



The Packaging Federation

1 Warwick Row
London
SW1E 5ER

Telephone 020 7808 7217
Mobile 07932 697151

Email dicksearle@packagingfedn.co.uk
www.packagingfedn.co.uk

Waste Strategy Team
1-J North
Victoria Quay
Edinburgh
EH6 6QQ

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Dear Sir,

In response to this consultation, the following submission is made on behalf of The Packaging Federation, a not-for-profit organisation representing the UK Packaging Manufacturing Industry. As a manufacturing sector we have approximately 85,000 employees with a turnover in excess of £10 Billion, making a contribution to the UK's GDP of approximately 1%. The industry is divided into a number of sectors covering a variety of materials and each of these is represented by sector Trade Associations who will be responding separately to this consultation.

As requested, we are responding to the questions posed in the consultation that are relevant to our industry. However, there is one general observation that we wish to make regarding the balance and content of the consultation.

The consultation states (on page 11) that Scotland generates 20 million tonnes of waste a year with "the vast majority of this waste coming from the industrial and commercial sectors". Of this total waste, less than 500,000 tonnes is packaging waste and yet, it appears to us, that most of this consultation is focussed on action to further reduce packaging waste rather than focussing on the remaining 19.5 million tonnes of non-packaging waste. Whilst our industry and the packaging supply chain as a whole will continue its efforts to reduce the environmental impacts of its products, total removal of all packaging waste from landfill in Scotland would still leave some 19 million tonnes from other sources and this consultation seems to be "light" on proposed actions to deal with this balance.

The Packaging Supply Chain has made continuing and substantial progress in encouraging and supporting the recycling and recovery of packaging waste and will continue to do so. At a time of substantially increasing raw material and energy costs, packaging waste is a potentially valuable resource that should be recovered and re-used as a raw material for further packaging manufacture. In those circumstances where it does not make environmental or economic sense to do so (particularly for contaminated or mixed waste), packaging waste could and should be used as a valuable material in the production of energy. A sensible mix of improved recycling performance and developed strategies for energy from residual packaging waste should go a long way to achieving the objective of zero packaging waste to landfill in Scotland.

On the following pages, we have given our detailed responses to the relevant questions posed in the consultation.

PROPOSAL 1: DUTIES ON PUBLIC BODIES AND BUSINESSES TO PROVIDE RECYCLING FACILITIES

In principle, we support this proposal as it would provide a uniform opportunity for consumers to recycle away from home. The coverage should be as broad as possible and include all materials for which there are existing or developing markets for recycled materials. In doing this, it is essential that collection systems are designed to ensure that material is collected within a system that ensures that the potential environmental benefit for its re-use, recycling or recovery is maximized.

In addition to this proposal, we would support legislative powers to ensure the collection of materials which cannot be readily recycled but which can be used for the generation of energy.

We do not support legislation for the collection of “excess packaging” in larger stores. Apart from the fact that such legislation would probably be in conflict with the Competition Act, such legislation could easily encourage consumer behaviour which would have significant adverse environmental consequences. Packaging is designed to perform its role up to the point of use. There is ample and growing evidence that leaving food in its packaging until use will significantly reduce food waste – the environmental impact of which is far greater than that of the packaging around it. Regrettably, this continued role of packaging is not well understood and legislation to encourage packaging to be left at the store is likely to encourage behaviour that will ultimately increase waste to landfill. Genuine “excess packaging” should be dealt with by the intelligent enforcement of the Essential Requirement Regulations.

PROPOSAL 2: PACKAGING

We do not believe that there is any case for legislation for packaging reduction.

In these days of consumer affluence and working households, convenience is everything. Customers expect the widest range of products to be available 24/7, in perfect condition and ready to use or consume. As long as consumers want to buy the widest range of goods all day and every day, there will be a need for modern packaging. Without it, there would have to be a return to living styles of 50 years ago. There would be no supermarkets, much less choice, vastly increased product wastage and a general return to austerity experienced only by those of us of more advanced years! Life is about choices and as long as consumers choose to live as they do now, modern packaging will continue to be an integral and necessary part of their lives. The use of legislation to force people to give up “today’s” lifestyle, and return to that of fifty years ago is extremely unlikely to work.

