

Producer Responsibility in The United Kingdom

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Introduction

Extended producer responsibility (PR) whereby manufacturers, and often others in the distribution chain, take on responsibility for recycling, recovery or disposal of end of life products has only affected waste management policy and practice during the past 15 years.

The ultimate objective of producer responsibility is to ensure that the costs of the recovery and disposal of waste products are paid by the producer, thereby internalising the external costs of waste management that would otherwise be borne by society generally. Producer responsibility should reduce the environmental impact of waste management as producers change product design, substitute materials, extend product life and undertake other measures to reduce their costs in managing end of life products. For many commentators producer responsibility is the ultimate extension of the polluter pays principle.

More extensive application of producer responsibility and the establishment of Integrated Product Policy (IPP) should stimulate greater environmental protection in the longer term as producers improve the environmental performance of their products. Also the separation out of the main design requirements of the 1999 draft WEEE Directive to form the basis of the current draft EUP (Energy Using Products) Directive provides a further opportunity for examining many of the environmental impacts of the lifetime use of many consumer products.

While these new approaches are being developed within the EU producer responsibility is now being phased out as an instrument in achieving the EU's environmental objectives.

Scope And Scale Of Producer Responsibility

Currently in the UK only the 10 million tonnes of packaging produced and used is affected by producer responsibility at a statutory level. However, new statutory and voluntary approaches to producer responsibility are beginning to take shape.

The future waste streams to be affected by statutory PR regulation include:

- *End of Life Vehicles* where the Government announced in June 2002 that the de-pollution costs of ELV treatment would be borne by last owners until 2007. Only after that date will producer responsibility be imposed for ELVs through the End-of-Life Vehicles (Producer Responsibility) Regulations 2005 (SI 2005 No.263). Vehicle manufacturers have decided that they will all opt for own brand responsibility. Manufacturers will deal with the de-pollution treatment and achieve the 85% recovery target of all ELVs of brands for which they bear responsibility.
- The *Waste Electrical and Electronic Equipment (WEEE)* and the *Restriction of Hazardous Substances (RoHS)* Directives came out of their EU legislative procedures on 13 February 2002. Regulations for the UK should be in place by the of Summer of 2005. Producer responsibility for recovery and recycling is proposed to rest with producers but most collection is likely to remain with local authorities.
- A new *Batteries and Accumulators* Directive is being pursued by the EU during 2005/06 and new UK Regulations would come into effect during 2008/09. The main challenge will be achieving high rates of return from consumers for small consumer batteries. Where segregation systems for small consumer batteries in other EU countries already exist most have opted for deposits to try to ensure their return.

Voluntary PR Initiatives

Newsprint There has been one long-standing voluntary producer responsibility initiative in the UK. A voluntary arrangement was negotiated between the Newspaper Publishers' Association and Government in 1992 at a time when only 29% of fibre in newsprint came from reclaimed sources. They agreed to a target of 40% of reclaimed fibre by 2000. This was an unusual target in that it focussed on the end product, the use

of reclaimed fibre in newsprint, and not the collection or processing of collected waste. Also it is the only UK recycling target to have been successful.

In 2000 a further agreement covering the use of reclaimed fibre set targets of 60% by the end of 2002 and 70% by the end of 2006. In 2000 the proportion of reclaimed fibre in newsprint exceeded 60%.

Junk mail The Government announced in *Waste Strategy 2000* its intention to introduce producer responsibility for direct mail. Working with the Direct Marketing Association and other trade bodies a voluntary agreement was struck in 2003 with a Code of Practice for improved targeting of direct mail and other issues. There are also targets for the recycling of direct mail products.

DEFRA has also considered the use of producer responsibility for tackling the problem of inappropriate disposal of chewing gum.

Purely voluntary initiatives, pursued without Government intervention, include:

- the recycling of telephone directories through Yell (formerly with BT)
- mobile telephone handsets, batteries and accessories through each of the network operators through the industry-wide initiative *Fonebak* and certain other outlets, such as Tesco.

There are examples from other countries, which may be relevant to the UK in future. In Australia, through the Federal Government an initiative for waste lubricating oil recovery was introduced during 2001.

Incentives for the regeneration of waste sump oil are set at differentiated and higher rates than its use as a fuel and other applications. With the UK facing infraction proceedings for failure to implement the Waste Oil Directive, mainly because of the Government's failure to encourage the regeneration of waste sump oil for use as base oil for lubrication oil, further changes in the UK may be necessary. In addition, the Waste Incineration Directive (WID) will probably put an end to several uses for waste oil as a fuel, such as in coal fired power stations and for road-stone coating plants, will probably come to an end by 28 December 2005. At that date existing uses will have to conform to the tight emission requirements under the WID.

