



BBIA RESPONSE TO THE DEFRA Consultation on reforming the UK packaging producer responsibility system

The BBIA welcomes the consultation issued by the Government with the wide-ranging ambition to reform the UK's packaging producer responsibility system and we are pleased to contribute to this.

Our Principles

Our principles are clear:

1. Our industry, producing and distributing bio-based and biodegradable (known as compostable) materials for packaging, wants to contribute to the EPR system financially as well as to its long-term development.
2. We want our contributions to help develop the UK recycling infrastructure so that it is as sustainable as possible
3. To that end, we adhere to the following commitments:
 - a. Develop standards that the industry will abide by regarding the certifications to which our products adhere
 - b. Develop universal labelling to help identify compostable materials in the retail and waste systems
 - c. Use levies from EPR to build infrastructure that can recognise materials and support organic recovery of these– i.e. to help create the pathway to get materials to recycling.

a. An Introduction to BBIA and its Member's Activities and Products

The BBIA represents UK and non UK manufacturers and distributors of products, chemicals and materials that have a common identity in their sourcing (partially or totally bio-based which means derived from plants) and in their end-of-waste performance (biodegradable or compostable in various environments which could be natural – in the case of biolubricants - or in industrial composting, in the case of packaging).

The BBIA was established by 7 founder members in June 2015 and in 2019 comprises 23 companies which produce biopolymers for onward conversion into products; building blocks for the chemical industry from bio-based sources that may be used in pharma, cosmetics, paints and coatings, as well as lubricants, packaging, pesticides; members also distribute and sell products in the UK market; and include associations, consultants and the Scottish IBIOIC. BBIA members represent most of the value chain in the production, conversion and treatment of compostable packaging materials.

BBIA is also a partner in 2 EU financed research projects: under the Horizon 2020 grant for the Res Urbis project which researches into producing compostable materials using food waste as a feedstock, ending in December 2019; and in the BBI JU funding grant for Usable Packaging, a research project beginning in June 2019 for three years researching into producing compostable materials from industrial food waste such as from bakeries, wineries, pasta producers. More details about the BBIA can be found on www.bbia.org.uk including reports and research undertaken on compostable packaging.

BBIA members' activities can be understood in the wider context of the Bioeconomy. The UK strategy on the Bioeconomy published in December 2018 indicates that the UK bioeconomy currently has a value of £220bn annually and employs some 5 million people directly and indirectly- including in farming. One of the four pillars of the UK strategy is to "create the right societal and market conditions to allow innovative bio-based products and services to thrive" and includes plastic pollution as one of the societal challenges that humanity faces.

BBIA believes that innovative compostable materials produced by its members are critical to the transformation of the way in which we collect and treat biowaste and to the reduction of certain types of plastic packaging waste.

What are compostable materials? They are those products whose end of life is destined to biodegradation in industrial composting plants. They can be films or rigid materials which in certain uses (see below) can substitute some plastics and ensure the recycling of these through industrial composting, or organic recycling. This includes wet anaerobic digestion when this has a post digestion aerobic phase or is a "dry" process allowing recovery of packaging, common in Europe and to be found in the UK too. The biodegradation process enables compostable materials to biodegrade into the soil or compost material which composting of biowaste produces. This has valuable nutritional content for application to soil, including precious organic carbon that improves soil fertility and long-term sustainability of soils.

It is important to note that **only** compostable packaging materials adhering to the BS EN13432 standard can be considered "biodegradable" in the context of the Waste Framework Directive 2008/92, the Packaging and Packaging Waste Directive 96/82 and the Essential Requirements, (all as implemented in the UK) and additionally the Directive on Single Use Plastics (article 3, 16 as approved on March 27th 2019). Packaging materials adhering to the BS EN13432 standard demonstrate conformity with the Essential Requirements and UK end of waste criteria when organically recovered through composting and anaerobic digestion into compost or digestate produced to the PAS 100/110 standards. Such packaging is allowed to be organically recycled (i.e. biodegraded) through composting processes that produce composts that meet end-of-waste criteria set by countries in the UK¹ and

