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Summary of responses to the consultation on a producer responsibility scheme for waste non-packaging agricultural plastics

October 2010



Llywodraeth Cynulliad Cymru
Welsh Assembly Government



The Scottish
Government



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This document is available on the Defra website:

<http://www.defra.gov.uk/corporate/consult/agri-plastics/index.htm>

Published by the Department for Environment, Food and Rural Affairs

Summary of responses to the consultation on a Producer Responsibility Scheme for the collection of Non-Packaging Agricultural Plastics (NPAP)

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1. Introduction

1.1. The Consultation on a Producer Responsibility Scheme for the collection of Non-Packaging Agricultural Plastics (NPAP), which ran from 17th December 2009 to 25th February 2010, sought views on proposals to introduce a Producer Responsibility scheme for the collection of Non-Packaging Agricultural Plastics (NPAP).

1.2. It was a joint consultation exercise between Defra, the Scottish Government and Welsh Assembly Government (hereafter collectively referred to as 'the Government'). It was launched before the General Election of May 2010.

1.3. This document summarises the responses to the consultation. It is not an exhaustive list of all comments received. Nor does it attempt to repeat the information given in the consultation document.

2 Scope of the consultation

2.1 The proposals were intended to help farmers have consistent access to a method of recycling their waste NPAP and would apply to England, Wales and Scotland.

2.2 The consultation sets out options to increase the amount of waste non-packaging agricultural plastic (NPAP) that is recycled. Options discussed would establish a Producer Responsibility (PR) scheme for the collection of waste NPAP.

2.3 The three options discussed in the consultation were:

- Option A – No Government Intervention. This describes how the market for recycling of waste NPAP is likely to develop without additional intervention from Government.
- Option B – Statutory Producer Responsibility Scheme with on-farm collection.
- Option C – Statutory Producer Responsibility Scheme with collection points.

2.4 Options B and C would require additional legislation. Due to the powers available to the Secretary of State for Environment, the Welsh Ministers and the Scottish Ministers under the Environment Act 1995, separate sets of regulations would be required for England and Wales, and Scotland

3. Summary of responses

- 3.1. A total of **41** responses were received, representing individuals and organisations from a range of stakeholders including producers of NPAP, collectors of waste agricultural plastics, waste plastic reprocessors, organisations representing farmers and local authorities. A list of those organisations and individuals who responded is available at **Annex A**.
- 3.2. This summary document will be available for viewing in the Defra library for 6 months after publication at:

Defra Information Resource Centre,
Lower Ground Floor, Ergon House,
17 Smith Square,
London SW1P 3JR

Tel: 020 7238 6575

email: defra.library@defra.gsi.gov.uk)

Table 1 Breakdown of responses by sector

Sector	Number of responses received
<i>Waste Collectors</i>	21
<i>Farmers/farmer groups</i>	4
<i>Producers of farm plastics</i>	5
<i>Other industry</i>	6
<i>Government Agencies</i>	2
<i>Non-Governmental Organisations</i>	1
<i>Individuals</i>	2
Total	41

- 3.3. Throughout the summary the responses have been grouped into a number of sectors in order to aid understanding and provide clarity during the analysis of responses. Table 1 above, lists the categories which are farmers/farming groups, waste collectors, producers of farm plastics (includes producers/manufacturers of bio plastics), Government/agencies (includes Local Authorities), individuals, other industry, Non Governmental Organisations (includes charities sometimes referred to as the Third sector).
- 3.4. Table 2, below provides a breakdown of responses by sector. 28 respondents (68% of the total responses) were in favour of option A – no Government Intervention. This included all (3 out of 3) of the respondents of the farmers/farming groups, 1 producer of farm

plastics, 20 out of 21 waste collectors of farm plastics, 1 Government agency, 2 other industry and 1 individual.

3.5. Only 1 respondent out of the 41 responses received (2.4% of the total responses) favoured option B – PR on farm collection.

3.6. 9 respondents (22% of total responses) were in favour of option C – PR hub scheme, this included only 1 (out of 21) waste collectors, 2 producers of farm plastics, 1 farmer, 3 industry respondents, 1 NGO and 1 individual.

3.7. Finally, 2 respondents did not state a preference for any of the options.

Table 2: Breakdown of responses to options by sector

Sector	Option A No Government intervention	Option B PR on farm collection	Option C PR hub scheme approach	PR in principle	No preference
<i>Waste Collectors</i>	20		1		
<i>Producers of farm plastics/bio plastics</i>	1		2		2
<i>Farmers/ farming groups</i>	3		1		
<i>Government Agencies</i>	1	1			
<i>Other industry</i>	2		3	1	
<i>NGO</i>			1		
<i>Individuals</i>	1		1		
Total 41	28	1	9	1	2

Key themes arising from the consultation responses

3.9 The following key themes have been identified from the responses to the consultation.

- **There should be better enforcement of the existing Agricultural Waste Regulations.**

- **More farmers should be encouraged to adopt good practice in their waste management systems**
- **The illegal practice of burning or burying farm plastics is an issue.**
- **An alternative approach to statutory consider is the use of Farm Assurance and other similar schemes which already exist¹**
- **In remote areas, local authorities that already operate recycling collection should extend their services to include small volumes of NPAP from farms and crofts.**
- **There should be a focus on the development of 'end uses' for the recycled plastic market, so as to incentivise collection and sorting. This will create demand for the product and reduce the levels of NPAP going to landfill.**
- **There should be a review types of plastic commonly used in farm plastic applications, including clarifying use of biodegradable/ oxy- degradable types of plastic**

The Way Forward

3.10 The Government has carefully considered the responses received to this consultation and the impact assessment and has decided not to proceed with a statutory approach as the costs of the scheme would be likely to outweigh the benefits gained.

3.11 The responses received do however, raise many interesting points on how to increase the level of recycling of this material which will be further considered as part of the waste review announced by the Secretary of State for the Department of the Environment, Food and Rural Affairs in June 2010.

3.12 The waste review will cover all aspects of waste policy and delivery in England and the initial results will be published in Spring 2011.

