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Marine Conservation Society position statement on:

Our key asks for the top 10 single-use plastic litter items*

*as defined by EU Single-Use Plastics Directive

Date Approved:
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Market restrictions:

Some market restrictions have already been applied by UK governments. However, the below is the requirements to align with the EU Single-Use Plastic Directive:

- In England a ban is needed on the following items: cutlery, plates and sticks for balloons, cups, food and beverage containers made of expanded polystyrene, and on all products made of oxo-degradable plastic
- In Wales restrictions are needed on a wide range of items, although they were consulted on in October 2020. These are cotton bud sticks, cutlery, plates, straws, stirrers, and sticks for balloons. It will also need to apply market restrictions to cups, food and beverage containers made of expanded polystyrene, and on all products made of oxo-degradable plastic
- In Scotland draft regulation has been proposed to ban the supply, in the course of business, and the manufacture of single-use plastic expanded polystyrene beverage cups, containers, food containers, single-use plastic cutlery, plates (including trays and platters), beverage stirrers and all oxo-degradable plastic products. The regulations also ban the supply, in the course of a business, to an end user of single-use plastic straws and balloon sticks. Note in its current form, the restrictions proposed go beyond that of the EU Single-Use Plastic Directive.

Labelling:

- Across the UK, mandatory labelling for single-use products containing plastic

Awareness raising:

- Across the UK, measures to reduce consumption through awareness-raising measures

Design requirements:

- Across the UK, introduce design requirements, such as connecting caps to bottles

Waste management and clean-up obligations:

- Across the UK, introducing waste management and clean-up obligations for producers, including Extended Producer Responsibility (EPR) schemes

Fishing Gear:

- Across the UK introduce extended producer responsibility for fishing gear and components of fishing gear under the polluter-pays principle. In addition, under the Port Reception Facilities, a requirement for no direct fees should be introduced.

We want all UK nations to go further than the EU Single-Use Plastics Directive

- A ban on all avoidable single-use plastic in wet wipes and other sanitary items, such as tampon applicators, where alternatives exist.[1]
- A ban on single-use plastic cigarette filters.[2]
- A ban on single-use sachets.
- We do not want to see substitution of one single-use item by another. Often these alternative single-use items have other concerns such as PFAS content, misleading claims or unclear claims of "biodegradability" potentially leading to misunderstanding about disposal and impact.
- Reuse/refill targets should be set by governments and retailers should set out plans to facilitate reuse within stores.

Tackling single-use plastic found on our beaches - why is it important?

The Marine Conservation Society's Beachwatch litter surveys show that thousands of items are found on UK beaches each year. During the 2020 Marine Conservation Society Great British Beach Clean, volunteers across the UK found 425 pieces of litter per 100m on average of surveyed beach, of which 313 were plastic. Around a third of all litter across the UK (29% 2015-2020 year round data) that is found can be directly attributed to the public. However, it is extremely likely that this public contribution to litter is in fact higher with 46% classified as "unsourced" (2015-2020 year round data) because the source of the litter is unable to be attributed. The most common "unsourced" item are plastic pieces, which are too degraded to determine the product type.

Under the EU Marine Strategy Framework Directive (MSFD), beach litter monitoring is required by member states. This led to the recognition for the need for action and the development of the Single-use Plastics Directive. In November 2020 under the EU MSFD, a threshold value of 20 items per 100m was set and member states are expected to put into place measures to facilitate reaching this value[3]. This threshold value is considered "by experts from the MSFD Technical Group on Marine Litter to reduce harm from beach litter to a sufficiently precautionary level" and contributes to the fulfilment of the United Nations' Sustainable Development Goal 14.1: to significantly reduce marine pollution by 2025.

Using the same methodology as outlined (the assessment value is calculated using a subset of the data with a specific methodology[4]), the Marine Conservation Society estimate there were 226 litter items per 100m in the UK (using a three-year period of 2018-2020). In other words, on UK beaches, the litter levels are ten times higher than the threshold value.


Jack Donovan

We need to move away from our current single-use society. We cannot recycle our way out of the current plastics crisis, nor simply replace plastic with another single-use material. Of all the plastic used globally only 2% is recycled back into like for like product, with 8% cascaded recycling (also known as downcycling where plastics go back into lower value plastic products)[5]. Of the plastic recycled globally only 10% of it has been recycled more than once due to "contamination and the mixing of polymer types generate secondary plastics of limited or low technical and economic value[6]" with mechanical recycling degrading the quality of the material[7].

Reuse must be at the heart of our solution and product design must take into account their carbon, plastic and chemical footprint - particularly 'forever chemicals'. Legislation to specifically tackle single-use plastic is an important step in reducing the amount of plastic found on our beaches.

What is the EU Directive on Single Use Plastic?

The EU Single Use Plastics Directive was specifically designed to tackle the issue of the amount of single-use plastic found on our beaches. Using beach litter data (including data collected by Marine Conservation Society beachwatch volunteers) the top 10 items most commonly found on EU beaches was calculated. These items which accounted for ~50% of the all plastic found on the beaches, with fishing gear accounting for an additional 27% were included in legislative measures within the Single Use Plastics Directive. This EU legislation entered into force on 2nd July 2019 and is officially titled the Directive "on the reduction of the impact of certain plastic products on the environment", although it is commonly referred to as the Single Use Plastics Directive.

