campaign to call for the ban on single-use plastic filters in cigarettes we would also like to draw attention to our joint statement in which ASH Scotland highlight that there is no health based reason for single-use filters to be made of plastic: <https://www.mcsuk.org/media/joint-statement-cigarettes.pdf>

5. Do you agree with the proposed arrangements for monitoring the significant effects of the proposed restriction? (If not, what measures do you propose?)

MCS Beachwatch and Great British Beach Clean data is regularly shared with departments across Scottish Government as evidence for policy decisions. For example, MCS Beachwatch data is integral to the Pilot Beach Litter Performance Indicator and contributes to Scotland's Marine Assessment 2020 for Beach Litter⁴⁵. We look forward to continuing to share data collected by our volunteers across Scotland through our citizen science project Beachwatch and any support Scottish Government can give in the collection of this data would be very welcome. Using the UK supported OSPAR proposed threshold value of 20 items of litter per 100m of beach would be an ideal target to set for marine litter in Scotland and continued monitoring using the MCS Beachwatch methodology would allow Scottish Government to see the impacts of these market restrictions on moving towards achieving this value.

We would also encourage the Scottish Government to complete a terrestrial and freshwater litter survey and support any citizen science projects that help collect litter data inland as it is also

⁴⁵ <https://marine.gov.scot/sma/assessment/beach-litter>

important to understand pathways into the marine environment.