4. Analysis of Responses to Individual Questions

What are Non-Packaging Agricultural Plastics?

Question 1 - Do you agree with having a defined list of products that are included in the regulations?

4.1 The majority of responses to this question, 10 out of 14, agreed with the requirement to have a defined list of NPAP products in the Regulations, including the 3 farmers/farming groups.

Responses received question 1

Sector	Number of responses received	Agree	Disagree
Waste Collectors	5	5	
Producers of farm plastics	2	1	1
Farmers/ farming groups	3	3	
Government Agencies	1		1
Other industry	3	1	2
NGOs			
Individuals			
Total	14	10	4

4.2 The 4 respondents (producers of NPAP and other industry) who disagreed with the requirement for having a list provided the following reasons i) it would be too prescriptive and ii) the Regulations should include all NPAP products supplied to farms. It was also noted this approach would allow for future technology developments. One waste collector who agreed with the concept of a defined list explained that it may be helpful as guidance.

Question 2 - Are there any products not on the list that you think should be included?

Question 3 - Please give your reasons for your answers and include any supporting evidence.

4.3 The 10 respondents who agreed with a defined list covered a wide spectrum of the sectors, including 5 waste collectors, 2 producers of farm

plastics and 3 farming groups. (In relation to questions 2 and 3, the same 12 respondents answered).

Responses questions 2 and 3

Sector	Number of responses received	Agree with defined list	Disagreed with defined list
Waste Collectors	5	5	
Producers of farm plastics	2	1	1
Farmers/ farming groups	3	3	
Government Agencies	1		1
Other industry	1		1
NGOs			
Individuals			
Total	12	9	2

<i>Defined list as proposed in the consultation</i>	<i>Additional NPAP products respondents suggested be included on the defined list</i>
<i>bale twine</i>	<i>Netwrap</i>
<i>fleece plant jackets</i>	<i>Treeguards</i>
<i>greenhouse film</i>	<i>Trickle irrigation</i>
<i>horticultural cover</i>	<i>Biodegradable products</i>
<i>mulch film</i>	
<i>silage bale wrap</i>	
<i>bale twine</i>	

4.4 The majority of responses agreed on the type of additional products which should be included within the definition. Two waste collectors requested that netwrap, and trickle irrigation tape be added to the 'defined list'. One producer added that to ensure economies of scale are maximised contributing towards minimising the cost of collection and recovery, the Regulations should cover all non-packaging plastics supplied to farms.

4.5 However, one waste collector questioned the inclusion of bale twine, pointing out that the unpackaged form straw/hay would be useless to farmers.

4.6 One collector and one producer strongly agreed that treeguards or shelters should not be included in the Regulations. A 'Life Cycle Assessment' was cited as supporting evidence, the main reasons given included:

- The longevity of use ‘for tree guards can be up to a period up to 10 years compared to months for other plastics used in farms’.
- The total tonnage used on agricultural holdings is small, less than 200 tonnes per year compared to the size of the NPAP market estimated to be around 45,000 tonnes.
- The administrative burden costs will be disproportionate to benefits. It will be very difficult to producers of tree guards to provide sales data on products that are going into agricultural holdings as the products are sold through a supply chain of distributors.

What does the NPAP market look like?

Question 4 - Do you agree with the Government assessment of the NPAP market? Please provide any additional information you have on this market.

5.1 There were 15 respondents to this question, 6 out of 7 waste collectors disagreed with our assessment. Whereas the majority (3 out of 4) farmers/farming groups, agreed with the market assessment. Furthermore the waste collectors provided anecdotal evidence about the market.

Responses to question 4

Sector	Number of responses received	Agree with market assessment	Disagree with market assessment
Waste Collectors	7	1	6
Producers of farm plastics	1	1	
Farmers/ farming groups	4	3	1
Government Agencies	1	1	
Other industry	2	2	
NGOs			
Individuals			
Total	15	8	7

5.2 It should be noted that the responses to this question came predominantly from the waste collectors and producers of farm plastics. The responses were grouped together, as illustrated below:

Current market size
Strongly disagreed with the estimate that 20% of waste NPAP is recycled. Estimated actual figure was higher ranging between '25% to 30%' and was increasing.
Market conditions
Current landfill costs are increasing and with more encouragement and/or enforcement the recycling figures could increase to 70+ % by 2015 without the additional costs or risks of PR scheme.
Evidence
The data provided by the Agricultural Waste Programme is over 3 years old and significantly out of date. The market in which collectors operate has significantly since 2007
Barriers to recycling
Different types of farm plastics, such as silage wrap (25%) have varying levels of contamination. In addition, varying degrees of good practice applied by farmers, for example storage affects the level of contamination

5.3 The 7 waste collectors expressed similar sentiments that not all farmers are complying with the existing Agricultural Waste Regulations in regards to waste management of NPAP and continue to illegally dispose of their waste farm plastics.

5.4 The waste collectors also reported that once farmers are given advice on how best to separate and store their waste NPAP contamination levels reduce. This view was reflected in the evidence provided by the farmers/farming groups.

5.5 Whilst one waste collector pointed out that future volumes within the product sectors do not necessarily follow the same patterns each year. Climatic changes would impact on the UK NPAP market and waste arisings.

Is there a problem?

Question 5 – Do you agree with the assessment of the market as described in the consultation document? Please provide evidence for your views.

6.1 Over half of the responses to this question 10 out of 18 disagreed with the assessment of the market. Of these, 9 out of 10 were waste collectors.

Responses to question 5

Sector	Number of responses received	Agree	Disagree
Waste Collectors	9		9
Producers of farm plastics	2	2	
Farmers/ farming groups	3	2	1
Government Agencies	1	1	
Other industry	3	3	
NGOs			
Individuals			
Total	18	8	10

6.2 The general consensus amongst the 9 waste collectors who responded was that their main competitors are landfill sites. They also reported that since the introduction of the Agricultural Waste Regulations a UK network of agricultural waste collector contractors has been established. The waste collectors strongly asserted that their businesses provided collection across the whole of the UK and that their costs were reasonable.

