

Response ID ANON-5BWS-XKVE-Y

Submitted to **Consultation on the Waste Prevention Programme for England: Towards a Resource-Efficient Economy**
Submitted on **2021-06-10 13:28:17**

About you

1 Would you like your response to be confidential?

No

If you answered Yes to this question please give your reason.:

2 What is your name?

Name:

Nadiya Catel

3 What is your email address?

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4 Are you responding:

On behalf of an organisation

About your organisation

5 What type of organisation are you responding on behalf of?

If you are responding on behalf of an organisation, what type of organisation are you responding on behalf of?:

Industry association

If you answered Other, please state your organisation type:

6 What sector is your organisation primarily active in?

What sector is your organisation primarily active in?:

Retail industry

Please provide your 5-digit SIC code, if available (<http://resources.companieshouse.gov.uk/sic/>):

7 If you wish, please provide your organisation's name

Organisation name:

British Retail Consortium

Our approach

8 Do you agree or disagree with our choice of outcomes and impacts as the right goals for us to be aiming to achieve?

Agree

If you disagree, please briefly explain why.:

9 Do you agree or disagree that our policy approach covers all the areas for action that are needed?

Neither agree nor disagree

If you disagree, please explain what is missing.:

We are supportive of the Government's ambition outlined in the draft Waste Prevention Programme and share the wider objectives of increasing recycling rates, improving products' resources efficiency and facilitating the environmental performance of all products placed on the market in the UK.

We understand that the draft Waste Prevention Programme for England presents high-level cross-cutting and sector specific measures that would be applicable to the wider UK. It is imperative that UK Government ensures a coherent policy framework across the country and avoids policy fragmentation between Devolved Administrations.

It is equally important to ensure an effective and flexible policy framework to facilitate and stimulate industry-led innovation for sustainability. At the same time, we

wish the Government to minimise as much as possible any divergence in rules and requirements relation to circular products in Europe, which would constitute a major and growing barrier companies designing and selling sustainable products in the EU Single Market.

We wish to emphasise that the Government needs to fully appreciate the cumulative cost-effect of different policy measures (ex: packaging EPR, consistency in recycling collections and plastic packaging tax) and does not underestimate the wider pressures on the retail industry from other business taxation such as business rates, but also the impacts in the forthcoming policy developments around WEEE (review of EPR for WEEE), textiles (announced proposal for an EPR). For example, over the next decade, the costs of "Collection and Packaging" reforms are projected to £20.8bn for businesses, this substantial figure must reflect value for money and overall system efficiency of recycling in the UK. We would appreciate the Government assessing and sharing its analysis on the cumulative cost/tax burden on businesses.

Designing out Waste: Eco-design, Extended Producer Responsibility and Consumer Information

10 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

To drive change in product design, the Government outlined its approach focused on Eco-design, Extended Producer Responsibility and Consumer Information.

The current framework regulates eco-design of energy-related products to the benefit of consumers and the environment. It sets product-specific regulation, which accounts for the highly differing characteristics, needs and use patterns of different product types. Any new legal requirements on sustainable product design should be developed within this framework to ensure a coherent, proportionate, effective and cost-efficient regulatory framework.

While the eco-design framework is effective, it is also a highly complex and deliberate process, which serves to develop well-considered product-specific regulation over the course of several years. We would encourage the Government to utilise existing international product standards as a basis for future eco-design implementing measures, to take stock of industry-wide and internationally oriented standards that facilitate international trade and reflect the technological state of the art.

It is crucial that any eco-design requirements facilitate international trade through alignment with international standards where they exist, and that they are developed in close cooperation with affected industry actors to ensure that legal requirements are technologically feasible, efficient, cost-effective and proportionate, that they protect intellectual property rights, and that they do not compromise the performance or safety of products.

In the UK, Producer Responsibility schemes already apply to electrical goods, batteries, vehicles, and packaging. Extended Producer Responsibility (EPR) is increasingly recognised as a powerful tool to address the wider environmental impacts caused by a producer's choice of materials and design. However, to date, the few existing examples of fee modulation in EPR have tended to focus on achieving collection, recycling and recovery targets of the waste streams concerned, rather than on truly pushing for eco-design. With this in mind, we wish to see any new forthcoming/review of EPR scheme(s) to really focus on achieving the upstream product eco-design objectives. Any eco-modulation mechanism is likely to be extremely challenging in practice, especially in determining what constitutes a sufficiently differentiated rate to incentivise a change in design amongst producers, requiring careful consideration of the difference in rates and the specifications of the categorisation of products placed on the market.

