

Response ID ANON-RYHP-AJBJ-T

Submitted to Consultation on exemptions and statutory guidance for Simpler Recycling in England
Submitted on 2023-11-20 20:14:34

About you

1 Would you like your response to be confidential?

No

If you have answered 'Yes' above, please give your reason. :

2 What is your name?

Name:
Jenny Grant

3 What is your email address?

Email:
jenny@r-e-a.net

4 Which of the options below best describes you?

Business representative organisation/trade body

5 If you are responding on behalf of an organisation, what is its name?

If you are responding on behalf of an organisation, what is its name?:
The Association for Renewable Energy and Clean Technology

1. Exemptions from the requirement to collect the recyclable waste streams separately from each other

6 Do you agree with the provision of an exemption to allow for the co-collection of paper and card, plastic, metal and glass in one bin without needing a written assessment?

Agree (please explain why you agree)

Please add any comments in this text box:

Local Authorities are best placed to know what collections will best suit their demography depending on their existing collections, nearby treatment infrastructure etc. There needs to be some responsibility for Local Authorities to design their collection system to ensure the quality of material collected is suitable for recycling. Quality is an on-going issue and there needs to be more focus on ensuring there is adequate resources available for education and communication campaigns to change citizens' behaviour and ensure there are high performing collections.

7 Do you agree with the provision of an exemption to allow for the co-collection of food and garden waste in one bin without needing a written assessment?

Agree (please explain why you agree)

Please add any comments in this text box:

Local Authorities are best placed to know what collections will best suit their demography depending on their existing collections, nearby treatment infrastructure etc. There needs to be some responsibility for Local Authorities to design their collection system to ensure the quality of material collected is suitable for recycling. Quality is an on-going issue and there needs to be more focus on ensuring there is adequate resources available for education and communication campaigns to change citizens' behaviour and ensure there are high performing collections. Biowaste permits in England have introduced limits on the level of contamination that sites can accept in incoming feedstocks. In addition to this, end of waste rules set out the amount of physical contamination that is allowed to be present in compost and digestate. The end of waste positions (Compost and Anaerobic Digestate Quality Protocols) are currently under revision in England and it's likely that the amount of plastic permitted in the final products will be tightened. Local Authorities have a duty under the Environmental Protection Act 1990 to ensure they are presenting waste that does not cause a site operator to breach their permit. In line with the proposals in the Environment Improvement Plan, there needs to be measurement of food waste remaining in residual waste stream to aid with evaluation of the collection performance.

2. Statutory guidance

8 The guidance advises that waste collection authorities should build flexibility into their contracts to ensure materials can be added/removed to the recyclable waste streams as new recycling technologies develop. Do you agree or disagree with the content of this section?

Agree

Please add any comments in this text box:

9 Do you agree or disagree with the contents of the list above, detailing the materials that are out of scope of the recyclable waste streams?

Disagree

Materials should be added (please specify which materials)

Please add any comments in this text box:

We broadly agree with the lists and have the following comments. We interpret the section on 'Materials out of scope' to mean that whilst a Local Authority, business or other type of organisation is not obliged to offer a collection of these materials, they could choose to do so if they desired, rather than being prohibited from doing so. Regarding collecting independently certified compostable packaging/non-packaging items* with food waste, or food and garden waste, if a Local Authority has checked its biowaste treatment contractor could organically recycle or organically recover such a waste stream, they should be allowed to choose whether they collect them, with food waste, with food and garden waste or as a separate dry-ish stream. * Beyond independently certified compostable tea bags and whatever kitchen caddy / food bin liner type(s) the prospective statutory guidance recommends. The same should also apply to collections from non-household municipal premises. Businesses / biowaste-producing organisations should be allowed to choose whether they collect independently certified compostable packaging/non-packaging items co-mingled with food waste, or food and garden waste, after having checked their biowaste treatment contractor would organically recycle or organically recover such a waste stream. Although we have requested and received feedback from Defra it is still unclear whether independently certified compostable plastic packaging and non-packaging items - and any made of fibre or which are fibre-based composites - will be allowed to be co-collected / co-mingled with food waste, or food and garden waste. Businesses / biowaste-producing organisations should also be allowed to choose whether to collect independently certified compostable items as a dry-ish waste stream separate from any other. It is particularly important that independently certified compostable packaging and non-packaging items from business sources that serve food/beverages and/or generate food/beverage wastes are allowed to: 1) be co-collected / co-mingled with food wastes where the business and their organic waste treatment contractor agree those items will be organically recycled; or 2) be collected as a dry-ish waste stream where arrangements are in place that ensure these items will be organically recycled. There are examples of where this is already happening. For more info, please see <https://www.vegware.com/uk-en/page/composting-regions/> (including section near bottom of webpage about RecycleBoxTM), <https://www.compostconnect.org.uk/compost-service/> and <https://www.greenmanpackaging.com/pages/compostable-packaging-collection-service>. In the case of coffee pods, a UKRI-funded project is researching – in targeted collection rounds in a local authority food and garden waste collection – disposal decisions made by householders who have taken part in focus-group discussions and volunteered to receive a range of labelled compostable products and info resources (via postal service). Waste composition analysis is also part of the trial. As part of a different trial within the UKRI project, compostable coffee pods have also been trailed in in-vessel composting and a report of the trial should be published soon. A recent LCA study by Wageningen University showed that compostable coffee capsules (pods) were the most sustainable option, see <https://www.wur.nl/en/research-results/research-institutes/food-biobased-research/show-fbr/compostable-capsules-most-sustainable-option-for-single-serve-coffee>. If a local authority and its biowaste treatment contractor decide they want to collect compostable coffee pods within their food waste collection (or food and garden waste collection), government's Simpler Recycling statutory instrument / statutory guidance should allow them to do this. Independently certified compostable fruit and veg stickers are not included in Defra's proposed definition of food waste. They must be included because citizens tend not to peel them off from inedible fruit/veg skins or peel before discarding those peels/skins into their food waste bins. It would not aid compost and digestate quality if fruit and veg stickers continue to be made of non-compostable materials or if retailers revert to non-compostable fruit/veg stickers because Defra's SI and/or statutory guidance: a) excludes compostable fruit/veg stickers from the definition of food waste or b) does not exempt them from within the definition of food waste or included within the food waste streams. Where local authorities collect garden waste from households with gardens but there's insufficient space within their property for a garden waste wheelie bin, independently certified compostable sacks or large bags must be used where garden waste is put into the collection vehicle in the sack/bag. Please be aware these compostable sacks/bags can be made of paper-fibre, plastic-like or fibre-based composite products (as too can kitchen caddy / food bin liners). According to WRAP's LA portal, 31 local authorities collect garden waste in non-reusable sacks and there are 24 local authorities who currently do not offer a garden waste collection, in England. We assume the non-reusable sacks are put in the collection vehicles with the garden waste and some of the 24 LAs not yet collecting garden waste would begin collecting it from some households without space for a garden waste wheelie bin; there's a clear case for government's guidance to specify what we've recommended above. Independently certified compostable sacks or large bags used for collection of garden waste should be included as an exception under the 'materials out of scope' list for the garden waste stream. Given requirements in biowaste treatment permits and EA guidance that underpins them (for England) and in End of Waste rule sets (UK), government's statutory guidance needs to include that: 'Sacks and, usually large, bags used for collecting garden waste and that are transported with collected garden waste are required to have a valid certificate of conformity, issued by an independent certification body, with at least one of the standards BS EN 13432, BS EN 14995 or ASTM D6400. Their certified status must be clear on the product.' (BS EN 14995 is not yet amongst the standards recognised in the AD Quality Protocol but through recent revision work we expect it will be in the next version published.) Note: in the event that all garden waste would be emptied from re-usable garden waste sacks into the garden waste collection vehicle, it would need to be clear what is suitable to use. E.g. a re-useable sack made from any suitable material type, sufficiently thick for multiple re-uses, with handles, and with capacity large enough for the likely amount of garden waste considering the frequency with which garden waste will be collected? It need not be independently certified compostable because it would NOT be transported to a biowaste treatment site with the garden waste. Plant pots are a product format listed as out of scope in Defra's draft statutory guidance. We believe this mean that whilst a LA is not obliged collect the following with garden materials they could choose to do so: plant pots 1) made entirely from naturally synthesised materials and making this clear on label and the product, or 2) with a valid certificate of conformity, issued by an independent certification body, with at least one of the standards BS EN 13432, BS EN 14995 or ASTM D6400, and making this certified status clear on the product.

10 Guidance is provided regarding the requirement to collect dry recycling from premises and the use of communal bins for household collections. Do you agree or disagree with the content of this section?

Unsure

Please add any comments in this text box:

11 Is there any additional guidance that would be useful regarding the provision of caddy liners for household collections?