The consultation states that “some packaging is required to ensure that goods reach consumers in a safe and hygienic way and to ensure that key information is provided to the consumer”. In reality, the vast majority of packaging conforms to this description. The reality of cost pressures in the supply chain ensure that there is very little “over-packaging”. Many so-called examples of over-packaging such as Easter eggs and cosmetics packaging are, in fact, part of the “gift experience” which consumers can easily avoid by not buying the product. Where there are real cases of excessive packaging, these should be dealt with, as stated earlier, by the intelligent enforcement of the Essential Requirement Regulations. The packaging supply chain will continue, as it has for many years, to strive to minimise the impact of packaging whilst continuing to provide the wherewithal for consumers to live as they do.

The whole range of packaged products is sourced from national and international markets. There are few goods that are made and packaged exclusively for the Scottish Markets. It is very difficult to see how any legislation could be workable on a UK wide basis, given the huge range of goods imported, let alone for Scotland.

Packaging is already under intense political scrutiny – far more so than its true environmental impact warrants. Voluntary codes of practice such as the Courtauld Commitment have undoubtedly led to improvements in resource utilization but have, arguably, not resulted in substantial reductions in the number of packs per se. Further packaging minimisation must be pursued very carefully if it is to avoid collateral increases in product wastage as a result of reduced packaging performance. Indeed, there is growing evidence from the work undertaken by WRAP on food waste that packaging has a major role to play in minimizing food waste in the home – **and “avoidable food waste” has at least fifteen times the environmental impact of packaging waste.**

We believe that existing legislation, voluntary agreements such as the widened Courtauld Commitment and continuing consumer and media pressure will together lead to **optimum** reductions in packaging used. The application of legislation to enforce packaging reduction will inevitably lead to increased product wastage, greater environmental damage, increased costs to the consumer and, ultimately, consumer dissatisfaction.

The consultation also comments on the perceived workings of the Essential Requirement Regulations and the Packaging Producer Responsibility Regulations. We have seen the submission to you by Incpen (The Industry Council for Packaging and the Environment) and fully support and endorse the views expressed by them on these two pieces of legislation.

PROPOSAL 3: SPECIFYING RECYCLATE

We note from the Partial Regulatory Impact Assessment contained in the consultation document that this proposal appears to be directed towards the use of recycled content in construction materials. However, if it is proposed that this section should also encompass the procurement of packaging materials or packed product, we should like to comment as follows:

In practice, the choice of materials for packaging manufacture is complex with the focus always on the functionality of the packaging produced. As packaging converters, we are always ready to use recycled materials when they are available in sufficient quality and quantity as long as they enable the manufacture of packaging that fulfils its function. We do not believe that the use of legislation to specify minimum recycle levels will work. Packaging Materials must be chosen on the basis of their fitness for purpose. As an example, the Scottish Whisky Industry demands very high quality for its clear glass bottles – particularly for its premium products; in these cases, the use of recycle has to be very carefully controlled to ensure that these high standards are met.

Packaging converters will always use recycle if it is available, to the appropriate and consistent quality at an appropriate cost. They cannot use recycle that does not exist, is of unreliable quality, or is uneconomic to use.

The use of recycle for the manufacture of metal, glass, board and paper packaging has been commonplace for many decades. The development of systems for providing recycle for use in plastics packaging is more recent but developing strongly. Recent EU Legislation on Food Contact has enabled greater use of recycled plastics in food packaging and this is also accelerating. Greater use of recycled plastic is constrained by availability of suitable material **not**

by lack of willingness of converters to use it. However, the nature of the process is such that recycle will usually be used as a mix with virgin materials.

With the dramatic increase in all raw material prices in recent times, there are overwhelming economic drivers for the increased use of recycled materials. Introduction of legislation will not provide any further incentive for the use of recycle.

PROPOSAL 5: DEPOSIT AND RETURN

There is considerable evidence from European experience that deposit schemes are of limited value even in those countries where their use is ingrained in the local culture. This has been covered in considerable detail in the submission by Incpen which we strongly support and endorse.