¹ England, Wales and Northern Ireland's end-of-waste criteria are specified in the Quality Protocol for Compost (<https://www.gov.uk/government/publications/quality-protocol-for-the-production-and-use-of-compost-from-waste>) and the Quality Protocol for Anaerobic Digestate (<https://www.gov.uk/government/publications/quality-protocol-anaerobic-digestate>). Respectively, their rules require that compost production, quality and labelling is certified compliant with the British Standards Institution's PAS 100 and that digestate production, quality and labelling is certified compliant with the BSI's PAS 110. Scotland's end-of-waste criteria are stated in its guidance on Regulation of Outputs from Composting Processes (which include certification of conformity to PAS 100, <https://www.sepa.org.uk/media/219843/wst-g-050-regulation-of-outputs-from-composting-processes.pdf>) and in its Position Statement on Regulation of Outputs from Anaerobic Digestion Processes (which include certification of conformity with PAS 110, <https://www.sepa.org.uk/media/219842/wst-ps-016-regulation-of-outputs-from-anaerobic-digestion-processes.pdf>).

where relevant the Quality Protocols are respected.² Organic recovery is, according to the cited Regulations, recycling.

Compostable materials are subject to standards not only on biodegradability but also toxicity which other packaging materials are generally not subject to. Compostables have to be able to prove they are benign for the compost they help produce, for the soils and microorganisms in the soil they are spread upon, for plant life in addition to all the pre-requisite REACH and food contact approvals. Non compostable packaging, for example, is not subjected to such stringent and costly toxicity testing or the need to prove lack of environmental harm from their use, reuse or recovery including recycling.

The optimal destination of food contaminated compostable packaging materials is to end its life in composting and be recycled into soil improvers (fertilisers) recognised under UK law as those meeting the PAS100 standard³ or as digestate if derived from AD (PAS110).⁴ In the next weeks the revised European Fertiliser Regulation will be issued and a new Regulation will enter into force which recognises UK PAS100/110 standards as End of Waste standards for separately collected biowaste treated in composting and anaerobic digestion.

BIA members adhere to strict recognition of the internationally recognised standards and do not market packaging materials with a generic “biodegradable” label.

DEFRA will no doubt be aware of the recent publication of a study by the University of Plymouth looking into the degradation of “biodegradable” bags in the environment⁵. The study showed empirically what has been known for some time, that the so-called biodegradable and oxo-degradable additives do not biodegrade in the environment, particularly the marine environment; whereas the compostable bags tested by Plymouth were shown to completely degrade within 9 months in the sea, in the open air and when buried in soil.

Regarding the use of oxo degradable plastics, the above cited research undertaken by Plymouth University shows that after three years in the soil and marine environment oxo degradable bags had not degraded at all. Using similar past evidence the European Commission, Council and Parliament has approved the Single Use Plastic Directive on March 27th, 2019 and about to enter into force throughout the EU28, which bans the sale and use of oxo degradable plastics.⁶ These are not to be confused with compostable plastics. We strongly support this ban and challenge the UK Government to introduce the ban into UK law even before the transposition of the EU Directive is needed, latest in 2021. This will ensure increased clarity in the UK marketplace as well as improved management of plastic waste.

As a responsible industry our members do not advocate or use unqualified claims for environmental benefit outside of the managed organic waste system but these tests replicate those of Professor

² Organics Recycling: <http://www.organics-recycling.org.uk/uploads/article1983/EN%2013432%20Compostable%20Products%20and%20Packaging.pdf>

³ Quality Compost: <http://www.qualitycompost.org.uk/standards/pas100>

⁴ WRAP: <http://www.wrap.org.uk/content/bsi-pas-110-specification-digestate>

⁵ <https://pubs.acs.org/doi/10.1021/acs.est.8b06984>

⁶ European Commission: http://europa.eu/rapid/press-release_STATEMENT-19-1873_en.htm

Thompson⁷ and others⁸, that should they be littered, the compostable bags will relatively rapidly degrade in the marine environment.

b. The case for a revised EPR system

BBIA welcomes the Government's intention of introducing a full-cost (producer pays principle) producer responsibility system across the UK. This should include packaging collection, recovery and disposal costs. Many BBIA members produce packaging materials and therefore expect to be included in the system and wish to ensure their contributions reflect the costs and benefits of their materials to the packaging industry.