6.3 The waste collectors questioned the existing level of inspection by the Environmental Agencies and asked for more visible enforcement of the existing legislation. Several collectors commented that enforcement 'inspections' only seem to occur when farmers participate in retailer led produce assurance schemes.

6.4 The waste collectors also made the following comments:

- Farmers viewed landfilling as an easier/cheaper option compared to sorting and separating their waste farm plastics for collection and recycling. For example charges at landfill sites 'vary between from

£40 - £90 per tonne' throughout the UK compared to collector's prices which are above £120 per tonne.

- Waste collection contractors and not the farmers, are regulated by the Environment Agency via waste exemptions, permits, Duty of Care and the waste carriers licence.
- Waste collectors facilitate services to 'groups of farmers' allowing them to bring their waste to a central collection point which helps to reduce costs.

Question 6 – Are you able to provide any further information on whether uncontrolled burning or burying of plastic waste is occurring and if so how prevalent this practice is?

Responses question 6

Sector	Responses received on whether burning/burying NPAP is an issue
Waste Collectors	7
Producers of farm plastics	1
Farmers/ farming groups	3
Government Agencies	1
Other industry	2
NGOs	
Individuals	
Total	14

6.5 Question 6, dealt with the issue of whether uncontrolled burning and burying of NPAP was an issue. 14 responses were received. Significantly, the majority of responses 8 out of 14 (including 7 waste collectors and 1 Government Agency) agreed it was an issue despite the existence of Agriculture Waste Regulation.

6.6 The Government Agency respondent stated

'there have been many reports of uncontrolled burning or illegal burial of this material in the Council's Environmental Health Officers report and that local farmers have major difficulty with the disposal of agricultural plastics'

6.7 The 7 waste collectors provided anecdotal evidence that some farmers continue to illegally dispose of their waste, by burning. The waste collectors clarified that in some instances farmers 'dispose of a small

quantity of waste NPAP on a legally acceptable basis in order to obtain a Waste Transfer Note and burn the remainder of their waste’.

6.8 It was also noted that in Scotland, ‘paragraph 29 exemptions’ permit farmers registered with the Scottish Environment Protection Agency (SEPA) to burn waste in a drum incinerator, the majority of which are for on-farm activities. The widespread view held by waste collectors was that this practice seemed to be at odds with encouraging environmentally friendly waste management practices.

6.9 The 3 farmers/farming groups explained they encouraged best practice in farm waste management amongst their membership.

How do things work now?

Question 7 - Do you agree with the assessment of how the current system works? If not, please describe. Please provide evidence if possible.

Responses question 7

Sector	Number of responses received	Agree	Disagree
Waste Collectors	8	1	7
Producers of farm plastics	1	1	
Farmers/farming groups	3		3
Government Agencies	1	1	
Other industry	3	3	
NGOs			
Individuals			
Total	16	6	10

7.1 There were 16 responses in total to this question, 10 of which disagreed with the assessment as set out in the consultation document. Analysis of the responses indicated that 3 farmers/farming groups disagreed with the assessment of how the current system worked, whilst the 3 other industry responses agreed with the assessment.

7.2 The waste collectors’ evidence corroborated parts of the assessment as set out in the consultation. The overwhelming view amongst this sector, (including their representative organisation) was that the market had

significantly changed and that the AWP evidence commissioned by Defra which reported in 2007 was now out of date. (For further details see miscellaneous section).

Question 8 - Are you aware of any other factors which may affect the NPAP waste stream. Please provide as much detail as possible.

Responses question 8

Sector	Number of responses received	Agree with assessment	Disagree with assessment
Waste Collectors	8	1	7
Producers of farm plastics	1	1	
Farmers/ farming groups	3		3
Government Agencies	1	1	
Other industry	3	3	
NGOs			
Individuals			
Total	16	6	10

7.3 There were 16 responses to this question. The waste collectors and producer of farm plastics provided most of the evidence, which covered the following issues:

<p>Government Uncertainty about Government intervention has acted as barrier to and stifled investment in both the collection and reprocessing infrastructure of waste NPAP for many years.</p>
<p>Costs Depend on varying conditions such as acreage, time spent on farm, condition of waste farm plastics, baling plus removal costs and registration fees Reprocessing gate fees – can vary between £30 - £50 tonne according to prevailing market conditions.</p>
<p>State of export market Fluctuates according to demand from abroad. So for example when economic downturn occurred in autumn 2008, export demand fell as manufacturers abroad required less material for their products owing to decline in sales</p>
<p>Reprocessor market</p>

current market arrangement, the introduction of a statutory PR scheme would favour the market dominance of one major NPAP reprocessor who also produces the material

Farmers

the majority of farmers do not have the right vehicle to transport their own waste.

7.4 One producer respondent explained that the recycling infrastructure for waste NPAP had not developed fully because the cost of dealing with the high levels of contaminants means that farm plastic material has a low or indeed negative value. This situation exists because waste NPAP arises in small volumes on individual farms and owing to its use on farms the waste material is heavily contaminated with soil, which substantially increases the cost (by around three times) of recycling it compared with cleaner packaging waste plastics.

7.5 The producer also made the following points:

‘investment in recycling plants to handle these contaminants is relatively high and requires large volumes of feedstock to be viable at around 15 kilo tonnes of input per line. Plants capable of handling this level of volume typically cost between £3-5m to install. Without a secure source of supply recycling companies have failed to invest in new capacity.

7.6 The cost of recycling waste farm plastics is higher than the cost of the recyclable material. The value of recycled material ranges between £300 to £500/tonne. Compared to the costs of recycling, contaminated farm plastics which cost around £450/tonne.

7.7 The producer provided further background, describing a large factor is the fact that plastic ‘polymer’ is a globally traded commodity which fluctuates in price in line with the price of oil, around £600 and £1200/tonne.

7.8 Prior to 2008 prime polymer prices have never been high enough to make the recycling of farm plastics commercially viable, hence the reason for reprocessing gate fees to cover the cost of cleaning the plastic. Over the last few years the cost of oil production has increased. The expectation is that this situation will despite short-term recessionary pressures, as the cost of new oil exploration and production continues to rise.