Legislation was designed to tackle discarded fishing gear as well as the 10 most commonly found single-use items.

- Cotton bud sticks
- Cutlery, plates, straws and stirrers
- Balloons and sticks for balloons
- Food containers
- Cups for beverages
- Beverage containers
- Cigarette butts
- Plastic bags
- Packets and wrappers
- Wet wipes and sanitary items

In addition, the legislation tackles products made from oxodegradable plastic. The latter was deemed to be a "type of plastic does not properly biodegrade and thus contributes to microplastic pollution in the environment, is not compostable, negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit.[8]"

The Directive aims to reduce the amount of single-use plastic found on beaches by introducing market restrictions (bans) to "cotton bud sticks, cutlery, plates, straws, stirrers, and sticks for balloons. It will also apply to cups, food and beverage containers made of expanded polystyrene, and on all products made of oxo-degradable plastic" (under Article 5 of the Directive).

"For other single-use plastic products, the EU is focusing on limiting their use through

- reducing consumption through awareness-raising measures
- introducing design requirements, such as a requirements to connect caps to bottles
- introducing labelling requirements, to inform consumers about the plastic content of products, disposal options that are to be avoided, and harm done to nature if the products are littered in the environment
- introducing waste management and clean-up obligations for producers, including Extended Producer Responsibility (EPR) schemes"

The legislation specifically notes 27% of plastic litter is attributable to discarded fishing gear, including abandoned and lost fishing gear, noting that existing legislation does "not provide sufficient incentives to return such fishing gear". The amendment of the Port Reception Facilities (2019) which introduces an indirect fee " provides a system for removing the incentive for ships to discharge their waste at sea". However, members states should "introduce extended producer responsibility for fishing gear and components of fishing gear containing plastic to ensure separate collection of waste fishing gear and to finance environmentally sound waste management of waste fishing gear, in particular recycling[9].

Additional guidance was published in June 2021 which provides information on items included, additional information on materials particularly around chemical modification as well as on 'single-use[10].' Implementation on the marking of single-use plastic products has also been published[11].


Jack Donovan

What is currently happening in the UK?

There has been limited bans on some of the items listed under the SUPD with consultations by UK governments. Currently we need to see England specifically widen the inclusion of items. There is currently a voluntary scheme called the UK Plastics Pact[12] which we welcome as a first step that companies can do. However, we emphasise that this is voluntary and should not replace legislative action. We also urge caution on the potential over-emphasis on recycling and encourage more focus on reuse. We would call for reuse targets to be included to ensure that loopholes are not created through language such as "where appropriate".

In both the Welsh and Scotland consultations we called for additional items to be restricted (bans) as well as other measures. Details of this can be found in Annex 1 and 2 respectively.

In Summer 2021 the UK government alongside the Scottish, Welsh and Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland consulted on Extended Producer Responsibility measures on packaging (closed 4th June 2021)[13]. The consultation does refer to "litter costs" and also makes reference to refillables, however there is no specific targeted section upon the additional EPR listed under the Single-use plastic Directive which includes consumer awareness raising and campaigns as well as mandatory labelling.

England

On 1st October 2020 legislation to ban on supplying plastic straws and stirrers and plastic-stemmed cotton buds came into force[14].

Wales

In October 2020 the Welsh government consulted on bans of the same items listed in Article 5 of the Directive[15], namely:

- plastic stemmed cotton buds
- cutlery (including knives, forks, spoons, sporks and chopsticks)
- plates (including trays, platters, bowls and laminated paper plates)
- beverage stirrers
- straws
- sticks for balloons
- food containers made of expanded polystyrene
- cups for beverages made of expanded polystyrene
- oxo-degradable products (plastic products which break down by oxidation into micro-fragments) Examples include carrier bags, agricultural mulch films and, most recently, certain plastic bottles.

Full details of our response can be found on our website:
https://media.mcsuk.org/documents/MCS_Reducing_single_use_plastics_in_Wales_consultation_response_Oct_2020.pdf

Scotland

Ban on plastic cotton bud sticks came into force in October 2019. In March 2021 the Scottish government published draft regulations as outlined below[16]. The Scottish Government include not only a regulation to ban supply (aligning with the EU SUPD) but also included the additional measure to ban the manufacture. Consultation on the regulations closed April 2021. The MCS submission to this consultation can be found on our website: https://media.mcsuk.org/documents/MCS_Scottish_Government_single_use_plastics_consultation_response_Dec_2020_5UQKOTa.pdf

The proposed regulations ban the supply, in the course of business, and the manufacture of:

- single-use plastic expanded polystyrene beverage cups
- single-use plastic expanded polystyrene beverage containers
- single-use plastic expanded polystyrene food containers
- single-use plastic cutlery
- single-use plastic plates (including trays and platters)
- single-use plastic beverage stirrers
- all oxo-degradable plastic products.

The Scottish government have stated that they will be "aiming to meet or exceed the standards set out in the European Union's Single Use Plastic Directive[17]."

