

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### ENVIRONMENT BILL

*Fifteenth Sitting*

*Thursday 12 November 2020*

*(Afternoon)*

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SCHEDULE 9 agreed to.

CLAUSES 54 to 63 agreed to, some with amendments.

SCHEDULE 10 agreed to.

CLAUSES 64 to 69 agreed to.

SCHEDULE 11 agreed to.

CLAUSE 70 agreed to.

SCHEDULE 12 agreed to.

CLAUSES 71 to 74 agreed to.

Adjourned till Tuesday 17 November at twenty-five minutes past

Nine o'clock.

Written evidence reported to the House.

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**not later than**

**Monday 16 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

Thursday 12 November 2020

(Afternoon)

[SIR GEORGE HOWARTH *in the Chair*]

## Environment Bill

### Schedule 9

#### CHARGES FOR SINGLE USE PLASTIC ITEMS

*Question proposed*, That the schedule be the Ninth schedule to the Bill.

2 pm

**Dr Alan Whitehead** (Southampton, Test) (Lab): As hon. Members will recall, before we adjourned we discussed an amendment that sought to place a slightly different emphasis on elements of the schedule; we wanted to emphasise the question of single use in general, rather than just single-use plastic. The argument is that a lot of things other than plastic are single-use.

The idea is not what the hon. Member for South Cambridgeshire suggested in his intervention—that we would tax everything that was single-use, which would clearly be absurd. Indeed, one would not want to tax some plastic single-use items, given that they may be appropriate in a number of circumstances. That is why, on this occasion, the use of the word “may” is correct.

Schedule 9, it appears, has been drawn narrowly in respect of plastic and therefore narrowly also in terms of single use. To emphasise that, the schedule is actually headed “Charges for single use plastic items”, not “Charges for single use items that may be plastic”. That is unfortunate because the issue is not just about manufacturers seeking to get round a ban or restriction on single-use plastic items by making single-use items from different materials; it is that the whole throwaway culture is based on single-use items in general, which may or may not be plastic.

As those who have had the pleasure of dining under covid restrictions in this building, a couple of floors down, will know, a number of throwaway items are put forward for our use, including knife, fork and spoon sets. Interestingly, those sets are sometimes made of bamboo and sometimes of plastic; that seems to depend on which night people turn up for what meal. The principle is exactly the same: people are supposed to put the knife, fork and spoon set in the bin afterwards. In the particular instance of covid-19 restrictions, I fully understand why. However, although it is the norm in a number of catering establishments to supply a knife, fork and spoon set that cannot be washed and used again, those knife, fork and spoon sets are not necessarily only plastic. They can be made of all sorts of other things; the principle is that something is being made available that is supposed to be thrown away and not used again, when it could very easily be used again, with fairly minor alterations to the spec and how things are done, thereby saving a great deal of resource and upholding the principles of the circular economy.

That is what we were trying to get at in amendment 182. There are clearly various things that fit in that category and that we as a society could do a great deal to sort out, so as not to bring virgin materials into the economy when we do not need to and to circularise things so that they go round the economy. Making the best use of those items when we can is something that should be agreed to. Indeed, we had a debate a little while ago in which the Minister extolled the virtues of recyclable nappies. Of course, a recyclable nappy is what used to be known as a nappy. That is what people did, because Pampers and all the rest of it were not available in those days. However, we now have a culture where the default is to buy a bag of Pampers and get through those, rather than even thinking about using recyclable nappies. Indeed, they are quite difficult to get hold of.

Recyclable or non-recyclable nappies need not necessarily be made of plastic; they could be made of various things. However, the principle is about moving from nappies that are used in one way to those used by default in another way, with the result—which we know, and which I am sure comes across the Minister’s desk every day—that nappies are now a substantial part of the waste stream and potentially part of fatbergs and various other things in our sewers, because of the change over time from multiple to single use.

We do not oppose the schedule, but can the Minister see circumstances in which discouraging but not necessarily removing single use could be incorporated into the schedule or introduced in further regulations, or does she think that that is it for the debate on single-use items? I cannot believe that it is; we need to take it further than just plastic items. I seek suggestions or an understanding for how we can best advance the debate, if not through this schedule, then maybe somewhere else.

In conclusion, I know personally that a number of items—some of which apply to me—including certain medical things, such as sealed eye drops, absolutely need to continue to be plastic single-use items, and it would be inappropriate were it otherwise. My view is not that we should remove all plastic single-use items—or use only single-use items—but we all ought to be seeking to give ourselves the possibility of ensuring between us that the most circularity is achieved. I hope the Minister can give us some guidance and assurances on that.

#### **The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow):**

The Government are committed to tackling plastic pollution and moving towards sustainable alternatives. The schedule outlines the various provisions that can be brought forward in secondary legislation to place new charges on single-use plastic items. That will provide the incentive needed for citizens to use reusable alternatives while ensuring that single-use options are still available to those who need them—examples such as those the hon. Gentleman mentioned. The success of the carrier bag charge, which has led to a 95% reduction in the use of plastic carrier bags in the main supermarkets since its introduction, demonstrates the difference that even a small incentive can make.

I want to wind up this debate by being clear that the power in schedule 9 is related to single-use plastic items, with the reason being that single-use plastic items, as I highlighted right at the beginning, are increasingly common

in daily life. They are a significant and ongoing environmental problem, in use and disposal, and given that they are not valued, they are indeed disposed of via black bins or littering. They are not commonly recycled. The measure will address that.

