

# **Introducing market restrictions on single-use plastic items in Scotland – analysis of consultation responses**

**March 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

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### **Terminology and abbreviations**

The following abbreviations are used in this report.

**Covid:** This abbreviated term will be used to refer to the Coronavirus-19 (or Covid-19) pandemic

**EPS:** Expanded polystyrene

**SUP Directive:** The EU Single-Use Plastics Directive (EU) 2019/904 promotes circular approaches that give priority to sustainable and non-toxic re-usable products and re-use systems rather than to single-use products, aiming first and foremost to reduce the quantity of waste generated. Article 5 of the SUP Directive requires that Member States of the European Union ‘shall prohibit the placing on the market’ of certain specified single-use plastic products (which are listed in Part B of the Annex to the Directive) and of products made from oxo-degradable plastic.

# Executive summary

1. The Scottish Government's Programme for Government 2020–2021 set out plans to consult about introducing market restrictions (essentially, a ban) on plastic items covered by the EU's Single-Use Plastics Directive.<sup>1</sup> These are: single-use plastic cutlery, plates, straws, beverage stirrers and balloon sticks; food and beverage containers made of expanded polystyrene; and all oxo-degradable products.<sup>2</sup>
2. The consultation, Tackling Scotland's Throwaway Culture: Introducing Market Restrictions on Problematic Single-Use Plastic Items in Scotland, was carried out between 12 October 2020 and 4 January 2021. It sought views on the items to be covered by the restrictions, and how the restrictions might be implemented.<sup>3</sup> The consultation contained eight questions with a mix of open and closed (tick-box) questions. A summary of key findings from an analysis of the responses is presented here.

## Description of the responses and respondents

3. The consultation received 2,689 responses, comprising 787 substantive (i.e., personalised) responses and 1,902 campaign responses (i.e., responses submitted using a standard template – in this case, provided by Friends of the Earth Scotland).
4. Substantive responses were submitted by 90 organisations and 697 individuals. Organisational respondents comprised environmental charities, third sector and community organisations (n=29); packaging manufacturers and other types of manufacturing organisations (n=22); food, drink, tourism and other business organisations (n=16); public sector organisations (n=11); environmental consultancies and resource management organisations (n=8); and a small group of other organisations that did not fit into any of the preceding categories (n=4).

## Views on the introduction of market restrictions

5. There was strong support, among both organisations and individuals, for market restrictions to be introduced on single-use plastics (i.e., single-use plastics supplied in a commercial context). Among individuals, 94% were in favour of a ban on all the items specified in the consultation paper. Among organisations, the proportion in favour of a ban ranged from 76% for single-use plastic plates, to 91% for single-use plastic balloon sticks, and for food and beverage containers made of expanded polystyrene. In addition, 1,902 respondents who submitted their responses through the Friends of the Earth Scotland campaign expressed support for market restrictions on all the specified items. In general, packaging manufacturers and other types of manufacturing organisations were less supportive of market restrictions on the specified items than other respondents.

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<sup>1</sup> Scottish Government (2020) [Protecting Scotland, Renewing Scotland. The Government's Programme for Scotland 2020–2021](#). See page 54.

<sup>2</sup> Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment: <https://eur-lex.europa.eu/eli/dir/2019/904/oj>.

<sup>3</sup> Scottish Government (2020) [Introducing market restrictions on single-use plastic items in Scotland](#).

## Views in favour of **all** the proposed market restrictions

6. Respondents in favour of market restrictions on **all** the proposed items acknowledged the convenience of single-use plastics, but thought (i) they were a symbol of Scotland's throwaway culture, (ii) none of the items in the proposed list could be considered 'essential', (iii) the harm (to the environment) caused by these items was, in most cases, greater than any benefit they provided, (iv) their continued production and use acted as a deterrent to innovation and or wider use of existing 'greener', 'more sustainable' alternatives, and (v) existing alternatives were, in many cases, cheaper than the equivalent single-use plastic item. Respondents also argued that regulation was needed to 'make change happen', and that banning these items was preferable to charging consumers more for them.

## Views in favour of restrictions on **most but not all** the proposed items

7. Some respondents supported restrictions on most (but not all) of the single-use plastic items specified in the consultation paper. Individuals in this group often identified themselves as disabled, and / or raised concerns about the possible implications of the proposed restrictions for disabled people. Most of the organisations in this group were food, drink, tourism or other business organisations, or manufacturing organisations. These organisations highlighted areas where exemptions to the restrictions should be introduced (for example, in vending machines, or in relation to bio-based and compostable take-out packaging) or they called for life cycle assessments to identify the social, economic and environmental impacts of potential alternatives to the single-use plastic items that are proposed for restrictions.

## Views **opposed** to market restrictions

8. A final small group of respondents opposed market restrictions on at least half of the specified items. This group (mainly manufacturing organisations or food, drink, tourism and other business organisations) argued that, in certain contexts, including within health and social care, or the catering / hospitality sectors, there were no better alternatives available, and they opposed what they saw as a 'blanket, one-size-fits-all' approach to dealing with single-use products made of plastic.

## **Views on restricting the non-commercial supply of single-use plastics**

9. Respondents were supportive of restrictions on the **non-commercial supply** of single-use plastics, and thought this would provide a consistent approach to tackling Scotland's throwaway culture. Those opposed to such restrictions (all of whom were packaging manufacturers or other types of manufacturing organisations) highlighted the potential costs of alternatives for charitable and community food groups and the NHS, or they argued that bio-based compostable single-use items should be permitted where reuse is not possible for health, safety, practical or economic reasons.

## **Views on restricting the manufacture of single-use plastic and oxo-degradable items**

10. Overall, 94% of respondents supported the proposal to introduce a restriction on the **manufacturing** of the specified single-use plastic items, with similar levels of support among individuals and organisations as a whole. However, food, drink, tourism and other business organisations and manufacturing organisations were divided in their views.

11. Respondents supporting this restriction thought the manufacturing industry needed to take greater responsibility for the environmental damage their products cause. The main

point made, by both organisations and individuals, was that if the commercial supply of the specified items was going to be effectively banned in Scotland, then it would be 'inconsistent' to permit companies to continue to profit from the manufacture and export of these items to other countries.

12. By contrast, the most common reason given by respondents opposed to a restriction on manufacturing was that this would risk Scottish companies becoming uncompetitive internationally given that such restrictions will not exist in many other countries.

### **Oxo-degradable products currently present on the market in Scotland**

13. Respondents (mainly organisations) identified (what they believed to be) a range of oxo-degradable products on the market in Scotland. These included bin liners, bubble wrap, carrier bags, clear cold drinks cups, cling film and freezer bags, disposable nappies, dog waste bags, food packaging, newspaper and magazine packaging, pallet wrap and tree planting tubes, among others.

14. However, respondents repeatedly stated that, whether or not products made of oxo-degradable plastic were currently sold in Scotland, they would support a ban because of (i) its harmful impact of on wildlife and the environment, (ii) its unsuitability for recycling, and (iii) the confusion caused among retailers and members of the public by its marketing as an 'environmentally friendly' material. Some respondents said that even if oxo-degradable items were not for sale in Scottish shops, they were likely to be easily accessible over the internet.

15. Respondents made three main suggestions regarding the implementation of a ban on oxo-degradable products in Scotland. They supported (i) a blanket restriction, rather than restrictions on a list of specified products to ensure that any possible future products made of this material are included within the scope of the restrictions; (ii) better public information about different types of plastic waste; and (iii) assistance for businesses to find alternative solutions if they are currently using oxo-degradable plastics or packaging.

### **Possible exemptions on the proposed market restrictions**

16. Overall, 80% of respondents were opposed to exemptions to the proposed market restrictions that were in addition to those set out in the consultation paper, while 20% supported additional exemptions. However, organisations and individuals had different views on this issue; most individuals did not support further exemptions whilst organisations had more mixed views – with around half in favour and half not in favour. Manufacturing organisations and food, drink, tourism and other business organisations were more likely than other organisations to say that additional exemptions were needed.

17. Respondents who wished to see further exemptions focused on groups of items or 'materials' that might be exempt, with most suggestions linked to two main sectors: the medical, care and independent living sector, and the food drink and catering sectors.

18. Respondents who were opposed to additional exemptions argued that a minimal approach to exemptions should be adopted to (i) provide clarity for all parties; (ii) avoid loopholes which would potentially undermine the aims of the market restrictions; and (iii) increase the effectiveness of the legislation, encourage innovation and maximise the environmental benefits.

## **Ensuring access to single-use plastic straws for exempt groups**

19. There was general support among respondents for a proposed exemption to the market restrictions where single-use plastic straws were required for medical reasons or to support independent living. Respondents suggested that disabled people should be consulted to determine how best to implement the proposed exemption, and they called for reusable, recyclable or compostable straws to be developed and made available to these groups instead.

20. Some respondents offered suggestions for how access to plastic straws could be made available to those who needed them, while restricting access among the general public. There were two main views: (i) that plastic straws could be provided on prescription or through health and social care services, and (ii) that they should be made available (for example in restaurants, pubs and other hospitality venues) only upon request.

## **Consideration of future market restrictions**

21. Overall, there was strong support for market restrictions on additional single-use plastic items, with more than 94% of respondents in favour. Organisations were slightly less likely to express support for this proposal; however, more than three-quarters (79%) did so. Moreover, 1,902 respondents who submitted responses through the Friends of the Earth Scotland campaign wanted to see market restrictions on further items including plastic wet wipes and plastic tampon applicators. The main opposition to this proposal was from packaging manufacturers and other types of manufacturing organisations.

22. Respondents who supported future restrictions on additional items highlighted the harm caused by single-use plastics – in terms of both long-term environmental damage and littering – and the importance of reducing reliance on plastic as part of a broader move to a ‘greener’, low carbon economy. Some said action was needed as a matter of urgency, while others favoured a more a phased approach.

23. Respondents who were opposed to or had reservations about additional market restrictions commented that (i) single-use plastic served an important purpose and that effective alternatives were not always available, (ii) other effective ways of dealing with the issue of problematic single-use plastic were already planned or being pursued (e.g., EPR schemes; improved recycling, reuse and composting systems; taxing plastic packaging; etc.); and (iii) non-plastic alternatives could also cause environmental harm.

## **Environmental, economic and social impacts**

24. Just over a quarter of respondents identified environmental, economic or social impacts relating to the proposed market restrictions. Organisations were more likely than individuals to do so.

25. In the main, respondents reflected on the perceived impacts – both positive and negative – related to current or proposed arrangements, without addressing any specific identified gaps in the impact assessments accompanying the consultation paper. They discussed (i) the environmental impacts of alternatives to single-use plastics, (ii) the impact of littering, (iii) the opportunities and challenges for business presented by the proposals, (iv) the need for support for businesses in implementing the proposed changes; (v) the role and influence of ‘big business’ in achieving change; (vi) the global economy; (vii) impacts on



health and wellbeing; (viii) the financial impact on individuals, and (ix) the impacts on equality groups.

### **Impact of Covid-19**

26. A majority of respondents (57%) said the Covid-19 pandemic (Covid) had resulted in changes to the market or wider economy that were not fully accounted for in the consultation. Organisations were more likely than individuals to think this.

27. Respondents thought Covid had brought changes to the economy or to society that had had an impact (or potential impact) on the single-use plastics market, or on the wider aims of the proposed market restrictions. Changes – largely in terms of increased use of single-use plastic, and increased littering and waste – were identified in retail; hospitality and catering; the service sector; health and social care; leisure and recreation; and in people’s working arrangements (with large numbers of people working from home). Respondents also identified changes in public attitudes and behaviours, and increased costs for businesses that they thought had potential implications for the future use of single-use plastics and the proposed market restrictions. While there was broad agreement about the changes that had occurred as a result of Covid, there was less agreement about the appropriate response to these changes and the implications for introducing market restrictions on single-use plastic items.

### **Other comments**

28. The final question in the consultation invited respondents to make any other comments relevant to the consultation. Most commonly respondents used their comments to endorse the Scottish Government’s proposals on market restrictions and / or to emphasise the need for urgent action in this policy area. These respondents wanted the Scottish Government to ‘go further’ to address the problem of plastic and to facilitate a move to a more sustainable ‘greener’ economy more generally. Among other things, respondents called for the (re)introduction of the Circular Economy Bill to the Scottish Parliament. Such comments were made by the 1,902 respondents who took part in the Friends of the Earth Scotland campaign, but they were also made by other respondents as well. Less often, respondents (mainly manufacturing organisations and food, drink, tourism and other business organisations) provided information about ongoing work to improve the sustainability of products, and they stressed the importance of a collaborative approach in progressing work in this area.

# 1 Introduction

1.1 The Scottish Government is proposing to introduce market restrictions – effectively a ban – on single-use plastic items and all oxo-degradable products in Scotland. A consultation seeking views on the items to be covered by the restrictions, and how the restrictions might be implemented was carried out between 12 October 2020 and 4 January 2021. This report presents findings from an analysis of responses to that consultation.

## Policy context

1.2 Reducing the use of single-use plastics and dealing with plastic waste is a major environmental concern. Plastics have a significant place in our daily lives and are used for many beneficial purposes. However, the production of plastic has a negative impact on carbon emission and the use of natural resources, and the plastic items produced take hundreds of years to break down and decompose, leading to a serious problem of waste which harms the environment and endangers the diversity of the natural world.

1.3 The Scottish Government is committed to reducing the use of single-use plastic and tackling plastic waste. As part of a programme of work to address Scotland's throwaway culture and introduce a circular economy, the Scottish Government has pursued a range of policies and initiatives to (i) reduce waste, (ii) encourage reuse and repair, and (iii) improve recycling rates. Tackling the problem of plastic pollution has been a significant strand in this work. So far, the Scottish Government has legislated to ban the sale of cosmetics containing plastic microbeads, introduced charges for plastic carrier bags, banned the use of plastic-stemmed cotton buds, and committed to introducing a deposit return scheme for drink containers.

1.4 Further to the work already undertaken, the Scottish Government's Programme for Government 2020–2021 made a commitment to consult about banning a number of problematic plastic items identified in the EU's Single-Use Plastics Directive.<sup>4</sup> The items covered by the Directive are those most commonly found littered on European beaches: single-use plastic cutlery, plates, straws, beverage stirrers and balloon sticks; food and beverage containers made of expanded polystyrene; and all oxo-degradable products.<sup>5</sup>

1.5 The Scottish Government has stated its intention to introduce legislation on this issue during 2021. The proposed consultation was designed to gather views to inform the development of legislation and accompanying regulations and ensure that people had an opportunity to comment on what were recognised to be wide ranging changes.

## The consultation

1.6 The consultation paper, Tackling Scotland's Throwaway Culture: Introducing Market Restrictions on Problematic Single-Use Plastic Items in Scotland, set out the case for addressing Scotland's 'throwaway culture', and the role that a ban on single-use plastics

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<sup>4</sup> Scottish Government (2020) [Protecting Scotland, Renewing Scotland. The Government's Programme for Scotland 2020–2021](#). See page 54.

<sup>5</sup> Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment: <https://eur-lex.europa.eu/eli/dir/2019/904/oj>.

could play in that.<sup>6</sup> It highlighted how a ban on the items covered by the EU Directive would be an important step in addressing the environmental damage caused by single-use plastics, and would also allow Scotland to stay in line with other European countries on this issue.

1.7 The consultation paper was accompanied by five impact assessments: an environmental impact assessment, a business and regulatory impact assessment, an equalities impact assessment, a 'fairer Scotland duty' impact assessment, and an island communities impact assessment.

1.8 The consultation sought views on a number of key issues that needed to be considered in developing the required legislation and associated regulations. There were eight consultation questions, some involving multiple parts, comprising a mix of open and closed questions. Questions focused on the following issues:

- The items to be initially covered by the proposed market restrictions, and whether the restrictions should apply to both commercial and non-commercial supply, and to manufacturing (Question 1)
- The current availability of oxo-degradable products on the Scottish market (Question 2)
- Exemptions, and access to essential items for disabled people (Questions 3 and 4)
- Possible future extension of market restrictions to additional items (Question 5)
- Environmental, economic, and social impacts of the proposals (Question 6)<sup>7</sup>
- Taking account of the COVID-19 pandemic (Question 7)
- Any other comments (Question 8).

1.9 It should be noted that one question asking for views on restricting the supply of single-use plastic items in a non-commercial capacity appeared in the downloadable consultation documents (Question 1c in the downloadable consultation paper and consultation questionnaire) but was omitted from the online response form. Additionally, there were differences in the wording and formatting of the questions in the online and offline questionnaires, and this report reflects that used in the online questionnaire.

1.10 The consultation opened on 12 October 2020 and closed on 4 January 2021. The consultation paper (and the related impact assessments) could be accessed via the Scottish Government's online consultation hub. Respondents could complete an online consultation questionnaire or submit an offline response by email or post.

1.11 As part of the consultation process, a number of online engagement events were organised by Zero Waste Scotland on behalf of the Scottish Government. There were eight sector-specific events held with environmental non-government organisations (2), product

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<sup>6</sup> Scottish Government (2020) [Introducing market restrictions on single-use plastic items in Scotland](#).