Other options for intervention by Government

Question 9 Are there any other policy options Government could consider to encourage farmers to recycle more?

Responses question 9

Sector	Number of responses received	Agree with alternative approaches and oppose Government intervention	Agree with Government approach
Waste Collectors	8	8	
Producers of farm plastics	2		2
Farmers/ farming groups	3	3	
Government Agencies	1		1
Other industry	2		2
NGOs			
Individuals			
Total	16	11	5

8.1 The majority of responses to the consultation, 28 out of 41 (68%) opposed Government intervention. The 16 responses received for this question re-emphasised this point of view.

8.2 There was common agreement between the 8 waste collectors, 3 farmers/farming groups sectors on the alternative approaches. The main alternative approaches suggested were:

- **Government should better enforce the existing Agricultural Waste Regulations**
- **More farmers should be encouraged to adopt good practice in their waste management systems**
- **Government should consider using Farm Assurance Schemes and/or other similar schemes¹**

¹ Farm Assurance schemes are a means of assurance on the conditions of production and origin of particular foods. They are voluntary 'industry-led' arrangements.

- **In remote areas, local authorities that already operate recycling collection should extend their services to include small volumes of NPAP from farms and crofts.**
- **Government should focus on the development of ‘end uses’ for the recycled plastic. This will create demand for the product and reduce the levels of NPAP going to landfill.**
- **Government should review types of plastic commonly used in farm plastic applications, including clarifying use of biodegradable/ oxy- degradable types of plastic.**

8.3A common reason cited by the waste collectors and farmers/farming groups who opposed producer responsibility was the high costs. They explained

farmers could obtain points for recycling waste NPAP under Farm Assurance Schemes and / or under the Entry Level Stewardship Schemes. There is growing awareness amongst a number of agriculture’s major customers, e.g. the supermarkets, to the importance of recycling. The retailer industry and Government should encourage those businesses to insist on their suppliers recycling their waste products including waste NPAP, where practical and economic’.

and

‘as an industry group we can identify areas of the country where there are gaps in coverage, benchmarking of costs/price comparison monitoring of collection schemes, promotion and incentivising of the Farm Waste Collectors Assurance Scheme, use of environmental stewardship options to incentivise and reward farm plastic recycling’.

8.4 One ‘other industry’ respondent agreed that there were other more viable options to consider than statutory Government intervention. They explained

‘The agricultural industry already has a huge infrastructure in place through farm assurance such as Assured Land-Based (Agricultural Waste Collection) Scheme (ALBC), ACCS, FABBL, AP, AFS etc. The government could use this route to get farmers to recycle more of their waste NPAP. All farmers have to be part of an assurance scheme to sell their produce, each of the schemes are independently audited and provide the perfect opportunity to increase recycling efforts by the farmer’

8.5 It was also noted that ‘realistically, farmers will be making a 100% contribution the prices of NPAP would increase to cover the operation of any statutory scheme and for the recycling of any waste product’.

8.6 The 2 producers who responded to this question both agreed that the options presented for a PR scheme underpinned by Regulation was the best approach. One industry respondent who supported option C justified their position drawing upon the previous UK voluntary scheme which had failed.

Question 10 – Do you agree with the definition of producer described above?

Responses question 10

Sector	Number of responses received	Agree with the definition as stated in Regulations	Disagree with the definition as stated in Regulations
Waste Collectors	8	8	
Producers of farm plastics	2	2	
Farmers/ farming groups	3	3	
Government Agencies	2	2	
Other industry	2	1	1
NGOs			
Individuals			
Total	17	16	1

9.1 Overwhelmingly 16 out of the 17 respondents representing all the major sectors, agreed with the proposed definition of a NPAP producer.

9.2 The one other industry respondent who disagreed raised specific concerns with the definitions of “*placed on the market*” including distribution. They explained

‘ *it may lead to the inclusion of material which is imported into England and Wales but subsequently exported and thus making the achievement of challenging targets even harder because this material will not arise as waste in this country*’.

9.3 It was suggested that definition of producer be revised to similar lines to that contained in the 'Packaging' waste regulation². In this way, the definition would cover those who sell to the final consumer in each territory of the UK.

9.4 A cross section of respondents representing the main sectors expressed concerns about the proposed exemption for importers and the requirement for overseas producers to register, which they argued would be extremely difficult to enforce.

Question 11 – Do you consider that individual producers should be able to comply with their producer responsibility obligations without having to join a scheme?

Responses question 11

Sector	Number of responses received	Agree that individual producers can comply without becoming a scheme member	Disagree that individual producers can comply without becoming a scheme member
Waste Collectors	8	1	7
Producers of farm plastics	2	1	1
Farmers/ farming groups	3	1	2
Government Agencies	2	1	1
Other industry	2	1	1
NGOs			
Individuals	1		
Total	17	5	12

10.1 The key message from this question was that most respondents, 12 out of 17 disagreed with the approach that individual producers could comply with their obligations without becoming a scheme member.

² Schedule 1 Paragraph 2(g) states 'supply means doing any of the following, (i) selling, hiring out or lending (ii) providing in exchange for any consideration other than money (iii) providing in or in connection with the performance of any statutory function ; or (iv) giving as a prize or otherwise making a gift'

'where the packaging or packaging materials are owned by a person who does not have a registered office or principle place of business in Great Britain, a supply shall take place when a person performs any of the functions in paragraphs (i) to (iv)'

10.2 Divergent views were expressed by the farmers/ farming groups, whilst 1 agreed that producers can comply without becoming a scheme member 2 disagreed. . One individual response recognised that given the complexity of the supply chain and the difficulty of recognising individual brands at the point of disposal this approach might lead to further problems.

10.3 The majority of waste collectors, 7 out of 8, did not agree that producer's should be able to set up their own scheme. The waste collectors stated that in reality there would only be 'a single compliance (exemption) scheme', thus limiting and removing the amount of choice which is currently available to farmers.

