

Packaging extended producer responsibility (EPR) consultation

Please note you do not have to answer every question, and not all of them are pertinent to Vegware or compostables.

Below are Vegware's recommended answers for the questions that concern compostables.

You may copy and paste the text directly into the survey.

CS#	Question	Vegware answer	Comments
What we want to achieve – principles, outcomes and targets			
17	Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?	Disagree	<p>'Closed loop' recycling is not practical or beneficial in all contexts. For example, compostable packaging in foodservice captures food waste and can be part of organics recycling. However, EN13432-certified compostable packaging meets the end of waste criteria through industrial composting, whose end product is compost rather than new packaging.</p> <p>The UK plastics tax already contains incentives for plastics recycling. We believe any decision on closed loop targets should only be assessed once the effectiveness of the plastic packaging tax is analysed, after e.g.3 years in force.</p>
18	Please indicate other packaging material that may benefit from 'closed loop' targets?		A closed loop is not always the most desirable outcome for packaging as it oversimplifies the flow of material in a circular economy. We advocate the highest (economic and environmental) value applications being prioritised.
Producer obligations for full net cost payments and reporting			
23	Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?	Agree	This group is closest to consumers and has the opportunity to steer purchasing choices as well creating a natural incentive to drive awareness to the public as well as promoting appropriate recycling and littering avoidance. By incentivising this group who are at the end of the chain, any costs or incentives are not diluted as they would be if applied at an earlier point in the supply chain.
25	Of Options 2 and 3, which do you think would be most effective at both capturing	Option 3 and1	The simplest and cleanest to regulate would be if the 'actor' placing the product on the market dealt with this as a number of distributors can be involved in a supply chain. We would advocate following the EU 'placed on market' notion.

		more packaging in the system and ensuring the smallest businesses are protected from excessive burden?		We agree with Option 1 - there's no value in very small players importing product, as they are less likely to have certification in place or the resource to ensure compliance. We suggest that anyone placing product on the market should be compelled to ensure good stewardship rather than creating an unregulated group.
Producer obligations: disposable cups takeback				
32		Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups?	Disagree	<p>This is focussed on one product where instead we need to be looking at the category. Cups are widely used, but so are lids, sandwich skillets etc. We support the concept of a takeback scheme though this should be for the broad product category and extended to all filled packaging.</p> <p>It is not clear to us why there is such a focus on foodservice packaging and singling out cups where the wider category needs to be managed. This amounts to penalising one product which may be visible but is only one element of the issue to be addressed.</p>
33		Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?	Agree	The proposed phased approach would mirror the introduction of the carrier bag charge, which had relative success in terms of retailer compliance with legislation with larger retailers being subject to the levy before smaller retailers in 2021.
Modulated fees, labelling and plastic films				
34		Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?	Disagree	The prejudicial penalisation of certified compostable materials is incomprehensible and a determined, intended barrier to innovation. Evidence provided separately and confidentially to this consultation shows that thousands of UK based well known consumer facing brands, including retailers, FMCG companies, caterers, building managers including the Parliamentary Estate and DEFRA itself, use compostable materials certified to the standard BS EN 13432 (we exclude any other materials labelled generically 'biodegradable' from this analysis.)

			<p>The marketplace and brands are far ahead of Government thinking. This is not surprising as Government bases its future projections on the modelling of the past. Considerations around waste management infrastructure are based upon an analysis that fails to compare composting infrastructure to other materials.</p> <p>For example, composting infrastructure handles approx. 5 million tonnes of biodegradable wastes and are perfectly capable of handling, should they be required to, 0.1 million tonnes of compostable packaging. Elsewhere in Europe (including Ireland) they do, comfortably. By contrast, Tetrapak, whose products are on the market and unlikely to be labelled "non recyclable" have 1 single under-used recycling plant in Halifax. Most Tetrapak is incinerated or landfilled.</p> <p>The disparity of treatment is therefore both based upon lack of knowledge and prejudicial bias towards compostable materials. This may derive from the desire to protect marketplaces for currently non-recyclable plastics or to ensure the continuation of the use of fossil carbon feedstocks for the production of plastics. This totally fails to envision a future in which households will be required to separately collect their food waste and can use those collections to recycle some, limited amounts of packaging that would otherwise be unrecyclable, such as films attached to food stuffs.</p> <p>This is an unacceptable failure of vision for our industry that is born and predicated upon ensuring compostable materials drive food waste collections and recovery and reduce plastic waste entering them. This is completely overlooked in this whole consultation.</p> <p>The result is that more plastics will enter the food waste streams as compostable alternatives will be considered "non-recyclable" and therefore will either be eliminated from the market or will be destined to incineration. As such, this policy does not enhance recycling at all but plays into the hands of those who want as much "non-recyclable" waste as possible to be incinerated.</p>
36		Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?	Agree Option 1 would provide flexibility of approach whilst maintaining consistent labels.
37		Do you agree or disagree with the proposal that all	Disagree Rather than a 'do not recycle' label, we propose the following positive messages which set out appropriate recycling options according to the different product types:

producers could be required to use the same 'do not recycle' label?