References

[1] https://media.mcsuk.org/documents/MCS_Policy_Position_Statement_-_Sewage_Related_Debris_from_Flushed_Items_March_2021.pdf

[2] https://www.mcsuk.org/documents/26/2021_Cigarette_Filters.pdf

[3] https://ec.europa.eu/jrc/en/news/eu-member-states-agree-threshold-value-keep-europe-s-beaches-clean

[4] https://publications.jrc.ec.europa.eu/repository/handle/JRC121707

[5] https://www.ellenmacarthurfoundation.org/assets/downloads/EllenMacArthurFoundation_TheNewPlasticsEconomy_Pages.pdf

[6] https://advances.sciencemag.org/content/3/7/e1700782

[7] https://onlinelibrary.wiley.com/doi/10.1002/marc.202000415

[8] https://eur-lex.europa.eu/eli/dir/2019/904/oj#ntr18-L_2019155EN.01000101-E0018

[9] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2019.151.01.0116.01.ENG&toc=OJ%3AL%3A2019%3A151%3AFULL

[10] https://ec.europa.eu/environment/pdf/plastics/guidelines_single-use_plastics_products.pdf

[11] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020R2151&from=EN

[12] https://wrap.org.uk/taking-action/plastic-packaging/the-uk-plastics-pact

[13] https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/

[14] https://www.legislation.gov.uk/ukdsi/2020/9780111193631

[15] https://gov.wales/sites/default/files/consultations/2020-07/reducing-single-use-plastics-consultation.pdf

[16] https://www.gov.scot/publications/draft-environmental-protection-single-use-plastic-products-oxo-degradable-plastic-products-scotland-regulations-2021-discussion-paper/

[17] https://www.gov.scot/publications/protecting-scotlands-future-governments-programme-scotland-2019-20/pages/5/

[18] https://consult.gov.scot/zero-waste-delivery/introducing-market-restrictions-on-single-use-plas/

Annex 1: MCS response to relevant questions from the consultation on "Introducing market restrictions on single-use plastic items in Scotland[18]" closed January 2021 (Question 5 and 8).

Question 5: This consultation highlights other items that the Scottish Government intends to consider market restrictions for in future (plastic wet wipes, plastic tampon applicators and those other products contained in the UK Plastics Pact's list of items to be eliminated by end of 2020 which are not currently subject to existing or proposed market restrictions). Would you support the consideration of market restrictions on these items or any other items we haven't listed? Please provide reasons and evidence where possible.

We welcome the addition of the ban on PVC packaging and all polystyrene packaging in the Plastic Pact's "eight to go" list, highlighted alongside the other items already covered in this consultation,[19] and would therefore support a market restriction on all PVC and polystyrene packaging in Scotland in future. We also welcome the investigation into solutions to tackle other items not listed in the "eight to go" however we would urge caution on the potential over-emphasis on recycling and encourage more focus on reuse. We would call for reuse targets to be included to ensure that loopholes are not created through language such as "where appropriate". We need to move from a single-use society to one which puts reuse at its core. We cannot recycle our way out of our current plastics crisis and we should not simply replace a single-use plastic item with one made from a "biodegradable" alternative as this perpetuates our linear make-use-throw society. Alternatives to plastic and polystyrene food packaging often include paper, card or moulded fibre products. In order to maintain a suitably water or greaseproof material, the packaging is often treated with a chemical from the PFAS group (per and poly fluorinated alkyl substances)[20]. PFAS are a group of over 4,000 chemically similar compounds, often nicknamed" forever chemicals" because of their extreme persistence in the environment. These paper and board alternatives to plastic are often marketed as compostable or recyclable. However, composting represents a direct source of PFAS to the environment, and once there, they can persist for thousands of years, longer than much of the plastic they replace. Those PFAS that have been analysed are known to be bioaccumulative and harmful to both wildlife and human health, linked to a wide range of problems including immune, liver, kidney and blood functions in marine mammals[21].

The EU Directive included other mechanisms that go further than the bans proposed in this consultation and therefore the EU Directive should be the minimum invoked. Reduction targets, that do not exceed dates set by the EU, should be set for items not recommended for market restrictions in this consultation, such as other types of food containers and cups for beverages, as well as recycling targets for other commonly littered items e.g., packets and wrappers. This is why we are recommending the Circular Economy Bill is brought back in 2021 and central to it must be reuse in order to achieve reduction in absolute resource use with set targets for refill and reuse of consumable items. The chemical and plastic footprint (including leakage to the environment) of products need to be considered from the outset. Labelling where plastic is present in a product should be included in future proposals, as well as the environmental impacts of littering and appropriate waste disposal options. Further items that we propose need market restrictions are listed below along with relevant evidence.