Question 12 – Do you agree that there should be no de minimis?

11.1 All 17 respondents who answered this question agreed that there should be no de minimis.

Responses question 12

Sector	Number of responses agreeing there should be no de minimis
Waste Collectors	9
Producers of farm plastics	2
Farmers/ farming groups	3
Government Agencies	1
Other industry	2
NGOs	
Individuals	
Total	17

Question 13 – Do you agree with the principle that there would be no exemption for biodegradable agricultural plastic products?

Responses question 13

Sector	Number of responses received	Number of responses in agreement with a exemption	Number of responses opposed to a exemption
Waste Collectors	9	8	1
Producers of farm plastics	2	1	1
Farmers/ farming groups	3	1	2
Government Agencies	1	1	
Other industry	4	2	2
NGOs			
Individuals			
Total	19	13	6

12.1 The overwhelming view to this question, 13 out of 19 responses, from across all sectors was that there should be no exemption. One of the producer respondents, explained why they were in favour of the exemption,

‘Biodegradable materials should be exempt. Our understanding is that the UK government’s policy is to encourage the use of sustainable materials in the place of materials derived from fossil source like petroleum from which Polyethylene and Polypropylene (PP and PE) are derived. Not providing an exemption for biodegradable/sustainable materials would appear to be contradictory to that policy.’

12.2 However a cross section of respondents, including producers of bio plastics and farmers/farming groups urged Government to review the types of plastic in use and consider alternative ways of recycling and recovery. For instance, exploring further if EN 13432³ type plastic could be treated via anaerobic digestion.’

12.3 The farmers/farming groups although supportive of the exemption in principle raised the point that the exemption could discourage future development of biodegradable agricultural plastic products and urged a flexible approach to future advancements in this field.

3

EN 13432 is the European industrial standard demonstrating that a product is compostable it requires biodegradation of 90% of the material in a commercial composting unit within 180 days.

Question 14 – Should those who import NPAP for their own use be exempt from the requirements? How would it be possible to ensure the waste is recycled?

Responses question 14

Sector	Number of responses received	Agree with exemption for own use	Disagree with exemption for own use
Waste Collectors	8	1	7
Producers of farm plastics	2		2
Farmers/ farming groups	3	1	2
Government Agencies	2		2
Other industry	2		2
NGOs			
Individuals			
Total	17	2	15

13.1 The prevailing view amongst the 15 out of 17 respondents who answered this question was there should be no exemption; otherwise the proposals would provide a loophole for importers.

13.2 However, one farmers/farming group supported the notion of having an exemption for farmers who import for their own use.

Question 15 – Do you think these targets are reasonable and achievable? Please provide evidence of your view.

Question 16 – Do you have any alternative suggestions for the level of targets?

Responses question 15

Sector	Number of responses received	Agree with proposed targets	Disagree with proposed targets
Waste Collectors	8	2	5
Producers of farm plastics	2	1	1
Farmers/ farming groups	3	1	2
Government Agencies	2	1	1
Other industry	3	1	2
NGOs			
Individuals			
Total	17	6	11

14.1 There were 11 out of 18 responses to this question who did not agree that the proposed targets were reasonable. 13 respondents provided additional comments on the targets for question 16.

14.2 There was a mixture of views on the targets. Over half of the respondents who disagreed were waste collectors. One collector pointed out any collection target of less than 80% defeats the principal of PR. Another collector preferred the 50% target they thought the 80% target is too ambitious. It would result in adverse costs which may undermine the scheme's long term survival.

14.3 It was suggested that targets should not solely be 'recycling' they should be apportioned between recycling and recovery. Although one industry respondent expressed concerns that the targets were too high

14.4 The 2 producers were evenly split on the issue of targets. One expressed concern about how accurately set the targets for their products could be determined given that their supply chain goes through distributors. They added that it is difficult to determine the end use of their products.

14.5 One collector who supported option C explained that although farmers would pay towards the scheme up front on purchase of the film, over the long term they would actually be paying less than at present. They provided the following example,

"A farmer purchases a pallet of bale wrap (1 tonne) – this would be sufficient to wrap 1200 bales. The farmer pays an extra £120 for this tonne of wrap to cover the collection costs for recycling. When we collect the waste, it now weighs 2 tonne due to contamination our current rate of charges are £120/t = £240. Result- farmer is better off with PR scheme. If the producers decide to

increase the price to cover the cost of recovery by more than £240/t there is no gain to farmers to have a PR scheme’.

14.6 Another collector although supportive of the objective of collecting and recycling farm plastics, thought that more work should be undertaken to explore the capacity of the existing recycling infrastructure and the use of this material as recyclate. They were concerned that the proposals if implanted in their current state could lead to a rise in exports, some of which may be illegal due to excessive levels of contamination’.

14.7 The one ‘Government Agency’ respondent expressed the desire to have higher challenging targets set at 100% re-use and recycling. They explained,

‘Our experience of operating a trial scheme has shown us that the majority of farmers in this area would not be prepared to transport their waste plastics to a collection point.

and

Farmers are busy people and we consider that it is unrealistic to expect them to take the time and trouble to transport waste plastics to a recycling point. We also think that agricultural vehicles are not suitable for this task’.

Option B – Producer Responsibility scheme with on- farm collection

Question 17 – Do you agree with this proposal - provide comments on this option?

Responses to question 17

Sector	Number of responses received	Agree with the proposal for option B	Disagree with the proposal for option B
Waste Collectors	8	1* ⁴	7
Producers of farm plastics	1		1
Farmers/ farming groups	2		2
Government Agencies	1	1	
Other industry	3		3
NGOs			
Individuals			
Total	15	2	13

15.1 The majority of the respondents 13 out of 15 disagreed with the approach of option B. This reinforces the overall response to the consultation, where only 1 out of 41 respondents said that this was their preferred option. The overwhelmingly reason given by those who disagreed was that option B was too expensive to administer.

Option C – Producer Responsibility scheme with collection points

Question 18 - Do you agree with the frequency of minimum entitlement?