- Most compostables packaging types - "For industrial composting only"
- Compostable paper cups - "For industrial composting or paper cup recycling only"
- Paper cups - "For paper cup recycling only"
- Standard foodservice packaging - "For general waste only"

An instruction to the consumer of this nature would represent a significant missed opportunity and setback for the UK waste infrastructure.

We do not support a 'do not recycle' label for compostable materials for the reasons stated above as the opportunity for recycling with and through food waste systems and treatment is evident. If it were to be required however, we agree there should be an exemption for certified BS EN13432 compostable packaging in closed loop situations.

Trade waste collections taking compostable packaging to suitable composting or AD facilities are available in 55 of the UK's largest cities, covering 71% of the population of the UK's 100 largest cities. These trade waste collections cover 45.4% of all UK postcode districts, a figure growing every year, up from 2% in 2010.

According to the Packaging and Packaging Waste Directive, organics recycling and mechanical recycling are on a par, equal in status. The word 'recycle' is used to refer to both streams, e.g. 'recycle with food waste'.

Printing compostable packaging with 'do not recycle' creates consumer confusion, undermining the success of existing composting schemes at closed loop foodservice sites. Food contamination harms the quality of mechanical recycling, so logic would require the converse : that any non compostable packaging used for food applications is labelled 'do not recycle' to avoid it entering food waste streams.

In catering, compostable packaging represents the only quality recycling option for disposables, given that food is a target input for organics recycling.

				<p>The compostable packaging sector has made significant investment in developing collection routes to suitable organics facilities, and consultancy work to educate clients to use these schemes successfully. Vegware for example has invested over £1m since 2010 on third-party compostability certification, composting trials, employing a team of Waste Management Consultants and in-house product certification management, composting trade association fees, and co-investment in a WRAP-funded sorting line.</p> <p>Such innovation has created new collection infrastructure for product types otherwise not being reprocessed. This is a small investment in comparison with what a joined-up industry could affect, but has achieved significant results detailed in the trade waste coverage cited above, and we would consider has more than demonstrated the validity and power of compostables as a quality recycling solution in foodservice.</p> <p>Printing compostable packaging with 'do not recycle' would undo years of work, investment and innovation recognised in multiple UK and global awards for Vegware, but more importantly would represent a significant missed opportunity for waste management in the UK.</p> <p>Without evidence of the supposed harm done by compostable packaging in mechanical recycling, there is no justification for harming commercial composting schemes with a 'do not recycle' label.</p> <p>Mechanical recycling is also possible for some compostable packaging. PLA-lined compostable paper cups and sandwich wedges are accepted for mechanical recycling by DS Smith. Some fibre items such as paper bags are marketed as compostable but are also suitable for fibre recovery.</p> <p>Given that 'recyclability' appears to be based on processing via householder routes only, the same issue could affect conventional paper cups. These now have successful reprocessing routes in source-segregated commercial waste streams, but not via mixed householder waste streams. Printing these with 'do not recycle' would undo years of industry-wide effort and investment.</p>
41		Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this	Disagree	<p>We believe that the requirement to recycle plastic films is likely to result in:</p> <ol style="list-style-type: none"> 1. Very low grade recyclate that has no end market 2. Very high extra sorting costs 3. Very high levels of contamination by food and other strata attached to plastic films 4. Low marginal increases in overall recycling rates given the very low weight to volumes of plastic films.

		material no later than end of financial year 2026/27?		<p>Plastic films should be:</p> <p>a. Substituted in many food uses with compostable films that can be recycled through the organic waste stream and especially in domestic composting.</p> <p>b. Incinerated to avoid waste entering into the environment</p> <p>c. Avoided by introducing all those measures needed (for example, a ban on plastic carrier bags) that reduce the use of films in the first place.</p>
42		Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5?	Disagree	
43		Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?	Agree	<p>We agree with an exemption in these circumstances, though if the right labelling approach is adopted no exemptions would be required.</p> <p>Rather than a 'do not recycle' label, we propose the following positive messages which set out appropriate recycling options according to the different product types:</p> <ul style="list-style-type: none"> - Most compostables packaging types - "For industrial composting only" - Compostable paper cups - "For industrial composting or paper cup recycling only" - Paper cups - "For paper cup recycling only" - Standard foodservice packaging - "For general waste only" <p>Composting is part of the recycling definition, and where it can be proven that recycling takes place, an exemption should apply. We anticipate that this exemption will be very narrow in scope with clear rules and guidelines set by the Scheme Administrator. This exemption would be much more difficult to achieve under Option 1 for the mandatory labelling scheme, which is a contributing factor to our advocacy of Option 2.</p>

We do not support a 'do not recycle' label; if it were to be required however, we agree there should be an exemption for compostable (but not biodegradable) packaging in closed loop situations.