<sup>7</sup> Note that there were five additional questions which respondents could answer on the environmental impact of the proposals. Findings from the analysis of responses to these questions are not covered in this report, but will be incorporated into a revised strategic environmental assessment.

distributors (1), manufacturers (1), NHS organisations (1), a young person's representative body (1), and other groups who use single-use plastics (2). Altogether, 48 individuals from 32 organisations attended these events. A further seven events were held with representatives of individual stakeholder organisations in different sectors (the food and drink manufacturing and retail sectors, the health sector, the hospitality sector, etc.).

## About the analysis

1.12 This report is based on a robust and systematic analysis of the responses to the consultation.

1.13 Frequency analysis was undertaken in relation to all the closed questions and the findings are shown in tables in this report.

1.14 Qualitative analysis was undertaken to identify the main themes and the full range of views submitted in response to each question or group of questions, and to explore areas of agreement and disagreement in views between different groups of respondents.

1.15 Not all respondents answered every question, and some made comments in relation to a question without ticking a response at the relevant closed question. If a respondent's reply to the tick-box question was clearly stated in their written comments, the response to the tick-box question was imputed. The tables throughout this report include such imputed responses.

1.16 As with all consultations it is important to bear in mind that the views of those who have responded are not representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

1.17 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how **many** people held particular views, but rather to understand the full range of views expressed.

1.18 Finally, it is important to note that some of the responses to this consultation (especially those from organisations) contained technical information and references to other published and unpublished material. It is not possible in a report such as this to fully reflect the level of detail included in these submissions.

## The report

1.19 The remainder of this report is structured as follows:

- Chapter 2 presents information on the respondents to the consultation and the responses submitted.
- Chapters 3 to 8 present the results of the analysis of the responses to the consultation questions.

1.20 Annexes to the report comprise a full list of organisational respondents (Annex 1), the response rates for individual questions (Annex 2), information about the campaign organised by Friends of the Earth Scotland to encourage responses to the consultation (Annex 3), and a detailed breakdown of responses to Question 1 (Annex 4).

## 2 Description of the responses and respondents

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

### Number of responses received

2.2 The consultation received a total of 2,694 responses. Of these, 792 were substantive – that is, personalised – responses and 1,902 were standard campaign responses. A standard campaign response is a non-personalised response based on a standard text provided by a campaign organiser. In this case, the campaign organiser was Friends of the Earth Scotland.<sup>8</sup> The remainder of this section describes the respondents who submitted substantive responses, while paragraph 2.12 below provides further information about the campaign responses.

2.3 Most of the substantive responses received were submitted through the Scottish Government’s online consultation hub. However, 29 respondents submitted responses by email. The latter group included two organisational respondents who sent copies of their online responses by email, and three further organisations who submitted their responses through the online hub, but then submitted additional material (or evidence) by email. The two duplicate responses were removed, and these respondents have been counted only once in the analysis. In the case of the three organisations who submitted additional material, the different submissions made by these organisations were amalgamated, and similarly, these organisations have been counted only once in the analysis.

2.4 This process resulted in the removal of 5 responses from the analysis, and therefore, the analysis is based on **2,689** responses (2,694 submitted responses minus 5 removed responses). See Table 2.1.

**Table 2.1: Responses included in the analysis**

Response type	Number of responses received / removed
Submitted through Scottish Government consultation hub	763
Emailed responses	29
• Duplicates removed	-2
• Responses combined	-3
Campaign responses	1,902
<b>Total included in the analysis</b>	<b>2,689</b>

### About the respondents

2.5 Substantive responses were received from 90 organisations and 697 individuals. (Table 2.2).

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<sup>8</sup> Campaign responses were reviewed by the Scottish Government, and confirmed to be identical with regard to the substance of the text submitted. No independent verification of the number or nature of the campaign responses was undertaken by the analysts.

**Table 2.2: Responses included in the analysis, by respondent type**

Respondent type	n	%
Organisations	90	11%
Individuals	697	89%
Total	787	100%

### Organisational respondents

2.6 Table 2.3 below provides an overview of the types of organisations that responded to the consultation. The largest group of organisational respondents comprised environmental charities, third sector and community organisations (n=29). The second largest group was that of packaging manufacturers and other types of manufacturing organisations (n=22). The third largest category of organisational respondents was businesses in the food, drink, tourism, and business sectors (n=16).

**Table 2.3: Organisational respondents, by type**

Organisation type	n	%
Environmental charities, third sector and community sector organisations	29	32%
Packaging manufacturers and other types of manufacturing organisations	22	24%
Food, drink, tourism and other business organisations	16	18%
Public sector organisations	11	12%
Environmental consultancies and resource management organisations	8	9%
Other organisations	4	4%
<b>Total</b>	<b>90</b>	<b>100%</b>

Percentages do not total 100% due to rounding.

### Individual respondents

2.7 The individuals responding to this consultation often identified themselves in their comments as volunteer beach / community litter pickers, or people with a personal or professional interest in and love of the outdoors (e.g., surfers, walkers, cyclists, sea swimmers, marine biologists or environmental scientists, farmers, individuals working in conservation or outdoor education, etc.). A small number of individuals said they currently (or previously) worked in catering or hospitality, or reported they had previously lived in other countries where they believed the issue of plastic pollution was being addressed more effectively.

2.8 Less often, respondents identified themselves as having a disability, or being the relative or carer of a person with a disability.

### Response rate to individual questions

2.9 As mentioned in Chapter 1, not all respondents answered all the questions in the consultation. Among organisations, response rates varied from 84% (for Question 1(b) and the open part of Question 5) to 59% (for the open part of Question 6). Among individuals, response rates varied from almost 100% (for the eight closed questions that comprised Question 1(a)) to 30% (for the open part of Question 6).

2.10 In general, a larger proportion of individuals answered the consultation's closed questions than the open questions. Organisations, on the other hand, were as likely – and sometimes more likely – to answer the open questions than the closed questions.

2.11 Annex 2 provides full details of the number and proportion of organisational and individual respondents who replied to each consultation question.

## **Campaign responses**

2.12 As noted above, the consultation received 1,092 standard campaign responses.

2.13 Friends of the Earth Scotland encouraged their members and supporters to take part in the consultation by providing a standard response template on their website which individuals could add their signature to, and then send to the Scottish Government by email.

2.14 The campaign text addressed three of the consultation questions – Questions 1, 5 and 8 – and is included in the analysis of comments made in relation to these questions. (See Chapters 3, 5 and 8.) However, the campaign responses are not included in the tables shown in each chapter, which are based on the substantive (i.e., non-campaign) responses only.

2.15 The Friends of the Earth Scotland campaign text is presented in full in Annex 3 of this report, along with a table showing how the text was allocated to individual consultation questions.



### 3 Items to be covered by market restrictions (Q1 and Q2)

3.1 The consultation paper described the items that it was proposed would be covered by the new market restrictions. These reflected the items specified in Article 5 of the SUP Directive, and comprised single-use plastic cutlery, plates, straws, beverage stirrers and balloon sticks; food and beverage containers made of expanded polystyrene; and all oxo-degradable products. Each of the items was defined, with examples provided. The consultation also stated that consideration was being given to extending the market restrictions beyond that required by the SUP Directive to cover (i) non-commercial as well as commercial supply, and (ii) restrictions on the manufacturing of the specified items.

3.2 Question 1 in the consultation was a four-part question, which asked for views about possible market restrictions on specific items and types of single-use plastic. Question 2 asked about the presence of oxo-degradable products on the Scottish market.

**Question 1(a):** Do you support the proposal to introduce a market restriction in Scotland on each of the single-use plastic items listed and all oxo-degradable products?

- Single-use plastic cutlery (forks, knives, spoons, chopsticks) [Yes / No]
- Single-use plastic plates (plates, trays / platters, bowls) [Yes / No]
- Single-use plastic straws [Yes / No]
- Single-use plastic beverage stirrers [Yes / No]
- Single-use plastic balloon sticks [Yes / No]
- Single-use food containers made of expanded polystyrene [Yes / No]
- Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids [Yes / No]
- All oxo-degradable products [Yes / No].

**Question 1(b):** Please give reasons and where possible provide evidence to support the view expressed in response to Question 1(a).

**Question 1(c)<sup>9</sup>:** Do you support the introduction of a restriction on the supply in a non-commercial capacity (rather than only in the course of commercial activity) of the specified single-use plastic and oxo-degradable items? [Yes / No] Please give reasons.

**Question 1(d):** Do you support the introduction of a restriction on the manufacturing of the specified single-use plastic and oxo-degradable items, excluding those for which exemptions will be introduced? [Yes / No] Please give reasons.

**Question 2:** To your knowledge, are any of the oxo-degradable products identified in this document present on the Scottish market? Are there any additional oxo-degradable products available on the Scottish market that we have not identified? Please provide evidence to support your answer.

### Views on the proposed market restrictions (Q1a and Q1b)

3.3 Table 3.1 below shows that there was strong support among both organisations and individuals for the proposal to introduce market restrictions on the single-use plastic items specified in the consultation paper. Among individuals, 94% or more answered 'yes' to each of the eight questions included as part of Question 1a. Among organisations, the proportion

<sup>9</sup> Question 1c was omitted from the online questionnaire.



answering ‘yes’ to each question was slightly lower than among individuals, but still indicated a high level of support. Specifically, the proportion of organisations answering ‘yes’ ranged from 76% in favour of market restrictions on single-use plastic plates, to 91% in favour of market restrictions on single-use plastic balloon sticks, and on food and beverage containers made of expanded polystyrene.

3.4 Annex 4 provides a more detailed breakdown of the responses to Question 1(a). The tables in the annex show that, in general, packaging manufacturers and other types of manufacturing organisations were less supportive of market restrictions on the specified items than other types of respondent. A large majority of this group (three-quarters) were opposed to restrictions on (i) single-use plastic cutlery and (ii) single-use beverage stirrers. In addition, nearly all the respondents in this group were opposed to restrictions on (iii) single-use plastic plates and (iv) single-use plastic straws. This group also expressed more mixed views in relation to restrictions on (i) single-use plastic balloon sticks, (ii) food containers made of expanded polystyrene, (iii) drinks containers made of expanded polystyrene, and (iv) oxo-degradable products.

**Table 3.1: Q1(a) – Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on each of the single-use plastic items listed and all oxo-degradable products?**

	Yes		No		Total	
	n	%	n	%	n	%
<b>1. Single-use plastic cutlery (forks, knives, spoons, chopsticks)</b>						
• Total organisations	56	82%	12	18%	68	100%
• Total individuals	668	96%	28	4%	696	100%
<b>2. Single-use plastic plates (plates, trays / platters, bowls)</b>						
• Total organisations	52	76%	16	24%	68	100%
• Total individuals	669	96%	26	4%	695	100%
<b>3. Single-use plastic straws</b>						
• Total organisations	54	77%	16	23%	70	100%
• Total individuals	650	94%	45	6%	695	100%
<b>4. Single-use plastic beverage stirrers</b>						
• Total organisations	58	85%	10	15%	68	100%
• Total individuals	680	98%	15	2%	695	100%
<b>5. Single-use plastic balloon sticks</b>						
• Total organisations	60	91%	6	9%	66	100%
• Total individuals	677	98%	16	2%	693	100%
<b>6. Single-use food containers made of expanded polystyrene</b>						
• Total organisations	63	91%	6	9%	69	100%
• Total individuals	673	97%	22	3%	695	100%
<b>7. Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids</b>						
• Total organisations	61	91%	6	9%	67	100%
• Total individuals	670	97%	24	3%	694	100%
<b>8. All oxo-degradable products</b>						
• Total organisations	64	90%	7	10%	71	100%

• Total individuals	651	95%	35	5%	686	100%
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3.5 It is also worth noting that nearly 9 out of 10 individual respondents were in favour of **all** the proposed restrictions, compared to around half of organisational respondents.

3.6 Question 1(a) was addressed by the Friends of the Earth Scotland campaign in which 1,902 campaign respondents expressed support for market restrictions on all of the specified items.

3.7 Question 1(b) asked respondents to give reasons for their views and (if possible) to provide evidence. Altogether, 693 respondents – 76 organisations and 617 individuals – provided further comment.

3.8 For the purposes of this analysis, respondents were categorised into three main groups: (i) those in favour of **all** the proposed market restrictions; (ii) those in favour of **most** but not all restrictions (i.e., they answered ‘yes’ to between 4 and 7 of the questions at 1(a)), and (iii) those **opposed to** all or most of the proposed market restrictions (i.e., they answered ‘no’ in relation to 5 or more of the questions at 1(a)). A small fourth group comprised a handful of organisations who did not tick any of the boxes at Question 1(a), but provided comments at Question 1(b). In general, this group expressed support for the Scottish Government’s attempts to tackle the issues associated with single-use plastics, but they had reservations or concerns about aspects of the proposals set out in the consultation paper, or they said they did not have enough information (from their membership, for example) to be able to respond in relation to the specified items listed in the consultation paper.

3.9 The main views expressed by the first three groups are summarised here. The reservations expressed by the fourth group were often voiced by respondents in the first three groups, so the views of this group are not covered separately. Note that organisational respondents (particularly environmental charities; packaging manufacturers and those in the food and drink industry) often provided lengthy responses and cited research evidence to support their detailed arguments for or against market restrictions on single-use plastics.

### **Respondents in favour of all the proposed market restrictions**

3.10 Fifty (50) organisations and 612 individuals indicated that they were in favour of market restrictions on all the items specified in the consultation paper. This group comprised nearly all environmental charities, third sector organisations and community groups; nearly all environmental consultancies and resource management organisations; and nearly all public sector organisations. Many of the individuals in this group highlighted their experiences of volunteer beach cleans or litter picking, as well as their professional and personal interest in, and love of, the outdoors.

3.11 Organisations and individuals gave a variety of reasons for their support of the proposed market restrictions, including concerns about:

- Litter in general, and litter / pollution in the marine environment specifically, including its threat to wildlife and biodiversity
- Lack of enforcement and prosecution regarding littering

- Contamination of the food chain (i.e., chemicals in plastics and polystyrene containers and the impacts of these on the health of humans and animals)
- Carbon emissions relating to the process of producing plastics
- The time required for plastic to degrade
- The export of plastic waste from Scotland to other (developing) countries for processing / landfill
- The economic costs of coastal clean-ups and the negative economic impacts on tourism and the fishing industry.

3.12 Respondents in this group acknowledged the convenience of single-use plastics, but thought (i) they were a symbol of Scotland's throwaway culture, (ii) none of the items in the proposed list could be considered to be 'essential', (iii) the harm caused by these items was, in most cases, greater than any benefit they provided, (iv) their continued production and use acted as a deterrent to innovation and / or wider use of 'greener', 'more sustainable' alternatives which already existed, and (v) in many cases, plastic-free re-usable alternatives were cheaper than the equivalent single-use plastic item. They also argued that regulation was needed to 'make change happen', and that banning these items was preferable to charging consumers more for them.

3.13 Some individuals highlighted or provided links to evidence which supported their views, pointing to findings from the 2019 Marine Conservation Society Great British Beach Clean and other beach surveys, and surveys carried out by Keep Scotland Beautiful, as well as the websites of Friends of the Earth and Greenpeace. Occasionally, individual respondents also pointed to peer-reviewed published research articles. More often, however, individuals simply emphasised their own experiences of seeing and picking up litter in their communities. As noted above, organisations in this group often provided lengthy responses and cited research evidence to support their perspectives.

3.14 Occasionally, respondents in this group suggested additional items which they felt should be in-scope for the currently proposed restrictions, including plastic straws on juice cartons. (Other suggestions are discussed in Chapter 5.)

3.15 Organisations in this group highlighted:

- The need to place a higher value on plastic items that already exist, to move away from the production of new plastics, and ensure that plastic lost to the environment is minimised
- The need to consider the possible impacts of alternatives to single-use plastic products – respondents thought that the development of any alternatives to single-use plastics should be consistent with the principles of a circular economy, and that steps should be taken to avoid one single-use disposable item (i.e., those made of wood or other compostable material) being substituted for another. In addition, consideration would need to be given to ensuring that any alternative items are compatible with existing kerbside recycling collection and sorting systems.
- The need for better education / awareness raising – for example, there were suggestions that a labelling system could be put in place to inform members of the public of a product's environmental cost based on an assessment of its lifecycle, similar to the nutritional information on food packaging.

3.16 Respondents sometimes commented on specific items proposed for market restrictions. Most often, they highlighted their reasons for supporting restrictions on food and beverage containers made of expanded polystyrene and on all oxo-degradable items.

#### Expanded polystyrene (EPS)

3.17 Respondents in this group (particularly organisations) frequently said they were in favour, specifically, of a ban on the use of expanded polystyrene (EPS) for single-use food and beverage containers. The following points were made:

- EPS is a major source of marine pollution and fragments of EPS are consistently found in coastal litter.
- Once in the environment, floating debris can become a habitat for marine organisms, with further fragmentation of the material resulting from burrowing.
- Harmful chemicals can leach from EPS products during production and use or through degradation.

#### Oxo-degradable plastic

3.18 Organisational respondents who supported market restrictions on all the items specified in the consultation paper often explicitly stated that they were in favour of the banning of oxo-degradable plastic. This group repeatedly stated that this material:

- Does not properly biodegrade (it simply breaks into smaller fragments of plastic)
- Contributes to microplastic pollution in the environment
- Is not compostable
- Adversely affects the recycling of conventional plastics
- Fails to deliver any environmental benefit.