We reiterate that our principles are that we pay into the EPR system, that we contribute towards its development, that we want our funding to be used to create the right infrastructure for waste management across the UK, and that we will work with stakeholders to ensure these materials are clearly labelled and identified to assist recognition and facilitate recycling.

A full cost EPR can provide several benefits as outlined in the Government consultation documents Impact Assessment:

1. To provide funding for Councils and/or their contracted and licensed operators and recyclers to collect, send for recovery or dispose of these materials. Such funding would ensure the burden of those costs are transferred from Councils who shoulder them now, to producers. This is in line with the revised Packaging and Packaging Waste Directive approved in June 2018 by the European Commission and to which the UK has declared it will adhere.⁹
2. Encourage greater efficiency in the use of packaging by financially discouraging less recyclable materials and products and incentivising more recyclable materials.
3. Increase recycling (which includes composting, as on a par with mechanical recycling as confirmed by the EU Packaging and Packaging Waste Directive) by ensuring funding for collection and treatment is available.
4. Stimulate the growth of domestic recycling especially for plastics as the recovery costs of these materials would be paid by producers.
5. Reduce littering by ensuring clean-up costs that Councils have for street cleaning are financially covered (and integrated with DRS for drinks containers).
6. Introduce simpler messaging to citizens about recycling choices by ensuring clear labelling.
7. Stimulate the introduction of innovative materials to reduce packaging that is hard to recycle and to promote resource recovery.

Where we have seen full-cost recovery introduced across the EU it has generally succeeded in ensuring the country meets EU recycling targets while shifting the cost burden from the collection and treatment sectors to the producers.¹⁰

⁷ O'Brine, T.; Thompson, R. C. Degradation of Plastic Carrier Bags in the Marine Environment. *Mar. Pollut. Bull.* 2010, 60 (12), 2279–2283

⁸ https://ec.europa.eu/environment/ecoap/etv/aerobic-biodegradation-mater-bi-af03a0-and-mater-bi-af05s0-mater-bi-third-generation-under_en

⁹ For the full text of the cited Directive see <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L0852&from=EN>

¹⁰ Valpak: https://www.valpak.co.uk/docs/default-source/environmental-consulting/packflow-2025-full-report.pdf?sfvrsn=4ced6d10_4

c. Compostable packaging and recycling

Compostable packaging can best function in the nexus between biowaste and packaging recovery in the following ways:

1. Reducing the amounts of non-recyclable plastics by sending compostable packaging to organic recovery through composting and AD. This especially regards food packaging.
2. Ensuring recyclability of compostable plastic packaging contaminated by food and food waste through organic recycling.
3. Increasing the amount of biowaste sent to AD and composting by using the compostable packaging as a vector for the biowaste itself.

BBIA believes that compostable materials are an answer to specific packaging challenges and could substitute around 5-8% of current plastic packaging¹¹.

The scope for compostable packaging is contained in a new report called “Plastics in the Bioeconomy”, commissioned by the Biomass Biorefinery Network (BBNet) and authored by Ricardo Energy & Environment.¹² It reaches a conclusion that the UK’s compostable packaging market can grow to over 100,000 and up to 138,000 tonnes by 2025, which could drive value in excess of £267m annually to the UK bioeconomy before the extensive GVA benefits are realised.

The BBIA proposes compostability as the most practical solution in the following applications that are currently available (technological progress will lead to many new applications in the future and the list given below refers to current uses) and that for these uses, compostable materials should be mandatory to ensure that biowaste collections are not contaminated by plastics:

1. Applications which always accompany a material whose only recycling route is organics recycling (composting), and frequently cause contamination and cannot be recycled if made from plastic:
 1. tea bags and coffee pads
 2. sticky labels on fruit/vegetables
 3. Food preparation disposable gloves
 4. Plastic coffee pods
2. Applications where inevitable food contamination and/or mixed-material construction renders conventional packaging unsuitable for mechanical recycling:
 1. Foodservice disposables (plates, bowls, food containers, trays/dishes, napkins, sandwich boxes, bread and cake window bags, hot and cold drinks cups and lids etc)
 2. Condiment sauce sachets and pouches
3. Applications where the item is too small or otherwise impractical for mechanical recycling:
 1. candy and sweet wrappers and others that are commonly littered.
4. Applications which can be used or reused as a food waste caddy liner:
 1. Lightweight carrier bags,
 2. Bin liners for food waste collections,
 3. Very lightweight fruit and vegetable bags

¹¹ Ricardo Energy & Environment: <https://d1v9sz08rbysvx.cloudfront.net/ee/media/downloads/ed12430-bb-net-report-final-issue-2.pdf>

¹² [ibid](#)

4. Lightweight fresh produce packaging (eg. the Waitrose banana bag, bags containing salads, spinach, broccoli etc)
 5. Magazine wraps – may be reused by householders to collect household food waste, to take from the kitchen to the food waste bin
5. Conversely, we believe that compostables do not have a role to play where plastics can be easily recycled – e.g. water, juice and milk bottles, pallet shrink wrap and long shelf life products.

All the above applications are currently being used and sold in the UK.

These include the COOP carrier bags, teabags and coffee pods; the Waitrose fruit bags; Marks and Spencers sticky labels on fruit; bin liners for food waste collections; magazine covers for example on the National Trust magazine; fruit and vegetable bags (coming soon in Waitrose); food service disposables such as those sold by Vegware; sweet and candy bar wrappers such those of The Cambridge Confectionery Company sold in the British Museum; and many others.

Compostables are most applicable where the contents to be recovered also have to be composted. Organic recyclers such as AD (they should all have access to a post digestion aerobic process as in European countries) and composting plants can become the terminal for compostable packaging which is also bringing biowaste to those recyclers.

Our industry is committed to ensuring that the funds raised through EPR go to ensure that these materials are effectively recycled in composting and anaerobic digestion, and no longer sent to incineration or landfill along with non-recyclable plastics.

On the matter of biodegradable waste recovery in the UK we underline how composting and AD is already a large, technologically mature and geographically widespread industrial solution to recovering these wastes. The European Compost Network estimates¹³ that the UK currently recovers overall almost 9 million tonnes of various “biowastes” and therefore the capacity to also treat compostable packaging (estimated somewhere between 100,000 and 150,000 tonnes at full potential or circa 1.5% of biowastes) is more than evident. 52 In Vessel Composting plants and 155 Open Windrow Composting plants operate on a daily basis across the UK. Compostable packaging is compatible with the composting process as we illustrate below.

As compostables increase their penetration of the packaging market in the UK and elsewhere, as the above cited report from Ricardo E&E makes clear, alarm bells have been ringing in the many offices of bio companies, packaging experts, waste collectors and Councils. Do compostables actually compost? What are their standards? How do we collect them? Is this all green-washing? Who are the producers and are these products the same as oxo degradable plastics?

As research from 2018 from Dublin University shows, tested and widely available compostable materials all biodegrade in industrial composting in the time frame of the BSEN13432 standard.¹⁴ This is not surprising as these materials now have more than 20 years of market experience and the technologies are becoming mature. The standards have been reviewed five times since 2000 and reconfirmed each time without significant changes. In fact, compostable (plastic) products have been in the UK market since 2002 and we are not aware of a single genuine and verified complaint of

¹³ <https://www.compostnetwork.info/download/ecn-status-report-2019-european-bio-waste-management-overview-of-bio-waste-collection-treatment-markets-across-europe-2/>

¹⁴ Narancic et al. (2018) <https://pubs.acs.org/doi/10.1021/acs.est.8b02963>

incompatibility – “non-composting” – even when deployed at high volume such as at the London Olympics 2012.