However, the European Commission is currently reviewing the WID with a view either to removing it altogether or changing the emphasis away from the regeneration of waste oil.

Producer Responsibility: Analysis of EU Policies

One of the interesting aspects of the development of producer responsibility in the EU is the length of time it takes to develop the necessary EU legislation. Most producer responsibility directives have taken 10 years to develop. For example, both End-of-Life Vehicles and Waste Electrical and Electronic Equipment were identified as "priority waste streams" by the European Commission in the early 1990s but it took between 8 and 10 years for the final directives to progress through all their EU legislative stages.

In contrast the length of time which MSs are allowed to implement the resulting Directives into national legislation is very short, a mere 18 months. However, it can be argued that having discussed the proposed legislation for so long MSs ought to be in the position to progress the legislation quite swiftly. However, often requirements for national legislation mean that extensive consultation procedures are required so that there are problems in dealing with even straightforward directive requirements.

Sadly, due to the complexities of EU legislative procedures there is no such thing as a straightforward directive. Therefore the Commission's initial proposals are subject to revision by both the MSs and the European Parliament. In the process of developing the legislation, more and more gets added and only rarely is anything taken away. Also in the final stages of agreeing a directive, especially where conciliation procedures have to be used, some key decisions are left to a Technical Adaptation Committee (TAC) to resolve. Therefore this makes implementation in national legislation difficult because often the negotiation through the TAC takes considerable time.

By contrast with the complexities of the EU WEEE Directive the Japanese have focussed on only 4 items of WEEE for PR – TVs, VCRs, fridges and air conditioning units. Therefore the Japanese have been reclaiming these items for the past five years while most of the EU MSs have only just started on comprehensive collection of WEEE.

Some of these problems appear to have been recognised with the latest and probably last EU producer responsibility directive, the Batteries Directive, with 2 years allowed for its implementation by MSs.

European Commission: current perspectives

The European Commission is now altering its approach towards the concept and practice of producer responsibility with changes to the EU's approach to the future of European environmental management. The Commission is developing a series of thematic strategies, which will form the basis for its future work on the environment. The main one of significance for producer responsibility is the Waste Prevention and Recycling Strategy, which together with the associated Natural Resources Strategy is expected to be published in June 2005 after two years of consultation.

One of the main changes in the approach to the management of waste is to set targets for the recovery and recycling of waste material streams rather than waste products.

Producer responsibility will not play a role in the achievement of these targets because the Commission feels that it has reached the limits of producer responsibility with ever more limited waste streams being brought into the net. Therefore the Batteries Directive will be the last to be affected by producer responsibility

The main question that remains is what will be the mechanisms which the EU and MSs will use for achieving the material stream targets?

Integrated Product Policy

The European Commission is promoting a strategy for product-focused environmental policies to create markets for greener products. Integrated Product Policy (IPP) aims to reduce the total environmental burden generated by the quantity and hazard of products in circulation through:

- life cycle assessment
- eco-design of products
- information and incentives to promote their uptake.

IPP is a key action for the resources and waste strategy under the EU's Sixth Environmental Action Programme. While the prime focus of producer responsibility is end of life issues, IPP examines the environmental impacts of products from design through use and end of life.

For those products where energy use is a key environmental consideration the EUP (Energy Using Products) Directive will be a key concern for the future. However it seems odd that we have to change technology just because half the population cannot be bothered to switch off their television set but leave it permanently on stand-by.

The Future

Producer responsibility and product stewardship, which includes the wider aspects of production and use of a product during its lifecycle, could have a role to play in a number of other areas of interest to industry. These might include the disposal of redundant products such as pesticides and pharmaceuticals and for addressing certain diffuse pollution issues, for example, pesticide application and fertiliser run-off.

For the more aware individual companies product stewardship is a significant aspect of corporate social responsibility and new processes are being developed to evaluate new product design. In most cases these processes are fully transparent and audited for effectiveness.

Through the management of their supply chain several companies have had considerable influence over their suppliers to ensure that the products and services that increasingly they are provided with more environmentally sensitive products.

There is still a place for producer responsibility because ultimately all of us through our purchasing habits are the people who decide which products are produced, we are therefore the producers and hence the polluters. If individual producer responsibility is just that, our choices in purchasing of goods and services need to be informed by the environmental impacts of our decisions and waste management options decided accordingly.