Yes (please explain what additional guidance would be useful)

Please add any comments in this text box:

There should be information within the guidance regarding the provision of caddy liners for household food waste collections and for the food part where it's co-mingled with garden wastes. Seventy-seven percent of respondents to the 'consistency' consultation (in 2021) agreed with Defra's proposal to promote provision of caddy liners for separate collection of food waste and that guidance should be provided, including on caddy liner material types. Government's statutory guidance should include that: 'Food waste caddy and food waste bin liners are required to have a valid certificate of conformity, issued by an independent certification body, with at least one of the standards BS EN 13432, BS EN 14995 or ASTM D6400 and their certified status must be clear on the liner. These requirements also apply to any lightweight shopping bags last re-used for the same purpose. These requirements apply to food waste collected from households and any other sources included in LA food waste or co-mingled food and garden waste collections.' We also suggest government's guidance requires a minimum 30 % w/w bio-based content* for compostable: caddy/food waste bin liners (as is the policy in Germany); any shopping bags designed for the same last, re-purposed use; and garden waste sacks/large bags. This would support circularity of plant-, algae- and mycelium-derived carbon in the bioeconomy. (* The European standard EN16785-1 specifies how bio-based content should be determined. Independent (third party) organisations assess products' bio-based content and licence the use of their bio-based certification marks on and in conjunction with certified bio-based products. More info and examples of schemes can be found at <https://www.tuv-at.be/okcert/certifications/ok-biobased/> and <https://www.dincertco.de/din-certco/en/main-navigation/products-and-services/certification-of-products/environmental-field/biobased-products/>) The guidance should say the same criteria also apply to business-to-business food waste collections where the collection is also targeting compostable packaging/non-packaging items, at least where the waste collected is in-vessel composted or the compostable liners and packaging are front-end removed and in-vessel composted while the food waste is subsequently anaerobically digested (on-site or elsewhere). There are such collections in place under some café, food court and office food waste business-to-business arrangements for food plus compostable item waste streams. Government should fund LAs so they provide independently certified compostable liners to householders; this avoids or minimises non-compostable liners and non-compostable contaminants in amongst food waste. It should be made clear to householders that if they want to line their kitchen caddy or food waste bin they must use the LA-supplied independently certified compostable liners or re-purpose independently certified compostable bags for this last use. How to recognise such products is also important (e.g. what to look for on product labels) and that they can be paper-fibre, plastic-like or fibre-based composite products. Why should what's used as caddy/food bin liners be certified compostable? Biowaste treatment permits and EA guidance that underpins them (for England) and in End of Waste rule sets (UK), require that any wastes fed into biological treatment processes for biodegradable wastes meet requirements in the paragraph above. Many current food-waste-fed AD facilities front-end remove liners along with packaging and send them to landfill or EfW facilities. However, front-end removal of liners and packaging tends to be imperfect, some food residue is dragged out with them (or energy and water is required for washing the food residue off the rejects stream and feeding the washings to the digester), and post-digestion steps to remove plastic fragments tend to be imperfect and involve loss of some digestate (often some of the solids) along with the plastic. We suspect implications of continuing the 'any liner goes' policy for food-waste-fed AD (if continued) would be more negative overall than shifting to using only compostable liners/bags last-repurposed for this use and such facilities continuing to send them to landfill (much of which in the UK capture and manage the landfill gas) or to EfW facilities. Over time, some of the food-waste-fed AD sector may be able to adapt on-site processes or partner with in-vessel composting facilities so that compostable liners/re-purposed bags are biodegraded in their facilities. IVC facilities in England that receive co-mingled food and garden waste or these streams separately, should be receiving the food waste in independently certified compostable liners/re-purposed bags, as per their permit conditions, the EA's underpinning guidance, and the End of Waste rule set (if also meeting those rules). Typical on-site waste pre-treatment steps are waste inspection then shredding, with the compostable liners/re-purposed bags fed into the composting process). Society should prioritise soil protection and a nationwide, simple approach to food waste caddies/food bins liners and bags last-repurposed as liners for food waste caddies and food waste bins. The Biobased and Biodegradable Industries Association is working on a controlled-use design for independently certified industrially compostable liners/re-purposed bags (and industrially-plus-home-compostable liners/bags) for food waste caddies/bins and has said 'it would be useful to extend eligible product formats to include compostable sacks and large bags for garden waste'. The design is likely to cover a significant surface area of the product, include text on what uses the products are suitable for and, together with its other aspects, a key aim is that products that meet the design specification are visually distinctive from non-compostable same-format products, including during waste inspection and pre-treatment at organic recycling facilities. The BBIA estimates the design may become available for use in Q2 of 2024 (TBD) as there is there is a bit more time to run on the project, e.g. for development of rules that govern its use and to register it for protection from unauthorised use. Defra's statutory guidance should:

- 1) in general acknowledge and support LABELLING initiatives that make independently certified compostable items visually distinctive from non-compostable ones (from placement on market through to their management in the waste system) and support their disposal in an appropriate bin; and
- 2) encourage industry collaboration on compostables labelling. We see as a separate issue likely future revised industry or UK Plastics Pact guidance on which compostable product formats make sense to be compostable.