It is therefore essential that any requirements introducing fee modulation in the context of EPR on packaging do not undermine the overall effectiveness and efficiency of existing and planned EPR schemes, nor create a fragmented, un-even playing field. If modulated fees are not set at sufficiently differentiated rates, they will not only fail to incentivise sustainable packaging design, but also potentially lead to imbalances between the fees paid by producers and the full net costs of the system.

In terms of consumer information, we would support clear and consistent messaging to reduce confusion. There needs to be a correct understanding by the wider public of what the terms "durability, reparability, recyclability and recycled content" mean. It must be noted that "recyclability" can be defined in many different ways. An agreed definition of recyclability, or different aspects that contribute to recyclability as well as common interpretation if its application must be coherent and harmonised so as to ensure a fair playing field and reflect the net costs of waste management, while taking into account product/sector-specific conditions. Ensuring that there is coherent consumer information (on product's sustainability, resource-efficiency, recyclability, durability...) is an important element of the wider work that the Government should coordinate across its Departments (BEIS, HMRC) and the current work undertaken by the Competition and Markets Authority on Misleading Environmental Claims.

Finally, one needs to bear in mind that when designing out waste with the aim to reduce the volume of waste material at a product's end of life, one can compromise the quality and longevity of the product. Similarly, materials that are more easily recyclable may reduce product quality and cause it to be replaced more, creating more waste overall. It is important that the Waste Prevention Plan addresses this issue. Equally important to fully understand and assess the material carbon life cycle so that any material shifts do not result in overall worse environmental and climate outcomes.

Reuse, Repair, Refill, Remanufacture: local services & facilities

11 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer :

- Some measures could potentially lead to a reduction in consumers choice.
- There's an educational piece needed with suppliers to compliment this, rather than being fully targeted at retailers.

- It must be recognised that not all retailers will have the capacity to offer refill and/ or repair services.
- 'Right to Repair', if carried out by third parties in areas where this is not possible instore, could impact product guarantees. Consumer prices could increase due to increased supplier costs.

Data and Information: from industrial symbiosis to research & innovation

12 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Agree

Please provide details / explain your answer :

In relation to the introduction of 'product passport', specific regulations already require manufacturers to disclose information on products and materials, including the Eco-design and Energy Labelling frameworks, the WEEE Directive and the REACH Regulation. If designed properly, such a tool could contribute to facilitating the circularity of products by making necessary information available to operators across the value chain, while decreasing the administrative burden caused by disclosure requirements and thereby facilitating market access for innovative products and SMEs.

Should the Government seek to streamline the development of a digital product passport policy, we believe this should be in full respect of intellectual property rights and with a clear view to reduce administrative burdens for businesses. The information contained in the digital product passport should be differentiated depending on the target audience, in order to avoid information overload for customers.

While customers may benefit from greater transparency on the sustainability of products, detailed information on e.g. re-manufacture and spare parts, carbon footprint calculations, material composition or data on compliance with legislation and standards information may add little value to customers and should be reserved for regulators and industry actors along the product value chain, however further research with consumer groups should be undertaken to explore this. Meanwhile, the digital product passport could be a useful channel for streamlining the communication of more digestible sustainability information, such as industry-led ecolabels.

Construction

13 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

We agree that the measures described are largely likely to meet the measures outlined in the consultation, to reduce construction waste and increase the reuse of construction materials at their highest value. Whilst the section focuses primarily on house building, we currently repurpose as much construction material as possible, including using an ACC reviver process for shelving, rather than scrapping.

One area for concern, is that, with construction, pace of the market and supply base limit the action that we as a business can take. Regulatory changes will have to be communicated through suppliers.

Additionally, construction is already a heavily regulated industry in terms of what waste can be incorporated as secondary raw material. The construction industry offers a solution to alternative end-uses of packaging that cannot be circular. As construction waste regulation enhances, it may lead into a circular economy. However, it is vital that any changes to construction waste regulation work alongside potential future planning reforms.

