

# Rewriting the resource rulebook

The laws that govern how we treat our planet's resources are changing, with new legislation around every corner. Here, we summarise the changes ahead and ponder how they might impact UK waste-management businesses

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By: Laura Mackett, Pamela Coulthard and Amy Gault, Dentons

**R**esource-efficiency law making is gathering pace, with the UK building on the Environment Act's resource-efficiency framework and global leaders developing an international, legally binding agreement on plastic pollution.

## Deposit return schemes

In January, Defra, in partnership with the Welsh Government and Northern Ireland's Department of Agriculture, Environment and Rural Affairs, published its response to the government's second consultation on the introduction of a deposit return scheme (DRS) for drinks containers in England, Wales and Northern Ireland. This response included several key announcements:

- Glass will be excluded from the English and Northern Ireland DRS, but included in Wales
- A single deposit management organisation will administer the DRS in all three jurisdictions by summer 2024
- A variable deposit level is likely, unlike in Scotland, where it will be 20p regardless of size or material

- Local authorities and waste operators can take part by separating out containers and redeeming the deposit on them
- A 90 per cent collection target is to be achieved within the first three years
- Finalised DRS regulations are expected to be in force by the end of 2023, for a 'go live' date of 1 October 2025. Scotland is pressing ahead with its own DRS. The original go-live date of 16 August 2023 has been pushed back to 1 March 2024 by newly elected First Minister Humza Yousaf, addressing concerns raised by businesses and uncertainty created by the UK government's exclusion of the scheme from the Internal Market Act. It's claimed that measures have now been developed to simplify and de-risk the scheme, supporting small businesses and hospitality.

Having different schemes operating in different parts of the UK is a blow for businesses as they try to cope with the ins and outs of these complex schemes.

## Product requirements and information

The Environment Act 2021 complements existing eco-design law by enabling resource efficiency standards

to be set for non-energy-related products. It also allows for the provision of information to enable consumers to identify products that are more durable, repairable and recyclable. Both regimes can be backed by civil sanctions and criminal offences.

First, the act gives national authorities the power to set requirements for anyone in a product's supply chain – including manufacturers, importers, distributors, sellers and suppliers – to provide information about the product's resource efficiency. 'Product' is widely drafted to include component parts of and packaging for other products.

Upcoming regulations can require a wide range of information to be provided relevant to a product's impact on the environment, such as: its expected life and design aspects that affect this; materials, techniques and resources used in its manufacture; the availability or cost of parts; any matter relevant to repairing, maintaining or prolonging a product's life; how it can be disposed of, recycled, reused or materials extracted; and any pollutants released or emitted at any stage of its production, use or disposal.

Second, the act gives national authorities the power to set resource efficiency requirements – in areas similar to those above – that certain products, in certain circumstances, must meet. Compliance may need to be shown by product labelling or marking. Non-compliant products could be banned from sale.

In September 2022, Defra consulted on the first area of proposed regulation under these Environment Act powers – mandatory water efficiency labelling. Defra is considering a programme for taps, toilets, shower devices, dishwashers and washing machines to be labelled with rated levels of water consumption, similar to energy efficiency labelling. This is the government's first step in what could be a large volume of upcoming, detailed resource-efficiency regulation.

If and when regulations are developed, we expect businesses and the waste industry will need to work closely together, to better understand and assess areas such as: the composition and properties of recycled materials going into products; the environmental impact of recycling processes to generate those materials; product disposal, recycling and material-extraction options; and any greenhouse gases or other pollutants released during those processes. Buyers of recycled materials and recycling/disposal services are likely to start pushing detailed information-sharing requirements to waste companies via their contracts. These could be costly and

time-consuming to comply with – and, ultimately, a major differentiator, with only waste companies that have a strong handle on the environmental impacts of their operations and recycled products able to comply and win that business.

### Single-use plastics ban

The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023 come into force in England from October 2023, banning the supply of all single-use plastic plates, trays, bowls, cutlery, balloon sticks and polystyrene food and drinks containers in the course of a business. Anyone selling these products could be subject to civil sanctions or prosecution. Following a call for evidence, the government is also considering measures to ban other commonly littered plastic items (such as wet wipes), including banning plastic in these items or enforcing mandatory packaging labelling to ensure correct disposal.

This drive to remove avoidable plastics from society will impact the waste industry, as the volume of this type of plastic waste will reduce significantly. Industry needs to anticipate what new products may fill this gap and how to maintain business.

### Global plastics treaty

In March 2022, 175 nations adopted a resolution to develop a legally binding agreement on plastic pollution. The aim is for an agreement addressing the full life-cycle of plastic to be in place by the end of 2024. The international negotiating committee (INC) created to produce the agreement met for the first time in November 2022 ("INC-1"). INC-1 highlighted the incredibly varied stakeholder views around the objective, scope and structure of the agreement, and very little of substance was decided. Despite this, the secretariat is currently producing a first draft of the agreement for negotiation at INC-2, in France in May.

There are widespread calls for governments to recognise how time-critical the creation of this treaty is and not shy away from a bold final agreement that addresses the risks presented by the global plastic-pollution crisis.

It is also vital for the plastic-waste industry to keep up to date with how negotiations are developing. Whatever form the final agreement takes, businesses will be impacted, making this an opportune moment for waste-industry players to get – or stay – ahead, developing more sustainable operations and recycled products. ●

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