12 Guidance is provided regarding the requirement to collect food waste from premises and the use of communal bins for household collections. Do you agree or disagree with the content of this section?

Disagree

Further content should be added (please explain why further content should be added)

Please add any comments in this text box:

We agree with most of this section's content but have the following comments regarding food waste collections from flats. Type A premises: where food waste is collected from non-communal flats and properties we agree with Defra's recommendation that local authorities provide a caddy for internal use and a food waste bin for presentation of food waste at kerbside. Type B premises: where food waste is collected communally from flats and communal properties we agree with Defra's recommendation that local authorities provide 'an internal caddy per dwelling alongside the communal on-site bin'. Considering type A and B premises, independently certified compostable liners should also be provided to occupants (as per the compostable criteria we suggested in response to qu 11 and for the same reasons). Provision of liners as well as caddies and food waste bins improves food waste collection participation and capture rates. Type C premises: ReLondon is trialling supply of liners and folded, unfoldable cardboard caddies to flats above shops; this may be intended as a solution for street spaces where a communal kerbside bin is not available or not nearby, and what's collected each week in the food waste collection vehicles is the caddies, liners and food wastes. If we have correctly understood the situation and set-up being trialled, Defra's guidance should require that the liners AND caddies (when they are collected) are independently certified compostable ones (as per the criteria we have suggested in response to qu 11). Glues used as part of the cardboard caddies include any glues, pigments, inks or other additives these would be part of the

certification body's assessment that the product is compostable (as per requirements in at least one of the standards we have specified in answer to question 11).

13 The guidance provides advice on collection frequency of garden waste for household collections. Do you agree or disagree with the advice on collection frequency of garden waste?

Agree

Other (please explain why)

Please add any comments in this text box:

REA notes the wording in this section is 'recommend that garden waste collections are made from all households with gardens over a period no less than 36 weeks in any calendar year.' Our understanding is that whilst Local Authorities must have regard to the guidance, the wording is deliberate that it is a recommendation rather than an expectation. We support collection systems that maximise the amount of garden waste that is separately collected to ensure there is minimal garden waste remaining in the residual waste stream. However, given the different climate across England affecting the growing season, Local Authorities should be free to choose over how many weeks they provide garden waste collections. It is important this is only a recommendation, not a requirement.

14 For household collections, the guidance outlines that anaerobic digestion is the preferred method for treating food waste, where suitable, but composting is also permitted. Do you agree or disagree with the content of this section?

Disagree

Further content should be added (please explain why further content should be added)

Please add any comments in this text box:

The guidance on applying the waste hierarchy includes composting under recycling if it meets quality protocols. The text as currently drafted makes it appear that composting is not considered to be recycling. REA support a technology neutral approach. This wording in this section within the guidance should be amended to the following: 'The legislation requires that food waste must be collected separately for recycling or composting. The preferred method for treating separately collected food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser. Composting is also recycling and is permitted, and in some circumstances where wet AD is not suitable (meaning, where food and garden waste has been co-collected) composting, dry anaerobic digestion (which is usually followed by a least one composting phase) may be more appropriate methods of treatment.' There are many benefits of applying compost and digestate to land. The report 'Benefits of compost and anaerobic digestate when applied to soil' published by the International Soil Waste Association details the benefits. In summary, digestate is rich in readily available plant nutrients and can reduce the need for fossil-derived fertilisers to help decarbonise farming. Compost is an excellent soil improver that can improve soil health (by enhancing soil structure, improving water retention, reducing soil erosion), support plant growth and increase biodiversity. It is important to note that 95% of the world's food is grown in soil but it is a finite resource. Repeated application of compost has been shown by WRAP to result in an increase in organic matter content of soils. A recent draft report by Dr Jane Gilbert of Carbon Clarity looks at calculating the potential demand for compost given the state of our nation's soils and current land use. Dr Gilbert conservatively estimates a potential demand for 18 million tonnes a year of compost for UK's arable soils.

15 For household collections, the guidance outlines a backstop on the frequency of collection of residual waste, to protect householders' local amenity. Do you agree or disagree with the content of this section?