Wet wipes: From an environmental, pollution and carbon footprint perspective, wet wipes (both those described as flushable and those described as non-flushable) do not fit in the circular economy. The Marine Conservation Society has seen an increase from 16 sanitary items found on average in 1994 to 71 items being recorded on average in 2020 on Scottish beaches. This includes a depressing increase of wet wipes in particular, from 1.9 per 100m in 2005 to 45.8/100m in 2020. Wet wipes, regardless of whether using a substrate made from plastic or whether semi-synthetic, use a huge amount of resources and are carbon heavy, due to the transportation of wet material. They are packaged in plastic, typically a flexible plastic which is usually not acceptable for recycling and, where it is, results in downcycling. However, we recognise that a ban of all wipes has the potential to cause health and other access issues. Therefore, we propose that plastic wet wipes be banned, with Extended Producer Responsibility (EPR) applied to all other types of wipes. The EU SUP Directive is only applied to wipes made of "natural polymers that have not been chemically modified". However, wipes made of material such as lyocell and viscose are likely to be excluded under this definition. The Scottish Government needs to ensure clear definitions when looking at EPR for wet wipes[22] as these replacement materials do not move away from a model of make-use-dispose and therefore EPR must be applied to all material types (excluding those banned).

Banning plastic wipes alone will not remove the issue of incorrect disposal of wipes into the sewer system. Semi-synthetic wipes are not by default suitable for flushing and have the potential to contribute to blockages and pollution as shown by the discovery of regenerated cellulose fibres in deep sea sediments, and the impact of these entering the food chain is currently unknown[23, 24]. In addition, it has been highlighted that cellulose is particularly prone to adsorbing heavy materials, a characteristic exploited in the waste water treatment process to prevent them escaping beyond the treatment works[25, 26]. Consumers are already confused about wipes and their flushability, as mentioned earlier, with 45.8 wet wipes being found on average per 100m of beach surveyed during the 2020 Great British Beach Clean in Scotland, dramatically illustrating the extent of incorrect flushing. Water Companies also regularly report issues due to incorrectly flushed wipes. Welsh Water for example reported that 25% of flooding was caused by wet wipes in August 2020.

The water industry in January 2019 launched the Fine to Flush specification (WIS 4-02-06)[27] in response to products being labelled as flushable, but which still potentially blocked the sewer systems. However, at the time of writing in December 2020 a number of high street retailers (MCS will be making this data available early 2021), still sell products labelled as flushable which have not been certified. We urge that legislation is introduced which requires that the terms "flushable", "dispersible" or similar labelling that indicates they can otherwise be disposed of down the toilet, can only be used if the wipe has been proven to pass the "fine to flush" standard.

Wipes which pass the water industry specification could have a lower EPR applied, however Fine to Flush should only be used for products which are expected to come into contact with faecal matter or other bodily fluids, and should not be applied to wipes with e.g., anti-bacterial applications, which should be continued to be disposed of in the waste bin. Scotland would/will continue to have the power to apply EPR, regardless of the future relationship with the EU. Industry should also cover education of consumers and cost of campaigns for correct disposal (see below), ongoing research to verify engagement is effective, cost of clean-up (regardless of by whom the clean-up is undertaken and could include, but is not limited to, water companies, local councils, Scottish government and its agencies and NGOs) and subsidising reusable wipes in line with Scotland's commitment to circular economy.

There also needs to be clearer labelling with only those which pass the "Fine to Flush" standard allowed to describe to the consumer that the disposal method should be anything other than disposal in the bin. Non "Fine to Flush" products should be labelled with "Do Not Flush" clearly on the front of the packaging, which should be statutory, standardised and have a minimum size. Companies producing wet wipes, should pay for campaigns and public awareness raising around this issue. For instance, research commissioned by United Utilities, found that "one in five women (20%) said they had never been told how to dispose of sanitary items such as tampons and sanitary towels" and for baby or child wet wipes it was "almost a third (32%) of respondents[28]"

Cigarettes: On average 15.5 cigarettes butts were recorded for every 100m of Scotland's beaches that were surveyed during the 2019 Great British Beach Clean, and it was the eighth most prevalent litter type found during the Great British Beach Clean weekend. During the 2020 Great British Beach Clean 7.5 cigarette butts were found on average per 100m of beach surveyed in Scotland.

As MCS we are signatories on letters to both the Scottish and Welsh Governments in support of a ban on plastic filters and a review of other single-use filters' biodegradability and health implications. The letter highlights concern that there is a general lack of awareness that part of the stub is a plastic filter and that the filters do not benefit health, although two thirds of smokers think they do[29]. Cigarette stubs are understood to take around 14 years[30] to degrade, during which time thousands of chemicals and micro-plastics are released[31] into the environment[32]. These results highlight that while Extended Producer Responsibility, raising consumer awareness and clean-up costs for cigarettes regardless of material should be applied, a ban on plastic filters would be a simple additional measure to bring both environmental and health improvements.

Tethered lids: The EU Directive has highlighted the issue of separate lids and will require by 2024 that all drinks lids are tethered. We believe this is an important addition as it would ensure that drinks containers would include their lids when recycled, and if returned under a Deposit Return Scheme. In Scotland on average 14.6 caps and lids were found per 100m of beach surveyed during the 2019 Great British Beach Clean weekend, and caps and lids were the tenth most prevalent item found. During the 2020 Great British Clean weekend 10.5 caps and lids were found per 100m of beach on average in Scotland.