3.19 In addition, respondents argued that the claims made by manufacturers of these plastics that they are 'degradable' is confusing for the public and may result in increased littering.

3.20 Some organisations commented that any legislation / regulations to restrict the use / production of oxo-biodegradable plastics would need to include a clear definition of this term. Some suggested that oxo-degradable plastics should be defined as those containing additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition. Reference was made to the British Standards Institution's new PAS 9017 and a concern was voiced that certain types of plastic material may 'technically' comply with this standard but may still result in damage to the environment; respondents argued that compliance with this standard should not be sufficient to avoid the restrictions on oxo-degradable plastics.<sup>10</sup>

#### Biodegradable plastics

3.21 Related to the points above, there was also some discussion among respondents in this group about whether so-called 'biodegradable plastics' (including ox-biodegradable plastics, bioplastics and compostable plastics) should be included or excluded from the scope of the market restrictions. Some respondents who supported restrictions on all the

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<sup>10</sup> [British Standards Institution's PAS 9017:2020](#).

items specified in the consultation paper said that biodegradable plastics should also be included within the scope of the restrictions. These respondents thought that biodegradable plastics did not prevent littering; and their production required extensive land use – thereby diverting land from food production and improvements to biodiversity. In addition, this group argued that varying biodegradability standards meant that these plastics did not always fully break down, or their biodegradation was dependant on industrial composting conditions which were not widely available. However, others in this group argued that items made from these types of materials would provide potential alternatives to the single-use items that will be covered by the restrictions.

3.22 A summary of arguments for and against the inclusion or exclusion of biodegradable plastics and compostable materials are discussed further below at paragraph 3.34.

### **Respondents in favour of most, but not all the proposed market restrictions**

3.23 A relatively small number of organisations (7 out of 90) and individuals (64 out of 697) ticked ‘yes’ to five, six or seven – but not all – of the proposals at Question 1(a).<sup>11</sup>

3.24 Individuals in this group who ticked ‘no’ to one, two or three of the questions often identified themselves as disabled, and / or they explicitly referred to the needs of disabled people. Some of the points made by these individuals were that:

- The discontinuation of the meals-on-wheels and shopmobility services in some parts of Scotland means that some disabled people are entirely dependent on groceries being delivered to them (often in plastic bags) and microwave meals supplied in non-reusable plastic trays.
- Wooden cutlery is unpleasant for some people to use, and it is not convenient to carry metal cutlery when away from home.
- Paper straws are not sufficiently robust and, for some individuals with low muscle tone, they can cause choking as they degrade. In addition, the coating on paper straws is not recyclable. For some disabled people, metal and bamboo straws pose a risk of injury, or exacerbate their condition. Those who raised concerns about market restrictions on plastic straws suggested that there should be a delay in restricting access to these items until arrangements were in place to protect the rights and independence of people with disabilities. Less often, this group suggested that these items should not be included within the scope of the restrictions at all. A separate point was also made that plastic straws contribute only a small fraction of marine / coastal litter, and the proposal to restrict access to them seemed disproportionate given their importance to some disabled people. (Other concerns raised by disabled people in relation to restrictions on plastic straws are discussed in Chapter 4.)

3.25 Individuals in this group also expressed a range of other views about the proposed market restrictions, including that: (i) priority should be given to making plastics fully recyclable, rather than banning them; (ii) alternatives to single-use plastics should be more widely available; (iii) the consultation paper does not explain how the proposed restrictions

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<sup>11</sup> Included in this group were a small number of individuals (and one organisation) who answered ‘yes’ to seven out of the eight questions at 1(a), but who left just one item in the list blank, rather than answering ‘no’. Comments from these respondents suggested that they fully supported the Scottish Government proposals to ban single-use plastics. In these cases, the respondents may have intended to tick ‘yes’ to all eight questions.

would relate to compostable items and bio-plastics; and (iv) market restrictions could have a further adverse impact on local businesses that are already struggling due to the Covid-19 pandemic. In general, each of these views was expressed by just two or three individuals.

3.26 Most of the organisations who ticked ‘no’ to one, two or three of the questions at 1(a) were food, drink, tourism or other business organisations, or they were manufacturing organisations. The views put forward by these respondents were qualitatively different to those put forward by individuals (described above). This group made the following points:

- Some vending machines and shops provide plated meals in situations where catering and canteen services are not available (e.g., out-of-hours, etc.). These meals need to be heated in a microwave, and the use of reusable plates in this situation is impractical. Plastic was seen to be a better option than paper because a plastic plate can be recycled, whereas residual food / fat on a coated paper plate results in contamination of the paper plate, making it unsuitable for recycling. Some respondents also said that paper plates were not robust enough for use with hot meals and would present risks to consumer safety. In addition, the Covid-19 pandemic was reported to have led to a demand for plastic plates in vending machines in health care facilities – partly for hygiene reasons and partly to eliminate the requirement for washing dishes.
- In relation to containers made from EPS, the legislation should make clear that the restrictions will be applied to insulated cups – and should exclude vending cups which are made from sheet polystyrene. Vending cups are used in closed environments and do not contribute to littering as they are collected in segregated waste streams and recycled.
- Scotland should not go ‘dramatically further’ than the EU Directive in its interpretation of what constitutes a ‘plastic plate’. Bio-based and compostable take-out packaging should be excluded from the proposed restrictions. Bio-based and compostable disposable platters, trays and bowls should be permitted as alternatives to single-use plastics, as well as alternatives to reusables which cannot be used in takeaway or all catering contexts. Respondents referred to Italy’s single-use plastics policy (and a similar policy in Portugal), which allows compostable disposables to be used in catering situations where reuse is not possible.
- Life cycle assessments are needed to identify the social, economic and environmental impacts of potential alternatives for the items / products that will be restricted.

### **Respondents opposed to half or more of the proposed market restrictions**

3.27 A small number of organisations (4 out of 90) and individuals (13 out of 697) did not answer ‘yes’ in relation to any of the questions at 1(a). In general, this group answered ‘no’ in relation to all of the specified items, but occasionally they answered ‘no’ in relation to one or some of the items, whilst leaving the remaining tick-boxes blank.

3.28 A slightly larger number of organisations (13 out of 90) and a slightly smaller number of individuals (7 out of 697) answered ‘yes’ in relation to just one, two, three or four of the questions at 1(a).

3.29 Collectively, this group of respondents were opposed to market restrictions on at least half of the specified items. The organisations in this group were, for the most part, manufacturing organisations or food, drink, tourism and other business organisations.

3.30 Organisations in this group gave a range of reasons for opposing market restrictions on all or most of the specified items. These respondents often argued that, in certain contexts, there were no better alternatives. The following points were made:

- The Covid-19 pandemic has led to an increased demand for single-use plates and cutlery to safeguard the public. For the sake of public health (now and, potentially, in the future), market restrictions should not be introduced in relation to these items.
- Any market restrictions on single-use plastics should distinguish between oxo-degradable plastics on the one hand (which break up into fragments and can remain in the environment for decades), and oxo-biodegradable technology on the other (which, it was reported, causes ordinary plastic to degrade if exposed to the open environment and to biodegrade ‘in the same way as nature’s wastes’). Those who called for this distinction to be made argued that there is ‘no evidence’ that items made with oxo-biodegradable plastic have been found on beaches. They also claimed that tests had found oxo-biodegradable plastics to leave no micro-plastic particles when they degrade. There was also a view from some packaging manufacturers in this group that, rather than banning single-use plastics, there should be a shift to using oxo-biodegradable technology rather than conventional plastic.
- Some respondents did not support the inclusion of compostable products within the restrictions as they considered these types of products to provide an important alternative to single-use plastics in the catering and hospitality sectors.
- Alternatives to single-use plastic were judged (at least in some cases) to be associated with higher carbon emissions. Specifically, EPS boxes and cups were reported to (i) provide ‘exceptional functionality at a low price’, (ii) be highly recyclable, and (iii) perform better in life cycle assessment analyses than alternative materials. Respondents who made this point called for any restrictions to take full account of the technical, environmental and socio-economic impacts of doing so.
- Some respondents in this group wanted a distinction to be made between loose plastic drinking straws and ‘on-pack’ straws – which are provided with cartons and pouches – since alternatives for the latter are not yet widely available. It was suggested that the Scottish Government should work closely with the food and drink industry to agree a pragmatic and achievable timescale for introducing restrictions on ‘on-pack’ plastic straws.
- Polyethylene (or polythene) lids for cups and food containers should not be restricted as they can be used on paper cups, can be easily recycled and there is no better alternative for them. The issue of beverage container ‘lids’ should be managed separately.

3.31 In general, organisations in this group opposed what they saw as a ‘blanket, one-size-fits-all’ approach to dealing with products made of plastic. Some said that they supported restrictions ‘where there are appropriate, sustainable and renewable alternatives available’. One manufacturing organisation said that they supported the restrictions, but wanted plastic plates, cutlery, etc. used in vending applications to be exempted since there were no practical alternatives for this specific context. There was also a call for ‘a grace period’ and support for small businesses during the transition away from single-use plastics. Concerns were particularly voiced about the likelihood of additional costs associated with the proposed restrictions and the impact of these on the hospitality sector, which was seen to be badly affected by the Covid-19 pandemic. In addition, there was a question about how the

proposed market restrictions would affect planned reforms to the Extended Producer Responsibility (EPR) scheme.

3.32 The reasons given by individuals for opposing market restrictions on all or most of the specified items were qualitatively different to the reasons given by organisations. For example:

- Individuals preferred a policy approach focused on improving recycling technology, rather than ‘banning’ plastic products.
- These respondents argued that single-use plastic items are used because people need them. Disabled people, in particular, need some of these items and alternatives are not always suitable. Single-use plastics were also seen by this group as important in relation to food hygiene and public health.
- The use of regulation / market restrictions was seen as a ‘blunt tool’ and disproportionate in solving the problem of plastic litter.
- It was suggested that not all plastics washed up onto Scottish beaches originated in Scotland; therefore, regulation in Scotland is unlikely to entirely solve the problem.
- Plastics are widely used because they are ‘cheap’; and they are cheap because they require very little energy and resources to be produced. In some circumstances, plastics are the best and most convenient option. The switch to plastic-free alternatives for some of these items would be worse for the environment than plastics.
- The consultation paper has provided no information about what would replace these items if they were no longer available – and no evidence that items made of alternative materials would not also be littered.

3.33 There was also a call by some in this group not to include compostable packaging within the scope of the proposed restrictions.

### **Bio-degradable plastics, bio-plastics and compostable single-use items**

3.34 As noted above, there was widespread agreement among respondents of all types that products made of oxo-degradable plastics should be banned in Scotland. However, some respondents (mainly organisations) discussed the issue of whether biodegradable plastics (including oxo-biodegradable plastics) and / or compostable materials should also be within the scope of the restrictions – and there was disagreement on this matter.

3.35 The views in favour of, and opposed to, restrictions on these items have been touched upon above. However, this section summarises these arguments. It should be noted that respondents sometimes expressed uncertainty or confusion about the distinction between oxo-degradable, biodegradable, and compostable materials, and it was not always clear whether arguments in favour of banning or exempting these materials from market restrictions were based on an accurate understanding of the properties of these materials and their degradability.

Views in favour of restrictions on bio-degradable and compostable materials

3.36 Respondents who favoured restrictions on single-use plastics sometimes commented that all forms of ‘bio’, ‘compostable’ and ‘biodegradable’ plastics should also be covered by the restrictions. This group (mainly, but not solely, environmental charities and local authorities) made two main points. The first related to what they saw as an inconsistency



with the principles of a circular economy, and the second related to practical issues and the feasibility of recycling and / or disposing of these items. Specifically:

- Some respondents said it was 'vital' that single-use plastics were not simply replaced with other disposable items made of so-called biodegradable plastic or compostable materials. These respondents suggested that such an approach would not address the issue of Scotland's throwaway culture or address the problem of litter. They wanted efforts to focus on changing to a more circular model of re-use.
- Some respondents commented that it takes considerable time for these materials to fully degrade and, even after industrial composting, fragments of these materials may remain, thus contaminating otherwise high value compost or recycle. Local authorities noted that, for this reason – and because these materials cause confusion among consumers about how to correctly dispose of them – items made of these materials were not widely accepted for recycling. The point was made that although these materials are 'technically' recyclable, they are not recyclable in practical terms. There was a suggestion that, if they were to be outside the scope of the restrictions, then consideration would need to be given to how they could be accommodated within the existing waste collection infrastructure.

3.37 Very occasionally, respondents in this group suggested that it would be appropriate for certain types of compostable materials – fibre-based compostable materials in particular – to be excluded from the restrictions so long as they met certain criteria. Specifically, they must not contain harmful chemicals which encourage the decomposition process; there must be suitable infrastructure in place to ensure items can be collected and composted effectively; and they should be responsibly sourced and accredited by recognised sustainability schemes.

3.38 Other comments, usually expressed by just one or two respondents, were that although these materials produce less greenhouse gas emissions than conventional plastics over their lifetime, the requirements for extensive land and water use, fertiliser, pesticides, and chemical processing to produce them made them unsuitable as alternatives for single-use plastics.

#### Views opposed to restrictions on biodegradable and compostable materials

3.39 Respondents who were opposed to restrictions on biodegradable and compostable materials were mainly organisations in the manufacturing and food, drink, tourism and business sectors. Some (including at least one local authority) said explicitly that they did not support compostable products being covered by the market restrictions, or they believed that compostable items should be exempted in certain specific circumstances. This group argued that:

- These products provide a viable alternative to single-use plastic cutlery and plates, bowls and platters for the food service, hospitality, tourism and leisure sectors where there are economic or practical difficulties associated with reusables. Restrictions on these types of materials would leave these sectors with very few options.
- The source materials for plant-based plastics are renewable.
- People are no more likely to litter plant-based plastics than ordinary plastics.

3.40 Some respondents called for the Scottish Government to stipulate the conditions where it is not safe for reusable plates and cutlery to be used, and in those situations to allow bio-based compostable disposables to be used instead. They also wanted assistance to be given to businesses to implement appropriate recycling schemes for single-use compostable items.

### **Restricting non-commercial supply of single-use plastics (Q1c)**

3.41 The consultation paper explained that the aim of Article 5 of the EU SUP Directive was to introduce restrictions on the supply, by businesses, of the specified single-use items and of all items made of oxo-degradable plastic. Although not strictly required by the SUP Directive, the Scottish Government is also considering the introduction of restrictions on the supply of items in a non-commercial (i.e., personal) capacity. Question 1(c) asked respondents if they supported the introduction of such a restriction.

3.42 This question was not included in the online version of the consultation response form. However, a small number of respondents (mainly organisations) who submitted their views by email replied to this question. A further small group of respondents provided a response to Question 1(c) within their comments at Question 1(d) or Question 8.

3.43 Altogether, there were 27 responses to this question from 25 organisations and 2 individuals. Of these, 24 provided an answer to the closed question: 21 answered 'yes' and 3 answered 'no'.<sup>12</sup> All three respondents who answered 'no' were packaging manufacturers or other types of manufacturing organisations. Three other organisations did not answer the closed question but raised concerns. These were similar to the caveats raised by respondents who supported restrictions on the non-commercial supply of single-use plastics (see paragraph 3.46 below) and are therefore not covered separately.

#### **Support for restrictions on the non-commercial supply of single-use plastics**

3.44 Among respondents who answered 'yes' to Question 1(c) the main view was that every opportunity should be taken to reduce the use of single-use plastics. This group made two related points:

- There should be a consistent approach, and as few exemptions as possible, regarding the supply of single-use plastics – this would have the greatest benefit to the environment and would avoid public confusion
- Tackling single-use plastics requires cultural change in all parts of society – not just in commercial settings.

3.45 There was also a recurring view among these respondents that the introduction of restrictions on the commercial supply of single-use plastics would almost certainly, in any case, result in a restriction on the supply of these items in a non-commercial capacity.

3.46 However, respondents in this group sometimes also raised the following caveats:

- People who rely on single-use plastics due to a medical condition or to support independent living should continue to have access to them.

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<sup>12</sup> Given the small number of respondents answering Question 1(c), the findings for the closed question are not presented in a table.

- Some queried how a restriction on the non-commercial supply of single-use plastics could be enforced / regulated in practice, and / or they highlighted a need for adequate resources to do this.
- The use of compostable items should be exempted from these restrictions. In particular, there may be a need to permit the use of compostable straws, cups, cutlery and plates in closed catering systems, where effective arrangements can be put in place to dispose of these items appropriately.
- Any further measures taken to restrict certain items should be based on an assessment of the environmental and socio-economic impacts of doing so and should avoid unintended consequences.

### **Opposition to a restriction on the non-commercial supply of single-use plastics**

3.47 As noted above, three (out of 27) respondents answered 'no' at Question 1(c). Two of these respondents made similar points, namely that (i) operational costs are a major factor for charitable and community food groups, which often operate on small budgets, and (ii) there should be an allowance for bio-based compostable disposables where reuse is not possible for health, safety, practical or economic reasons.

3.48 The third respondent suggested that disposable single-use plastics (including certified food-safe EPS packaging and wrapped plastic cutlery) were required in certain contexts including the health sector. This respondent argued that restrictions on their supply would force NHS organisations to source items overseas at higher costs, and with potentially less certainty about their safety.