Textiles

14 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

The BRC is supportive of the principles of an Extended Producer Responsibility whereby producers take responsibility – financial and/or physical – for the treatment or disposal of the products they put on the market. The UK needs a comprehensive and coherent Resources and Waste Strategy with a long-term strategy that builds infrastructure for all common materials, including textiles, and allows flexibility to incorporate future changes to our use of materials and provides consistency across all part of the UK.

The BRC and its members wish to constructively engage with Government in discussing this policy development and providing relevant evidence and expertise so that the design of this new scheme reflects the complexities of the global industry. The fashion and textiles is an extremely complex, multi-component industry, with complicated supply chains that extend back into raw materials such as farming, therefore any EPR approach should be industry-led and thoroughly tested before full implementation. It should be based on a coherent plan owned by all.

The introduction of an EPR scheme for textiles will have significant cost and regulatory implications for decades ahead for many actors in the textiles value chain. Learnings from other EPR schemes (packaging, WEEE etc...) in the UK and elsewhere are insightful but one should not automatically 'copy/paste' already existent models but rather develop a tailored policy approach to reflecting the needs and challenges of the fashion and textiles industry.

An EPR scheme should, in principle, encourage retailers to design product with sustainability in mind, which would encourage the longer use of textiles and

reduce the reliance on fast fashion. It could also lead to more take-back schemes being designed and offered by retailers. Rewarding recyclable products with a VAT reduction for textiles could be passed on to the customer to encourage them to buy more sustainably. These incentives can also help innovate more circular business models such as resale, rental, repair. Significant skills development will be needed to workforce to adopt "repair" economic models.

One concern we hold is how these measures will be validated, as many of our members already perform longevity tests on their textile products and members already offer a takeback schemes and preloved partnerships. Whilst some are exploring clothing swap and rental models, it is worth noting that these are difficult to make viable at certain price points, and therefore such schemes have the potential to negatively impact those on lower incomes by driving up prices of textiles and clothing. There is a risk that this could also result in an over saturation of the second-hand clothing market, which could lead to the use of other disposal routes. A potential ban on disposing of textiles (like WEEE) would be helpful as long as it's operated alongside improved recycling facilities.

If an EPR were to be put in place, better collection and recycling capabilities would be needed in the UK to keep up with the increase in demand from retailers and there would need to be opportunities to engage consumers in an education piece to support a better understanding of the environmental impacts of products they buy. In order for collection and reprocessing of fashion and textiles to be effective, there needs to be a national collection scheme involving major retailers and a national manufacturing reprocessing infrastructure. Both of these will need government support in order to be delivered at scale and pace.

Any monies raised from an EPR scheme would need to be used to fund development of the necessary infrastructure and technology needed for all the points raised above to ensure the value and the benefit of recycling or donating items was first and foremost. It is also essential to ensure that any EPR scheme for textiles is future-proofed against changing shopping habits, doesn't penalise responsible business practices (i.e. those who put the most environmentally friendly and sustainable textiles on the market should not face hefty bills) and allows for some level of eco-modulation to incentivise businesses doing the right thing.

We ask that the Government takes a modern, innovative and open approach to any proposed EPR system that encompasses the issue of consumption and the consumer, which is a major area of consideration for the industry at this time. The EPR must be fair and just - not just a regulatory fee but general incentivisation of change, looking at international comparators for what works and what is fair. In an industry made up of SMEs it is imperative to understand impact of EPR system on those businesses.

The BRC signed up to the SCAP 2020 voluntary agreement which has helped signatories to reduce their carbon and water footprints per tonne of clothing by 15.9% and 19.5% respectively between 2012 and 2019, in each case exceeding the 15% reduction target that was set. More recently, we have joined the new Textiles2030 initiative and will be ensuring that our members who invest in sector-leading actions to reduce their environmental impacts are supported by a level playing field.

We suggest the Government to explore all options for the future design of the textiles EPR scheme to reflect value for money and overall system efficiency. The Government should allow industry to lead, through an industry-led "sandbox" approach to scope and test the most suitable EPR scheme for fashion and textiles, the system can be tested to work across all areas of the industry, and be developed to be nimble and agile, to be able to be tweaked easily to address changes. The industry-led approach is essential to develop efficiency and adoption by industry and can also look across other industries and sectors for examples of best practice. The sandbox would also allow testing of approach on different categories and types of product, and helps industry understand the approaches that work. The approach would spend time understanding what a balanced scorecard should be, model which categories should be out of scope and model on categories on priority product categories and build from there.