Question 19 - Do you agree with the requirement to prove purchase of the material from a registered producer?

Question 20 - If yes, do you think the proposed method is practical? If no, please state your reasons.

16.1 In relation to question 18, over half, 9 out of 16 responses agreed with the Option C proposal for farmer's to have a minimum entitlement to collection of their waste NPAP. This included the 3 respondents in the farmers/farming groups, 3 out of the 7 waste collectors and 1 producer.

16.2 Under half, 6 out of 16 responses to question 18, disagreed with this approach. This included 4 out of 7 waste collectors, 1 Government Agency and 1 other industry who answered this question.

16.3 The point was made by the 4 waste collectors who disagreed with farmers entitlement to collection that there needs to be more frequent access to a hub perhaps once a quarter for a whole day,. Although it was

⁴ The waste collector's preferred option was C.

accepted that the wording of the current draft Regulations should be able accommodate this matter.

Responses to question 18

Sector	Number of responses received	Agree with farmers right to frequency of minimum entitlement as proposed under Option C	Disagree with farmers right to frequency of minimum entitlement as proposed under Option C
Waste Collectors	8	3	4
Producers of farm plastics	1	1	
Farmers/ farming groups	3	3	
Government Agencies	2	1	1
Other industry	2	1	1
NGOs			
Individuals			
Total	16	9	6

Responses to 19

Sector	Number of responses received	Agree with proof of purchase requirement	Disagree with proof of purchase requirement
Waste Collectors	10	5	5
Producers of farm plastics	2	2	
Farmers/ farming groups	3	1	2
Government Agencies	2	1	1
Other industry	4	2	2
NGOs			
Individuals			
Total	21	11	10

16.4 Responses from the 21 respondents to question 19 were evenly distributed across the sectors. For example amongst the 10 waste

collector respondents 5 agreed and 5 disagreed with requirement to provide proof of purchase of farm plastics.

16.5 The waste collectors who disagreed with the ‘proof of purchase’ approach felt that it would be too bureaucratic, costly and would not prevent fraud. The 2 producers who responded both agreed that there should be proof of purchase for auditing purposes.

16.6 The farmers/farming groups held divergent views on ‘proof of purchase’. 2 out of 3 the farmer’s representatives did not think this approach would be workable. They also cited that it was too bureaucratic saying that a simple ‘declaration should suffice’.

Question 21 – Do you agree with the data requirements set out above? Please provide evidence of excessive administrative burdens if appropriate.

Responses to question 21

Sector	Number of responses received	Agree with data requirements	Disagree with data requirements
Waste Collectors	8		8
Producers of farm plastics	1	1	
Farmers/ farming groups	3	2	1
Government Agencies	2	1	1
Other industry	2	1	1
NGOs			
Individuals			
Total	16	5	11

17.1 The majority, 11 out of the 16 respondents to question 21 disagreed with the proposed data requirements approach. Overwhelmingly the waste collector sector (8 out of 8 respondents), felt it was an unnecessary administrative burden. One other industry respondent questioned the need to provide product information commenting,

‘it would be far more appropriate for producers to declare data at the beginning of the compliance period for the whole previous year’

17.2 The collectors' representative also pointed out that they routinely retain some of this data in their existing businesses. Implementing the PR scheme would introduce unnecessary bureaucracy and duplication of administrative processes.

'The costs for collating checking and rechecking the information for 120,000 farms while dealing with only some 40,000 tonnes of clean plastic on farm will be considerable especially dealing with the possible fraudulent attempts to have plastic collected under the scheme'.

17.3 One Government Agency respondent commented that it was an unnecessary burden for producers to submit quarterly data to schemes. They made comparisons to the packaging regime which is calculated according to the tonnages placed on the market in the previous year and does not require the submission of quarterly data.

Question 22- Do you have any comments on the costs set out above?

Responses to question 22

Sector	Number of responses received on the Environmental Agencies costs of administering Option C
Waste Collectors	7
Producers of farm plastics	2
Farmers/ farming groups	3
Government Agencies	2
Other industry	2
NGOs	
Individuals	
Total	16

17.4 As stated in the consultation, the charges below reflect the cheapest possible way that the Environment Agencies could administer Option C regime:

- **£20,000** for making an application for approval as a exemption scheme (under regulation 24 in the draft regulations)
- **£1800** for making an application for approval as an exemption scheme (under regulation 29 in the draft regulations) – this applies when the applying scheme is already approved in the other region.

- **£98,000** for the annual subsistence of the approval as an exemption scheme (under regulation 30(2)(g) for each exemption scheme in the draft regulations). If a scheme is approved in both England/Wales, and Scotland, this will be payable to both the EA and SEPA.

17.5 There were 16 respondents to this question, which reflected the fact that 28 responses were in favour of option A, no Government intervention.

17.6 The 3 farmers/farming groups strongly questioned the costs for operating the statutory scheme. They did not accept the Environment Agency's 'minimum' rate for annual subsistence at £98,000, as good value for money, particularly for smaller companies. They commented

'The money for these costs will be paid upfront by plastic manufacturers and will ultimately be passed onto farmers'.

17.8 The 7 waste collectors commented that these costs would make it uneconomical to operate more than one scheme. As previously mentioned in this summary, their overwhelming view was that it would be better to spend resources enforcing current legislation.

Question 23 – Do you agree with the offences and penalties set out above?

18.1 All of the 16 respondents to this question agreed with the offences and penalties as proposed in the draft Regulations and had no further comments.

Responses to question 23

Sector	Number of responses in agreement with the offences and penalties as set out in the draft Regulation
Waste Collectors	7
Producers of farm plastics	2
Farmers/ farming groups	3
Government Agencies	2
Other industry	2
NGOs	
Individuals	
Total	16

Question 24 – Can you foresee any problems with this approach (Option C)? Please describe the problems and suggest any solutions.

Responses to question 24

Sector	Number of respondents who identified problems with option C
Waste Collectors	8
Producers of farm plastics	1
Farmers/ farming groups	3
Government Agencies	2
Other industry	4
NGOs	
Individuals	
Total	18

18.2 There were 18 respondents to this question. All of the respondents from a cross section of the sectors (waste collectors farmers, farming groups, producers of farm plastics) foresaw problems with the Government proposals for implementing option C.