Disagree

Content should be removed (please explain why content should be removed)

Please add any comments in this text box:

Like the flexibility with recycling collections, Local Authorities should be free to choose the frequency of their residual waste collections without a requirement for fortnightly or more frequent residual waste collections. As people recycle more, they require less residual waste capacity. Where residual waste capacity is restricted, WRAP evidence indicates that recycling services perform better. In addition, where the frequency is reduced, waste services are more cost effective to deliver. CIWM include in their response some useful statistics where Local Authorities having 3 or 4 weekly collections have driven increases in dry recycling and food waste presentation rates. Food waste makes up a large proportion of collected residual waste (around 30%). Collecting it separately has the potential to divert significant quantities from disposal with a positive contribution to recycling rates. A separate food waste collection is part of an effective service profile that includes reduced frequency residual waste collections. Removing the biodegradable element of the waste stream through separate food waste collections, garden waste collection and food and garden waste collections (whatever system the local authority choose) ensures that the component of the waste stream most likely to cause odours should no longer be present in the residual waste bin. Therefore, there appears little justification in requiring a backstop of fortnightly for the frequency of residual waste collections. The recent report from Zero Waste Scotland on 'The composition of household waste at the kerbside in 2021-23' noted that despite the establishment of kerbside recycling across Scotland, the services are underutilised and over half the material found within residual waste could have been recycled. Despite having food waste collections in most areas, food remains the most significant component of residual waste in Scotland and its increased recycling would significantly reduce carbon emissions associated with waste management. In order to prevent the same happening with collections in England, it is important that Local Authorities are allowed to decide whether they use a less-frequently-than-fortnightly residual waste collection in order to prioritise high performing recycling collections. Local Authorities should be required to measure and report on the amount of food waste that remains within the residual waste stream, as per the targets within the Environment Improvement Plan. This will help to measure how successful food waste collections are and can identify what additional support may be needed for householders to improve the participation rate.

16 For collections from non-household municipal premises, the guidance outlines that anaerobic digestion is the preferred method for treating food waste, where suitable, but composting is also permitted. Do you agree or disagree with the content of this section?

Disagree

Further content should be added (please explain why further content should be added), Other (please explain why)

Please add any comments in this text box:

The guidance on applying the waste hierarchy includes composting under recycling if it meets quality protocols. The text as currently drafted makes it appear that composting is not considered to be recycling. REA support a technology neutral approach. This wording in this section within the guidance should be amended to the following: 'The legislation requires that food waste must be collected separately for recycling or composting. The preferred method for treating separately collected food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser. Composting is also recycling and is permitted, and in some circumstances where wet AD is not suitable (meaning, where food and garden waste has been co-collected) composting, dry anaerobic digestion (which is usually followed by a least one composting phase) may be more appropriate methods of treatment.' There are many benefits of applying compost and digestate to land. The report 'Benefits of compost and anaerobic digestate when applied to soil' published by the International Soil Waste Association details the benefits. In summary, digestate is rich in readily available plant nutrients and can reduce the need for fossil-derived fertilisers to help decarbonise farming. Compost is an excellent soil improver that can improve soil health (by enhancing soil structure, improving water retention, reducing soil erosion), support plant growth and increase biodiversity. It is important to note that 95% of the world's food is grown in soil but it is a finite resource. Repeated application of compost has been shown by WRAP to result in an increase in organic matter content of soils. A recent draft report by Dr Jane Gilbert of Carbon Clarity looks at calculating the potential demand for compost given the state of our nation's soils and current land use. Dr Gilbert conservatively estimates a potential demand for 18 million tonnes a year of compost for UK's arable soils. In addition to the above, in the section on the collection of waste from non-household municipal premises, government's guidance needs to include information on how the requirements will be enforced. REA understands that the Environment Agency will be responsible for enforcement. The guidance should make this clear and include information on the impact of non-conformance. We are concerned that the current exemption for micro-firms with less than 10 FTEs to 2027 is a missed opportunity for significant volumes of food waste. Many independent takeaways, restaurants and cafes in towns and cities across England will have less than 10 FTEs, especially as some are only open in the evening. To capture more food waste sooner (and all the associated environmental benefits of doing so) we suggest there is an additional transition phase added. Non-household municipal premises with 10 or more FTEs will have to comply with the requirements by 2025, if they have at least 5 and fewer than 10 FTEs they must comply by 2026 and fewer than 5 FTEs comply by 2027.' The addition of the requirement for 2026 is in line with the household collections and may make behaviour change easier as more citizens will be separating food waste both at home and at work and avoid any conflicting messaging.

Consultee Feedback on the Online Survey

17 Overall, how satisfied are you with our online consultation tool?

Neither satisfied nor dissatisfied

Please add any comments in this text box:

Text boxes are difficult to navigate if you need to make any changes with longer answers.