### **Restricting the manufacture of single-use plastic and oxo-degradable items (Q1d)**

3.49 The consultation paper explained that the aim of Article 5 of the EU SUP Directive was to introduce restrictions on the supply, by businesses, of certain specified single-use plastic items and all items made of oxo-degradable plastic. Although not strictly required by the SUP Directive, the Scottish Government is also considering the introduction of restrictions on the **manufacturing** of these items in Scotland.

3.50 Question 1(d) asked respondents if they supported the introduction of a restriction on the manufacturing of the specified single-use plastic items and all oxo-degradable items – except for those where exemptions will be introduced.

3.51 Table 3.3 shows that, overall, 94% of respondents supported this proposal. There was a similar pattern of response among individuals and organisations as a whole, although manufacturing organisations and food, drink, tourism and other business organisations were divided in their views.

**Table 3.3: Q1(d) – Do you support the introduction of a restriction on the manufacturing of the specified single-use plastic and oxo-degradable items, excluding those for which exemptions will be introduced?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	6	50%	6	50%	12	100%
Food, drink, tourism, and other business organisations	5	56%	4	44%	9	100%
Public sector organisations	11	100%	–	0%	11	100%
Environmental consultancies and resource management organisations	6	100%	–	0%	6	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>57</b>	<b>85%</b>	<b>10</b>	<b>15%</b>	<b>67</b>	<b>100%</b>
Total individuals	655	95%	35	5%	690	100%
<b>Total (organisations and individuals)</b>	<b>712</b>	<b>94%</b>	<b>45</b>	<b>6%</b>	<b>757</b>	<b>100%</b>

3.52 Altogether, 584 respondents – 65 organisations and 519 individuals – commented at Question 1(d).

### Support for a restriction on the manufacture of single-use plastics

3.53 Individuals who answered ‘yes’ to Question 1(d) often referred to their comments at Question 1(b) – repeating their concerns about the negative impacts on the natural environment (including the marine and coastal environments) and litter caused by the continued production of single-use plastics. In general, individuals felt the manufacturing industry needed to take greater responsibility for the damage their products do. They also thought that restricting the manufacturing of these items would lead to the use (and creation) of more sustainable alternatives. The general view was that ‘if these items are not made, they cannot be used’.

3.54 The main point made by organisations and some individuals who answered ‘yes’ was that, if the commercial supply of the specified items was going to be effectively banned because of the environmental damage they cause, then it would be ‘inconsistent’ (some said ‘hypocritical’) to permit companies to continue to profit from the manufacture and export of these items to countries where there were no restrictions on their supply and use.

3.55 The second main point made by these respondents was that plastics manufacturing and disposal processes are a significant contributor to carbon emissions, and therefore to climate change.

3.56 This group of respondents repeatedly made the following additional points:

- Marine litter is a global problem which needs to be addressed in all countries.
- Permitting the continued manufacture of these items was inconsistent with the principles of a circular economy.

- A ban on manufacturing these items would act as a significant driver for new manufacturing, research and innovation activities – thus providing new economic opportunities and demonstrating that a more sustainable approach can still be profitable.
- Producers need to take greater responsibility for the design of products that can minimise adverse environmental impacts, maximise recycling and encourage reuse.

3.57 Organisations in favour of restrictions on manufacturing suggested that, where certain single-use products were necessary for medical reasons or to enable independent living, they should be classified as medical devices and their manufacture strictly controlled. This could be done, for example, through the issuing of licences to a limited number of companies through a competitive tendering process.

3.58 There was also a suggestion that the Scottish Government should seek to avoid any detrimental impacts on businesses due to the proposed restrictions. This could be done by providing support to businesses to diversify and produce suitable alternative products. There was also a request from one organisation that the Scottish Government allow manufacturers – who were currently in the process of developing alternatives to single-use plastics – sufficient time to sell through their existing stocks of products (for example, drinks with plastic straws attached) before implementing restrictions on manufacturing.

3.59 Some respondents in this group – although generally supportive of restrictions on the manufacturing of single-use plastics – did not, however, support restrictions on the manufacturing of compostable plates and straws for use in certain circumstances. It was also suggested that a new material – expanded polypropylene (EPP), which was described as ‘fully recyclable, lightweight and durable with the same insulating properties as EPS – should also be excluded from these restrictions.

### **Views opposed to restrictions on the manufacture of single-use plastics**

3.60 Respondents who answered ‘no’ to Question 1(d) gave a range of reasons for opposing restrictions on the manufacture of single-use plastics.

3.61 The most common reason given – both by organisations and individuals – was that restrictions on manufacturing would risk Scottish companies becoming uncompetitive internationally given that such restrictions will not exist in many other countries of the world. Respondents commented that businesses were already struggling as a result of the Covid-19 pandemic, and that placing restrictions on manufacturing would further jeopardise jobs. These respondents argued that the Scottish Government should allow market forces (reduced consumer demand) to drive changes in manufacturing, rather than place restrictions on manufacturing. The point was made that there is a need in Scotland for these items (including, for example, within the NHS, where there is currently high demand for wrapped plastic cutlery and food-safe EPS packaging). If businesses in Scotland were prevented from manufacturing these items, they would have to be imported from other countries, where no such restrictions existed. This would result in increased prices and increased environmental harm linked to transportation.

3.62 Those who opposed restrictions on the manufacture of single-use plastics also called for a full assessment of the impacts of producing items made from alternative materials.

3.63 Some individuals simply said that, as they did not support market restrictions on the commercial supply of single-use plastics, they did not support restrictions on manufacturing of these items either.

3.64 Other views, expressed less often, were that:

- Manufacturers should be able to produce items which are exempted (for example, single-use plastic straws to support independent living).
- The restrictions should not cover bio-based plastics and compostable disposables or oxo-biodegradable materials – as these could be used in situations where reuse is not possible for health, safety, practical or economic reasons.
- The restrictions should distinguish between loose single-use plastic straws and those attached to packaging such as cartons and pouches (on-pack). Alternatives for the latter are not yet widely available, whereas alternatives for the former are.
- A policy focus on reducing litter encourages the development of materials not unlike, but more effective than, oxo-degradable materials that will break down rapidly in the environment – and be less visible as litter. However, these materials will nevertheless contaminate plastics recycling streams. It was suggested that such materials may be important for use as packaging films but should not be used for other purposes.

## Oxo-degradable products currently present on the market in Scotland (Q2)

3.65 Question 2 focused specifically on restrictions relating to oxo-degradable products. The consultation paper noted that there was broad agreement among stakeholders that oxo-degradable plastic should no longer have a place in the market. Thus, the proposed restrictions would cover **all** items made of oxo-degradable plastic, not merely single-use items. This would include carrier bags, agricultural mulch films, plastic bottles, blister packaging, labels and caps.

3.66 Question 2 included two parts asking respondents (i) whether, to their knowledge, any of the oxo-degradable products identified in the consultation paper were present on the Scottish market, and (ii) whether any additional oxo-degradable products were available on the Scottish market that the consultation paper had not identified.

3.67 Altogether, 452 respondents – 57 organisations and 395 individuals – commented at Question 2. However, a large proportion (around half) of the comments made by individuals essentially took the form of statements saying, ‘I don’t know’; ‘Not aware of any’, or ‘Unsure’ – or similar expressions of uncertainty.

3.68 Other individuals suggested a wide range of products which they thought may be made of oxo-degradable plastic, but often expressed uncertainty about whether the products mentioned were, in fact, oxo-degradable and / or whether they were present on the Scottish market. However, individuals often highlighted the same items as organisations. (See paragraph 3.73 below.)

3.69 Comments from organisations generally comprised one of three types: (i) they expressed general views about the proposal to restrict the supply / use of oxo-degradable plastic in Scotland, (ii) they suggested oxo-degradable items which were likely to be present

on the Scottish market, and (iii) they offered suggestions in relation to the implementation of restrictions on oxo-degradable products.

### **General views in relation to restricting oxo-degradable products in Scotland**

3.70 Organisations repeatedly stated that, even if there was currently no oxo-degradable plastic on the Scottish market, they would support the proposed ban because of (i) the harmful impact oxo-degradable plastic on wildlife and the environment, (ii) its unsuitability for recycling, and (iii) the confusion caused among retailers and members of the public by its marketing as an 'environmentally friendly' material.

3.71 Some respondents argued that even if oxo-degradable items were not on sale in Scottish shops, they were likely to be easily accessible over the internet. It was also suggested that there may have been an increase in the range and quantity of oxo-degradable, oxo-biodegradable and photo-degradable products placed on the UK market since the UK's decision to exit the EU, due to uncertainties about whether the nations of the UK would adopt the EU's Single-Use Plastics Directive.

3.72 Some organisations commented that it was likely that many products currently marketed as 'biodegradable' plastics are, in fact, 'oxo-degradable', and there was a general call for standards to be met before manufacturers / retailers could market a product as 'biodegradable' or 'compostable'.

### **Oxo-degradable items on the market in Scotland**

3.73 Organisations highlighted a wide range of items made from oxo-degradable plastic which they thought were on the market in Scotland – or could be purchased through online retailers. These included:<sup>13</sup>

- Bin liners
- Bubble wrap
- Carrier bags
- Clear cold drinks cups
- Cling film and flexible film / freezer bags
- Cotton bud stems
- Disposable, single-use nappies
- Dog waste bags
- Envelopes
- Face masks, gloves and other PPE
- Food packaging (including resealable pouches designed to contain dried goods such as herbs, teas and spices)
- Newspaper / magazine packaging
- Postal bags (used for deliveries ordered online) and airport security bags
- Pallet wrap
- Plastic stirrers
- Straws

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<sup>13</sup> Note – no attempt has been made to confirm whether these items are, in fact, made of oxo-degradable plastic.

- Tree planting tubes

3.74 Some organisations in the food, drink and retail industry and in the packaging manufacturing industry reported that 'it was their understanding' there are no oxo-degradable (or similar) products currently used in vending machines. Others said that they were not aware of specific oxo-degradable products on the Scottish market, but thought it was safe to assume there were some.

3.75 Some organisations provided links to specific manufacturers and online retail sites as part of their response.

3.76 Respondents called for steps to be taken to prevent any new oxo-degradable products from entering the Scottish market in the future.

### **Suggestions regarding implementation**

3.77 Finally, respondents made suggestions regarding the implementation of restrictions on oxo-degradable products in Scotland. The three main suggestions were that:

- Oxo-degradable products should be covered by a blanket restriction, rather than through a specific list of restricted products to ensure that any possible future products made of this material are included within the scope of the restrictions.
- There is a need for public awareness raising / education (e.g., through TV advertising) to improve public information about different types of plastic waste.
- Businesses are likely to need support to find alternative solutions if they are currently using oxo-degradable plastics or packaging in their products.



## 4 Exemptions (Q3 and Q4)

4.1 The consultation paper set out the Scottish Government’s intention to allow limited exemptions to the general market restrictions proposed. In particular, exemptions were proposed in relation to reusable plastic balloon stands and balloon sticks for professional use, plastic straws designed for medical use and to support independent living.

4.2 Questions 3 in the consultation asked for views about whether other exemptions should be considered, while Question 4 addressed the specific issue of ensuring continued access to plastic straws for disabled people.

**Question 3:** The SUP Directive includes limited exemptions for single-use plastic straws and balloon sticks. Are there other exemptions we should consider in relation to the market restrictions being proposed? [Yes / No]

Please give reasons.

**Question 4:** How can we make sure disabled people have access to plastic straws if they require them for medical reasons or to support independent living, whilst at the same time restricting wider access for environmental purposes in a way that fulfils the SUP Directive requirements?

### Additional exemptions (Q3)

4.3 Table 4.1 shows that, overall, 20% of respondents thought that other exemptions (in addition to those proposed in the consultation paper) were required, and 80% thought that there should be no additional exemptions. However, organisations and individuals had different views on this question. Less than a fifth of individuals (18%) said ‘yes’ whilst organisations had more mixed views (44% said ‘yes’ and 56% said ‘no’). A large majority of manufacturing organisations (11 out of 13) and food, drink, tourism and other business organisations (7 out of 9) said ‘yes’.

**Table 4.1: Q3 – Are there other exemptions (in addition to those for single-use plastic straws and balloon sticks) we should consider in relation to the market restrictions being proposed?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	5	20%	20	80%	25	100%
Packaging manufacturers and other types of manufacturing organisations	11	85%	2	15%	13	100%
Food, drink, tourism and other business organisations	7	78%	2	22%	9	100%
Public sector organisations	3	30%	7	70%	10	100%
Environmental consultancies and resource management organisations	1	20%	4	80%	5	100%
Other organisations	1	50%	1	50%	2	100%
<b>Total organisations</b>	<b>28</b>	<b>44%</b>	<b>36</b>	<b>56%</b>	<b>64</b>	<b>100%</b>
Total individuals	110	18%	512	82%	622	100%

<b>Total (organisations and individuals)</b>	<b>138 20%</b>	<b>548 80%</b>	<b>686 100%</b>
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4.4 Altogether, 409 respondents – 63 organisations and 346 individuals – made comments at Question 3.

4.5 A review of these comments suggests some misunderstanding about this question, particularly among individuals. Around three in ten of those who answered ‘yes’ and went on to explain their views made comments that suggest they thought the question was asking if there were other items that should be **restricted**. The suggestions put forward by these respondents included plastic food packaging, bubble wrap, plastic sanitary products, multi-pack rings, polystyrene food containers, etc., and ‘all single-use plastics’, and other items suggested in response to Question 5 (see Chapter 5). As such, the figures presented in Table 4.1 should be treated with caution.

4.6 The sections below present the views of those who wished to see further exemptions and those who did not. Two further sections consider the proposed exemptions for straws and balloon sticks, and other comments relevant to exemptions. Some respondents made comments but did not tick either ‘yes’ or ‘no’ at the closed part of the question. The views of these respondents reflected those put forward by other respondents and, thus, their comments are not covered separately.

### **Views in favour of additional exemptions**

4.7 As Table 4.1 showed, a fifth of respondents said they would like to see further exemptions (i.e., they said ‘yes’ at the closed part of Question 3). However, organisations were more than twice as likely as individuals to express this view, with two groups of organisations – manufacturing organisations and food, drink, tourism and other business organisations – particularly likely to call for further exemptions.

4.8 In the main, respondents who said they wished to see further exemptions focused on groups of items or ‘materials’ that might be exempt, rather than on individual items, with most comments linked to two sectors: the medical, care and independent living sector, and the food, drink and catering sectors, as discussed below.

#### **Medical, care, and independent living**

4.9 Firstly, the group of items suggested most often for possible exemption were those used for medical or social care purposes and used to support independent living. This suggestion was made by both individuals and organisations. Respondents did not generally put forward specific items for exemption but indicated that they saw this as an appropriate criterion for justifying exemptions. Respondents noted the current reliance on single-use items in hospital and care settings, and in supporting independent living, and the potential difficulties in replacing single-use items with alternatives. The importance of consulting with relevant groups (such as those representing disabled people) on restrictions and possible exemptions was noted. However, some respondents qualified their support for exemptions for items of this type, saying that sustainable alternatives should still be sought, or that single-use plastic should only be used in an emergency, or if no alternative was available. Most respondents commented in general terms, but one food and drink organisation identified the plastic scoops provided with nutritional products for use in medical and care settings as an item that might require exemption.

4.10 Some respondents who ticked 'no' at the closed part of the question also indicated support for 'medical', 'care' or 'independent living' exemptions.

The food and drink and catering sectors

4.11 Secondly, respondents (mainly organisations from the food and drink and packaging manufacturing sectors) called for additional exemptions for items used in the catering sector. Comments related to suggestions of (i) specific items that might be exempt, (ii) materials that might be exempt, or excluded from the restrictions, and (iii) environments or situations which might be exempt. Views on each of these are summarised briefly below.

4.12 Suggestions for exemptions for **specific items** included plastic plates for use with hot food purchased from vending machines, for which respondents said there was no safe and feasible alternative; and containers for take-away food. One food and drink producer sought clarity on the status of on-pack straws attached to drinks cartons provided in schools and nurseries.

4.13 Some organisational respondents – particularly packaging manufacturers and food, drink and tourism organisations – argued that the proposed restrictions, as currently drafted, would make it extremely challenging, if not impossible, for a range of food service businesses to operate. These organisations called for exemptions (or exclusions) for items (e.g., plates, cutlery, serving items, etc.) made of particular **materials** that were said to be less harmful to the environment than traditional single-use plastic. In this context a range of organisations called for exemptions (or exclusions) for items made of **plant-based compostable materials**. Some respondents provided detailed information to support their case regarding the use of such materials relating to, for example, (i) the importance of independent certification, good labelling and consumer education, and (ii) compostability, and successful co-collection and composting along with food waste. However, one public sector body offered a different view and argued that compostable (or other recyclable) items should not be exempt as they often ended up in landfill.

4.14 Some respondents (again, mainly packaging manufacturers and food, drink and tourism organisations) suggested that exemptions might be allowed in **particular settings or situations**, with the following all mentioned:

- NHS and prison facilities, and other settings where the use of reusable crockery and cutlery may present risks
- Closed environments where appropriate recycling and / or composting systems could be set up
- Facilities or events (e.g., festivals, sports events and concerts) at which the use of standard re-usable crockery, cutlery or containers was neither feasible or desirable for health and safety reasons, and where recycling (or composting) could be put in place.