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Printing compostable packaging with 'do not recycle' creates consumer confusion, undermining the success of existing composting schemes at closed loop foodservice sites. Food contamination harms the quality of mechanical recycling, so it would be logical if conventional disposables designed for food were printed with 'do not recycle'. In catering, compostable packaging represents the only quality recycling option for disposables, given that food is a target input for organics recycling.

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44		Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging?	Yes	<p>The consultation proposes that as most biodegradable/ compostable packaging is unfit for plastic recycling processes, it will attract the highest fee. Although we agree that under the modulation framework this will be necessary, it will unfairly burden an industry of producers of biodegradable/ compostable packaging types that are in fact more sustainable than standard plastic ones.</p> <p>More research needs to be done into the potential harmful effects of these packaging formats, after which modulation can be adjusted accordingly. We recommend that the Scheme Administrator outline acceptable food contact/bio waste carrying applications for such materials, ensuring they receive an appropriately low modulated fee.</p> <p>This question is again leading and prejudicial because it singles out compostable materials as potentially damaging, whilst ignoring the potential for damage caused by other, long existing materials.</p> <p>The beneficial consequence of having compostable packaging recognised for its role in enhancing the quality of food waste collections through modulated fees that privilege this role are several and are recognised widely (for example, the JRC of the European Commission):</p> <ol style="list-style-type: none"> 1. by using compostable materials in certain specific applications, less contamination of food waste occurs resulting in higher and more efficient food waste interception. 2. less plastics are spread to soil through compost and digestate 3. less plastics become waste in the organic waste streams needing to be sorted and sent to incineration

				<p>4. higher and cleaner interception rates are achieved for other streams as more food waste is separately collected with compostable materials.</p> <p>5. consumer confusion is reduced with unified messaging possible : if it is compostable, collect with food waste.</p> <p>6. In Italy, where both food waste interception and compostables usage is 7x the UK levels, consumers recycle through food waste some 70% of all compostables, among the highest recycling rates for any packaging stream. (data from the Italian composting association CIC). Similarly in Korea 95% of all food waste is intercepted because of the widespread use of compostable materials in collections and packaging. These are significant benefits.</p>
Payments for managing packaging waste from households (no key Vegware questions)				
Payments for managing packaging waste				
55		Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?	Disagree	<p>A more powerful approach would be levy costs on the parties filling packaging. Applying the cost at source reduces the impact as the nature of supply chain costs and resale through multiple parties would dilute impacts.</p> <p>Applying the costs to those filling products would create significant momentum in operators selecting products which have an established recycling stream including composting. This would push manufacturers to focus on recyclability or compostability and then provide the materials to support recycling or composting sites.</p>
57		Which approach do you believe is most suited to deliver the outcomes being sought below?	E – don't know	<p>A more powerful approach would be levy costs on the parties filling packaging. Applying the cost at source reduces the impact as the nature of supply chain costs and resale through multiple parties would dilute impacts.</p> <p>Applying the costs to those filling products would create significant momentum in operators selecting products which have an established recycling stream including composting. This would push manufacturers to focus on recyclability or compostability and then provide the materials to support recycling or composting sites.</p>
58		Do you disagree strongly with any of the options listed in the previous question?	Yes	Given the plethora of responsibilities of the Scheme Administrator, it is impractical for it to undertake the activities within the business waste system.
Payments for managing packaging waste from businesses (no key Vegware questions)				
Payments for managing packaging waste: data and reporting requirements (no key Vegware questions)				
Litter payments (no key Vegware questions)				

Scheme administration and governance			
78		Overall which governance and administrative option do you prefer?	Option 1
83		If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?	No The time to get a system running and payments into it to be able to disburse, plus the time you will need to hire competent staff, find offices, set up IT systems etc, are likely to be longer than 10 months.
84		Do you agree or disagree with the approval criteria proposed for compliance schemes?	Agree
85		Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?	Option C - both The management of significant amounts of funding require the highest level of independence, avoidance of conflict of interests and knowledge of the markets and materials subject to these schemes.
Reprocessors and exporters (no key Vegware questions)			
Compliance and enforcement			
96		Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?	Agree The regulators need to be fully resourced in order to undertake effective enforcement. Increased data traceability and analysis will go some way to ensuring wrong-doing/ unintentional non-compliance is identified quickly. Using PCS as a resource to identify non-compliance may also be useful.
Digital design (no questions)			
Implementation timeline (no key Vegware questions)			

Thank you for engaging in this important piece of policy making!

Any further questions or comments contact comms@vegware.co.uk