The producers of current compostable (plastic) products are a mix of international companies to be found in the Far East, the USA but above all in Europe and recently in the UK. When collected with bio and garden waste, compostable packaging can be composted safely in industrial composting plants without damage to their systems, to the quality of compost and above all to the soils to which they are destined. The evidence shows that BBIA member companies are science-based enterprises producing innovative materials from mostly plant based feedstocks that have lower GHG emissions in the production phase and a substantially higher chance of effective recycling at the end of life phase.¹⁵

Another common complaint against compostable plastics is that they contaminate the recycling of plastic packaging. There are two replies to this: firstly, upon what evidence is that based? We are aware of only two studies that investigate this claim.

A report from Germany states that “Up to 3 weight percent of PLA in post-consumer PP recyclates and up to 10 percent of PLA in PS re-granulates do not disturb or negatively affect the quality of the recycled material.”¹⁶ The second was undertaken by the national packaging association of Italy (CONAI) in 2011.¹⁷

This found that even in the worst case scenario of all compostable plastics entering the market place in Italy (currently circa 100,000 tonnes) contaminating plastics recycling, plastics tolerate contamination of between 2% and 10% of their feedstocks from compostables without altering the final recycled polymer quality. We conclude that the risk is negligible.

As further evidence, global plastics production is in excess of 340 million tonnes; global compostable plastic production is approximately 2 million tonnes, less than 1% of all plastics globally.¹⁸ The chances of compostable plastics polluting this huge amount of plastics, is therefore quite obviously remote.

Moreover, infrared and other optic readers in sorting equipment are capable of sorting out PLA from other rigid plastics.¹⁹ Those same infrared readers regularly sort plastics into their various polymer types and adaptation to a new waste stream such as rigid compostable plastics can be rapid.

The second answer to this is: it is hard to contaminate what is not actually being recycled. And as we can see from the data chart below, before we reach a stage in the UK where plastics are effectively recycled, we have a long road to travel especially for filmic plastic materials.

¹⁵CE Delft: https://www.cedelft.eu/publicatie/biobased_plastics_in_a_circular_economy/2022

¹⁶ European Bioplastics: <https://www.european-bioplastics.org/pla-in-the-waste-stream/>

¹⁷ CONAI: http://bbia.org.uk/wp-content/uploads/2015/06/030_CONAI_2012_biodegradable_packaging_recovery_project.pdf

¹⁸ Statista: <https://www.statista.com/statistics/282732/global-production-of-plastics-since-1950/>

¹⁹ European Bioplastics: https://docs.european-bioplastics.org/publications/bp/EUBP_BP_Mechanical_recycling.pdf.

Figure 1: Plastic Packaging Waste Treatment in the UK 2016-2018

THE UK PLASTICS PACKAGING TREATMENT DATA	(1000 Metric Tonnes)		
	2016	2017	2018 - From UK HMRC Govt Data
Plastic Packaging Waste Arisings	2,260	2,350	2,444
Net Plastic Waste Exported Outside of EU (Net of Imports)	647	520	437
Plastic Waste Reprocessed in UK	331	358	343 (14%)
Total %: Exported & Reprocessed ("Recycled")	43.3%	37.4%	31.9%
Net Plastic Waste Dispatched to EU	59	55	89
Total %: Exported, Dispatched & Reprocessed ("Recycled")	45.9%	39.7%	35.6%
Plastic Waste Not Recovered	1,223	1,417	1,575
% Plastic Waste Not Recovered	54.1%	60.3%	64.4%

Plastic Packaging waste processed in the UK itself, represents circa 350,000 tonnes out of a total of circa 2,400,000 tonnes collected- 14.0%. Once contaminants are extracted from that 14.0%, an estimated 9/10% of all plastic packaging alone is recycled in the UK. Contaminating such a small amount of plastics with compostable plastics is clearly not of relevance to the overall management of plastic waste.

WRAP's Packflow 2025 report on Plastic Packaging makes the following estimates for consumer plastics put onto the market²⁰:

"The consumer plastic packaging recycling performance of the UK in 2017 is between 30-34% If measuring recycling on entry to reprocessing, the UK's consumer plastic packaging recycling rate is estimated at 34% (525k tonnes recycled). If measured after conversion on the exit of reprocessing the rate would be lower at 30% (461k tonnes recycled)."