4.15 It was also suggested that exemptions might be allowed where no viable alternative is available for an item and where appropriate recycling / composting arrangements and regulation can be put in place. It was suggested that this might be done via EPR schemes.

Other suggested approaches to exemptions

4.16 In a few cases, respondents indicated other broad criteria that might be used to determine exemptions. As well as the medical, social care and independent living criteria

noted above, some also suggested that exemptions might be justified on public health, health and safety, scientific grounds etc. There was also a suggestion for exemptions based on type, size or location of a business.

### **Views opposed to additional exemptions**

4.17 As shown in Table 4.1, the majority of respondents (around four-fifths of individuals and just over half of organisations) did not wish to see further exemptions, with organisations (mainly environmental charities, third sector and community sector organisations, and environmental consultancies and resource management organisations) and individuals offering broadly similar views. Some in this group simply restated their view that no further exemptions were required, or they endorsed the proposed approach or the specific proposed exemptions, without expanding on their views in any substantive way.

4.18 However, it was also common for respondents to argue that a minimal approach to exemptions should be adopted to:

- Provide clarity for all parties
- Avoid loopholes which would potentially undermine the aims of the market restrictions
- Increase the effectiveness of the legislation, encourage innovation and maximise the environmental benefits.

4.19 Respondents in this group also said that exemptions should be carefully considered; only allowed if an item is essential, or meets limited criteria, and there is no practical alternative available; clearly defined and specified, and closely regulated.

4.20 Some said there should be **no** exemptions, with some arguing that alternatives to single-use plastics were already available or that the development of alternatives should be prioritised to allow this to be achieved.

4.21 In addition to arguing for minimal exemptions, some respondents (mainly individuals) called for a more comprehensive approach to banning all single-use plastics.

4.22 Respondents who answered 'no' at the closed question often also commented on the two exemptions highlighted in the consultation paper relating to plastic straws, and balloon sticks and stands. These comments are covered in paragraphs 4.24 to 4.26 below.

### **Views on the proposed exemptions for straws and balloon sticks**

4.23 It was common for respondents to refer specifically in their comments to the two main exemptions proposed by the Scottish Government: plastic straws and balloon sticks. In the main, respondents were supportive of the exemption for straws for medical or social care purposes and to support independent living, but they were opposed to the exemption for balloon sticks. Comments on these proposed exemptions were most often made by those opposed to further exemptions but were also made by some of those favouring further exemptions. In both cases, respondents offered broadly similar views. The main points made with regard to each are summarised below.

#### **Straws**

4.24 For the most part respondents expressed support for the proposed exemption on plastic straws for use by disabled people, or those belonging to a more broadly defined

group including, for example, frail older people, people with long-term conditions, or vulnerable people. Respondents noted the benefits that plastic straws offered such people, with some seeing the exemption as an issue of equality, fairness, or individual rights. However, not all respondents agreed with the exemption – some argued that plastic straws were not essential and / or that there were re-usable or less environmentally damaging alternatives (metal, paper and bamboo straws were all noted, as were spouted cups) that could be used instead of plastic straws (note that it wasn't always clear if respondents opposed to the proposed exemption for plastic straws understood that this would be restricted to use by people with disabilities. Additionally, some who supported the exemption suggested that this should only be in place until effective alternatives were available. (See paragraphs 4.28 to 4.36 for further discussion of the proposed exemption for straws.)

### Balloon sticks

4.25 There was a widespread view amongst respondents that balloon sticks should **not** be exempt from the proposed market restrictions, as they contributed to environmental damage and littering, and were not essential. Some argued that they should be made out of alternative sustainable materials such as bamboo, paper and metal. It was also suggested that work was required to establish whether commercial organisations did in fact re-use these items, and / or that any exemption would require appropriate policing to ensure items were not being discarded after use. Respondents opposed to an exemption for balloon sticks often also called for balloons (helium and standard) to be banned as they were said to be unnecessary and wasteful, and a significant contributor to littering and pollution.

4.26 Occasionally, respondents expressed support for the exemption for balloon sticks saying, for example, that these items were not major polluters. It was also pointed out that **multi-use** plastic balloon sticks would, by definition, not be covered by the proposed market restrictions as they were not 'single-use'.

### Other comments

4.27 Respondents (both those who answered 'yes' and those who answered 'no') made a number of additional points related to exemptions, including the following:

- Clear guidance on exemptions was needed, and consistency in approach and messaging across the UK would help bring about change in attitude and behaviours.
- Further exemptions (or a delay in the implementation of some restrictions) and / or support in adapting to the new restrictions would assist businesses.
- Exemptions should be decided by experts and / or considered on a case-by-case basis, and informed by full evidence and analysis, and consultation with relevant groups.
- There would be no need for exemptions if the proposed market restrictions were not applied to certain items or materials (e.g., oxo-biodegradable materials), or not applied at all.

## Ensuring access to plastic single-use straws for exempt groups (Q4)

4.28 The consultation paper noted that flexible plastic straws may be needed by people with certain types of medical conditions or disabilities. For some individuals, single-use plastic straws are needed to be able to drink safely and conveniently, and they can help support independent living and social inclusion. Furthermore, these items cannot always be

easily replaced with a more sustainable alternative due to a lack of flexibility in the material, safety or cost. The SUP Directive requires EU Member States to restrict access to single-use plastic straws for environmental purposes but allows certain exemptions to be made for medical use or to support independent living.

4.29 The proposed market restrictions in Scotland would include an exemption for plastic straws provided for medical use and to support independent living. Question 4 asked respondents for their views on how access to plastic straws – required for these purposes – could be ensured whilst also restricting wider access to plastic straws among the general public.

4.30 Altogether, 655 respondents – 68 organisations and 587 individuals – commented at Question 4. Respondents expressed a range of views on this question, and these were often discussed in combination. Some respondents (mainly organisations) made general points, whilst others (both organisations and individuals) offered specific solutions. Each of these types of response are discussed below.

### **General points**

4.31 Some organisations only made general comments in their responses to Question 4 without making specific suggestions, whereas others raised general points as a preface to their more specific suggestions. There were three recurring themes in the general comments.

4.32 First, respondents voiced widespread support for exempting plastic straws from the proposed market restrictions in cases where these were required for medical reasons or to support independent living. Respondents said they ‘wholeheartedly agreed’ that anyone who requires a straw for these purposes should have access to one. Some organisations (especially those in the third sector) commented that alternatives to plastic straws (including those made of paper or metal) were not always suitable for some people with certain disabilities or long-term conditions, and the point was made that measures to reduce single-use plastics should not adversely impact on marginalised groups. Respondents also often called for the exemption to be extended to paid and unpaid carers who may need to purchase plastic straws on behalf of the individual(s) they care for.

4.33 Second, there was a recurring view among organisational respondents that disabled people of all types should be consulted to determine how best to implement the proposed exemption. Indeed, some organisations did not address this question at all, saying that they deferred to the views of the people who would be most affected by the exemptions. Respondents noted and welcomed the Scottish Government’s commitment to consult with these groups. There were also suggestions that the medical profession, care organisations and other support and advocacy organisations should be consulted further on this issue.

4.34 Third, whilst most respondents addressed the issue of how single-use plastic straws could be provided to those who need them for medical reasons or for independent living, there was also a common view that reusable, recyclable or compostable alternatives to plastic straws should be developed and made available to these groups instead. Some respondents suggested that alternatives including compostable straws, or straws made of bamboo or steel could be used for this purpose.

4.35 Occasionally, respondents made other general points, including that:

- Whatever arrangements were made in relation to exemptions, there should be no loopholes to allow manufacturers to continue to produce non-exempt single-use plastic items.
- Where a single-use item is needed and alternative materials to plastic are used, these items should be properly regulated and supported with associated policies and a waste infrastructure consistent with the principles of a circular economy.

4.36 There was also a suggestion that an initial pilot (and evaluation) of the exemption scheme should be undertaken prior to full implementation, and that periodic evaluation should also take place after the restrictions and exemptions have been implemented.

### **Specific solutions**

4.37 In addition to their general points, respondents (both organisations and individuals) often made specific suggestions about how single-use plastic straws could be made available exclusively to those who needed them for medical reasons or to support independent living. There were two main views, and these overlapped to some extent in the comments made: (i) that plastic straws, if they must be used, could be provided through health and social care services, and (ii) that plastic straws should be made available only upon request. Each of these suggestions is discussed briefly here, followed by a summary of less frequently offered suggestions.

#### Provide plastic straws through health and social care services

4.38 There was a recurring view – both among organisations and individuals – that single-use plastic straws could be made available to those with disabilities or long-term conditions through health and social care services (e.g., in care homes, through social work or home care services, and from nurses, occupational therapists, GPs, etc.). It was also common for respondents to suggest that these items could be provided through pharmacies and / or on prescription.

#### Provide plastic straws upon request

4.39 At the same time, respondents also thought that people who have a genuine need for single-use plastic straws should also be able to access them outside of formal care settings. It was suggested that all restaurants, pubs, cafés and school cafeterias, etc. should be required to keep a small supply of plastic straws and make them available upon request.

#### Other suggestions

4.40 Occasionally, respondents (and particularly individual respondents) proposed a registration scheme for those who may require plastic straws. Such a scheme would enable an individual to provide proof that they are eligible to purchase these items and would help prevent the circulation of plastic straws in the wider population. It was suggested that the scheme could operate in a similar way to the Blue Badge parking scheme, or the existing requirement to show proof of age before purchasing certain products. More often, however, respondents (particularly third sector organisations) did not support this type of approach, arguing that disabled people and people with long-term conditions should not be required to ‘prove’ their disability to access the support they are entitled to. The point was also made that some medical conditions and disabilities are ‘unseen’. Those who raised this point thought that plastic straws should not be widely promoted for general use or given as ‘standard’, but rather they should be available to be purchased as necessary.

4.41 Some respondents raised a related point, namely, that any legislation or regulations to restrict the availability of single-use plastic straws should not explicitly limit access to individuals who are formally recognised as disabled. This group argued instead for the legislation to use 'inclusive' language, and to avoid stigmatising disabled people – recognising that people with temporary illnesses, injuries or short-term conditions may also need – on a temporary basis – access to single-use plastic straws.

4.42 Very occasionally, in offering suggestions of how single-use plastic straws could be made available to those who need them, respondents suggested that plastic straws could be made available to individuals (or their carers) either **through purchase or for free**. However, in general, respondents did not explicitly comment on this issue. A small group of organisations commented that NHS, care home and social care services – as well as hospitality venues – would need to be able to purchase these straws for their patients / clients / eligible customers and therefore any market restrictions would need to take this into account. A further small group suggested that such items could be made available for purchase in pharmacies or other registered outlets and should be made available without intrusive questioning of people's disability status. However, others implied that these items should be provided for free by healthcare professionals (with some suggesting they might be provided on prescription) and hospitality services when needed or requested.

4.43 Finally, respondents occasionally highlighted a need for staff training / awareness raising (particularly among staff in the hospitality sector), advertising (for example, including information on plastic straws stating that they are available for people who need them) and a public campaign alongside the implementation of the market restrictions (for example, to highlight that certain individuals may continue to require access to these items).



## 5 Consideration of future market restrictions (Q5)

5.1 The consultation paper made it clear that the proposed market restrictions were part of wider efforts to reduce the use of single-use plastic. It noted that the response to the restrictions would be monitored, and work would continue to assess what more needed to be done to address Scotland's throwaway culture. In particular, it noted the intention to explore the introduction of further market restrictions on a wider range of items in due course. Question 5 addressed this issue, asking respondents if they would support market restrictions on items included in the UK Plastics Pact<sup>14</sup> or any other items in addition to those already discussed in the consultation paper.

**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? [Yes / No]

Please provide reasons and evidence where possible.

5.2 Table 5.1 shows that, overall, there was strong support for market restrictions on additional items, with 94% of respondents answering 'yes' at Question 5. Organisations were slightly less likely to answer 'yes'; however, more than three-quarters (79%) did so. The main opposition to this proposal was from packaging manufacturers and other types of manufacturing organisations. Among this group, 9 out of 12 said 'no' to restrictions on additional items.

**Table 5.1: Q5 – Would you support the consideration of market restrictions on items contained in the UK Plastics Pact's list, or any other items?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	96%	1	4%	28	100%
Packaging manufacturers and other types of manufacturing organisations	3	25%	9	75%	12	100%
Food, drink, tourism, and other business organisations	4	67%	2	33%	6	100%
Public sector organisations	10	100%	–	0%	10	100%
Environmental consultancies and resource management organisations	3	75%	1	25%	4	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>49</b>	<b>79%</b>	<b>13</b>	<b>21%</b>	<b>62</b>	<b>100%</b>
Total individuals	656	96%	30	4%	686	100%
<b>Total (organisations and individuals)</b>	<b>705</b>	<b>94%</b>	<b>43</b>	<b>6%</b>	<b>748</b>	<b>100%</b>

<sup>14</sup> See <https://wrap.org.uk/content/the-uk-plastics-pact>.

5.3 This question was also addressed in the Friends of the Earth Scotland campaign, with 1,902 campaign respondents expressing support for market restrictions on items the Scottish Government is considering – such as plastic wet wipes and plastic tampon applicators – as well as other items.

5.4 A total of 567 respondents – 75 organisations and 492 individuals – provided comments at Question 5. The sections below cover general arguments for and against market restrictions on additional items, and views on applying market restrictions to specific items including wet wipes and tampon applicators. Note that it was not always clear if respondents were referring to specific items in their comments (e.g., wet wipes and tampon applicators as referred to in the question), or whether they were making more general points about the extension of market restrictions.

## Support for additional market restrictions

5.5 There was widespread **support** among some groups of respondents – particularly environmental charities, third sector and community sector organisations; public sector organisations; and individuals – for consideration of further items that might be covered by market restrictions. These respondents emphasised the harm caused by single-use plastics – in terms of both long-term environmental damage and littering – and the importance of reducing reliance on plastic as part of a broader move to a ‘greener’, low carbon economy.

5.6 Respondents in this group variously called for the adoption of all measures advocated in the SUP Directive and the UK Plastics Pact, or for all single-use plastics (or all single-use items made of other materials) to be banned. Some said action was needed as a matter of urgency, while others favoured a more a phased approach characterised by aiming for ‘easy wins’ first before extending restrictions to more difficult or challenging items.

5.7 Respondents also said that:

- It was not possible to rely on voluntary action by manufacturers and retailers, and that legislation would create a level playing field, provide a strong policy signal in this area, and promote investment and innovation in materials and products.
- Alternatives were available, and that legislation would ensure more affordable products reached the market, although the need for initial subsidies or incentives, and consumer education were noted by some. Individuals in particular said that compostable materials could make a contribution in replacing single-use plastics.

5.8 However, some respondents in this group – organisations in particular – noted the importance of guarding against unintended consequences (environmental or social) in pursuing a policy of market restrictions. They said it was important to (i) fully assess the potential impact of alternative products and materials, and (ii) take account of the availability of sustainable alternatives, and the need for appropriate exemptions. With regard to the first point, a specific concern was raised about the use of paper, card or fibre containing PFAS (poly-fluorinated alkyl substances) as an alternative to plastic in food packaging.

5.9 Individuals often also reflected on the consumer experience, and made two main points:

- People had become used to the convenience plastic offered, but they had managed prior to its mass introduction and they would accept and adapt to change again.

- People didn't always realise the harm done by single-use plastic items, and market restrictions would remove the onus from individuals to make good sustainable choices.

5.10 Organisations and individuals often argued that the issue of single-use plastics, and the option of market restrictions on individual items, should not be looked at in isolation, but should be addressed as part of a wider move towards a more sustainable economy. Views on this are covered further at Chapter 8.

## Opposition to or reservations about additional market restrictions

5.11 Those respondents **opposed** to, or expressing reservations about, further market restrictions made a number of points, saying that:

- Single-use plastic served an important purpose and that effective alternatives were not always available – respondents often highlighted the reliance on single-use plastic items in infection control during the ongoing Covid-19 pandemic (hereafter referred to as Covid).
- Alternative ways to deal with the issue of problematic single-use plastic – including EPR schemes; improved recycling, reuse and composting systems; taxing plastic packaging; and improved consumer information and labelling – were already planned or being pursued, and offered more effective ways of driving change and dealing with single-use plastic and, therefore, further market restrictions were not merited.
- Non-plastic alternatives could also cause environmental harm, and careful assessment (full life cycle analysis) of products and material was needed in order to avoid unintended consequences.

5.12 Individuals opposed to additional market restrictions made a small number of additional points, suggesting, for example, that such action would be impractical (e.g., because of the continued availability of banned items online), or went beyond the government's 'authority'.

5.13 Occasionally, respondents said that more information on the proposed market restrictions was required in order to respond to the question.

## Views on items to which market restrictions might be applied

5.14 It was common for respondents (both individuals and organisations) to give their views on one or both of the two items explicitly referred to in the question – that is, wet wipes and plastic tampon applicators.

### Wet wipes

5.15 There was broad support among individuals, and some types of organisations (environmental charities, third sector and community sector organisations; public sector organisations; environmental consultancies and resource management organisations; and organisations in the 'other' category) for market restrictions to be applied to plastic wet wipes. Respondents frequently described the extent to which wet wipes contributed to beach littering and marine pollution; these items were also highlighted as causing significant problems in the water and sewerage system in the form of blockages that required frequent and costly intervention.