Single-use sachets: Single-use sachets and other applications comprised of multiple layers of multiple materials should be banned. Alan Jope, CEO of Unilever when asked recently during the launch of the "Break the wave plastic report"[33] (July 2020) about multilayer single-use plastic sachets stated "we have to get rid of them" saying they have "no real value" for mechanical recycling and that chemical recycling is not economical[34]. This material is not fit for the circular economy of the future.

Packets and wrappers: These were a top 10 item (no.6) during the 2019 MCS Great British Beach Clean survey with 23.3 packets per 100m of surveyed Scottish beaches. The 2020 Great British Beach Clean data shows that increased to 26.5 packets per 100m on average in Scotland. We therefore recommend that these should be considered under EPR; in particular they need to show feasible economic recyclability and if they cannot meet this criterion, the material should be removed from market, as well as campaigns to encourage correct disposal.

Balloons and sky lanterns: Balloons should also be subject to EPR and awareness-raising. Sky lanterns, while typically made of paper, are a single-use item which causes environmental harm as well as issues around potential fire risk and use of vital emergency services[35]. We suggest that Scottish government legislates to ban intentional sky lantern and balloon releases.

Cups (for all beverages, not just "coffee" cups): A charge should be applied to all single-use cups as they are not compatible with a circular economy. "Coffee" cups are difficult to recycle- requiring specialist equipment, meaning that very few are recycled. In 2017 the Environmental Audit committee found that only 0.25% were recycled across the UK[36]. Industry's response to this was to set a disappointingly low target of 8% by 2019 which they have so far failed to achieve, reaching only 6%[37]. We would highlight that these products are part of a linear make-use-throw economy and even with industry setting its own low target of 8% it was still unable to achieve a basic recycling rate. In line with the waste hierarchy reusables need to be encouraged. Research by Cardiff University showed that charging was considerably more effective than a discount[38]. We recognise that commitment in the consultation paper by the Scottish Government to set up a working group in 2021 to prioritise the charge on single-use beverage cups and would call for this to be implemented as soon as possible taking on board the conclusions from the EPECOM report[39]. We recommend a minimum charge of 25p on all single-use beverage cups as was recommended by EPECOM and the Environmental Audit Committee[40] along with a target for reduction.

Sanitary items: Sanitary items, in addition to wet wipes (see above) should be addressed. Plastic tampon applicators should be banned[41] as, similar to plastic cotton bud sticks, they are regularly flushed, instead of being disposed of properly and end up on our beaches. During 2019 MCS Beachwatch surveys in Scotland 733 tampons/applicators were picked up by volunteers with one survey recording 85 in a single 100m stretch. Suitable alternatives are also available with the vast majority of high street retailers now selling non-plastic tampon applicators, therefore a ban on these items will ensure a complete shift.

Sanitary items regardless of material (e.g., cardboard applicators would be included) should have Extended Producer Responsibility applied as well as ensuring correct labelling and customer awareness-raising of correct disposal. Many items are often not clearly labelled and the terminology and definitions used are not clear, adding to consumer confusion for disposal e.g., biodegradable, compostable etc.

EPR funds should be used to promote reusable alternatives and support these as they reduce waste and carbon footprint. The Scottish Government has already identified period poverty as a significant social issue and allocated funding[42] and identified reusables as part of this solution[43]. They can last a number of years and therefore are cost efficient but can represent an expensive upfront cost.

The Scottish Government's successful Baby Box scheme[44] added vouchers for reusable nappies[45] after the public supported this addition, which we also welcome. We want to see further support for reusables being implemented as part of the Baby Box scheme to make it as easy as possible for new parents to choose reuse over single-use. Providing parents with a free starter pack of e.g., reusable nappies and wipes so they can try these is likely to improve uptake. EPR on nappies should be used to support reusable nappy schemes as well as campaigns, ensuring correct and easy to understand labelling on products and clean-up costs.

Stopping pollution at source, as outlined above, should be the primary step taken to reduce sanitary waste impacts. However, the amount of sanitary waste recorded on beaches, which is double the amount in Scotland than in any other UK country[46], highlights a failing within the sewerage system and urgent action is needed to stop sewage being discharged from storm overflows. All Combined Sewer Overflows should

be monitored, and information used to identify and fix problematic sites. Natural solutions to reduce the amount of rainwater run-off going into the sewerage network should be used wherever possible to provide wider benefits to society and biodiversity.

Microplastics: Any product which contains intentionally added microplastics is by definition single-use plastic, because the plastic is too small to be recovered. As the UK exits the EU, we are also leaving REACH which is consulting on restricting the use of intentionally added microplastics. ECHA's committee for Risk Assessment (RAC) supports the proposal to restrict the use of microplastics that are intentionally added to products on the EU/EEA market, in concentrations of more than 0.01% weight by weight[47]. Microbeads that are currently restricted under Scottish legislation only comprise a small proportion of microplastics. Analysis by ECHA cites (across the EU) emissions of microbeads, i.e., from rinse-off cosmetics containing microbeads, comprise only 107 tonnes per year, whereas cosmetics in total emit 9300 tonnes/year. In addition, other sources of emissions include detergents (9700tonnes/year), agriculture (23500 tonnes/year), paints (5,200 tonnes/year) and medicinal (2,300 tonnes/year)[48]. Therefore, the restrictions implemented by REACH should be invoked as a minimum.

