

Draft Environmental Protection (Single-use Plastic Products and Oxo-degradable Plastic Products) (Scotland) Regulations 2021

Overview: seeking views and comments from stakeholders and the general public on the draft Environmental Protection (Single-use Plastic Products and Oxo-degradable Plastic Products) (Scotland) Regulations to inform our work on finalising the regulations.

Context: These regulations propose introducing market restrictions – effectively a ban – for problematic single-use plastic (SUP) items and all oxo-degradable products in line with Article 5 of the EU Single-Use Plastics Directive (EU) 2019/904. The responses received will help shape the final regulations that will support the Scottish Government in its work to reduce marine litter and support a shift away from our throwaway culture.

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This submission has been prepared with Dr Eleni Iacovidou and Dr Olwenn Martin, founding members the Sustainable Plastics Research Group (SPlasH) Brunel University London. We are an interdisciplinary group of researchers leading on plastics pollution in the UK, EU and overseas. We have provided expert independent scientific advice on plastics related policy for DEFRA, European Commission, Irish Government, European Chemical Agency, and United Nations Environment Programme.

Question 1

Do you have any comments you would like to make regarding the scope of the provisions proposed in these draft regulations?

- 1.1 The regulations demand all oxo-degradable products to be banned but it is not clear which products fall under this category. This is likely to create loopholes in the way the regulations will be implemented across Scotland.
- 1.2 There is a lack of clarity on whether multi-layered products are included (where oxo-degradable plastics are included as a layer).
- 1.3 Additional clarification is necessary in terms of regulations. Whilst the ban on single-use expanded polystyrene beverage cups, beverage containers and food containers, as well as single-use plastic cutlery, plates (including trays and platters) is reasonable, the Scottish government omits recommendations for the use of alternatives. This is a significant oversight that could create more problems than the ban could solve. Moreover, there is no mention of cigarette butts or filters nor is fishing gear (lines) mentioned which are significant omissions.

Question 2

Do you have any comments you would like to make regarding the scope of the exemptions to provisions proposed in these draft regulations?

- 2.1 The exemption on single-use plastic straws is reasonable and thoughtful, helping disabled people and people in specific environments (prison, care homes, childcare settings) to eat and drink independently, which builds confidence, offers comfort, ensures safety and/or improves well-being.

2.2 The exemption of single-use plastic balloon sticks needs to be further explained in the document to specify in which industrial and other professional contexts, these are allowed. At present we believe this exemption is a grey area and very likely to be open to misinterpretations.

Question 3

Do you have any other comments on the draft regulations that you would like to make?

- 3.1 There needs to be a clear public communications strategy that accompanies this legislation in order to eliminate public confusion about what constitutes single use plastics.
- 3.2 Our research has identified confusion and misconceptions about single use plastics as well as strongly held ideas about what is safe and risky¹. Consumers/citizens respond differently to messaging depending on their demographics, pro environmental attitudes, and cultural perceptions of individual versus government responsibility.²
- 3.3 Perceptions of risk and safety as well as behaviour and social practices regarding plastics are highly likely to have shifted over the last few months due to COVID-19, for example with people less willing to reuse or retain plastic in a domestic setting. New regulations must be accompanied by awareness and education materials which contextualise this legislation within wider circular economy initiatives.
- 3.4 COVID-19 has sparked an increase in food delivery which we anticipate will continue over the next months or even years. A ban on single-use expanded polystyrene and plastic containers will have to be substituted by other materials. Government will need to propose alternatives and methods to assess the sustainability of alternatives to avoid unintended consequences and shifting problems elsewhere.³
- 3.5 This is not only about resource efficiency and pollution, but also human safety. It raises significant questions: Are other single-use plastic containers, other than expanded polystyrene allowed, including bio-based alternatives? Is there going to be a preference for paper and cardboard?
- 3.6 Bio-based alternatives could create more trade-offs than provide benefits to the system and our research⁴ has identified the many blindspots (i.e. areas where there is lack on insight and information) that currently exist in this field. Cardboard alternatives as food containers can be laminated (hence unrecyclable) or coated with other substances (of questionable impact to human health).

¹ <https://www.sciencedirect.com/science/article/pii/S0025326X20300266>

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https://www.researchgate.net/publication/348578135_'Drinking_and_Dropping'_On_Interacting_with_Plastic_Pollution_and_Waste_in_South-Eastern_Nigeria

³ <https://www.sciencedirect.com/science/article/pii/S0959652617319893>

⁴ <https://www.sciencedirect.com/science/article/pii/S095965262035424X#sec6>