5.16 Organisations generally drew a distinction between plastic and non-plastic wet wipes. They called for plastic wet wipes to be banned and other wet wipes to be covered by EPR schemes with the aim of encouraging innovation in the development of sustainable products, and regulating standards and consumer information regarding disposal. The importance of clear definitions to ensure any new market restrictions covered appropriate products was noted. Some individuals also made the distinction between plastic and other wet wipes, while others called for **all** wet wipes to be banned.

5.17 Respondents generally argued that wet wipes were non-essential items that could be replaced by more sustainable alternatives (washable cloths, or bio-degradable wipes). Individuals in particular also said that these items were simply used for convenience or out of habit; they also suggested there was limited awareness of the plastic content of wet wipes, the need for correct disposal and the environmental damage caused by these items. While some thought that better information and education may help with this, others thought this type of action was unlikely to change consumer behaviour in any significant way and that a ban was therefore needed.

5.18 Packaging and other manufacturing organisations were the most likely types of respondents to argue that market restrictions should **not** be applied to wet wipes. This group said that wet wipes were efficient and effective consumer products that played an important role in ensuring hygiene; that no viable and affordable alternative was currently available; and that a ban on plastic wipes would impact on the less well off. Respondents in this group stressed the importance of effective communication as a way of tackling the problems associated with the disposal of wet wipes. They also argued for an EPR-based approach for domestic (but not professional) wet wipes, designed to encourage innovation and ensure adherence to an industry code of practice relating to 'flushability' and labelling. This was said to be in line with the approach being developed under the EU SUP Directive, and would therefore offer the benefit of harmonisation with other European countries. There was also support from some public sector organisations for an EPR-based approach (with the suggestion that wipes meeting the 'Fine to Flush' standard be exempt<sup>15</sup>).

5.19 Only occasionally did individuals say explicitly that wet wipes should not be considered for future market restrictions, although some additional individuals expressed reservations about this possibility. In both cases, these individuals made similar points, saying that wet wipes were essential (particularly for parents of babies and young children or for those with disabilities) or important for particular purposes (e.g., infection control) and that a ban would have a disproportionate impact on the vulnerable or disadvantaged because of the greater cost of alternatives.

5.20 Additionally, some respondents (individuals and organisations) who supported market restrictions also highlighted the importance of wet wipes to those with disabilities and said that the needs of this group should be taken into account in any further policy development. In particular, respondents suggested that market restrictions should only be introduced once acceptable sustainable and affordable alternatives were available; that exemptions should be applied to wet wipes used by particular groups or in particular settings; and / or that further consultation should be carried out with affected groups about this proposal.

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<sup>15</sup> Fine to Flush is the Water UK standard for identifying which wet wipes can be safely flushed down a toilet. See the [Water UK website](#).

## Plastic tampon applicators

5.21 As with wet wipes there was widespread **support** among individuals, and some types of organisations (environmental charities, third sector and community sector organisations; public sector organisations; and environmental consultancies and resource management organisations; and organisations in the ‘other’ category) for market restrictions to be applied to plastic tampon applicators. Some also suggested this should be extended to other single-use sanitary products containing plastic, and that single-use sanitary products should not be sold in plastic packaging. Respondents noted that these items were major contributors to beach littering and marine pollution, and that effective alternatives were available, either in the form of non-applicator or cardboard-applicator tampons, or as reusable sanitary products. They also suggested that a ban would drive the development of improved and more sustainable products.

5.22 However, respondents who favoured market restrictions often also said that it would be important for:

- Affordable, accessible and effective alternatives to be available, with some suggesting different ways that products might be subsidised for consumers and incentivised for producers – in a few cases individuals argued that reusable products already offered long-term savings, although the initial outlay was acknowledged to be an issue
- Any policy of this type to take account of the needs and views of disabled women.

5.23 They also noted the importance of raising awareness of (i) the environmental impact of all single-use sanitary products and the importance of appropriate disposal, and (ii) the availability of reusable products, particularly among younger girls / women, with a suggestion that these might be promoted via the free period product initiative.

5.24 As with wet wipes, the group of respondents offering most consistent **opposition** to market restrictions on plastic tampon applicators were packaging and other manufacturing organisations. Respondents in this group said that these products were important in offering consumer choice and comfort – some highlighted the particular benefits for those with disabilities. They argued that the problem of inappropriate disposal could be dealt with via good information and labelling, as already advocated in an industry code of practice. They also thought a Scotland-only ban would be difficult to manage.

5.25 There was also some opposition to (or reservations about) market restrictions on these items among individuals and other types of organisations. For this group of respondents concerns focused on:

- Individual choice, ease of use and comfort, especially for those with disabilities and for young girls
- Accessibility and affordability of alternative products, and the impact that any market restrictions might have on ‘period poverty’.

5.26 Some said that:

- A ban should only be implemented once effective and affordable alternatives were available – a phased introduction was also suggested.
- More consultation with women, and disabled women, was needed on this issue.

## Other items that might be covered by market restrictions

5.27 Respondents put forward a wide range of suggestions for individual items that might be banned, regulated or restricted in some way in the future, as detailed at paragraphs 5.29 and 5.30 below. In calling for further market restrictions, respondents frequently drew attention to action being taken in other countries which went beyond the requirements of the EU SUP Directive. These respondents particularly highlighted proposals to ban:

- Plastic items including condiment sachets, and plastic hotel toiletries in Ireland
- Plastic confetti, plastic toys supplied with food menus, and plastic tea bags in France<sup>16</sup>
- Plastic grocery bags, six-pack rings, and takeaway food containers in Canada.

5.28 Those respondents submitting responses as part of the Friends of the Earth Scotland campaign called for bans on condiment sachets, hotel toiletries, confetti, tea bags and free toys supplied with food menus, reflecting the proposals in France and Ireland.

5.29 Other individual items suggested by respondents included the following:

- Hospitality and catering: hotel toiletries, single-use items in sit-in environments, free plastic toys, condiments sachets, bottles, plastic (other than EPS) single-use cups and lids, takeaway containers
- Entertainment, celebratory and novelty items: sky lanterns, fireworks, balloons (and intentional release of balloons), glitter, sequins, plastic confetti, plastic decorations, plastic content in wrapping paper and cards, single-use ribbon, marketing 'freebies' (with magazines, at conferences, etc.)
- Food retail: coffee pods, tea bags containing plastic, plastic milk cartons, baby food pouches, confectionery wrappers and crisp bags, multi-pack wrapping and can rings, fruit and vegetable wrapping and nets, plastic windows in food packaging
- Non-food retail: clothes hangers, plastic price tags and labels, 'cheap clothes' (or fast fashion) that might be perceived as single-use, detergent and fabric conditioner bottles and 'pods', plastic toys, plastic stationery items including pens, window envelopes, rubber bands, Sellotape, etc.
- Personal care items: disposable razors, toothpaste tubes, plastic toothbrushes and other dental care items, daily contact lenses, make-up containers, cosmetic sample sachets
- Healthcare items: plastic face masks and other PPE (particularly – but not exclusively – with regard to personal rather than professional use), blister packs for medicines, plasters and medical dressings, other single-use plastic items in the healthcare sector
- Cigarette filters containing plastic and disposable lighters, with respondents noting health as well as environmental reasons for banning these items
- Plastic fishing gear, both commercial and personal

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<sup>16</sup> The French proposals also included plans to regulate 'biodegradable' claims on products and packaging, and require a plastic microfibre filter in all washing machines, both of which were referred to frequently in the responses to Question 5.

- DIY, gardening and pet care: plastic dustsheets, plastic brooms and brush bristles, cable ties, plastic tree guards and seed trays, plastic garden furniture, refuse sacks, dog poo bags.

5.30 Some respondents made more general suggestions about the types of items that should be restricted – for example:

- Plastic and polystyrene packaging, cling film, plastic bags
- Hard to recycle items, including items made of mixed materials
- All plastic items intended for single-use, or short-life use
- Plastic products that break down into microplastics.

5.31 And, while most respondents focused on the consumer market and / service sectors in making their suggestions, there were also calls for consideration to be given to the use of plastics in other areas such as the agriculture and construction sectors, fisheries and marine transportation, and the education / medical / veterinary / scientific sectors.

5.32 In the main, respondents did not provide detailed arguments about the suggestions put forward other than to note their widespread and increasing use, their non-essential nature, the availability of alternatives (or the scope for developing alternatives), and their presence in littering and plastic pollution.

5.33 One further item discussed in some detail by respondents (mainly individuals and environmental charities) in response to this question was disposable nappies. Broadly speaking, respondents noted the environmental damage caused by single-use nappies, but did not necessarily call for them to be covered by market restrictions. Instead, they generally favoured a strategy to encourage use of re-usable nappies through promotion, subsidies and incentives, and regulation of environmental standards and related labelling.



## 6 Environmental, economic and social impacts (Q6)

6.1 As noted in Chapter 1, the main consultation paper was accompanied by five separate impact assessment reports: an environmental impact assessment, a business and regulatory impact assessment, an equalities impact assessment, a 'fairer Scotland duty' impact assessment and an island communities impact assessment. Question 6 in the consultation asked respondents for their views on any additional environmental, economic or social impacts that might arise from the proposed market restrictions:

**Question 6:** Taking into account the accompanying Impact Assessments, can you identify any environmental, economic or social impacts we have not identified when developing the proposals contained in this consultation? [Yes / No]

Please give reasons.

6.2 As also noted previously, the environmental report contained five additional questions which respondents could answer on the environmental impact of the proposals. The analysis of these questions has been undertaken separately and the findings will be reflected in the final versions of the relevant impact assessments.

6.3 Table 6.1 shows that, overall, 27% of respondents said they had identified environmental, economic or social impacts in addition to those identified in the impact assessments accompanying the consultation paper. However, organisations were more likely than individuals to identify additional impacts (48% vs 25% respectively).

**Table 6.1: Q6 – Can you identify any environmental, economic or social impacts we have not identified in the accompanying impact assessments?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	13	52%	12	48%	25	100%
Packaging manufacturers and other types of manufacturing organisations	10	83%	2	17%	12	100%
Food, drink, tourism and other business organisations	3	38%	5	63%	8	100%
Public sector organisations	1	9%	10	91%	11	100%
Environmental consultancies and resource management organisations	2	40%	3	60%	5	100%
Other organisations	1	50%	1	50%	2	100%
<b>Total organisations</b>	<b>30</b>	<b>48%</b>	<b>33</b>	<b>52%</b>	<b>63</b>	<b>100%</b>
Total individuals	153	25%	467	75%	620	100%
<b>Total (organisations and individuals)</b>	<b>183</b>	<b>27%</b>	<b>500</b>	<b>73%</b>	<b>683</b>	<b>100%</b>

Percentages may not total 100% due to rounding.

6.4 A total of 253 respondents – 52 organisations and 201 individuals – provided comments at Question 6.



6.5 The sections below look in turn at comments on environmental, economic and social impacts. In the main, the comments made were general in nature, and often reflected on the perceived impacts – both positive and negative – related to current or proposed arrangements, without addressing any specific identified gaps in the impact assessments. As far as possible, issues are discussed only once although there was a great deal of overlap and inter-linkages in the points raised by respondents in relation to environmental, economic and social impacts.

6.6 A final section looks at comments from those who did not identify any further impacts.

## **Environmental impacts**

6.7 There were two main themes in the comments focused on environmental impacts. These related to (i) the environmental impact of alternatives to single-use plastics, and (ii) littering. Each of these topics are discussed below.

### **The environmental impact of alternatives to single-use plastics**

6.8 Respondents of all types were concerned about the environmental impact of alternatives to single-use plastics and whether the full life-cycle impact of different materials had been accounted for in the assessments undertaken. However, there were two somewhat different perspectives on this issue, as follows.

6.9 A first group of respondents – mainly environmental charities, third sector and community organisations and individuals – expressed a concern about the proposed market restrictions resulting in a shift away from single-use plastics to single-use items made from other materials which still incurred environmental costs in production, distribution and disposal, and in littering and pollution (the related financial costs in responding to this latter issue were also noted). A potential shift to materials (including mixed materials) which were hard to recycle, and a current lack of infrastructure to deal with wooden or other potentially compostable materials were both noted.

6.10 In terms of the environmental assessment carried out, respondents raised three specific concerns related to (i) the scenario analysis based on single-use plastic and other single-use materials; (ii) the assumption that incineration would be used to deal with waste associated with alternatives to single-use plastics, and the failure to account for the environmental impact of this process, and (iii) the difficulty in ‘reconciling’ the differing quantitative and qualitative methods used for different elements of the analysis.

6.11 More generally, respondents called for a shift to greater sustainability, with an increased emphasis on multi-use rather than single-use items, which was seen as more in keeping with a ‘green’ or ‘circular’ economy. There were other suggestions for a focus on materials for which effective recycling streams were available, or for market restrictions on single-use plastic items to incorporate clear criteria for alternative materials.

6.12 A second group of respondents – mainly those from the packaging and manufacturing sectors and food, drink, tourism and other business sectors as well as some individuals – also highlighted the need to assess the full environmental impact of alternatives to single-use plastics, and the items under consideration for market restrictions. They argued, for example, that non-plastic single-use items used raw materials and resources in their production and were generally heavier and bulkier to transport than their plastic counterparts, that the washing of re-usable items involved an environmental cost, that re-

fillable containers were not always re-used often enough to bring any overall environmental benefits, or that substituting 'carton and straw' products with bottles would increase the overall carbon emissions associated with these products. Respondents making these points said that such factors had to be taken into account in any environmental assessment. Additionally, there was a specific concern about perceived inconsistencies in the SEA calculations relating to the carbon impact of single-use cups of different materials.

6.13 Some respondents argued that oxo-biodegradable or plant-based items were less environmentally damaging and should be exempt from the proposed market restrictions. It was argued (by a respondent from the 'other' organisational category) that the impact assessment had not taken account of the potential increase in food waste going to landfill if compostable catering items and food remains could no longer be disposed of together.

#### Positive environmental impacts

6.14 In a few cases individuals, in particular, noted positive impacts that they thought would accrue from the proposed changes in terms of benefits to the natural environment and wildlife, and improved wellbeing of communities. Respondents in this group argued that long-term environmental gain should be valued over short-term economic gain, and stressed the importance of protecting the environment for the future.

#### Littering

6.15 One environmental issue discussed by a wide range of respondents was that of littering (including marine littering). Littering was noted as a significant issue, in urban and rural as well as coastal areas, which had negative impacts on the quality of outdoor spaces, wildlife and biodiversity and the tourism industry. There was a view that the positive effects of reduced littering, and the cost savings to the economy as a whole related to cleaning up rivers and oceans needed to be accounted for.

6.16 However, respondents often also said that getting rid of single-use plastic would not in itself resolve the current issue of litter, particularly if single-use plastic items were simply replaced with single-use items made of other materials. It was, though, occasionally argued that biodegradable products and materials such as wood and paper would offer some benefit in this respect in that they broke down in the environment more quickly than plastics.

6.17 Respondents said that specific action was required to address littering and poor waste disposal practices and bring about widespread behaviour change among the public, with suggestions including awareness raising and education campaigns, aimed at the general public and children, increased provision of bins and on-the-go recycling facilities, greater enforcement activity in terms of patrols, fines, etc.

6.18 Some also said that the current proposals for market restrictions would also not address the issue of marine pollution related to fishing equipment.

6.19 Respondents sometimes noted items other than single-use plastics that contributed to littering and had a negative impact on the environment. A specific issue raised by some packaging and manufacturing organisations was that of chewing gum. This was seen as a major contributor to littering, with respondents arguing that an EPR-type scheme might provide a mechanism for tackling this issue. Other issues mentioned included fly-tipping and dog fouling.

## Economic impacts

6.20 Respondents discussed a range of economy and business-related issues in their comments at Question 7. These largely related to the business opportunities presented by the proposals and a broader shift toward a 'greener' economy; the challenges for businesses and small businesses in particular; the need for support for businesses in implementing the proposed changes; the role and influence of 'big business' in achieving change; and the global economy. Each of these are discussed briefly below.

### **Business opportunities presented by the proposals**

6.21 Individuals and environmental charities, third sector and community organisations highlighted the economic and business opportunities presented by the proposed market restrictions and a more general transition to a green economy. Respondents said, for example, that:

- There were marketing opportunities for small businesses that embraced the proposed changes.
- Research and development and manufacturing related to alternative materials to replace single-use plastics, and the development of return and reuse systems, would create jobs and bring benefits to the economy. There was a specific call for the BRIA to give full consideration to re-usable as well as alternative single-use options.
- Any initial increase in costs would be reduced over time.

6.22 More generally, it was common for respondents in this group to say that a move to a more circular economy, and an improved recycling / re-use infrastructure would provide a range of opportunities for businesses in Scotland.

### **Business challenges presented by the proposed changes**

6.23 In contrast to the points noted above, respondents (mainly food, drink, tourism and other business organisations; packaging manufacturers and other manufacturing organisations; and some individuals) expressed concerns about the anticipated costs for businesses, and small businesses in particular, in adapting to the proposed changes. It was argued that businesses involved in the plastics supply chain would face significant losses, or challenges in adjusting their businesses, and this, in turn, would impact on those employed in these sectors. It was also said that business users of single-use plastic items would face higher costs because the alternatives would be more expensive, or that new systems would incur additional costs; that there would be additional bureaucracy and complexity related to recycling requirements; and that there may also be a loss of revenue related to the sale of bio-waste if compostable materials were covered by the restrictions. Some also expressed concerns about the impact on business diversity if restrictions on catering items made some businesses and premises non-viable.