Furniture

15 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

Reducing the weight or quality of material used to make furniture products can reduce the amount of weight produced when the item is eventually disposed of, but it can also compromise the longevity and quality of the product, leading it to break sooner, producing more waste as it is replaced.

Further clarification is required on what the priority should be for businesses on this. Clarification is also needed on how the quality of products will be measured, as our members already carry out longevity tests on our products.

Electrical and Electronic Products

16 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Disagree

Please provide details / explain your answer:

Whilst reducing the weight or quality of material used to make an electrical product can reduce the amount of weight produced when the item is eventually disposed of, it can also compromise the longevity and quality of the product, leading it to break sooner. The Government needs to provide further clarity on which they prioritise between recyclability and product quality.

There is a larger piece of work to be done here around changing public mentality than with other types of goods, i.e. furniture, as consumers naturally upgrade electronics in a way that they may not with other types of products. Many businesses try to keep internal parts the same in many products, for instance TVs, to minimise the amount of waste generated by this, however there is only so much that retailers can do to change this customer mindset. More may need to be done from an education perspective by central government.

Furthermore, whilst businesses attempt to cut back on waste in our electrical products wherever possible, other legislation creates further waste which cannot be avoided. For example, we are unable to use recycled plastic for many of our electrical products, as virgin plastics is required for fire safety. Mandatory safety booklets create additional waste.

Road Vehicles

17 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

Whilst the measures described cause no immediate concern, the topic of road vehicles, as with furniture and electricals, touches on the quandary between longevity and waste; in reducing the materials used to make vehicles and therefore wasted, it may inhibit the quality of the product.

Reliance battery powered electric vehicles as a solution to the current negative impact of road vehicles may cause greater issues with battery disposal and landfill. Additionally, the infrastructure required on both on a business and national level, required to support electronic vehicles on a mass scale is not present. Greater government investment in the national grid and subsidisation of charging point installation would be required to facilitate this.

Packaging, Plastics and Single-use items

18 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Neither agree nor disagree

Please provide details / explain your answer:

We largely agree with the measures outlined in the consultation regarding Packaging, Plastics and Single-use Items. However, Any further bans on single-use items would need to be consulted on and supported by science-based evidence, to prevent any unintended consequences.

One area of note is 'closed loop' recycling for food and non-food application. Some packaging that is excellent for recycling can't currently contain recycled content where the material will be in contact with food. Making closed loop recycling mandatory could impact the use of that packaging and move us to a material that, while capable of containing recycled content, is of less value to the waste management industry.

In relation to the extend of which packaging EPR could be designed to encourage prevention, reuse and refill through modulated fees, we believe that it would be for the EPR Scheme Administrator to assess the value for money of funding the development of reuse systems. The EPR Scheme Administrator could explore reuse and refill at a later stage once the system is in place and once further science-based research and impact assessment are done, particularly on the overall environmental footprint of reuse and refill formats for relevant material categories. It is key for everyone to have a better understanding of how reuse and refill formats could influence the recyclability of packaging, and therefore the modulation of fees. In some instances, more robust packaging designed to last longer requires more material and resources to have a longer life-span but ultimately may result in being non-recyclable. More science-based research is needed to fully understand the overall environmental outcomes of reuse and refill formats.

Food

19 Do you agree or disagree that the measures described are likely to achieve the overall aim set out at the beginning of this chapter?

Agree

Please provide details / explain your answer :

We agree that the measures outlined are likely to achieve the overall aim of the chapter.

Monitoring & Evaluation

20 Do you agree or disagree with the described approach to monitoring and evaluation of this Waste Prevention Programme?

Neither agree nor disagree

Please provide details/explain your answer:

- Some of our members already monitor evaluate through the metrics outlined in this chapter.
- It is vital that any waste prevention measures, monitoring and evaluation, do not add too much complexity and burden businesses, or incurring disproportionate costs for businesses.

Consultee Feedback on the Online Survey

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

Satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it: