

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ENVIRONMENT BILL

Thirteenth Sitting

Tuesday 10 November 2020

(Afternoon)

CONTENTS

SCHEDULE 3 agreed to, with amendments.
CLAUSE 47 agreed to.
SCHEDULE 4 agreed to.
CLAUSE 48 agreed to.
SCHEDULE 5 agreed to.
CLAUSE 49 agreed to, with amendments.
SCHEDULE 6 agreed to.
Adjourned till Thursday 12 September at half-past Eleven o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 14 November 2020

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The Committee consisted of the following Members:

Chairs: † JAMES GRAY, SIR GEORGE HOWARTH

† Afolami, Bim (*Hitchin and Harpenden*) (Con)
 † Anderson, Fleur (*Putney*) (Lab)
 † Bhatti, Saqib (*Meriden*) (Con)
 † Brock, Deidre (*Edinburgh North and Leith*) (SNP)
 † Browne, Anthony (*South Cambridgeshire*) (Con)
 † Docherty, Leo (*Aldershot*) (Con)
 Furniss, Gill (*Sheffield, Brightside and Hillsborough*)
 (Lab)
 † Graham, Richard (*Gloucester*) (Con)
 † Jones, Fay (*Brecon and Radnorshire*) (Con)
 † Jones, Ruth (*Newport West*) (Lab)

† Longhi, Marco (*Dudley North*) (Con)
 † Mackrory, Cherilyn (*Truro and Falmouth*) (Con)
 † Moore, Robbie (*Keighley*) (Con)
 † Pow, Rebecca (*Parliamentary Under-Secretary of
 State for Environment, Food and Rural Affairs*)
 Thomson, Richard (*Gordon*) (SNP)
 † Whitehead, Dr Alan (*Southampton, Test*) (Lab)
 † Zeichner, Daniel (*Cambridge*) (Lab)

Anwen Rees, Sarah Ioannou, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 10 November 2020

(Afternoon)

[JAMES GRAY *in the Chair*]

Environment Bill

Schedule 3

THE OFFICE FOR ENVIRONMENTAL PROTECTION:
NORTHERN IRELAND

Question proposed, That the schedule, as amended, be the Third schedule to the Bill.

2 pm

Dr Alan Whitehead (Southampton, Test) (Lab): There are two things on which I want to reflect. We must remember that the schedule concerns the Northern Ireland function of the Office for Environmental Protection, and should effectively provide the devolved Northern Ireland Assembly with a reasonable replica of what is required to set up the OEP in England and Wales. At the same time, it should provide for substantial reporting and discretion to the Assembly by the OEP.

A particular concern, about which I hope the Minister will reflect and respond, is that that replication of the OEP's operation for its Northern Ireland function is not as close as it could be. Amendment 194, which was tabled by the hon. Members for Belfast South (Claire Hanna) and for Foyle (Colum Eastwood), who both represent constituencies in Northern Ireland, was discussed earlier as part of a debate on a group of amendments, so we did not actually discuss its content. I draw the Committee's attention to the effect that amendment would have on the OEP in Northern Ireland: it sought essentially to provide a mechanism for long-term and interim targets.

That mechanism was the same as the one for the OEP response to targets set out in clauses 1 to 6. Although there is reference to those targets in general, it is very different from clause 1. Indeed, it does not include, for example, achievement measures and does not specifically discuss interim targets. That could have been resolved with the amendment, as the formulation is different from the one for England and Wales. I wonder whether that has arisen by commission or omission. Was the Government's intention that there should be different arrangements relating to targets and interim targets for England and Wales and for Northern Ireland? Was their intention that the OEP should have different responsibilities towards targets in Northern Ireland? That is the first concern.

The second concern relates to the formulation of the requirement for Ministers to lay before Parliament the notices and legal actions that the OEP has introduced in respect of environmental law and environmental protection. Hon. Members will see that there is a repetition of our earlier debate about what we characterised as a particularly egregious "may" and "must" issue. Clause 3(6), on page 134 of the Bill states:

"The Northern Ireland department concerned may, if it thinks fit, lay before the Northern Ireland Assembly— (a) the advice, and (b) any response that department may make to the advice."

Hon. Members will recall that is exactly what we debated, and whether the Minister responsible might decide that he or she would lay something before Parliament or, on the other hand, they might decide that they would not lay something before Parliament, and that was the end of that. We expressed concern about what we thought was a very poor formulation, as far as the UK Parliament was concerned, when we discussed the relevant amendment.

In the first instance, it looks as if that formulation is simply being repeated as far as the OEP and the Minister are concerned, in Northern Ireland, but there is a difference: it is not the Minister who may lay something before the Northern Ireland Assembly if he or she sees fit, but the Northern Ireland Department. I am puzzled by that formulation. How it is possible for an entire Department to think that something is fit, or not? In the formulation used in the England and Wales version, there is a person—the Minister—who must decide whether or not it is fit. We criticised the potential actions of that person in not thinking that something was fit.

I am puzzled about how this will work. Someone, somewhere, may or may not decide to lay something before the Northern Ireland Assembly. That is okay as far as it goes, but we do not like the idea of "may or may not". However, I do not think what we are considering is a particularly easy legal concept: not only an entire Department thinking fit, but an entire Department thinking at all. The formulation that the Department "thinks fit" would require an entire Department to decide something, and an entire Department then to decide whether what it thought fit would be laid before the Northern Ireland Assembly.

There is no identified person at any stage in this to whom the Northern Ireland Assembly say, "We would rather you had put that in front of us. Why have you not, and why did you not think it was fit to put that in front of us?" Instead, they presumably have to knock on the door of the UK's Northern Ireland Office and ask to speak to someone who could shed some light on that, then pursue how that thinking and fitness came about in the corridors of that Office.

That seems to be a very strange formulation. Can the Minister elucidate whether that means that an individual, one way or another, is responsible in the Northern Ireland Office and can be identified and can take the responsibility for thinking fit or otherwise? Or is it just a formulation that is so legally opaque as to make it virtually unworkable? If that is the case, would the Minister think about taking that away and thinking again about how the provision is formulated as far as Northern Ireland is concerned?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I want to be clear that, as part of our dual commitment to a strong Union and protecting and enhancing the natural environment, the Northern Ireland Executive have asked us to extend certain aspects of our new environmental governance framework to Northern Ireland, subject to affirmation from the Assembly. A great deal of discussion has gone into that, and the Executive asked for that. I want to be clear about that. They do not believe it is clouded in opaqueness, because they have been fully engaged.

Schedule 3 provides an option to extend the OEP's functions to apply to devolved matters in Northern Ireland in the future, should the Assembly decide to do so.

That is important. The shadow Minister touched on targets, but we voted on that earlier in schedule 2, so I do not think that is necessarily relevant to what we are talking about now.

The provisions in part 1 of schedule 3 will provide the OEP with powers in Northern Ireland broadly equivalent to those in England. For example, the OEP will be able to monitor and report on the implementation of Northern Irish environmental law, much as it would be able to do in England under clause 26. Similarly, schedule 3 provides for the extension of the OEP's enforcement functions to Northern Ireland, taking into account the two nations' different court systems. Part 2 will provide for the OEP to adapt its operating procedures appropriately if extended to cover devolved matters in Northern Ireland, and amends the general functions of the OEP so they may adequately apply to Northern Ireland. For example, part 2 ensures appropriate Northern Ireland representation on the OEP board and ensures that the OEP's remit covers Northern Irish environmental law. Schedule 3 is essential to ensure the extension of the OEP to Northern Ireland should the Assembly decide to do that. I hope that I have made that quite clear.

Dr Whitehead: I do not think the Minister has clarified what paragraph 3(6) of schedule 3 means. I offered a possible interpretation of what that clause meant—it appears to say that an entire Department is responsible for thinking, and for thinking something fit. I assume that the entire Department that is mentioned in the provision is the Northern Ireland Department concerned, so that, as the Minister said, should these matters proceed properly towards devolution, there will be—she said that there has been, as I anticipated there should have been—extensive discussion with the devolved Administration in Northern Ireland on how this will work and what it means, and that a substantial part of this process is at their request. It is important to understand, since we are making legislation here for that to work there, what this actually means. I assume that it does not mean that the UK Northern Ireland Office is responsible, if it thinks fit, for laying before the Northern Assembly—

2.15 pm

Rebecca Pow: First, I want to clarify the fact that the decision to commence provisions to extend the OEP to devolved matters to Northern Ireland is a matter for Northern Ireland Ministers and for affirmation by the Assembly. I also want to point out that it is common practice for Northern Ireland to confer powers on a Department. Departmental functions are exercised subject to the direction and control of the departmental Minister, as set out in the Departments (Northern Ireland) Order 1999.

Dr Whitehead: I thank the Minister for that. That is very helpful. If it is the case that a Department, in Northern Ireland practice, effectively takes its cue for these things from the Minister in the Department that is responsible, that potentially answers my particular question. I have not heard that before, but it would be good if we could be assured that that is what will happen in practice once that goes into devolution—that there will be a person responsible for thinking fit, namely, the Minister in that Department.

Rebecca Pow: I will intervene again and give those assurances. I send a great many letters to my counterpart in that Department. We have a lot of toing and froing,

so the hon. Gentleman can be assured that there is a lot of communication. We want it to work for Northern Ireland the way that they want it to work

Dr Whitehead: Absolutely, and that is what we want to do as well. That is why we want to ensure that it works as well as it should. It appears, I hope, that this formulation, strange as it looks, is capable of being operated in a sound way, as far as the Assembly is concerned for the future, and that people will not be running around corridors asking a building to think, but running around corridors asking the Minister to think, which is what I thought should have been in the Bill. If it works that way round, that is fine. I thank the Minister for her clarification. I have no intention of opposing the schedule.

Question put and agreed to.

Schedule 3, as amended, accordingly agreed to.

Clause 47 ordered to stand part of the Bill.

Schedule 4

PRODUCER RESPONSIBILITY OBLIGATIONS

Ruth Jones (Newport West) (Lab): I beg to move amendment 16, in schedule 4, page 151, line 12, leave out “may” and insert “must”.

It is still a pleasure to serve under your chairmanship, Mr Gray, even though we are not mentioning that. It is lovely to have the Minister back in her rightful place. The Environment Bill is very important and long overdue, as we have heard. I want to touch on the reason we are here, what we are dealing with, and how we can honour the pledges and promises made to the people of the United Kingdom, primarily in England.

The Bill, according to the Government's published paper, comprises two thematic halves. The first provides a legal framework for environmental governance, which my hon. Friend the Member for Southampton, Test so knowledgeably touched on this morning and last week. The second half of the Bill makes provision for specific improvement of the environment, including measures on waste and resource efficiency, which we are discussing today. In the coming days, we will cover air quality and environmental recall; water; nature and biodiversity; and conservation covenants. They will all be discussed. We need to get the Bill right to ensure that we honour the promise to provide a once-in-a-generation piece of legislation—a promise that the Minister and many Government Members heralded at every opportunity, at least until the Bill disappeared back in March. It is so good to have it back.

That is why Her Majesty's Opposition have tabled this amendment. We must not have a Bill that is made up of passive “mays” or “coulds”; we need “wills” and “musts”. Many in this House and across England, and those in the sector, have waited hundreds of days for the missing-in-action Bill. Now that it is back and we are here in Committee, we must not waste—I apologise for the pun—the opportunity to have the strongest possible legislation, so we have tabled the amendment.

Rebecca Pow: I thank the hon. Member for proposing the amendment. I also welcome her taking up the cudgels—perhaps I should say something less aggressive.

Daniel Zeichner (Cambridge) (Lab): The baton.

Rebecca Pow: Yes, taking up the baton on behalf of the Opposition. May I assure the hon. Member for Newport West that the Government have every intention of making regulations using schedule 4? The Bill creates producer responsibility obligations in respect of specified products or materials. That is one of a number of provisions that will enable us to take action significantly to improve the environmental performance of products across their entire life cycle—from the raw material used, to end-of-life management. Other powers in the Bill include our ability in schedule 5 to require producers to pay disposal costs for their products; our powers in schedule 6 to introduce deposit return schemes; and the powers in schedule 7 to set resource efficiency standards in relation to the design and lifetime of products.

The Government need the flexibility to decide what measures will best deliver the outcomes that we want. Imposing producer responsibility obligations in all cases may not be appropriate. The power is drafted in a way that gives us the flexibility to choose the appropriate measure or combination of measures for any product, and to decide which producers are obligated, the obligations on them, and the steps that they need to take to demonstrate that they have met their obligations.

In this instance, we will use these powers to introduce new regulations for producer packaging responsibility. That will increase the reuse and recycling of packaging and reduce the use of unnecessary and avoidable packaging. In 2019, we consulted with the devolved Administrations on proposals to reform the regulations, and we will consult again in 2021, so it is a lengthy process, but a lot of discussion has informed this. In the resources and waste strategy for England, we made commitments relating to updating our already up-and-running producer responsibility schemes on waste electricals, waste batteries and end-of-life vehicles; these powers are needed to implement those commitments. We also committed to taking action to address food waste.

Products vary. They have different supply chains, use different materials and have different impacts on the environment. That is why we need to be able to introduce product-specific regulations, using the appropriate powers. This power provides the flexibility to impose producer responsibility obligations where it is appropriate to do so, and that flexibility would be removed by the amendment. I therefore ask the hon. Member to kindly withdraw it.

Ruth Jones: I thank the Minister for her comments. I take the point about flexibility; in my previous job as a physiotherapist, however, we had both flexibility and control. Splints and corsets were very useful in ensuring flexibility in confined areas. That is why the “mays” should be turned into “musts”. The grammar is important to us. But I take the point, and this is a probing amendment, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ruth Jones: I beg to move amendment 158, in schedule 4, page 151, line 16, after “waste” insert
“, reducing the consumption of virgin materials.”.

This amendment is about taking strengthened measures on tackling waste. It refers to virgin materials, which the Minister mentioned previously. For the benefit of those

outside these walls who are maybe not as knowledgeable as the Committee, these are materials like new paper or plastic.

This amendment, although specific and focused in its approach, seeks to ensure the Bill includes the strongest possible measures to tackle waste. The wider focus on the obligations and responsibilities of producers is important—not because the Bill will directly impact those parts of the world outside the UK, but because of the need to get our own house in order in the UK, and in England specifically. We need to do this because it is important to set an example to others, and the Minister alluded to this in discussions about COP26 next year.

We want a strong Bill. If colleagues support this amendment, we will help deliver a strong Environment Bill with a strengthened schedule 4. It would make clear to the producers of materials used in everyday life that they have responsibilities and we are going to hold them to account.

Fleur Anderson (Putney) (Lab): I welcome the intention behind the schedule, which is to shift the burden of disposal costs from local authorities and the taxpayer to producers; the burden on them has historically been too low. I also welcome the shift in this Bill towards tackling food waste. I have been campaigning on this in Wandsworth borough for many years, and to see that it will be in the legislation and has to be addressed by the council is very welcome. However, in some ways, the drafting is too loose; as often in this Bill, it needs some tightening up, and I hope that these Labour amendments will be useful in doing that.

In terms of virgin materials, it is not good enough to focus on the end-of-life solutions for materials. The schemes introduced under this schedule need to incentivise producers to make the right decisions at the start of the process, as well as ensuring that they fulfil environmental responsibilities at the end. As the UK Environmental Law Association recommends, the Government need to clearly signal that extended producer responsibility covers the full life cycle, not only waste disposal. Reducing virgin material use is key to this, and to the Bill being as ambitious as we want it to be. Amendment 158 adds some words to ensure this.

Virgin materials include timber, plastic resin derived from the petroleum refining process and mined materials. This amendment would ensure that the producer responsibility scheme considers upstream measures that tackle consumption and production as well as waste minimisation. Although waste minimisation is important, it is not sufficient by itself to guarantee a reduction in virgin material use. Without adding this amendment, we cannot be sure the outcome will be the reduction that we need to see.

Manufacturing products with virgin materials usually requires much more energy and depletes more natural resources than using recycled materials, so when we reduce their use, there is also an offset for other processes. Action to reduce usage of virgin materials is essential to tackle overall depletion.

Rebecca Pow: I thank the hon. Member for her interest in this provision and for this amendment. I reassure her and the Committee that the amendment is not needed.

Reducing the consumption of virgin materials is important; we all agree on that. In our 25-year environment plan, we stated our long-term ambition of doubling

resource productivity by 2050. That is about maximising the value and benefits we get from our resources, and managing these resources more sustainably to reduce associated environmental impacts.

I can assure the hon. Member for Putney that we are tackling this issue in the Bill. We have powers in schedule 5 to require producers to pay the disposal costs of the products or materials they place on the market, and for these costs to be varied according to the design or consumption of the products. Through the costs that producers pay, they can be incentivised to design and manufacture products that use fewer materials, that include more recycled materials, and are much easier to recycle and break down, so that the parts can be reused elsewhere.

2.30 pm

Bim Afolami (Hitchin and Harpenden) (Con): In my constituency, as in many others, I suspect, there is often difficulty getting recycling plants put in. I completely agree with the Bill's intention to shift the cost to producers. However, what proposals are there to get recycling plants and places to process the waste, paid for by the producers, put in the right places? One could spend all the money one likes, but if there is nowhere to get the waste recycled, it cannot be recycled.

Rebecca Pow: I thank my hon. Friend. He touches on the crux of the matter. This is all-encompassing. We are driving towards what we call a circular economy. That is the purpose of the measures on waste and resources. They will ensure consistent collections, though we have not got on to that yet, and require products to be more recyclable, but we will need them to be collected and recycled. That will drive the demand for those plants to be established in the right place. Things will join up much better than they do today. That is what the measures in the Bill are all about. I thank my hon. Friend for raising that important point. This should make the whole procedure a more complete circle.

Deidre Brock (Edinburgh North and Leith) (SNP): Do the Government intend to invest in some of those recycling centres, or is the intention to leave it to the private sector to fill that need? That is a topic I have been pursuing lately and I am interested to hear the Minister's views.

Rebecca Pow: That topic is not referenced in the Bill. Those are issues relating to how the regulations will work when it comes to producer responsibility and deposit return. Local authorities will still play a huge role, but the great point is that they will not be responsible for all the costs any more. What is brilliant is that the costs will be shifted on to the businesses. They will then be forced to design products that are much easier to recycle. That brings us again to the circular economy. I thank the hon. Lady for raising another good point.

The measures will help us to tackle waste from the beginning of the life cycle, and complement measures elsewhere in the Bill that support the later stages of that cycle. There are also powers in schedule 7 that will allow resource efficiency requirements to be placed on specified products. Those requirements will relate to factors such as the materials from which the product is manufactured, and the resources consumed during its production. For instance, thinking off the top of my head, one could say

that clothing or textiles must contain a certain amount of recycled fibre. There could be a requirement to use fewer virgin materials or more recycled materials in the manufacture of the product.

I am pleased that the hon. Member for Putney welcomes the schedule. It is great to have that positivity, and I applaud her work on food waste. It is very exciting that it will become law for food waste to be collected. That will be an important part of the Bill, because while some local authorities, such as mine in Taunton Deane, do collect it, loads do not. Much of it ends up in landfill, giving off emissions. We could make so much better use of it, and could focus attention on how much food waste is produced, which is frankly shocking.

Dr Whitehead: Is the Minister's example of requiring a certain proportion of textiles to include recycled materials now a policy?

The Chair: In the context of this amendment, Minister.

Rebecca Pow: I was just giving a random example, off the top of my head. I do not see any policies written here. Is the hon. Gentleman trying to catch me out?

Dr Whitehead: I was hoping it was going to be policy.

Rebecca Pow: The measures are the kind of thing that will open up the doors to all those opportunities.

The Chair: If it is any comfort to the Minister, she was deviating slightly from the content of the amendment.

Rebecca Pow: I was, and I thought the Chairman was going to interrupt me when I mentioned all the food.

Finally, schedule 4 allows us to set obligations on producers in relation to reuse, redistribution, recovery and recycling. All that will contribute to a more resource-efficient economy. For those reasons, I ask the hon. Lady to withdraw the amendment.

Ruth Jones: I am grateful for the Minister's reassurance, in which she stressed the importance of the cyclical nature of the production of goods. We must break the cycle of new, new, new. I am risking the wrath of the Chair, but when I sat on the Environmental Audit Committee, we had an investigation and report into the throwaway nature of the fashion industry; that is very relevant to the Bill.

I thank the hon. Member for Hitchin and Harpenden, my hon. Friend the Member for Putney and the hon. Member for Edinburgh North and Leith for mentioning the importance of recycling centres. There is no point in everyone sorting their recycling at home if there is nowhere to recycle things. That is an important part of the process, which is why we will press after the legislation is enacted to ensure that happens. Having received the Minister's reassurance, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ruth Jones: I beg to move amendment 159, in schedule 4, page 151, line 32, after "be" insert "prevented, reduced,".

[Ruth Jones]

As you might notice, the amendment is very similar to others put before the Committee today. It focuses on the strength of the language that Ministers have chosen to use in the Bill. In recent days, my hon. Friends the Member for Southampton, Test and for Cambridge and I have said that we will hold Ministers to their promise to deliver a once-in-a-generation Bill. “Once in a generation” means it has to be big, bold and comprehensive. That is why we are calling on the Minister to use the strongest language in the Bill. I implore the Minister to be ambitious and bold in the text that is used.

I want to be helpful. I want the Minister to be able to sing from the rooftops about the Bill. I hope she will acknowledge the Opposition’s willingness to make it an even better Bill that really delivers for people across the whole UK. Let us not limit ourselves to moving things around, or shuffling deckchairs on the Titanic. Let us use this Bill to deliver real, long-term change.

The amendment would add “prevented” and “reduced” to the Bill, so that it does not just say “reused” and “redistributed”. We want the country to cut its reliance on plastics and paper, and to tackle waste in a meaningful way. Once again, the amendment will help deliver a strong Environment Bill with a strong schedule 4.

Fleur Anderson: As my hon. Friend has described so well, the amendment would widen the powers, so that producer responsibility regulations allowed targets for waste prevention and reduction, not just reusing and recycling. That is absolutely vital to achieving real carbon reduction and real waste reduction.

Waste prevention focuses on reducing the amount of waste generated from the source. It involves looking at manufacturing, processing, packaging, storage, recycling and disposal processes, to identify opportunities to manage waste and minimise the impact on the environment.

Although this looks like a minor amendment, the two words to be added would create another dimension to the powers of the Bill and the impacts it covers. Activities would include mapping packaging and production waste to inform and develop good practice, and developing recommendations and strategies for prevention, recovery and reuse. The words “prevention” and “reduction” are essential for doing that. An example from real life is utensils. The measures would look not just at plastic utensils and how to deal with them when they are thrown away, but reusing utensils from the start, so there is no re-packaging to look at. I have been campaigning about nappies, which form a huge part of our landfill. Preventing the use of disposable nappies would incentivise producers. “Prevention” could be a game-changing additional word in the Bill. A home composting scheme run by my neighbouring borough of Lambeth looks at the prevention of waste right from the beginning, in the home.

This provision would enhance the Bill. I endorse the addition of the words “prevented” and “reduced”.

Dr Whitehead: I want to add a little bit of context to amendment 159. As my hon. Friends the Members for Putney and for Newport West have already mentioned, it increases the dimension within which these issues can be considered in terms of targets. It does so not by an accidental addition of words, but essentially by adding

what is in the Government’s White Paper “Our waste, our resources: a strategy for England”, which was published in 2018.

In that White Paper, the Government fully embrace the notion of the waste hierarchy, and the document contains lots of good charts to illustrate it. At the bottom of the waste hierarchy are things such as landfill. Moving up the hierarchy, we find energy from waste, which is still pretty low in the hierarchy; after that, it is necessary to start recycling. From a policy point of view, measures should always drive waste as far up the hierarchy as possible. If it is possible to recycle waste, rather than putting it into an incinerator as an alternative to burying it in the land, that is what should be done. If, however, there is residual waste that cannot be incinerated or recycled—there is some of that in the waste stream—it should be put into landfill, but only on a residual basis. We would hope that over time, the amount of waste going into landfill will be virtually nil, because we have moved up the waste hierarchy in terms of how the system works.

In the waste hierarchy, there are two other categories above recycling: reducing and preventing. The best way to handle a waste stream is to make sure that there is less waste in it in the first place, and that it contains only things that cannot be reused or prevented from arising. At that point, we would be dealing, pretty much, with a residual waste stream when it came to volume and climate change energy considerations. In the whole waste stream, the only waste to be addressed would be residual waste from a largely circular economy, in which products are designed to come apart so that the parts can be put to other uses, and, through industrial symbiosis, products that one company views as waste are presented to other organisations as raw material.

That process is possible only if product design or articulation allows it to happen. For example, the expectation would be that a vehicle could be taken apart and all the components—even if they are made of different elements, and they are not all metal or plastic—would be sufficiently pure and reusable to be used as the raw material for something else straight away. As we will discuss later, that is particularly important with the coming upon us of electric vehicles. If electric vehicles cannot be taken apart—in particular, if their batteries cannot be taken apart to recover the rare earth elements, lithium and other materials for use in other batteries, so that they are not put into the waste stream in the first place—we are not very far down the line of recycling.

2.45 pm

Reuse is immensely important in the waste hierarchy. It sits only marginally behind the reduction of packaging and the reduction of unnecessary elements in manufacture, by careful design, to ensure that a product uses the minimum amount of material that is compatible with that material’s life. If we do those things, we will have a complete waste hierarchy in operation. The two words that would be added by the amendment are essential components of that hierarchy. I am not saying anything particularly novel or different, because that is the process the Government have adopted in their waste strategy.

Daniel Zeichner: My hon. Friend speaks with passion and experience on this issue. This is not novel, so I have found myself wondering, exactly as he does, why those

words have been excluded. Would he care to speculate on why the Government would choose not to have them in the Bill?

Dr Whitehead: My hon. Friend, as always, makes an important point about what is and is not in the legislation. I would expect him to have similar views about other words. It seems plain to me that if the waste hierarchy is to be adopted, all the components of that hierarchy must be in the description. They are not there, and I cannot speculate on why not. It may be that those who drafted the Bill were not fully aware of the waste White Paper when they sat down late at night to write that passage. If they were not, they should have been. The amendment would offer an opportunity to rectify that omission. We are not suggesting that there was any malevolent intention; perhaps it is just an omission. I hope the Minister can oblige us by ensuring that the words sit proudly in the Bill, alongside Government policy.

Rebecca Pow: I thank the hon. Member for Newport West for the proposed amendment. Although I recognise the intentions behind it, I must disagree with it. She pressed the Government to be as ambitious as possible, and I assure her that we are being ambitious. I am delighted that we think in the same way in wanting the highest ambition; I like to think that we are as one on that.

I do not believe we need the amendment. The power, as drafted, already allows us to place obligations, including targets, on producers to prevent waste or to reduce the amount of a product or material that becomes waste. Paragraph 2(2) gives examples of how targets may be set. They include, but are not limited to, the setting of targets to increase the proportion of a product or material that is reused, redistributed, recycled or recovered to prevent it from becoming waste. Those examples do not prevent the powers in schedule 4 from being used to set targets in relation to preventing waste from being produced, or reducing the amount of waste that is produced.

Producer responsibility obligations could be set as targets to incentivise producers to prevent or reduce waste, but they do not have to be set only as targets. We can all get a bit hung up on targets. Targets are important, but we could use the powers, for example, to require producers to take specific action to tackle waste, such as by requiring retailers to take back products. There is a lot of work in this space in the area of electronic waste, where department stores are expected to take back products. Another possibility could be single-use cups, once they have been used. Obligations such as this should create a strong incentive to create less waste in the first place: I think we are all agreed that that is what we are driving towards.

The hon. Member for Putney made a similar case about the circular economy. I applaud her work on nappies; I was one of those mothers. I have three children, and—this was a long time ago, when people were not talking about this sort of thing—with my first child, I used only washable nappies. Can you imagine, Mr Gray, how much work that was? Oh my goodness—not to mention the smell! I am not digressing, because this is all relevant. I was a news reporter at the time, and I interviewed a lady who had set up a business making these nappies, so I thought, “I am going to use those.” In fact, I think I used my child allowance support to pay for them. That was what I had decided I would do, but it was a labour of love.

The point is that through all these measures in the Bill, manufacturers of any product will be driven to think about what is in it. For example, are nappies made of recycled material? Do they have recycled content? Could they be reused? Are they washable? The Bill will drive everyone to think like that.

Dr Whitehead: If they made nappy pins that did not stab the baby.

Rebecca Pow: Did the shadow Minister use washable nappies for his children?

Dr Whitehead: I did indeed, absolutely.

Rebecca Pow: Did he?

The hon. Member for Putney also raised an important point about garden waste. We have now legislated for garden waste to be collected: that is in clause 54.

I also wanted to give a quick résumé about the life cycle issue that the hon. Member for Southampton, Test touched on. He mentioned the waste hierarchy, which is basically driving towards a circular economy. That is the driving force of the resources and waste strategy, and it is the intention behind the Bill. I will whizz through the related measures in the Bill, which are about raw material, extraction and manufacturing.

The resource efficiency requirement power enables standards to be set that relate to the materials and techniques used by manufacturers, such as specifying the minimum amount of recycled fibre in clothing, as we mentioned earlier. The resource efficiency information power will drive the market by providing consumers and businesses with the information they need to make sustainable choices. I can see my hon. Friend the Member for Gloucester looking at me; in order for him to be able to make the right choices, he wants to know how sustainable a product is, so that he can buy that one as opposed to another one. There will be more information and more labelling.

On end of life, the resource efficiency powers can be used to specify that products are designed so that when they reach end of life, they can easily be dismantled—exactly as the hon. Member for Southampton, Test has outlined—and the materials can be recovered and recycled. Our powers for deposit return, extended producer responsibility and recycling collections would enable better management of products and materials at the end of life. That will increase reuse and recycling, and it will reduce the amount of material that is incinerated or landfilled.

Preventing waste from being created in the first place and reducing the amount of waste that is produced is a priority for the Government. That is why we have stated our ambition to achieve zero avoidable waste by 2050. We will do this though the measures set out in the resources and waste strategy—we seek the powers for some of those in this Bill—and through other initiatives such as the new waste prevention programme, which we hope to publish and consult on in the near future. On all those grounds, I ask the hon. Member for Newport West if she might withdraw her amendment.

Ruth Jones: What an enlightening debate we have had. In terms of one-upmanship, dare I say it, my hon. Friend the Member for Putney has managed reusable nappies for four children. This debate has been useful,

[Ruth Jones]

and it is good to have all the ideas, because only by putting all our heads together can we make this Environment Bill ground-breaking. We want it to work, and that is why our amendments are designed to help, not to hinder.

My hon. Friend the Member for Southampton, Test made the important point that as well as recycling, the reusing of goods, parts and components is crucial. People want to do the right thing. Since programmes such as “Blue Planet” have come along, people are much more aware of pollution and how they can play their part. They want to do the right thing, and this Bill must make it easy for them to do so.

The Minister mentioned garden waste. At the risk of blowing Wales’s trumpet, Wales already has a successful garden waste scheme—in fact, recycling rates in Wales are very high—so perhaps she can look across the border. She also mentioned targets. If we do not have targets, how do we know if we are getting to the end of the road? How will we know if we are improving unless we set targets in the first place? We should set targets not to be punitive, but to help us to assess our progress; that is why they are important. We believe that the amendment is also important, so we will press it to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 21]

AYES

Anderson, Fleur	Whitehead, Dr Alan
Jones, Ruth	Zeichner, Daniel

NOES

Afolami, Bim	Jones, Fay
Bhatti, Saqib	Mackrory, Cherilyn
Browne, Anthony	Moore, Robbie
Docherty, Leo	Pow, Rebecca
Graham, Richard	

Question accordingly negatived.

Ruth Jones: I beg to move amendment 160, in schedule 4, page 154, line 38, leave out “any” and insert “specified”.

This amendment is very similar to others that have been tabled. It focuses not on the strength of language, but rather on the choice of language that Ministers have opted for in this Bill. By leaving out “any” and inserting the word “specified”, we are looking to ensure that we deliver results, rather than a scattergun or “we hope” approach. The amendment is relatively straightforward, so the Chair will be pleased to know that I will not go on when I do not need to. I hope that Ministers will take the amendment in the spirit in which it is intended, because we want the Bill to have teeth and to be effective. Above all, we want it to be useful and to deliver, so this amendment seeks to ensure we are focused on results, not just on good intentions and misplaced hope. As I have said, “once in a generation” means that the Bill has to be bold, big and comprehensive, so we call on the Minister to use the right language. We believe that the amendment will help to deliver a stronger Environment Bill, with a strengthened schedule 4.

Rebecca Pow: I thank the hon. Lady for the amendment, but I reassure her and the Committee that it is not needed. Paragraph 11(2) provides the ability to specify in regulations the activities that count as recovery. That means that the way in which energy is to be obtained from a product or material can be specified in regulations. The power is designed to be flexible, given the broad range of possible products on which we may decide to impose producer responsibility obligations. I reassure her that in making any regulations, it would be our intention to impose regulations on producers in relation to options higher up the waste hierarchy, such as prevention, reuse and recycling—all the things that we discussed earlier—as a first priority. In simple terms, it means that we will be encouraging the prevention, reuse and recycling of waste over energy recovery. I therefore ask her to withdraw the amendment.

3 pm

Ruth Jones: Having heard the Minister’s words, I am somewhat reassured, but not entirely. We will therefore not press for a Division. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 4 agreed to.

Clause 48 ordered to stand part of the Bill.

Schedule 5

PRODUCER RESPONSIBILITY FOR DISPOSAL COSTS

Ruth Jones: I beg to move amendment 17, in schedule 5, page 157, line 9, leave out “may” and insert “must”.

Earlier this afternoon, I noted how important the Bill is and how we need to ensure that it receives thorough scrutiny, so that it is as strong and coherent as it can be. With that in mind, we need to do what I urged the Committee to do earlier: get the Bill right, so that we honour and meet the promise of a once-in-a-generation piece of legislation. I remind the Minister that she and her colleagues heralded that promise at every opportunity, until the Bill disappeared in March, only to return now.

That is why we are proposing the amendment. As I noted with amendment 16 to schedule 4, we must not rest on our laurels. We cannot have a Bill that is simply made up of passive and weak “mays” and “coulds”; we need the “wills” and “musts”. The fact that we have waited so long, listening to campaigners and those active in the sector, means that we cannot waste the opportunity to deliver a strong, wide-ranging and competent piece of legislation.

Rebecca Pow: I thank the hon. Lady for her amendment, but I reassure her that we feel it is not needed. The Government need the flexibility—I have mentioned this before—to decide what measures will best deliver the outcomes we want to see achieved. Requiring producers to pay disposal costs in all cases might not be the appropriate option.

The power is drafted to give flexibility to choose the appropriate measure, or combination of measures, for any product. It also gives us the flexibility to decide for which products or materials producers must pay disposal

costs, the producers who must pay the disposal costs, the costs that they must pay and what those costs should be.

At this point, I will take a step back to reflect on what the measures will actually mean. The powers will allow us to create a strong financial incentive for businesses to do the right thing. I have spoken with businesses, and of course they want strong signals, because without them they will not be inclined to invest, innovate or go in the direction that we want them to go. That is so important.

The measures will encourage producers such as supermarkets to reduce the packaging they use in their products, so that less waste is produced. Everybody will start thinking about their products and their packaging, because they have to be responsible for what happens to it at the end of the day. It would be in the best interests of manufacturers to make products that are more reusable and recyclable. Thinking back to nappies, if they are to be reusable or rewashable, they could contain recycled fabric—in fact, that is a jolly good idea, and someone is probably already doing it. That is just an example. Such decisions should all have sustainability in mind, and the customers will see that—with the new labelling and all the information—in the products that they buy.

I can therefore reassure the hon. Member for Newport West that the Government have every intention of making regulations using schedule 5. The resources and waste strategy also commits us to reviewing and consulting on measures, including extended producer responsibility for five other waste streams by the end of 2025. Those five include textiles, construction materials and fishing gear. Along with the other products in that list, they have all been highlighted as urgent areas that could do with this kind of focus.

We need to retain the flexibility to introduce product-specific regulations using the appropriate powers, and as drafted, this power provides the flexibility to impose extended producer responsibility obligations where it is appropriate to do so. I hope that is helpful, and I therefore ask the hon. Lady whether she might withdraw her amendment.

Ruth Jones: I thank the Minister for her words, and respectfully say that strong signals sometimes need to be backed up with strong words, which is why we wanted to amend the wording of the schedule to “must”, not “may”. However, that point having been made again, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ruth Jones: I beg to move amendment 161, in schedule 5, page 157, line 13, leave out from first “the” to end of sub-paragraph (2) and insert

“social costs incurred throughout the lifecycle of the products or materials.”

As the Committee will know, schedule 5 allows the relevant authority to make regulations that require

“those involved in manufacturing, processing, distributing or supplying products or materials”

to

“meet, or contribute to, the disposal costs”

of those products. This is all about the journey, from start to finish, of the materials that we all rely on every day, even when we do not think about it. We have already had ample examples of the kinds of recyclable things we need to consider. I have to say to the Minister

and her colleagues that the issues covered by this amendment will be mentioned both now and in coming days, because the Bill lacks foresight in a number of areas, but particularly when it comes to assessing the whole life cycle. That is particularly important, and it should be part of this Bill.

Thinking through this amendment and the background to it reminded me of recent events in Sri Lanka. That reminder was further reinforced when I received the answer to a written parliamentary question that I tabled to the Department for Environment, Food and Rural Affairs—for those who may be interested, it was question 109651. I asked the Secretary of State for Environment, Food and Rural Affairs

“what discussions he has had with his Sri Lankan counterpart on the 21 containers of waste returned to the UK from that country in September 2020.”

The answer I received from the hon. Member for Taunton Deane was as follows:

“The Environment Agency (EA), as the competent authority for waste shipments for England, is proactively engaging with the authorities in Sri Lanka on these containers and is leading the response on this matter.

The 21 containers arrived back in England on Wednesday 28 October. The containers, which were shipped to Sri Lanka in 2017, were found by Sri Lankan authorities to contain illegal materials described as mattresses and carpets which had been exported for recycling. With the shipment now back on English soil, EA”—

that is, the Environment Agency—

“enforcement officers will seek to confirm the types of waste shipped, who exported it and the producer of the waste. Those responsible could face a custodial sentence of up to two years, an unlimited fine, and the recovery of money and assets gained through the course of their criminal activity.”

That was the answer I received from the Minister, and the issues it covers show why this amendment is so necessary. There are some parts that I will be following up on outside this Committee, but its arrival in my inbox was timely for today’s debate.

The Minister’s answer to the question demonstrates that waste and the issues that go with it simply do not disappear. Containers that left the United Kingdom in 2017 and travelled across the world are now coming back to cause trouble. This Bill can design out some of those issues if Ministers want it to, and this amendment would help to ensure that it does. We need to ensure that the life journey of the materials used is followed through by their producers from start to finish, focusing not just on the waste element but on the production and useful lifetime element of these issues. I urge the Minister to think about the social costs of the issues we are discussing, not just the environmental costs. Many of these issues require a cohesive and coherent approach that deals with a number of different factors, and I hope the Minister will give proper consideration to this.

As the Committee will know from the papers, this amendment is relatively self-explanatory, but it is important, and I hope the Minister will give it serious consideration. Once again, our amendment will help to deliver a strong Environment Bill with a strengthened and more comprehensive schedule 5.

Fleur Anderson: We moved this amendment to urge the Government to go that bit further in their ambition for this Bill. We have gone this far—we have set up the

[*Fleur Anderson*]

office, and have put in place all of these schedules and provisions—and by going just a little bit further, we could achieve so much more. Including

“social costs incurred throughout the lifecycle of the products or materials”

in schedule 5 would make a great difference.

The Local Government Association also believes that this schedule does not go quite far enough. It is concerned that litter and fly-tipping of discarded packaging is not included in the schedule, and that greater clarity on what producer responsibility will cover is needed. It also questions why the Bill does not currently include the term “full net cost”. There is a commitment to pay local authorities, but it should set out clearly that producers will be required to pay the full net cost to councils. To achieve that, the schemes should seek to reduce consumption of materials in the first instance, reducing the full life cycle impacts arising from sectors and product groups.

That is why I urge the Minister and her Government colleagues to consider supporting amendment 161, which would address this omission by factoring social costs into the fees, alongside environmental effects. It would also ensure that fees are implemented across the full life cycle of products and packaging, rather than just, as we have said in previous amendments, the end of life impact. Such a change would incentivise responsible and sustainable design to minimise these costs in the first place and enhance the environment for us all.

Dr Whitehead: Just to add to my colleagues’ excellent expositions, I draw the Committee’s attention to the wording of the schedule. It is headed “Producer responsibility for disposal costs”—fair enough. Paragraph 1(2) talks about

“the disposal costs of the products or materials”.

It is then as if the framers of the schedule thought, “Hang on a minute, is that what we really want to do?”, because paragraph 2(2) says:

“In this Schedule the ‘disposal’ of products or materials includes their re-use, redistribution, recovery or recycling.”

In order to continue with the way that the schedule is set out, the framers have had to mangle the English language to such an extent as to make it unrecognisable. A reasonable dictionary definition of “disposal” is “the action or process of getting rid of something”. The whole point about the circular economy and the waste hierarchy is to avoid doing that as much as possible in processing waste. Rather, one should try to recycle it, reuse it and keep it in life. It should go round the circular economy for as long as possible.

This schedule therefore looks like it is facing the wrong way in its whole outlook. The amendment goes some way to putting that right by emphasising that it is about the whole life of the product: what happens after it has been used the first time and how it can best fit into the circular economy definition of continuing with its use in the economy, so that new materials do not have to be brought in because the previous materials have been disposed of.

I suggest that the amendment is tremendously helpful, because it puts right the mangling that has gone on to get the schedule into existence in the first place.

While paragraph 2(2) goes some way to un-mangle the phrase, the amendment completely un-mangles it. It emphasises what we should all emphasise—indeed, it is policy to emphasise—namely the whole life; the circular life of products that go round and round in the economy.

I hope the Minister will accept the amendment in the positive spirit in which it is intended. Among other things, it will restore to the Bill what most members of the public would consider to be the meaning of the word “disposal”. It is quite important that we ensure that legislation is not just intelligible to the general public, but can be received by them in the spirit in which it was put forward—that is, that they understand a particular phrase to mean what they think it means, not what someone somewhere in a building far away has invented it to mean because they could not get it right in the first place.

3.15 pm

Rebecca Pow: First, I thank the hon. Member for Newport West for withdrawing her previous amendment and not pushing it to a vote. I thank her for her consideration of this particular amendment, but I would like to reassure her and the Committee that I do not believe it is necessary.

The hon. Lady is absolutely right: it is important that as a society we monitor and address social issues relating to the manufacture of products and materials. In the UK, we address them through legislation, such as the Health and Safety at Work etc. Act 1974 and the Human Rights Act 1998. Other initiatives, such as the United Nations’ International Labour Organisation and the Forest Stewardship Council, look to tackle those issues on a global scale.

However, the core focus of extended producer responsibility is to encourage producers to take actions that will help to protect and improve the environment, including paying the costs of managing products at the end of their life and improving the design of products to make them recyclable or increase the amount of recycled material that they contain—all the things that we have mentioned previously. Recycling rates will then increase and the supply of secondary material will increase.

I will quickly address the issue that the hon. Lady touched on about Sri Lanka. I just want to highlight that it is a manifesto commitment, which we will implement through this Bill, to ban all exports of plastic waste to non-OECD countries. That is in clause 59, I think—I cannot read my writing. I have terrible writing.

Richard Graham (Gloucester) (Con): I am grateful to the Minister, because this is very important and the hon. Member for Newport West was right to raise it. Those of us who have responsibilities as trade envoys are very conscious of some of the damage done to relationships with overseas countries, particularly Commonwealth countries, where waste has effectively been dumped by local councils. That is partly due to the supply chain for waste disposal. Does the Minister agree that this Bill will make real steps forward in tackling that problem?

Rebecca Pow: I thank my hon. Friend for raising that issue. The hon. Member for Putney touched on litter, and I was going to say that this is a very wide subject—waste, hazardous waste, export of waste, litter—and

clauses 60 to 68 deal with a whole lot of those issues, so we will discuss them at length when we get to them. However, we are mindful of what my hon. Friend the Member for Gloucester says, and there are measures in the Bill to really get to grips with some of those things, which are rightly important, especially for our global standing, as he says with his trade envoy hat on. I know he does such great work representing us, so I thank him for that.

I must disagree with the hon. Member for Southampton, Test about words being mangled. The only thing that we want mangled is the waste, so that we can take it apart and turn it into something else. I completely disagree that the words have been mangled by those who have so carefully drafted the legislation. I will highlight the fact that the extended producer responsibility scheme and the requirements to cover the full net disposal costs of their products and materials when they become waste will encourage producers to make these changes that we all want to the design and the materials that will have an impact on the whole supply chain. That is the purpose of all this. That will then increase the supply of materials for recycling and the quality of material for recycling, by reducing contamination and the use of hard-to-recycle products and materials. The whole circular system will be dealt with, so I take issue with his mangling suggestion.

At the end of the day, our supply chains will be strengthened in secondary materials, which is so important that we will then give investors the signal and the confidence they need to invest in our UK recycling industry, so we can put the recycling units that my hon. Friend the Member for Hitchin and Harpenden mentioned everywhere they are required and companies such as Coca-Cola can have all the PET plastic they want to make all the bottles they would like to make from good-quality recycled plastic. It is difficult to get hold of enough of many those things now, but when we get these measures in place, the idea is that it will all be sorted out. I can see the hon. Member for Cambridge smiling at me, but I know he knows that I am on the right track.

Richard Graham: My hon. Friend the Minister made a good point about making sure that the costs to the private sector involved in helping us recycle more come to a level at which it is important for them to invest. The fringe benefits from that are massive. Many of the recycling centres that previously sent waste to landfill are now available for all sorts of green energy projects including solar, hydrogen and onshore wind. It will make a huge difference in my constituency of Gloucester, so I am grateful for what she says about how the Bill will help that.

Rebecca Pow: I thank my hon. Friend for mentioning his constituency and for raising that important point about how we need to get business on board, and how we need to give the right signals and get the right things to happen to move us to the circular economy. At the end of the day, we want less waste landfilled or incinerated, less litter and a decrease in the use of virgin raw materials. These outcomes bring wider social benefits—touching on amendment 17—as they improve the environment for the public and for wildlife. They also reduce greenhouse gas emissions. For all of these reasons,

the measures in the Environment Bill are strong enough as they stand, and it follows that social issues such as poor conditions for workers are considered outside the scope of extended producer responsibility. I ask the hon. Lady to withdraw the amendment.

Ruth Jones: I thank the Minister for her explanation and I also thank my hon. Friend the Member for Putney for highlighting the issues of litter and fly-tipping, which really vex people. My inbox is full of complaints about such issues as are, I am sure, those of most Members here if their constituency is anything like mine. It is important that the quality of people's environment is enhanced and made as good as possible. I am also grateful to my hon. Friend the Member for Southampton, Test: as he points out, the wording is important. People outside these walls do not fully understand what the Bill is trying to say: the word “disposal”—as he says—is in the dictionary and it means getting rid of something, but we want to make sure that we have a cyclical economy. We come back to making sure that words matter.

I was pleased to hear the Minister highlight the manifesto pledge not to dump rubbish in non-OECD countries. It raises the issue of whether it will go to OECD countries, but that is obviously important. I was also pleased to hear COP26 raised. It is important that the UK sets a shining example to the rest of the world on that, and that is why we are pushing amendment 17: it is so important that we make sure we get it right at this stage so that, as has been mentioned, future generations look back on the Environment Bill with pride. We will be seeking to divide the Committee.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 22]

AYES

Anderson, Fleur
Jones, Ruth

Whitehead, Dr Alan
Zeichner, Daniel

NOES

Afolami, Bim
Bhatti, Saqib
Browne, Anthony
Docherty, Leo
Graham, Richard

Jones, Fay
Mackrory, Cherilyn
Moore, Robbie
Pow, Rebecca
Zeichner, Daniel

Question accordingly negated.

Schedule 5 agreed to.

Clause 49

PRODUCER RESPONSIBILITY FOR DISPOSAL COSTS

Amendment made: 38, in clause 49, page 29, line 36, leave out “Assembly” and insert “Senedd”.—*(Rebecca Pow.)*

See Amendment 28.

Clause 49, as amended, ordered to stand part of the Bill.

Schedule 6

RESOURCE EFFICIENCY INFORMATION

Dr Whitehead: I beg to move amendment 18, in schedule 6, page 161, line 21, leave out “may” and insert “must”.

This is another “may” and “must” amendment. Hon. Members are familiar with the arguments, so I will not rehearse them at this late hour of the day. In moving the amendment, I am adding to the pile on the Minister’s desk. I ask her to consider whether, even at this late hour, it might be a good idea to start putting in a few more “musts” than was the case previously. I hope the Minister will look at that favourably in the future. I do not wish to push the amendment to a vote.

The Chair: But you are moving it.

Dr Whitehead: Yes.

Rebecca Pow: I thank the hon. Member for his amendment. He is trying at every opportunity to sneak in a “must”, but we share the sentiment and recognise the importance of taking action to improve the design of products—that is what this is all about—including by mandating the provision of information relating to resource efficiency on products. Given the pace of change and the need for flexibility in deciding where regulation is necessary, however, it is not appropriate to insert a requirement that we must take such action across the board for all products, nor to specify a list in advance. Our intention is to use this power to set resource efficiency information requirements where they will give the greatest impact. I can reassure the hon. Member that we are committed to doing that.

I am pleased that the first anticipated use of the information power will mandate labelling to show the recyclability of packaging, which I know is a source of stress for many households, including my own. In fact, I go absolutely berserk if I get home and find that my children have gone to a shop where everything is in packets, instead of buying it loose. Labelling and clear messaging about the damage that some packaging can do would get the message through.

The Government are considering how we should implement these measures beyond packaging, and we want to ensure that, where requirements for more information are introduced, it will have significant positive impacts on the environment. We expect that some industries will be motivated to proactively settle or improve their standards for products. Where industry does not, however, these powers will enable us to set mandatory requirements in future. It has to be said that lots of supermarkets are already looking at what they can do to reduce their packaging, which is to be welcomed.

For those reasons, it is appropriate to take regulation-making powers, rather than impose a duty on the Government to set standards. Primary legislation consistently takes such an approach to the balance of powers—what may be done; a duty is what must be done—and this power is no different. This approach will provide sufficient flexibility to implement or modify requirements at different times for different products, and within a reasonable timespan. Additionally, it will facilitate the making of separate provisions for England, Wales, Scotland and Northern Ireland should the devolved Administrations wish to exercise this power.

On those grounds, I ask the hon. Member whether she would kindly withdraw the amendment.

The Chair: Dr Whitehead moved the amendment.

Rebecca Pow: I am sorry. I ask the hon. Gentleman to kindly withdraw the amendment.

Dr Whitehead: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

3.30 pm

The Chair: We now come to amendment 226, which the sharp-eyed will have seen is not on the selection list. That is because it is what is known in the trade as a starred amendment, which means that it was tabled after the cut-off date last Thursday. I have nevertheless taken the view that it is appropriate to debate it under schedule 6, which we have now reached. I call Alan Whitehead to move the amendment.

Dr Whitehead: I have no idea what amendment 226 is about—or at least I have not got it in front of me.

The Chair: While he is finding his feet, it may help the hon. Gentleman if he looks at page 8 of the amendment paper, where he will see that amendment 226 amends schedule 6, line 7.

Dr Whitehead: I beg to move amendment 226, page 162, line 7, schedule 6, after “product” insert “and the expected total environmental impact the product will have throughout its life”.

This amendment requires manufacturers or sellers to evaluate the environmental impact of a product throughout its life cycle, alongside the expected life of the product.

The amendment speaks for itself. As the Chair has kindly reminded us, it concerns the overall life of the product, not specific moments in the life of that product. As hon. Members know from stories such as the 5,000-mile yoghurt pot, the overall life of a product includes a range of travel, processing and other activities before it gets on to the shelf. Modern arrangements mean that something that looks very simple will have been fabricated in one country, exported to another and further processed there, exported back to the original country and filled with another product, while the lid is added somewhere else during the refrigeration process and then it is back to where it started from. In my constituency, there are many instances of stuff leaving the port in a container, going to the other side of the world for processing and coming back for sale in roughly the place it started out from.

The lifetime of the product is about all the things that happen to it on its journey. The amendment recognises that that is the case and that, in moving towards a circular economy, we need to be mindful that the lifetime of the product is a theme that needs to be seriously taken into account so that we can ensure that it is as efficient, economical, low-carbon and resource-efficient as it can be. That is why we have tabled the amendment.

Rebecca Pow: I am very happy to discuss the amendment in the circumstances outlined by the Chair, and I thank the hon. Member for Southampton, Test for tabling it. The Government recognise the value of providing consumers with information on the expected lifecycle and environmental impact of products. The amendment is not necessary, because the powers in the Bill already allow for that. Indeed, I hope that it is clear from everything we have been talking about that it is the whole lifecycle of the product that will be the key thing once the measures in the Bill are in place.

The resource efficiency powers set out in the Bill enable us to achieve the amendment's goal. However, the current drafting allows us to provide greater clarity on the aspects of a product's lifecycle that can be covered, in recognition of what it is practicable and feasible to require. The schedule covers the scope of the powers in relation to lifecycle impacts, including production processes, pollution impact during production, use and disposal, product lifetime and related aspects such as recyclability. There is a broad and comprehensive list of what consumer information could be about. It provides the scope for meaningful and specific provisions relevant to a product's impact on the natural environment without placing overly complex or impractical requirements on manufacturers.

We want this to be simple for manufacturers and to help consumers make the right choices. It is a two-pronged attack: we want manufacturers to do the right thing, but they need to be able to do it, and we want to give the consumers the information to make the right choices. For example, we could require that items of clothing are sold with information about the resources used to make them, as well as about the pollution—for example, greenhouse gas emissions—arising from a garment's production, use and disposal. All of those things could be possible. Customers, should they wish, could then use that information to choose products that have less impact on the environment across their life cycle.

I know from talking to people who watch the Attenborough documentaries, and others, that they know about the horrific impacts and consequences of the products they buy. They do not want that to happen, so the information and labelling will really help, as will the whole new life cycle approach that this Bill will introduce.

I therefore ask the hon. Member for Southampton, Test to withdraw the amendment, given that the current provisions already do what it suggests.

Dr Whitehead: I am encouraged by the Minister's response, although I am not sure that the wording is exactly as it should be. I, like, I suspect, her, am very taken by the idea of a backpack on a product. For example, if a pen has a gold nib—unfortunately, my pen has a steel nib, but there we are—it would have a substantial backpack outlining the cost of mining that gold and the amount of resources used, such as oil, in getting the gold out. Everything would have a backpack: some products would have huge backpacks, while others would have smaller ones. I take on board the Minister's comments. The aim is to start talking about those backpacks and how we relate to products. The life cycle information relates to not just what is in the backpack but how far the backpack has travelled.

Rebecca Pow: This whole subject is interesting. "Product passport" is another term that could cover all that detail. The Bill will also allow us to introduce labelling requirements relating to water use and carbon footprint, so it will open up a wealth of opportunities in the space that the shadow Minister is talking about.

Dr Whitehead: Indeed. That is absolutely right: "passport" is another good way to describe it, although only a limited number of things can be jammed in a passport, whereas rather more things can be jammed in a backpack. The principle, however, is exactly the same, and I am encouraged to hear the Minister speaking of it in that particular way. I do not, therefore, wish to push the amendment to a vote and hope that what the Minister has said is how the schedule will be interpreted in future. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 6 agreed to.

Ordered, That further consideration be now adjourned.
—(*Leo Docherty.*)

3.39 pm

Adjourned till Thursday 12 November at half-past Eleven o'clock.