18.3 The following issues were raised in the responses:

- Two sets of regulations one in England and Wales and another in Scotland adds a burdensome high level of complexity for a relatively small market.
- The cost associated with manufacturers having to register with both sets of regulators, Environment Agency in England/Wales and SEPA in Scotland, does not offer value for money or guarantee consistent enforcement between these two countries.
- This proposal will only result in increased prices of manufactured NPAP products which will be passed onto farmers.
- With Northern Ireland not participating there will be an obvious loophole in the system for NPAP to be imported from Northern Ireland to Great Britain without payment of the appropriate levy. This risk increases if Scotland also chooses not to implement a PR scheme.
- It is not clear what would happen to waste NPAP when the exemption schemes achieve the targets, further clarification is needed from Government on this point.

Question 25 – Do you have any other comments on option C?

Sector	Number of additional responses on the approach of option C
Waste Collectors	8
Producers of farm plastics	1
Farmers/ farming groups	3
Government Agencies	1
Other industry	3
NGOs	1
Individuals	1
Total	18

18.4 There were 18 responses to this question, with respondents representing a cross section of the sectors. The main points cited were as follows:

<ul style="list-style-type: none"> costs of option C had been over-stated in the impact assessment costs
<ul style="list-style-type: none"> the current market value of waste farm plastic approx £40-£50/tonne (these figures are higher than the £30/tonne gate fee used in the IA), assuming a target of 50% recycling in 2015 this would reduce the costs by around £1m per annum.
<ul style="list-style-type: none"> Using the figures in Table 7.6 of the impact assessment means that the costs borne by producers would be around £49 tonne (£230/tonne less £131/tonne borne by farmers in delivering to a hub less the £30/tonne gate fee plus a £20/tonne value for waste plastic). At 50% recycling of 105,000 tonnes this would cost £5.145m. Applied across 45,000 tonnes of farm plastic sales this would equate to a cost to producers (before the administrative costs of compliance) of £114/tonne.
<ul style="list-style-type: none"> Impact assessment did not clearly state the benefits to farmers in terms of costs

Question 26 - Please state which is your preferred option and reasons why? Please provide as much evidence as possible to support your answer.

Responses to question 26

Breakdown of responses to consultation

Sector	Option A	Option B	Option C	PR in	No
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	No Government intervention	PR on farm collection	PR hub scheme approach	principle	preference
Waste Collectors	20		1		
Producers of farm plastics/bio plastics	1		2		2
Farmers/ farming groups	3		1		
Government Agencies	1	1			
Other industry	2		3	1	
NGO			1		
Individuals	1		1		
Total 41	28	1	9	1	2

19.1 The majority of respondents, 68% (28 out of 41) respondents were in favour of option A – no Government Intervention. This included all (3 out of 3) of the respondents of the farmers/farming groups, 20 out of 21 waste collectors of farm plastics, 1 producer of farm plastics, 1 Government agency, 2 other industry and 1 individual.

19.2 The main reasons given by these groups were:

Better enforcement of existing Regulations will achieve the overall aim of increasing recycling rates of farm plastics.

- A mandatory scheme is not a good use of resources.
- The impact assessment shows that the introduction of PR will cost farmers significantly more than currently.
- Farmer's should be encouraged to comply with the existing regulations encompassing all farm plastic waste streams to increase recycling of waste NPAP.

19.3 Only 1 respondent out of the 41 responses received (2.4% of the total responses) were in favour of option B – PR on farm collection.

19.4 The following reasons were given for support of option B,

'We reject Option A because it offers no incentive to recycle agricultural plastics. Government intervention is clearly needed to increase recycling.'

We consider that the only effective solution is to offer an on-farm collection (Option B). To ask farmers to take waste plastics to a central collection point is likely to discourage farmers from using the scheme'.

19.5 Out of the 41 responses 22%, under half, (9 out of 41) respondents were in favour of option C – PR hub scheme. This included only 1 (out of 21) waste collectors, 2 producers of farm plastics, 1 farmer, 3 industry respondents, 1 NGO and 1 individual.

19.6 The 9 respondents who preferred option C provided the following reasons:

- It will help local farmers obtain access to a cost-effective scheme for the collection and recycling of waste farm plastics. It will also assist farmers to comply with existing legislation and protect the environment.
- To deal with issue of illegal waste management practices by some farmers
- This is the cheaper Producer Responsibility option.
- It is a more sensible logistical approach presenting greater opportunity to reach out to all farmers across Great Britain and achieve the highest levels of recycling.
- The economic conditions and market drivers to develop this activity have changed little in the last five years and as a result collection rates have struggled to increase. The market needs to be stimulated.
- It will protect and create jobs and avert the probable demise of the British recycling industry due to lack of plastic waste for recycling
- It helps on climate change with potentially huge carbon savings through the benefits of recycling plastic over landfill disposal and further environmental benefits in terms of air acidification and emissions

19.7 Finally, 2 respondents did not state a preference for any of the options.

Question 27 – Is there another option that we have not considered?

See responses to question 9 (page15)

5 Miscellaneous comments

20.1 Several respondents provided additional comments, many of which were on the impact assessment

Additional comments to the consultation on whether to introduce a Producer Responsibility Scheme for NPAP

Waste Collectors

- The free market should be allowed to operate without Government interference
- The proposals failed to address in detail the economic impact on the waste collector sector
- The Agricultural Waste Programme evidence was out of date a number of its findings have been superseded by actual activity of commercial operations.
- Disagreed substantially` with the impact assessment modelling costs and assumptions

'For example a 50% recycling rate would cost on average £14.46 million annually with an additional 15% of waste NPAP over the BAU option would be recycled. This option therefore costs £782 per additional tonne recycled'.

and

'the higher 80% recycling rate, the midpoint cost would be on average £14.95 million annually. This would achieve an additional 45% of waste NPAP over the BAU option would be recycled, i.e. an additional 19,125 tonnes of NPAP. In reality farmers in Great Britain's will have to pay an extortionate £2,268 per tonne for this option'.