Fishing litter: Both aquaculture and wild capture fisheries are a significant part of the rural economy in Scotland. Unsurprisingly therefore, fishing-related litter comprises 14% of that found on Scottish beaches – for example, plastic/polystyrene ropes are in the Great British Beach Clean 2019 top 10 (at number 7 with 16.1 pieces/100m found) and stayed in the top ten for the 2020 Great British Beach Clean (at number 9 with 4.9 pieces/100m found) - and therefore steps need to be taken to address this. We understand work has been conducted to look at the current supply chain of fishing gear and what options there are for including fishing gear as part of a circular economy. We support the proposal to include fishing gear under an EPR scheme, and due to the drastic impacts of ghost gear on our marine wildlife[49], we would call on government and industry to implement this scheme as soon as possible.

EPR for aquaculture equipment and items such as feed bags, including collection points and recycling services are essential. Best practice, in terms of waste minimisation, post-use disposal and local area clean-ups, needs to be determined and enforced via audit through the Code of Good Practice[50].

In addition, ports need to ensure there is a flat fee for port reception facilities, all harbours and piers need to provide facilities to allow for landing of waste, and government support for Scottish fisheries to adopt a more circular approach is crucial. The full implementation of the Ports Reception Facilities Directive, including fishing vessels being able to land all waste and all end-of-life gear, will greatly help towards this and action to enable this has to happen as quickly as possible.

We note that other countries in Europe are going above and beyond the SUP Directive to tackle the single-use crisis, and we would urge the Scottish Government to follow suit. We are contributors to and signatories of the Scottish Environment LINK response, and would reiterate recommendations from that response for the Scottish Government to follow good practice from Ireland, where the Waste Action Plan for a Circular Economy includes commitments to ban plastic condiment sachets, non-medical wet wipes and plastic hotel toiletries, and France where there is commitment to ban plastic confetti, some plastic toys and plastic tea bags. Beyond Europe, we would encourage following Canada in banning plastic grocery bags and six pack rings.

Question 8: Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

We would like to highlight two areas of particular concern which have arisen from the SUPD implementation in the EU and have been highlighted by other NGOs in Europe[51]:

1) The definition of single-use vs multi-use. We have concerns that manufacturers will label products which were designed as single-use, and that consumers view as single-use, as "re-usable" resulting in no fundamental change in outcome. Examples of particular relevance to this consultation include single-use cutlery now being relabelled as re-usable and larger crisp packets now being classified as re-usable simply because they are advertised as multi-serve.

2) Material definition under the SUPD was designed to include "bio-based" material such as PLA (polyactide) by defining the material as "consisting of a polymer…to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified". The definition of plastic and specifically of "non-chemically modified" has undergone investigation because of the potential loopholes that it can generate for materials[52] (e.g., viscose and cellophane would be excluded) and can lead to regrettable substitution. Put simply, regenerated cellulose may not guarantee biodegradation, for instance it has been found in deep-sea sediments with the impact of these entering the food chain currently unknown[53, 54]. Therefore, the definition of plastic should be given extra consideration. Overall, we want to see a move from single-use items, regardless of material, in order to achieve a successful re-use and circular society.

In conclusion, MCS recognises that the proposed action in this consultation will be an important step towards reducing litter in the marine environment. However, to reduce the quantity of litter entering our ocean, where it threatens wildlife, and to decrease carbon emissions, the Scottish Government needs to be taking faster and bolder steps to achieving a circular economy. Targets for re-use must be brought in as part of a Circular Economy Bill as soon as possible, otherwise the bans listed in this consultation will only solve a very small part of the problem. As highlighted in Scottish Environment LINKs recently published Ocean Recovery Plan[55] that we helped coordinate and input to, all members of the LINK Marine Group are calling on the Scottish Government by the year's listed to:

2021 Circular Economy (Scotland) Bill is introduced that commits to reduction of absolute resource use, sets targets for refill and reuse of consumable items and prevents plastic and chemicals of concern from entering the sea

2025 Scotland's refill and reuse system to meet targets is introduced and operational

2024 Per-fluorinated alkyl substances (PFAS) are removed from all non-essential uses and Scottish Government develops road-map for PFAS removal from essential uses such as firefighting foam

2030 Scotland has a waste-free circular economy, where refill/reuse of consumable products is required and where single-use items become redundant.

These measures, combined with the market restrictions brought forward for consultation in this document, would make Scotland a world-leader in truly circular economy policies to the ultimate benefit of Scotland's people and Scotland's seas, coasts and wildlife.

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Annex 2: MCS response to relevant questions from the consultation on "Reducing single use plastic in Wales" (Question 11). Consultation closed October 2020. https://gov.wales/reducing-single-use-plastic-wales

Question 11 – Should wet wipes be included in future proposals for further bans or are there other measures which should be introduced to address them, for example Extended Producer Responsibility? Please give reasons and where possible evidence to support this view.