6.24 There was some specific concern expressed about the restrictions extending to compostable items, the impact that this would have on manufacturers in this field, and calls for clarity on this for businesses that had opted to use such items for environmental reasons.

6.25 Respondents also said that this was a difficult time for many businesses – particularly those in the hospitality and catering sectors – because of the impacts related to Covid and

the uncertainties relating to Brexit, and that further changes at this time would add to the challenges currently faced.

6.26 Occasionally, respondents said that there had been insufficient consideration of the impact on businesses. There were also specific calls for (i) impact assessments to take account of the reduction in food waste and corresponding increase in landfill waste if compostable items were no longer allowed in the catering sector (suggested by an 'other' organisation), and (ii) a comprehensive BRIA for small businesses (suggested by a respondent in the food drink and tourism and other business grouping).

### **The need for support for businesses in implementing change**

6.27 There was a range of calls for (i) appropriate information and support (including financial) to be made available to businesses, and (ii) appropriate timescales and transition arrangements for the implementation of any market restrictions. This was needed to assist businesses in the plastics sector in making necessary changes, and to allow businesses in other sectors to use up existing stock, source alternative products and make the necessary changes to their operating systems. This was an issue for public sector organisations as well as commercial businesses. A 6-month transition period was suggested by respondents in the manufacturing sector, whereas one food, drink, tourism and other business organisation respondent called for a 2-year lead to assist with product development.

### **The role of 'big business'**

6.28 Environmental charities, third sector organisations and community groups and some individuals highlighted the role of 'big business' (including oil companies, manufacturers and supermarkets) in setting market trends and influencing consumer behaviour and the need to tackle any 'vested interests' that might be opposed to the proposed changes. Respondents noted that legislation would force all businesses to adhere to the same standards. This would create a 'level playing field', making sure that smaller environmentally conscious businesses were not at a disadvantage, and removing the onus from consumers to make good choices.

### **The global economy**

6.29 Respondents made a number of points regarding the implications of the proposals in the context of a modern global economy. In particular, packaging manufacturers and other manufacturing organisations noted the advantages of harmonisation with the rest of the UK and / or other European countries with regard to the approach taken to restricting single-use plastics, and the disadvantages for businesses should Scotland choose to deviate from practices elsewhere. One particular issue raised was the potential for lost export opportunities if the manufacture of oxo-biodegradable products were banned in Scotland but not banned elsewhere.

6.30 Other points made by individuals included, for example:

- The potential for people to avoid any restrictions by buying items overseas
- The need to ensure that Scotland does not export oil to other countries to feed the plastics industry.

6.31 The point was also made that single-use plastic is a global issue and any action taken by Scotland could not, on its own, address the problem.

## Social impacts

6.32 There were three main themes in the comments relating to social impacts: (i) the impact on health and wellbeing, (ii) the financial impact on individuals, and (iii) the impact on equality groups. Each of these are discussed below.

### Health and wellbeing

6.33 Environmental charities, third sector and community sector organisations and some individuals said that the proposals would lead to reduced littering and pollution, enhanced outdoor spaces and positive behaviour change, and that this, in turn, would offer benefits in terms of mental and physical wellbeing and quality of life. It was also argued (by environmental charities, third sector and community sector organisation respondents) that the negative impact on health linked to micro-plastics entering the food chain, and the health benefits of reducing single-use plastics needed to be properly valued and accounted for in the various impact assessments, although the challenges in doing so were acknowledged.

6.34 Less often, packaging manufacturers and other types of manufacturing organisations and some individuals said that the health and hygiene benefits of single-use items (in commercial and healthcare settings) should be considered.

### Financial impact on individuals

6.35 Individuals and some organisations (including packaging manufacturers and other types of manufacturing organisations) were concerned that the proposals would reduce choice and increase costs for consumers, and that this would have the greatest impact on the poorest and most vulnerable in society. (Financial pressures created by Covid were also noted in this context.) Although some said a shift to reusable products would bring long-term savings, others urged that steps should be taken to ensure that individuals were not financially disadvantaged,

### The impact on equality groups

6.36 Some respondents – including both individual and organisations – stressed the need to take account of the differential impact of the proposals on different groups, and to engage fully with relevant groups (women, disabled people, those who are socially disadvantaged) in any further policy development work.

## No additional impacts identified

6.37 Around a fifth of those who commented ticked ‘no’ at the closed question indicating that they did not identify any additional environmental, economic or social impacts not already covered. These respondents offered three main types of comments with regard to the impact assessments:

- Some endorsed or expressed agreement with the impact assessments carried out, describing them as thorough, comprehensive, and covering all necessary impacts.
- Some noted concerns about the assessments which were similar to those raised by other respondents, related to, for example:
  - The impact on particular groups such as low-income families, people who were socially disadvantaged, disabled people, and women – there was a specific

call for equality impact assessments and appropriate consultation to be carried out for each item considered for market restrictions

- The impact on businesses (and smaller businesses in particular), and the challenges related to additional costs incurred as a result of the proposed market restrictions.
- Some did not make any substantive comment, simply saying they did not know of, or had not identified, any additional impacts, or that they did not feel qualified to comment in detail. Additionally, some respondents said they did not have access to the impact assessments referred to in the question.

6.38 Finally, some respondents used their comments to reiterate their support for the policy proposals, the general 'direction of travel' of policy in this area, and the anticipated positive impacts. In some cases, respondents also called for further or more immediate action to be taken.

## 7 The impact of Covid-19 (Q7)

7.1 The consultation recognised the additional challenges presented by the Covid-19 pandemic to bringing forward the proposed changes, because of the increased reliance on single-use items which have been utilised as a means of suppressing transmission of the virus and support the continued functioning of society. The consultation paper noted that while the long-term damage to the environment caused by this approach could not be ignored, any changes had to be carefully managed and inclusively delivered. Question 7 asked respondents for their views on whether the implications of Covid-19 had been fully accounted for in the proposals put forward in the consultation:

**Question 7:** Do you believe the Covid-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation? [Yes / No]  
Please give reasons.

7.2 Table 7.1 shows that, overall, a majority of respondents (57%) thought that the Covid-19 pandemic (hereafter referred to as 'Covid') had resulted in changes to the market or wider economy that were not fully accounted for in the consultation. However, organisations were more likely than individuals to think this (83% vs 54% respectively).

**Table 7.1: Q7 – Do you believe the COVID-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	23	85%	4	15%	27	100%
Packaging manufacturers and other types of manufacturing organisations	12	100%	–	0%	12	100%
Food, drink, tourism, and other business organisations	8	73%	3	27%	11	100%
Public sector organisations	8	80%	2	20%	10	100%
Environmental consultancies and resource management organisations	2	50%	2	50%	4	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>55</b>	<b>83%</b>	<b>11</b>	<b>17%</b>	<b>66</b>	<b>100%</b>
Total individuals	332	54%	281	46%	613	100%
<b>Total (organisations and individuals)</b>	<b>387</b>	<b>57%</b>	<b>292</b>	<b>43%</b>	<b>679</b>	<b>100%</b>

7.3 A total of 450 respondents – 70 organisations and 380 individuals – provided comments at Question 7.

7.4 The following sections discuss the Covid-related changes identified by respondents, and the implications of those changes for policy in this area. The following points should be noted about the analysis:

- It was common for respondents to offer views on the perceived impact of Covid, without necessarily linking this explicitly to changes in the market or wider economy that were not fully accounted for in the consultation. It was also common for respondents to repeat points made by themselves or others at earlier questions. The analysis presented below gives a broad overview of the full range of the views expressed but, as far as possible, focuses on issues with greater relevance to the market and the wider economy.
- Irrespective of whether they answered 'yes' or 'no' to the closed part of the question, respondents often made similar points in their comments. Thus, the sections below do not deal separately with the views of those who answered 'yes' or 'no' (or who answered neither 'yes' or 'no'). (Note, however, that respondents who answered 'no' were more likely to say they were not sure, didn't know or didn't feel qualified to comment.)

## Identification of Covid-related changes

7.5 Respondents of all types were agreed that Covid had brought changes to the economy or to society in general that had had an impact (or potential impact) on the single-use plastics market, or on the wider aims of the proposed market restrictions. The changes identified were wide ranging and related to the following spheres of life:

- Retail: Respondents highlighted an increased prevalence of individually wrapped / pre-packaged goods, plastic packaging and plastic bags, in place of packaging-free or paper packaging arrangements. The rise in online shopping and greater reliance on home delivery of groceries were also seen as major contributory factors in driving the use of single-use plastics. Less often, respondents suggested that the pandemic had led to an increase in local shopping from independent businesses, with less reliance on pre-packaged goods.
- Hospitality and catering: There was widespread comment on the increased reliance on single-use items, and a reluctance to accept bring-your-own cups in the hospitality and catering trade, said to be driven by concerns for customer and staff safety, and the need to meet social distancing requirements. This was also identified as a feature of public sector and workplace catering services in, for example, schools, colleges and hospitals. Respondents also commented on the increased importance of the takeaway trade during periods of more stringent restrictions, and the related increased use of takeaway food and drink containers. However, some thought the pandemic had led to less consumption of takeaway food (and packaged food) with people staying at home to eat, and less use of single-use plastic in restaurants and cafes which had not been able to operate.
- The service sector: The increased use of single-use PPE and wipes in businesses such as hair salons and nail bars was noted.
- Health and social care: Respondents commented on the increased use of single-use PPE (and other items) in healthcare settings. Although some felt that such items had an essential role in such settings, others thought that steps could be taken to reduce reliance on single-use items.



- Working arrangements: The changes to working patterns, with large numbers of people working from home, were said to have had an impact on some behaviours – e.g., reduced takeaway sales in city centres related to commuter and lunchtime trade; and increased use of domestic kerbside recycling services.
- Leisure and recreation: Increased outdoor activity was said to have led to an increase in littering.

7.6 Additionally, respondents of all types identified changes related to health and hygiene concerns which cut across all sectors and spheres of life. Most frequently respondents (individuals in particular) highlighted the use of disposable masks and gloves for non-clinical reasons and noted the significant contribution of these items to littering. Respondents also noted increased use of wipes, cleaning products and sanitiser in plastic bottles in workplaces, customer-facing businesses and homes, all of which were seen as contributing to increased use of single-use plastics.

7.7 From a broader perspective, respondents identified general impacts related to Covid that had potential implications for single-use plastics and the proposed market restrictions. For example:

- Public attitudes and behaviours: Respondents noted (understandable) public concerns about infection control and risks to personal health as a result of the pandemic which had led to increased use of single-use plastics (albeit that some said that this was not always justified by the scientific evidence). Some said this had reversed previous progress in terms of reducing use of plastic bags or normalising 'bring-your-own' cups. Some also argued that behaviour change encouraged by government guidance and business practices during the pandemic could become a 'habit' that was difficult to change, at least in the short term. Less often, however, respondents noted an increased interest in, and awareness of, environmental issues and a wish to take steps to protect the environment.
- Business impacts: Respondents noted the significant increase in costs (as a result of putting Covid-secure measures in place), and simultaneous fall in revenue for many businesses as a result of Covid-related restrictions and reduced footfall over the period of the pandemic. This had affected a wide range of business in all sectors, with many said to be struggling or facing major challenges – organisational respondents in the food, drink, tourism and other business sectors said that recovery would take some time.

## Implications of Covid-related changes

7.8 While there was broad agreement about the changes that had occurred as a result of Covid, there was less agreement about the appropriate response to these changes and the implications for the introduction of the proposed market restrictions on single-use plastic items. However, there were two broad perspectives offered:

7.9 Most commonly, respondents acknowledged the impacts that Covid had had (on the use of single-use plastic, on attitudes and behaviours, on businesses, on the economy, etc.), but thought this did not change the need to take action on single-use plastics. This was the main view amongst environmental charities, third sector and community sector organisations, public sector bodies and individuals, who made three main points:

- The environmental damage caused by single-use plastic remained the same, and there had been 'no material long-term change' to the situation regarding the need to reduce or eliminate the use of single-use plastic. Thus, the case for the proposed market restrictions (and other future policy action in this area) was unaffected.
- The issues highlighted by Covid (increased use of single-use plastic, increased littering, poverty and inequality) increased the need to move towards a 'greener' more circular economy.
- Covid should not be used as an excuse (by business or industry lobbyists) to not act or to delay taking action.

7.10 However, respondents in this group nevertheless often thought it was important that steps were taken to address public attitudes and behaviours and the concerns of businesses in the light of Covid, and advocated the following:

- Public information and education to (i) reassure people on health and hygiene issues and increase consumer (and business) confidence about the use of less environmentally damaging options (e.g., soap and water rather than wipes and sanitiser, reusable rather than disposable catering items, loose rather than pre-packaged goods), and (ii) to (re-)establish the case for a move away from single-use plastics and bring about the required culture change regarding the throwaway society
- Action to tackle littering and waste disposal in terms of public education campaigns, improved recycling and waste disposal options, and more robust enforcement action
- Appropriate information, guidance, support and transition arrangements to help businesses respond to the proposed market restrictions and make a successful move away from single-use plastics in what was acknowledged to be a difficult time for small businesses in particular.

7.11 Some in this group thought that Covid had, in fact, created a positive environment for action. These respondents pointed to a raised awareness amongst the public of the need for social and environmental change, and the demonstrated capacity of both government and the public and private sectors to respond rapidly to a new and challenging situation. This group thought there was an opportunity to capitalise on this in terms of future plans.

7.12 A contrasting perspective was offered by food, drink, tourism and other business organisations, packaging manufacturers and other manufacturing organisations and some individuals who made two different points about the implications of the pandemic for the proposed market restrictions:

- Firstly, they said that the pandemic had reinforced the important role that (single-use) plastics played in health, hygiene and infection control – and would continue to play in the future. The point was made that action against single-use plastics at this point in time would reduce capacity in the industry to respond to increased demands of this type in the future.
- Secondly, respondents said that the difficulties faced by businesses as a result of Covid meant that this was not a good time to proceed with additional legislation or regulations that would place further burdens on the business community. While some asked for a 'moratorium' or delay in taking forward the proposed market restrictions, others called for sensitive implementation or a phased approach, with appropriate

information and support for businesses, with transition arrangements and adequate lead in times to allow for development activity and adjustment of business models.

7.13 Finally, some respondents (including some who ticked 'no' at the closed question) said that the identified impacts would be short-term, or that the challenges presented could be addressed.

## 8 Other comments (Q8)

8.1 The final question in the consultation, Question 8, invited respondents to make any other comments relevant to the consultation:

**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?

8.2 This was an open question, and 357 respondents – 62 organisations and 295 individuals – made comments. In addition, this question was addressed by 1,902 individuals who took part in the Friends of the Earth Scotland campaign.

8.3 Most commonly, respondents used their comments at Question 8 to offer their broad endorsement of the Scottish Government's proposals on market restrictions, or to emphasise the need for urgent action in this policy area. Such comments were made by individuals; environmental charities, third sector and community sector organisations; and campaign respondents, in particular.

8.4 Whilst some respondents made only brief statements of support, others who provided more detailed comments often called on the Scottish Government to take stronger or additional action to address the problem of plastic, and to facilitate a move to a more sustainable 'greener' economy more generally. They wished to see the phasing out of all non-essential single-use plastic, a move away from single-use to reusable items, and an overall reduction in plastic production and consumption. Amongst other things, these respondents called for the (re)introduction of the Circular Economy Bill to the Scottish Parliament.<sup>17</sup>

8.5 Respondents emphasised the benefits that such an approach could bring to the economy in Scotland. They noted the importance of investment in research and development to drive innovation and the required change in the economy, and the positive impact that this could have on the employment market. Respondents who participated in the Friends of the Earth Scotland campaign urged the Scottish Government to use the Grangemouth Future Industry Board to 'map out a Just Transition and strong future for Grangemouth with the phasing out of fossil fuel-based plastic production'.

8.6 Respondents also put forward a wide range of other actions to address the policy agenda in this area. As noted elsewhere in this report, these included:

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<sup>17</sup> The Scottish Government's Circular Economy Bill includes legislative measures to cut litter and waste and forms part of wider plans for a new approach to reducing, reusing and recycling materials to help drive Scotland's circular economy. The Bill was consulted on in 2019, but its introduction to Parliament was subsequently delayed because of the Covid-19 pandemic.

- Regulation of standards and labelling requirements regarding environmental impact and disposal of items
- A range of actions to bring about changes in consumer habits and behaviours and facilitate a shift away from a throwaway culture to a more sustainable economy and society, including education and awareness raising, and incentives to encourage reuse and recycling in all settings
- A range of actions to bring about change in industry and the business and retail sectors, including legislation, EPR schemes, taxation, incentives, information, guidance, support, etc.
- Improved waste management, recycling and reprocessing infrastructure to ensure the availability of good consistent services across the country, and improved use of recycle – respondents said Scotland could learn from practice in other countries, and they provided a wide range of examples of initiatives from Europe and elsewhere.

8.7 There were also further suggestions for items that might be covered by the proposed market restrictions, and how the restrictions might be defined and designed.

