

21 June 2024

Mr Mountain MSP
Convenor
Net Zero, Energy and Transport Committee
(by e-mail only)

Dear Mr Mountain MSP

The Persistent Organic Pollutants (Amendment) Regulations 2024

Thank you for your letter of 12 June and for the opportunity to contribute to the committee's consideration of 2024 POPs regulations.

We offer the following response to the five questions posed in your letter.

1. Did you respond to the 2023 UK Government consultation on the proposed changes (or are you aware of concerns being raised by your members) and can you share your views with the Committee?

Yes, we submitted a written response to the 2023 UK Government consultation.

In our response we noted the importance of ensuring safe, effective and appropriate management and disposal of POPs contaminated waste streams. We were supportive of the UK's ambition to amend the POPs regulation to maintain the UK's obligations under the Stockholm Convention, and to ensure that waste is disposed of safely, and with minimal environmental impact.

We noted practical challenges on proposals for some POPs, highlighting impacts on testing/sampling capabilities, along with pressures on source segregation and collection requirements and disposal capacity.

2. Are there challenges you are aware of with the capacity of waste managers to deal with POPs at the moment, in particular relating to incineration capacity to process hazardous waste?

Managing the existing POPs waste stream in line with SEPA's 2023 POPs guidance has led to additional operational challenges.

The main challenges include:

- low levels of awareness and understanding among waste producers of their duties under the POPs requirements, particularly in identifying POPs containing waste and the need to separate this material from other, non-POPs waste streams
- practical means of testing a waste stream/item for types and concentration of POPs
- capacity to collect and handle the source segregate POPs waste stream
- loss of material to re-use and recycling markets
- many local authorities appeared under the misapprehension that an 18 month derogation applied to the separate collection requirements. This was incorrect meaning that some were not fully prepared to meet the new requirements of the SEPA POPs guidance upon this taking effect in October 2023

- without testing material for levels of POPs, or segregating POPs waste from other waste, entire loads of mixed residual, household waste have to be assumed (and therefore handled and treated) as POPs waste. This has impacted on existing residual waste capacity (ie an increase in a POPs containing waste stream in which the only outlet is Energy from Waste (EfW)).

3. What might the implications for waste managers be of the areas where the notification sets out that the UK 2024 Regulations will not align with EU law in this area, and do you have any concerns about divergence in this area?

We have no significant concerns on the few areas of divergence with the EU POPs regulations and broadly support the rationale offered by the UK Government. We agree that there remains considerable areas of uncertainty in the existing data along with potential for significant sampling and testing costs. Capacity for segregation and separate collection of subsets of the plastic waste stream are limited and with a potential strain in sourcing available EfW outlets for increased volumes of POPs waste.

We agree that the UK position should be reviewed upon further improvement of the available evidence base.

4. Are there any specific factors in Scotland that would impact on the ability of waste managers to implement these Regulations, compared to the waste management sector in England and Wales – or are there areas the waste management sector could go further on POPs?

EfW disposal is the only legally compliant option for POPs waste.

However, EfW capacity in Scotland is already limited and with insufficient EfW capacity, upon implementation of the landfill ban in 2025, to treat *existing* volumes of residual waste (ie household 'black bag') let alone an increase in POPs waste also requiring an EfW solution.

An EfW treatment capacity gap in the order of 600k-700k tonnes is broadly assumed for when the landfill ban comes into force, a situation likely exacerbated by the Scottish Government's moratorium on incineration.

5. How important is GB-wide alignment in this area, or would you see any benefit to Scottish-specific legislation on POPs?

Very important: a Scottish-specific POPs legal framework would likely add further complexity and uncertainty into an already highly complex and technical subject area.

Yours sincerely



Stephen Freeland