From an environmental, pollution and carbon point of view, wet wipes (both those described as flushable and non-flushable) do not fit in the circular economy. The Marine Conservation Society has found over the last 26 years over a 50% increase in the amount of sewage related debris found on Welsh beaches and a depressing increase of 361% in the number of wet wipes found on the beaches since wet wipes first started being monitored in 2005. Wet wipes regardless of whether using a substrate made from plastic or semi-synthetic, use a huge amount of resources, and are carbon heavy, due to the transportation of wet material. They are packaged in plastic (typically flexible plastic which is typically not acceptable for recycling and where it is- results in downcycling). However, we recognise that a ban of all wipes has the potential to cause issues around health and other access issues. Therefore, we propose that plastic wet wipes be banned, with Extended producer responsibility (EPR) applied to all other types of wipes. EPR, under the SUP Directive in the EU, which is only applied to plastic wipes, is seen as driving companies to move away from plastic to regenerated cellulose such as lyocell and viscose, which are potentially exempt as it is not considered chemically modified[56]. However, this does not move from a model of make-use-dispose and therefore EPR must be applied to all material types (excluding those banned).

Banning plastic wipes alone will not remove the issue of incorrect disposal of wipes into the sewer system. Semi-synthetic wipes, does not mean by de facto, they are suitable for flushing and have the potential to contribute to blockages and pollution, regenerated cellulose fibres have been found in deep sea sediments and the impact of these entering the food chain is currently unknown[57, 58]. In addition, it has been highlighted that cellulose is particularly prone at adsorbing heavy materials, a characteristic exploited in the waste water treatment to prevent them escaping beyond the treatment works[59, 60].

Consumers are already confused about wipes and their flushability with Welsh Water reporting that 25% of flooding was caused by wet wipes in August 2020. Wipes which pass the water industry specification Fine to Flush (WIS 4-02-06)[61] could have a lower EPR applied, however Fine to Flush, should only be used for products which are expected to come into contact with faecal matter or other bodily fluids, and should not be applied to wipes with e.g. anti-bacterial applications, which should be continued to be disposed of in the bin.

Under the proposed Environment Bill, Wales would have the power to apply EPR. EPR should cover education of consumers and cost of campaigns for correct disposal (see below), ongoing research to verify engagement is effective, as well as cost of clean-up (regardless of by whom the clean-up is undertaken by and could include, but not limited to water companies, local councils, Natural Resource Wales and NGOs) as well as subsidising reusable wipes in line with Wales commitment to circular economy.

There also needs to be clearer labelling with only those which pass 'Fine to Flush' allowed to describe to the consumer, that the disposal method, should be anything other than disposal in the bin. Non 'Fine to Flush' products should be labelled with, 'Do Not Flush' clearly on the front of the packaging, which should be statutory, standardised and have a minimum size. Companies producing wet wipes, should pay for campaigns and public awareness raising around this issue. For instance, research commissioned by United Utilities, found that "one in five women (20%) said they had never been told how to dispose of sanitary items such as tampons and sanitary towels" and for baby or child wet wipes it was "almost a third (32%) of respondents[62]"

Question 12 – Are there any other items that should be included in any future proposals to tackle single use plastics? Please give reasons and where possible evidence to support this view.

We need to move from a single-use society to one which puts reuse at its core. We cannot recycle our way out of our current plastics crises and we should not simply replace a single-use plastic item with one made from an "biodegradable" alternative, as this perpetuates our linear make-use-throw society. The EU directive included other mechanisms beyond the bans proposed in this consultation and the EU Directive should be

the minimum invoked. Reduction targets, not exceeding dates set by the EU, should be set for items such as food containers and cups for beverages as well as recycling targets for other commonly littered items e.g. packets and wrappers. Labelling where plastic is present in a product should be included in future proposals, as well as the environmental impacts of littering and appropriate waste disposal options. Well-being of Future Generations Act demands environmental improvement and plastic through its persistence and physical and chemical legacy means that further restrictions and limitations of use should be applied. We are disappointed that Welsh Government were not aspirational in this consultation, falling short when we would have expected them to go beyond the EU Directive.

For ease we have provided some of the key proposals below that should be considered as a minimum.

Cigarettes: In 2019 on Welsh beaches- 32.6 cigarettes butts were found on average for every 100m surveyed, and it was the third most prevalent litter type found. Comparison of cigarette data across Wales shows that compared to 1994, there has been over a 1000% increase!

As MCS, we are signatories to a letter sent to Scottish Governments in, with one being finalised for Wales, to support a ban of plastic filters, and a review of other single-use filters biodegradability and health implications. The letter highlights concern[63, 64, 65, 66]. This highlights while the Extended Producer Responsibility should also be applied, a ban on plastic filters would bring both environmental and health improvements.

Tethered lids: The EU Directive has highlighted the issue of separate lids and will require by 2024 that all drinks lids are tethered. We believe this is an important addition as it would ensure that drinks containers would include their lids when recycled (and if returned under a Deposit Return Scheme). In Wales on average 14.8 lids were found per 100m of beach, with caps and lids being the eighth most prevalent item found in 2019.