- Questions remain about bio-security, if there are farmers transporting waste material between farms
- The question remained unanswered planning permission would be obtained to set up hubs on farms

Farmers/farmer groups

- The waste collector charges have been overestimated

Producers of farm plastics

- Questioned the impact assessment's economic rationale and commented that the consultation document did not clearly explain the basis of the cost of participating in an exemption scheme.

'The impact assessment took its data at a particular point and the market value of plastics fluctuates continually. The value of recycling in any future system will be greater and the cost of operating the system correspondingly lower, than the figures presented in the IA'.

Other industry

- One response felt that agricultural contractors should be included and have the same entitlement to collection as farmers.
- Another respondent was disappointed that the original objectives of the programme have not been addressed and expressed concern about the high levels of NPV cost associated with both Producer Responsibility options compared to the business as usual case.

Commenting

'with little detail presented on the make-up of these costs over the period, can only assume they represent total costs of recycling 50 80% of waste NPAP tonnage compared to just 20 35% for business as usual. If this is the case, we would question whether the alternative costs of waste management collection and disposal for the differential tonnage have been taken fully into account for the business as usual case and whether the Producer Responsibility options anticipate economies of scale attributable to Great Britain-wide operations?'

and

'When the first UK scheme was introduced in 1994, polymer cost €550 per tonne, today prices are closer to €1,200 per tonne. The opportunity for a scheme to succeed which is underpinned by legislation is significant even if there is some erosion in polymer prices during 2010 onwards due to increased manufacturing capacities coming on stream'.

Government Agencies

- The Regulatory Policy Committee (RPC) concluded

'The analysis and evidence presented in the IA appears to support neither of the proposed options 2 and 3, as both are likely to lead to a net cost. However, given the lack of supporting evidence presented regarding the sources and supporting assumptions of the costs and benefits, the accuracy of these figures is unclear'.

Individuals

One Member of Parliament who responded did not agree with the figures set out in the impact assessment which suggests that the scheme could have a negative impact on the UK economy.

6 Annexes

Annex A

Consultation on a producer responsibility scheme for waste non-packaging agricultural plastics

List of respondents (alphabetically)

1. Agri Cycle
2. Agriplass
3. Alvis Contracting
4. Birch Farm Plastic Collection Ltd
5. British Polythene Industries
6. Campaign to Protect Rural England (CPRE)
7. Chartered Institute of Waste Management (CIWM)
8. Crop Protection Agency (CPA)
9. David Daniell
10. David Holbrook
11. David Kent
12. Edwards & Farmers
13. Farmers Union of Wales
14. Farmrite
15. Farm XS Ltd
16. Farm XS (NW) Ltd
17. Farm XS South
18. Farm XS (SW) Ltd
19. Heritage & Sons
20. Hobson Farming Ltd
21. Ilex EnviroSciences Limited
22. Judy Mallaber MP
23. Kitson Recycling Limited
24. Michael Mates MP on behalf of Nigel Wren
25. MTH Farm Plastics Removal
26. National Association of Agricultural Contractors
27. New Forest District Council

28. National Farmers Union (England & Wales)
29. National Farmers Union (Scotland)
30. Novament
31. Packaging & Films Association
32. R E Pilkington
33. Richard Hooper
34. Robert Musson
35. Scottish Environment Protection Agency
36. Solway
37. Tayforth Machinery Ring
38. Tubex
39. UK Farm Plastic Collectors Association (UKFPCA)
40. UPU Industries
41. VALPAK

List of Questions

Question 1 - Do you agree with having a defined list of products that are included in the regulations?

Question 2 - Are there any products not on the list that you think should be included?

Question 3 - Are there any products on the list that you do not think should be included?

Please give your reasons for your answers and include any supporting evidence.

Question 4 - Do you agree with the assessment of the market? Please provide any additional information you have on this market.

Question 5 – Do you agree with the situation described above? Please provide evidence for your views.

Question 6 - Are you able to provide any further information on whether uncontrolled burning or burying of plastic waste is occurring, and if so, how prevalent this practice is?

Question 7 - Do you agree with our assessment of how the current system works? If not, please describe. Please provide evidence if possible.

Question 8 - Are you aware of any other factors which may affect the NPAP waste stream. Please provide as much detail as possible.

Question 9 – Are there any other policy options Government could consider to increase the amount of waste NPAP being recycled? If so, please describe.

Question 10 – Do you agree with the definition of producer described above?

Question 11 – Do you consider that individual producers should be able to comply with their producer responsibility obligations without having to join a scheme?

Question 12 – Do you agree that there should be no de minimis? If not, please state how and at what level this should be set. Please provide evidence including how many producers, and the tonnage of NPAP that would be excluded at the de minimis level you suggest.

Question 13 – Do you agree with the principle that there would be no exemption for biodegradable agricultural plastic products?

Question 14 – Should those who import NPAP for their own use be exempt from the requirements? How would it be possible to ensure the waste is recycled?

Question 15 – Do you think these targets are reasonable and achievable? Please provide evidence of your view.

Question 16 – Do you have any alternative suggestions for the level of targets?

Question 17 – Do you have any comments on this option?

Question 18 - Do you agree with the frequency of minimum entitlement?

Question 19 - Do you agree with the requirement to prove purchase of the material from a registered producer?

Question 20 - If yes, do you think the proposed method is practical? If no, please state your reasons.

Question 21 – Do you agree with the data requirements set out above? Please provide evidence of excessive administrative burdens if appropriate.

Question 22- Do you have any comments on the costs set out above?

Question 23 – Do you agree with the offences and penalties set out above?

Question 24 – Can you foresee any problems with this approach? Please describe the problems and suggest any solutions.

Question 25 – Do you have any other comments on this option?

Question 26 - Please state which is your preferred option and reasons why?

Please provide as much evidence as possible to support your answer.

Question 27 – Is there another option that we have not considered?