However, this includes materials collected and reprocessed for export. UK recycling of plastics, especially lightweight packaging where compostables have most of their technical advantages in terms of greater recyclability, is negligible.²¹

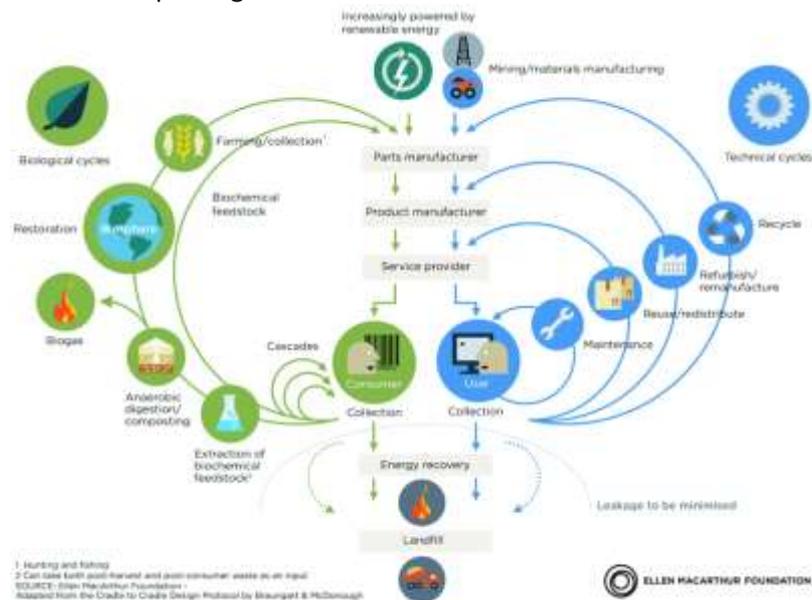
To ensure the value of compostable packaging is realised and that it supports the reduction of plastic waste, the improved collection of biowaste, improved quality of recycled biowaste to soil, compostable packaging needs to be collected in a way that it does not potentially in the future interfere with plastics recycling- compostable packaging should be considered and legally defined as the equivalent of biowaste and sent to biowaste treatment.

²⁰ WRAP: <http://www.wrap.org.uk/content/plasticflow-2025-plastic-packaging-flow-data-report>

²¹ Ibid.

Where compostable packaging is destined to food waste collections that involve AD treatment, the stripped-out packaging should be sent to composting. In the future, when biowaste collections destined to AD are clean and contain only or predominantly compostable packaging, de-packaged compostables will have an easier route to recovery through being sent to composting. Given that this de-packager off-take contains roughly 5% food waste, this would need to be treated with in-vessel composting to satisfy the Animal By-Product Regulations.

Such a model exists in the UK- the integrated AD and compost plant, the Maltings.²² It shows that with the right system, an AD plant can ensure valuable food waste stuck to compostable packaging is recovered with that packaging after the digestion phase in composting. This is a model widely adopted throughout Europe and which underlines the importance of creating complementary synergy between AD and composting.



Biowaste is a key component of the “biological cycle” as evidenced in the above graphic from the Ellen MacArthur Foundation. In a Circular Economy model biowaste is a restorative element for maintaining the biosphere, producing biogas, compost and chemicals.

Mandatory biowaste collections will create the pathway for recycling. And there evidence shows the UK has the capacity to treat these volumes, representing not more than 1% of all the biowaste currently being treated.

As compostable packaging can be readily recycled in biowaste treatment plants, compostable packaging should be included as packaging under the EPR scheme and levies should be paid at the level of widely recycled materials.

We reiterate our commitment to working with all stakeholders to create universally recognised labelling to ensuring recognition of compostable packaging.

Compostable packaging helps biowaste go to treatment without contamination or toxicity of soils to which the final recovered materials are destined- compost and digestate.