We are also aware that Defra have commissioned a consultants report (by ERM) on the pros and cons of implementing a deposit system on a range of drinks containers in England. There have been substantial inputs to this work from a very wide range of consultees including all parts of the packaging supply chain. We feel sure that the outputs from this study will have considerable relevance to the Scottish proposals.

In addition to this submission, you will be receiving detailed submissions from the Packaging Sector Individual Trade Associations which will raise the issues specific to their material sector. We have, therefore, confined our comments to a series of slightly more general points to support our contention that the introduction of deposit and return schemes would not be effective or appropriate. These comments are listed below:

- Deposit schemes would require a major change in consumer shopping routines and consumer culture generally
- They would be expensive to administer and the costs of operating would be divert money away from support for recycling schemes
- There would need to be huge changes in infrastructure with the requirement for widespread collection points which would require extensive (and expensive) staffing for return of deposits
- The diversion of significant quantities of recycle from household waste streams would have a major impact on local authorities. For local authorities with waste management contracts, such contracts would have to be re-negotiated. For those with their own MRF facilities, input waste streams would be seriously compromised.
- The provision of store collection facilities will create serious problems for convenience stores, high street shops and filling stations etc. – most of whom would not have space to handle quantities of returned containers. The resultant impact on shopper behaviour would significantly distort the competitive balance between such “local” stores and out-of-town retailers.

- Small convenience stores frequently make use of parallel importing of beverages to enhance their competitive edge. The requirement for deposit labelling of such imports would incur significant on costs and compromise their competitiveness.
- The imposition of deposits at a meaningful level would substantially increase the cost of goods and increase inflation at a time when “food” prices are of growing consumer concern. A deposit of even 10p per container would increase prices by up to 30%.
- Deposits at a high level would ascribe a return value of packaging significantly higher than its inherent value – opening the door to potential and significant fraud. Deposits set at the level of the real cost of the packaging are unlikely to modify any aspect of consumer behaviour.
- Any deposit scheme would have to be in conformance with Competition Law. This would present real difficulties in designing schemes to reduce impacts on small retailers and would require deposits to be applied to **all** relevant packaging material types.
- The potential to spread deposits ultimately to food cans, plastic tubs and aluminium trays would be highly problematic. Apart from the obvious Competition Law issues, there would be major hygiene issues associated with the collection of used packaging which is invariably contaminated with residual food. The environmental impact (including water usage) of cleaning used packaging could easily outweigh any environmental “benefit” of separate collection from the waste stream – particularly where even further cleaning would be required as part of the ultimate recycling process.

PROPOSAL 7: OTHER MEASURES TO ENCOURAGE WASTE PREVENTION, INCLUDING ACTION ON SINGLE-USE CARRIER BAGS

There will be detailed responses to this proposal from those Trade Associations representing suppliers of single-use carrier bags. In support of these more comprehensive responses, we would make the following comments:

- We support the Scottish Government view that significant reductions can be achieved by voluntary measures and do not believe that there is any necessity for legislative action
- We do not believe that action taken to modify behaviour in respect of carrier bags will encourage better “environmental behaviour” in other product areas. Indeed there is considerable evidence available to support this view.
- The environmental impact of single-use carrier bags is tiny within the total environmental context and action in this area runs the real risk of trivialising the whole environmental/carbon debate.

We are grateful for the opportunity to comment on the Scottish Government proposals. As mentioned at the start of this response, we believe that the Packaging Supply Chain has made great progress over the years in reducing the environmental impact of packaging “waste”. Indeed, without modern packaging the environmental “balance” of wastage would be considerably greater than that of the packaging produced. Packaging is part of the solution to the challenge to provide goods at the lowest level of environmental impact.

There are many areas where waste is produced that cannot demonstrate the same level of progress as demonstrated by packaging – household food waste being one example. It is to these areas that we commend the attention of the Scottish Government in its quest to achieve “Zero Waste”.

Yours sincerely,

**Dick Searle CCMI
Chief Executive
The Packaging Federation**