Deposit Return Scheme (DRS): We recognise that a DRS consultation is being considered separately. However, we wish to highlight that drink containers of all sizes and materials should be included. We look forward to responding to the upcoming consultation, which we request not be delayed any further. In addition to the previously mentioned lids, 2.3 plastic bottles, 3.6 cans and 8.3 bottles per 100m were found on Welsh beaches in 2019.

Single-use sachets: Single-use sachets and other applications which have multilayer, multimaterial should be banned. Alan Jope, CEO of Unilever when asked recently during the launch of the "Break the wave plastic report"[67] (July 2020) about multilayer single-use plastic sachets stated "we have to get rid of them" saying they have "no real value" for mechanical recycling and chemical recycling is not economica[68]. This material is not fit for the circular economy of the future.

Packets and wrappers: These are found as a top 10 items (no.5) during the MCS Beachwatch survey with 20.9 packets per 100m on welsh beaches. We therefore recommend that these should be considered under EPR- in particular they need to show feasible economical recyclability and if they cannot meet this criterion, the material should be removed from market. As well as campaigns to encourage correct disposal.

Balloons and sky lanterns: Balloons should also be subject to EPR and awareness raising. Sky lanterns while typically made of paper are a single-use item which causes environmental harm as well as an issue around potential fire risk and use of vital emergency services[69]. We suggest that Welsh government legislates to ban mass sky lantern and balloon releases.

Cups (for all beverages, not just "coffee" cups): A charge should be applied to all single-use cups as they are not compatible with a circular economy. "Coffee" cups are difficult to recycle- requiring specialist equipment, meaning that very few are recycled. In 2017 the Environmental Audit committee found that only 0.25% were recycled[70]. Industry's response to this was to set a lowly target of 8% by 2019 which they have so far failed to achieve, reaching only 6%[71]. We would highlight that these products are part of a linear-make-use-throw and even with industry setting its own low target of 8% it was still unable to achieve a basic response recycling rate. In line with the waste hierarchy, reusables need to be encouraged. Research by Cardiff University showed that charging was considerably more effective than a discount[72]. We therefore recommend a minimum charge of 25p on all single-use cups[73] with a target for reduction.

Sanitary items: Wet wipes are highlighted in question 11 but other sanitary items should be addressed. Plastic tampon applicators should be banned[74] as similar to plastic cotton bud sticks this item is regularly misflushed and ends up being found on our beaches. Sanitary items should also have Extended Producer Responsibility applied regardless of material (e.g. cardboard applicators would be included) as well as ensuring correct labelling and customer awareness raising of correct disposal. Many items are often not clearly labelled and add to consumer confusion for disposal e.g. biodegradable, compostable etc.

EPR funds should be used to promote reusable alternatives and support these as they reduce waste and carbon footprint. Wales has already identified period poverty as a significant social issue and allocated funding[75] and have identified reusables as part of this solution[76]. They can last a number of years and therefore are cost efficient but can represent an expensive upfront cost.

EPR on nappies should be used to support reusable nappies schemes, and with the Welsh Government currently piloting a baby bundles scheme through Swansea Bay University Health board[77] these bundles should include a focus on reusables. Providing parents with a free starter pack of e.g. reusables nappies and wipes so they can try these is likely to improve uptake.

Stopping pollution at source, as outlined above, should be the primary steps taken to reduce sanitary waste impacts. However, the amount of sanitary waste which is recorded on beaches highlights a failing within the sewerage system and urgent action is needed to stop sewage being discharged from storm overflows. Natural solutions to reduce the amount of rainwater run-off going into the sewerage network should be used to provide wider benefits to society and biodiversity.

Microplastics: Any product which contains intentionally added microplastics is by definition single-use plastic, because the plastic is too small to be recovered. As the UK exits the EU, we are also leaving REACH which is consulting on restricting the use of intentionally added microplastics. ECHA's committee for Risk Assessment (RAC) supports the proposal to restrict the use of microplastics that are intentionally added to products on the EU/EEA market, in concentrations of more than 0.01% weight by weight[78]. Microbeads that are currently restricted under Welsh legislation only make up a small proportion of microplastics. Analyses by ECHA cites (across the EU) emissions of microbeads, i.e. from rinse-off containing microbeads cosmetics, make up only 107 tonnes per year whereas cosmetics in total emit 9300 tonnes/year. In addition, other sources of emissions include detergents (9700), agriculture (23500), paints (5,200) and medicinal (2,300)[79]. Therefore the restrictions implemented by REACH should be invoked as a minimum.

Fishing litter: Fishing litter makes up over a fifth of litter (21%) found on Welsh beaches and therefore steps need to be taken to address this. Fishing net is the second most prevalent item found on Welsh beaches (behind plastic pieces) with 40.9 pieces per 100m (almost double the average across the UK). Extended producer responsibility for nets as well as ensuring that ports offer a flat fee for port reception facilities would be the minimum, with lockable skips. The current Welsh fleet are mainly potters, the number and location of pots are currently unknown. Within the future fisheries policy, all pots should be registered and traceable, similar to American and Canandian schemes, which would allow for pot recovery and better fisheries management. With the possible expansion of the existing offshore pelagic and demersal fleet, all opportunities should be investigated to support Welsh fisheries to adopt a more circular approach.

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