²² Maltings Organic Treatment: <https://www.maltingsorganic.com/news/maltings-method/>

d. Compostable packaging and payment into EPR

1. As stated above, compostable packaging is easily recycled through organic recycling, equal to mechanical recycling under UK and EU law (Packaging and Packaging Waste Directive). So, levies should be paid at the level of widely recycled materials.
2. Compostable packaging should be included as a packaging material under the EPR reform and pay levies depending upon the nature of the product's component materials.
 - Compostable polymers (from fossil or plant-based sources) should pay into the EPR as the equivalent to plastics;
 - Compostable cellulose based materials such as forestry products are similar in origin to paper, and should pay into the EPR as equivalent to paper.

There is no doubt at all that compostable materials certified to the standard BSEN13432/2000 or ASTM D6400 effectively do decompose in industrial composting. Recent research reinforces this and the cited BSEN standard has been in force for 20 years across the EU and the UK.²³

With the introduction of biowaste collections across the whole UK by 2023 under English law and EU WFD 2018 obligations, all compostable packaging will have a determined and easy route back to composting treatment, its natural end-of-life.

As we have said before, and wish to reiterate given the widespread misconception that compostable materials may not have an end of life solution, the UK currently possesses infrastructure that is sufficient for the treatment of compostable packaging in a future scenario in which its use grows to 100,000 to 150,000 tonnes per annum.

Such infrastructure are the composting plants situated across the four nations, including 52 in vessel composting plants authorised to accept compostable materials containing food stuff, and 155 open windrow plants authorised by the Environment Agency to accept compostable products not containing food stuffs.

Under EA guidance since July 2018, compostable cups and lids for hot or cold drinks may already be processed at open windrow composting sites, over 155 of which exist across the UK²⁴

Currently (data 2017) 100% of Welsh councils separately collect food waste, 60% of Scottish separately collect food waste, whilst another 30% collect food waste with garden waste; in Northern Ireland food waste is collected separately in just 5% of Councils whilst in 60% of Councils it is commingled with garden waste; and finally in England 10% of Councils offer commingled collections and 40% separate food waste collections. As many as 50% of English Councils currently offer no biowaste collection.²⁵

²³ Narancic (2018): <https://pubs.acs.org/doi/10.1021/acs.est.8b02963>

²⁴ <https://www.r-e-a.net/news/green-light-for-compostables>.

²⁵ Defra (2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784263/UK_Statistics_on_Waste_statistical_notice_March_2019_rev_FINAL.pdf

Therefore, BBIA believes that once the collection of biowaste becomes mandatory across the UK, (as it already is in Scotland, Wales and Northern Ireland) compostable materials can be classified as widely recyclable in the UK.

Further, we believe that collecting compostable packaging with biowaste to be sent to composting will assist Councils as they will be a) collecting less non-recyclable packaging waste to be sent for disposal and b) financing this collection through the contribution of Government financing for biowaste collections. Therefore, Councils will see lower costs from the use of compostable packaging and its collection with biowaste.

The UK has the experience of widespread composting of garden waste for many years.

Further, by adopting the criteria for biowaste collections as adopted in the 2018 Waste Framework Directive, the UK will enable collections of compostables with biowaste on a national scale. Currently, some waste collectors may be inclined to refuse compostable packaging because not specifically authorised as collectable with biowaste- adopting EU criteria will create clarity.

We recommend that biowaste collections should allow the co-collection of compostable packaging. As the Government's intention is to finance bin liners, logic demands that packaging can be collected with biowaste.

Further:

Biowaste should be defined as per the Waste Framework Directive 2018/851 Article 1.3 point b.4.:

"bio-waste" means biodegradable garden and park waste, bio and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from bio processing plants;"²⁶

Further, biowaste should include the provisions under the EU 2018/851 WFD as per Article 22 and namely that:

"Member States may allow waste with similar biodegradability and compostability properties (e.g. compostable bin caddy liners -our note) which complies with relevant European standards or any equivalent national standards for packaging recoverable through composting and biodegradation, to be collected together with bio-waste."²⁷

This will ensure compostable packaging contaminated by food waste can be sent to In-Vessel Composting sites (there are currently 52 sites in the UK), either directly or after being stripped out from anaerobic digestion plants.