8.8 Some respondents (mainly individuals) highlighted the importance of the local economy to this policy agenda, in ensuring access to opportunities for consumers to purchase refills of products or loose goods by weight using their own containers, repair services or freely available drinking water, etc.

8.9 Alongside this perspective, respondents from the manufacturing, packaging and food and drink sectors often also expressed support in principle for the aim of reducing the use of single-use plastics, but argued for a more limited or more cautious approach. Organisations in this group often described the ongoing development work and progress being made towards (i) reducing reliance on single-use plastics, (ii) improving recyclability, and (iii) improving the environmental impact of products. However, there was concern about the scope of proposals included in the consultation paper and the implications of moving ahead without alternatives in place. Some also called for a common approach across the UK.

8.10 Finally, a much smaller group of respondents (re)stated their opposition to the proposed market restrictions on the grounds that single-use plastics served a useful purpose, that taking the proposed action was not a current priority, or that there was no need for Scotland to go beyond the requirements of the SUP Directive.

### **Consultation and engagement**

8.11 A range of respondents stressed the importance of further consultation and engagement on the proposals with different groups – including disabled people, equality groups, and relevant community groups – and of collaborative working between stakeholders and communities on the policy issues under consideration. Several industry and public sector organisations, and community groups indicated an interest in further engagement with the Scottish Government.

# Annex 1: Organisational respondents

Ninety (90) organisations responded to the consultation. These are listed here.

## **Environmental charities, third sector and community sector organisations (29)**

- Action on Smoking and Health (ASH) Scotland
- The Association for the Protection of Rural Scotland
- Asthma UK and British Lung Foundation Partnership
- City to Sea
- Clean Coast Outer Hebrides
- Clean Sweep branch of Milngavie in Bloom
- Cockenzie and Port Seton Community Council
- Fauna & Flora International
- Fidra
- Friends of the Earth Scotland
- Friends of the Earth Tayside
- Greener Melrose
- Groundswell Community Project Scotland CIC
- Health and Social Care Alliance Scotland (the ALLIANCE)
- Keep Scotland Beautiful
- Love Lochs and Landscapes CIC
- Make it Last CIC
- Marine Conservation Society
- The Nappy Alliance
- National Trust for Scotland
- Plastic@Bay CIC
- The ROSE Project
- Scottish Environment Link
- Sea the Change
- Soroptimist International of Aberdeen
- St Francis Xavier Falkirk Laudato Si circle.
- Sunnyside Ocean Defenders
- Surfers Against Sewage
- Think About Plastic - Arran (TAP)

## **Packaging manufacturers and other types of manufacturing organisations (22)**

- Absorbent Hygiene Manufacturers Association (AHPMA)

- Benders Paper Cups
- Biobased and Biodegradable Industries Association
- British Plastics Federation (BPF)
- Cosmetic, Toiletry and Perfumery Association (CTPA)
- Dart Products Europe
- Dempson Ltd
- EDANA
- Enviro-Point
- FoodService Packaging Association
- GAMA Healthcare
- Huhtamaki UK
- Klockner Pentaplast
- Nice-Pak International Ltd
- Oxo-biodegradable Plastics Association
- Oxo-Biodegradable Plastics Federation
- The Pure Option
- Symphony Environmental Technologies Plc
- Tetra Pak (Brands 2 Life)
- UK Cleaning Products Industry Association (UKCPI)
- Vegware
- Wells Plastics Ltd

## **Food, drink, tourism and other business organisations (16)**

- Automatic Vending Association
- Autumn Wren
- British Soft Drinks Association (BSDA)
- Caithness Chamber of Commerce
- CalMac Ferries Ltd
- The Co-operative Group
- Edinburgh Airport
- Federation of Small Businesses
- Food and Drink Federation (FDF) Scotland
- Nestlé UK&I
- NIVO Ltd
- Scottish Grocers Federation
- Scottish Wholesale Association
- Suntory Beverage and Food GB&I
- UKHospitality

- Union of Genius Ltd

### **Public sector organisations (11)**

- Aberdeen City Council
- Aberdeenshire Council
- The City of Edinburgh Council
- East Dunbartonshire Council
- Falkirk Council
- Fife Council
- LARAC (The Local Authority Recycling Advisory Committee)
- NHS Ayrshire & Arran
- North Ayrshire Council
- Perth and Kinross Council
- Scottish Water

### **Environmental consultancies and resource management organisations (8)**

- Chartered Institution of Wastes Management (CIWM) Scotland Centre
- Coast2Coast Architects – AffordableTM Ltd
- RECOUP (RECYcling of Used Plastics)
- Rowan Ecology & Education Support
- Scottish Environmental Services Association
- SRMA (Scotland) Limited trading as the Resource Management Association Scotland
- SUEZ Recycling and Recovery UK Ltd
- Viridor

### **Other organisations (4)**

- The Association for Renewable Energy and Clean Technology
- Environmental Association for Universities and Colleges (EAUC) Scotland
- Law Society of Scotland
- Scottish Youth Parliament

## Annex 2: Response to individual questions

Questions		Organisations		Individuals	
		n	% of 90	n	% of 697
Q1(a)	Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on each of the single-use plastic items listed and all oxo-degradable products?				
1	• Single-use plastic cutlery (forks, knives, spoons, chopsticks)	68	76%	696	100%
2	• Single-use plastic plates (plates, trays/platters, bowls)	68	76%	695	100%
3	• Single-use plastic straws	70	78%	695	100%
4	• Single-use plastic beverage stirrers	68	76%	695	100%
5	• Single-use plastic balloon sticks	66	73%	693	99%
6	• Single-use food containers made of expanded polystyrene	69	77%	695	100%
7	• Single-use cups and other beverage containers made of expanded polystyrene, including their covers and lids	67	74%	694	100%
8	• All oxo-degradable products	71	79%	686	98%
Q1(b)	Please give reasons and where possible provide evidence to support the view expressed in response to Question 1(a).	76	84%	617	89%
Q1(c)	Do you support the introduction of a restriction on the supply in a non-commercial capacity (rather than only in the course of commercial activity) of the specified single-use plastic and oxo-degradable items? (Yes / No)	22	24%	2	0%
	Please give reasons.	25	28%	2	0%
Q1(d)	Do you support the introduction of a restriction on the manufacturing of the specified single-use plastic and oxo-degradable items, excluding those for which exemptions will be introduced? (Yes / No)	67	74%	690	99%
	Please give reasons.	65	72%	519	74%
Q2	To your knowledge, are any of the oxo-degradable products identified in this document present on the Scottish market? Are there any additional oxo-degradable products available on the Scottish market that we have not identified? Please provide evidence to support your answer.	57	63%	395	57%

Q3	The SUP Directive includes limited exemptions for single-use plastic straws and balloon sticks. Are there other exemptions we should consider in relation to the market restrictions being proposed? (Yes / No)	64	71%	622	89%
	Please give reasons.	63	70%	346	50%
Q4	How can we make sure disabled people have access to plastic straws if they require them for medical reasons or to support independent living, whilst at the same time restricting wider access for environmental purposes in a way that fulfils the SUP Directive requirements?	66	73%	586	84%
Q5	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? (Yes / No)	62	69%	686	98%
	Please provide reasons and evidence where possible.	75	83%	492	71%
Q6	Taking into account the accompanying impact assessments, can you identify any environmental, economic or social impacts we have not identified when developing the proposals contained in this consultation? (Yes / No)	63	70%	620	89%
	Please give reasons.	52	58%	201	29%
Q7	Do you believe the COVID-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation? (Yes / No)	66	73%	613	88%
	Please give reasons.	70	78%	380	55%
Q8	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?	62	69%	295	42%



## Annex 3: Friends of the Earth Scotland Campaign

This annex provides details of the campaign organised by Friends of the Earth Scotland to encourage responses to the consultation. The annex presents (i) the full campaign text, and (ii) an explanation of how the text has been allocated to individual consultation questions.

### Campaign text

I am writing to respond to your consultation on introducing market restrictions on problematic single-use plastic items in Scotland. Please treat my email as an individual response.

Plastic is a major contributor to climate change and the more plastic we produce and consume, the more greenhouse gas emissions we release into the atmosphere. I am very concerned about the direct damage plastic is doing to our environment, and the effect single-use disposable plastic items have when they turn up on our beaches and in our oceans.

Therefore I fully support the Scottish Government's proposal to introduce a ban on the supply by businesses in a commercial capacity, supply in a non-commercial capacity and on the manufacturing of the following products:

- Single-use plastic cutlery
- Single-use plastic plates
- Single-use plastic straws (with exemptions for medical use and to support independent living)
- Single-use plastic beverage stirrers
- Single-use plastic balloon sticks
- Single-use food containers made of expanded polystyrene
- Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids
- All oxo-degradable products.

I also support market restrictions on other items the Scottish Government is considering such as plastic wet wipes and plastic tampons applicators. I note that other countries in Europe like France and Ireland are going even further than the Single-Use Plastic Directive, both setting ambitious targets to eliminate further single-use plastic items completely. I would urge the Scottish Government to adopt the best practices of these countries and support a ban on the following plastic items: condiment sachets, hotel toiletries, confetti, tea bags and free toys supplied with some food menus.

If we truly want to tackle the problem of plastic pollution then we must go further than the items under the Single-Use Plastics Directive including the introduction of an ambitious Circular Economy Bill with robust targets to reduce our overconsumption of resources.

It is also important than the conversation about tackling plastic pollution in Scotland addresses Ineos in Grangemouth, the largest producer of plastic in the UK. Ineos continues

to import large volumes of fracked gas from the US to Scotland to make plastic which undermines the Scottish Government’s current ban on fracking in Scotland. The longer we invest in or support the fossil fuel-based plastic industry which is heavily resource intensive, the longer we lock Scotland into increasing emissions that fuel the escalating climate crisis. I urge the Scottish Government to use the Grangemouth Future Industry Board to map out a Just Transition and strong future for Grangemouth with the phasing out of fossil fuel-based plastic production.

## Allocation of campaign text to individual consultation questions

**Table A3.1: Assignment of campaign text to consultation questions**

Campaign statement	Question
<p>Plastic is a major contributor to climate change and the more plastic we produce and consume, the more greenhouse gas emissions we release into the atmosphere. I am very concerned about the direct damage plastic is doing to our environment, and the effect single-use disposable plastic items have when they turn up on our beaches and in our oceans.</p> <p>Therefore I fully support the Scottish Government’s proposal to introduce a ban on the supply by businesses in a commercial capacity, supply in a non-commercial capacity and on the manufacturing of the following products:</p> <ul style="list-style-type: none"> <li>• Single-use plastic cutlery</li> <li>• Single-use plastic plates</li> <li>• Single-use plastic straws (with exemptions for medical use and to support independent living)</li> <li>• Single-use plastic beverage stirrers</li> <li>• Single-use plastic balloon sticks</li> <li>• Single-use food containers made of expanded polystyrene</li> <li>• Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids</li> <li>• All oxo-degradable products.</li> </ul>	Question 1
<p>I also support market restrictions on other items the Scottish Government is considering such as plastic wet wipes and plastic tampons applicators. I note that other countries in Europe like France and Ireland are going even further than the Single-Use Plastic Directive, both setting ambitious targets to eliminate further single-use plastic items completely. I would urge the Scottish Government to adopt the best practices of these countries and support a ban on the following plastic items: condiment sachets, hotel toiletries, confetti, tea bags and free toys supplied with some food menus.</p>	Question 5
<p>If we truly want to tackle the problem of plastic pollution then we must go further than the items under the Single-Use Plastics Directive including the introduction of an ambitious Circular Economy Bill with robust targets to reduce our overconsumption of resources.</p>	Question 8

<p>It is also important that the conversation about tackling plastic pollution in Scotland addresses Ineos in Grangemouth, the largest producer of plastic in the UK. Ineos continues to import large volumes of fracked gas from the US to Scotland to make plastic which undermines the Scottish Government's current ban on fracking in Scotland. The longer we invest in or support the fossil fuel-based plastic industry which is heavily resource intensive, the longer we lock Scotland into increasing emissions that fuel the escalating climate crisis. I urge the Scottish Government to use the Grangemouth Future Industry Board to map out a Just Transition and strong future for Grangemouth with the phasing out of fossil fuel-based plastic production.</p>	
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## Annex 4: Question 1 responses, breakdown by organisation type

**Table A4:1: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use plastic cutlery?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	3	25%	9	75%	12	100%
Food, drink, tourism, and other business organisations	7	78%	2	22%	9	100%
Public sector organisations	10	91%	1	9%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>56</b>	<b>82%</b>	<b>12</b>	<b>18%</b>	<b>68</b>	<b>100%</b>
Total individuals	668	96%	28	4%	696	100%
<b>Total (organisations and individuals)</b>	<b>724</b>	<b>95%</b>	<b>40</b>	<b>5%</b>	<b>764</b>	<b>100%</b>

**Table A4:2: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use plastic plates?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	1	8%	11	92%	12	100%
Food, drink, tourism, and other business organisations	5	56%	4	44%	9	100%
Public sector organisations	10	91%	1	9%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>52</b>	<b>76%</b>	<b>16</b>	<b>24%</b>	<b>68</b>	<b>100%</b>
Total individuals	669	96%	26	4%	695	100%
<b>Total (organisations and individuals)</b>	<b>721</b>	<b>94%</b>	<b>42</b>	<b>6%</b>	<b>763</b>	<b>100%</b>

**Table A4:3: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use plastic straws?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	96%	1	4%	27	100%
Packaging manufacturers and other types of manufacturing organisations	1	8%	11	92%	12	100%
Food, drink, tourism, and other business organisations	8	73%	3	27%	11	100%
Public sector organisations	10	91%	1	9%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>54</b>	<b>77%</b>	<b>16</b>	<b>23%</b>	<b>70</b>	<b>100%</b>
Total individuals	650	94%	45	6%	695	100%
<b>Total (organisations and individuals)</b>	<b>704</b>	<b>92%</b>	<b>61</b>	<b>8%</b>	<b>765</b>	<b>100%</b>

**Table A4:4: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use beverage stirrers?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	3	25%	9	75%	12	100%
Food, drink, tourism, and other business organisations	8	89%	1	11%	9	100%
Public sector organisations	11	100%	–	0%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>58</b>	<b>85%</b>	<b>10</b>	<b>15%</b>	<b>68</b>	<b>100%</b>
Total individuals	680	98%	15	2%	695	100%
<b>Total (organisations and individuals)</b>	<b>738</b>	<b>97%</b>	<b>25</b>	<b>3%</b>	<b>763</b>	<b>100%</b>

**Table A4:5: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use plastic balloon sticks?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	5	45%	6	55%	11	100%
Food, drink, tourism, and other business organisations	8	100%	–	0%	8	100%
Public sector organisations	11	100%	–	0%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>60</b>	<b>91%</b>	<b>6</b>	<b>9%</b>	<b>66</b>	<b>100%</b>
Total individuals	677	98%	16	2%	693	100%
<b>Total (organisations and individuals)</b>	<b>737</b>	<b>97%</b>	<b>22</b>	<b>3%</b>	<b>759</b>	<b>100%</b>

**Table A4:6: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use food containers made of expanded polystyrene?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	8	62%	5	38%	13	100%
Food, drink, tourism, and other business organisations	8	89%	1	11%	9	100%
Public sector organisations	11	100%	–	0%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>63</b>	<b>91%</b>	<b>6</b>	<b>9%</b>	<b>69</b>	<b>100%</b>
Total individuals	673	97%	22	3%	695	100%
<b>Total (organisations and individuals)</b>	<b>736</b>	<b>96%</b>	<b>28</b>	<b>4%</b>	<b>764</b>	<b>100%</b>

**Table A4:7: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	100%	–	0%	26	100%
Packaging manufacturers and other types of manufacturing organisations	7	58%	5	42%	12	100%
Food, drink, tourism, and other business organisations	8	89%	1	11%	9	100%
Public sector organisations	11	100%	–	0%	11	100%
Environmental consultancies and resource management organisations	7	100%	–	0%	7	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>61</b>	<b>91%</b>	<b>6</b>	<b>9%</b>	<b>67</b>	<b>100%</b>
Total individuals	670	97%	24	3%	694	100%
<b>Total (organisations and individuals)</b>	<b>731</b>	<b>96%</b>	<b>30</b>	<b>4%</b>	<b>761</b>	<b>100%</b>

**Table A4:8: Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on all oxo-degradable products?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	100%	–	0%	27	100%
Packaging manufacturers and other types of manufacturing organisations	8	62%	5	38%	13	100%
Food, drink, tourism, and other business organisations	9	90%	1	10%	10	100%
Public sector organisations	10	91%	1	9%	11	100%
Environmental consultancies and resource management organisations	8	100%	–	0%	8	100%
Other organisations	2	100%	–	0%	2	100%
<b>Total organisations</b>	<b>64</b>	<b>90%</b>	<b>7</b>	<b>10%</b>	<b>71</b>	<b>100%</b>
Total individuals	651	95%	35	5%	686	100%
<b>Total (organisations and individuals)</b>	<b>715</b>	<b>94%</b>	<b>42</b>	<b>6%</b>	<b>757</b>	<b>100%</b>



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The Scottish Government  
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ISBN: 978-1-80004-822-5 (web only)

Published by The Scottish Government, March 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS846806 (03/21)

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