3. Universal labelling is needed to ensure citizens can easily identify compostable packaging and BBIA undertakes to work on implementing a universal branding/identification recognisable for UK citizens in association with other interested stakeholders. It should be noted that compostable packaging is required to be independently certified compliant with BS EN 13432 or ASTM D6400 standards if it is intended to be recycled (biodegraded) in a composting facility that recycles compostable wastes, i.e. complies with end-of-waste criteria. Similarly, biodegradable plastic packaging used for collecting food waste must be independently

²⁶ EUR-Lex: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L0851&from=EN>

²⁷ Ibid.

certified compliant with BS EN 13432, ASTM D6400 or DIN V 54900 if it is intended to be fed into an AD process that digests biodegradable wastes. Compostable packaging certification scheme operators licence the use of their certification marks on compostable products they have certified, and which hold a valid certificate. Work on labelling would include consideration of steps taken, and additional steps required, towards using a universal certification mark on compostable packaging products placed on the UK market.

We recommend that DEFRA institutes a working group to develop the labelling for compostable packaging involving key stakeholders, so this is universally implemented as soon as possible. This will ensure that the public are used to this packaging when universal biowaste collections are introduced by the end of 2023.

4. How should the levy which compostable packaging producers pay into the system be used? Currently under the PRN system any packaging which is sent to organic recyclers rarely is recognised as being recovered. Indeed organic recycling in the UK is legally equivalent to mechanical recycling but strangely, even among waste experts, often not recognised as such.²⁸ This puts composting and AD facilities at a disadvantage because the packaging they do receive is a cost: non-compostable packaging needs to be stripped out and incinerated, but this cost is significant and completely unrecognised by the packaging system. When such packaging can be treated and is compostable, no financial benefit from compostable packaging producers is destined to the composting or AD facilities.

Furthermore, obligated companies who place compostable plastic packaging on the market have their packaging classified as plastic yet in the downstream system their composting is classified as “other recovery” and not as recycling. An example being the Co-operative Food’s compostable carrier bag initiative where despite being deployed as a tool specifically to encourage and enable more (food) recycling, none of the monies paid by the retailer into the PRN system go in any way to support the organic recycling system into which it is placed.

The relevant definitions being applied by the Environment Agency with regards to biodegradable and compostable plastic packaging are technically and legally incorrect and whilst efforts are being undertaken to have this rectified, may be subject to challenge in the future.

BIA believes this needs to be rectified and that organic recycling of compostable packaging should receive the same financial recognition as mechanical recycling. Therefore, the contributions of compostable packaging producers should flow back to compostable packaging recyclers.

By paying composting and AD plants for the organic recycling of compostable materials, the plants would further have the financial resources to undertake frequent monitoring of the quality of biowaste coming from household and business collections and therefore be able to drive the collection systems to reduce contamination.

The EPR levy should finance organic recyclers who issue PRNs or equivalents based on tonnage treated. To certify tonnages treated each organic recycler issuing PRNs should have

²⁸ Ibid.

independent auditing (waste characterisation tests) based upon volumes (<10,000 tonnes inputs 1x per annum; 10-50,000 tonnes, 2x per annum; 50,000-200,000 tonnes, 4x per annum; >200,000 tonnes monthly)- inputs refer to total organic waste treated. This is for example the way in which compost facilities are monitored for quality of inputs in Italy.

5. Which system should be implemented for managing EPR?

The BBIA is not going to provide extensive commentary on the mechanics of the system which oversees and implements EPR in the UK. However, there are a few principles we would like to see observed:

1. that producers including compostable packaging producers, are involved in administering and/or overseeing the system;
2. that Government plays a significant role in ensuring the system is fair, free of the fraud which is evident in the current PRN system, and is applied across all producers and equally across all four nations;
3. that the system allows for competition;
4. that the system allows for changes in materials and innovative packaging so these are not either priced out or technically excluded (and specifies the method for products to be considered for reclassification);
5. and that administration costs are kept to a minimum.