Other single-use items will be addressed through the other myriad measures in the Bill, including deposit return and extended producer responsibility. The general ethos of this whole part of the Bill is to drive down waste from the very beginning, and I believe that the hon. Member for Southampton, Test, has not fully taken all that into account. When he sits down tonight in bed with the Bill and goes over it and the explanatory notes, he will realise that the problem he is raising is dealt with. That has all been thought about. I am, however, grateful to him that he will not oppose the schedule.

*Question put and agreed to.*

*Schedule 9 accordingly agreed to.*

*Clause 53 ordered to stand part of the Bill.*

### Clause 54

#### SEPARATION OF WASTE

*Question proposed, That the clause stand part of the Bill.*

**Dr Whitehead:** We do not seek to oppose the clause, but I want to ask about food waste, which we may come to when we debate later schedules.

Food waste is clearly an important issue. Indeed, it was highlighted in the resources and waste strategy for England, which came out a little while ago, in a chapter headed, "Enough is enough: cutting down on food waste". At the time, the White Paper projected that total UK food waste was 10.2 million tonnes. Interestingly, that food waste was broken down by sector. It suggested that households produced 7.1 million tonnes of food waste, hospitality and food service 1 million tonnes, manufacturing 1.85 million tonnes and retail 0.25 million tonnes. The important thing about that particular distinction made in the White Paper is that, yes, there is a large amount of food waste, as we know, and we could have a long debate about the reasons for rising food waste, how we can suppress that rise in food waste and how we can do much better at ensuring that we use what we are producing.

2.15 pm

That includes things such as inappropriate courgettes that do not actually make their way to the supermarket because they are the wrong shape and go into the food waste chain, and how retailers, particularly large retailers, might actually offer us rather more funny-shaped courgettes. Certainly my garden has a proliferation of funny-shaped courgettes; in fact, all I ever get is funny-shaped courgettes, so I do not find a problem with eating them, although I do get a bit fed up with the number that I produce. The essential point is that there are a whole load of things we can do in various different ways about cutting down food waste and ensuring that the food that is coming our way is used appropriately.

However, the chart in the White Paper does two things. It shows that, while probably the majority of food waste comes through households, substantial amounts of food waste elsewhere come not from households, but from

other particular sources. The importance of that point is underlined by the conditions put forward in clause 54 about the management of food waste in terms of separation of waste. The clause substitutes the existing provisions in the Environmental Protection Act 1990 with a new provision on separate collection of household waste.

It states:

"The first condition is that recyclable household waste must be collected separately from other household waste."

That is recyclable waste, so that is a wider definition than food waste. Moving down, it continues:

"The fourth condition is that recyclable household waste which is food waste must be collected at least once a week."

The Minister mentioned that this Bill makes it necessary to collect food waste, but I am not sure, reading this clause and the schedules that go with it, that that is exactly what the Bill says.

The first point is that the collection of food waste in the Bill is basically referring to municipal food waste collection which, as hon. Members know, only deals with a fraction of the total waste arising. Most of the waste arising in this country is not the responsibility of municipal collection, because it is industrial or commercial and is in a different bracket. The 1990 Act also accentuates that by underlining that this is municipal waste that we are talking about and that, therefore, the collection under this clause is municipal waste being collected separately from other household waste, but that remains within the household as a whole and does not go outside it.

Secondly, in that context, that waste, if it is food waste, must be collected at least once a week. Different local authorities have different collection agencies; the waste world is divided into collection agencies who hand it over to disposal agencies, which would normally be top-line authorities or consortia of authorities. There is an issue of who is collecting what where and what belongs to whom at what point. However, the bottom line is that different practices remain in different parts of the country when it comes to the collection of food waste. Some authorities have little blue boxes for collecting it; some authorities intermingle their food waste with other streams.

The provisions that

"recyclable household waste must be collected for recycling or composting"

and

"must be collected separately from other household waste"

do not appear to me to automatically mean that the food waste has to be separated out from other recyclable waste: the condition could be fulfilled by a collecting authority including food waste with other recyclable collections. The second separation is not necessarily spelled out, although it is clearly strongly encouraged in the clause.

The fourth condition that

"recyclable household waste which is food waste must be collected at least once a week"

only applies, therefore, where food waste is wholly separated out from other recyclable waste. If the food waste is included in the general recyclable waste, it does not appear that it has to be collected once a week. A local authority can get round that by simply not mounting a separate food waste collection.



I do not think that the provision says—I could be wrong and I would be grateful if the Minister could elucidate on the point—that all local authorities collecting waste have to collect food waste, have to collect it separately from other recyclable waste and have to collect it once a week.

**Ruth Jones** (Newport West) (Lab): My hon. Friend is making an important and detailed point. We do need to clarify this issue: what is written in law is written in law, and we must make sure that we fully understand it.

The Welsh Government currently have higher recycling rates than the English rates, because of the way that food waste is dealt with. Food waste is separated by the household; at kerbside, it is separated again by the collection authorities. There is food waste as well as recycling. There is an important point to be made about weekly collections. If food collections are less than weekly, all sorts of contaminations can occur, such as maggots, infestations and so on. Does my hon. Friend agree that it is important that we clarify these points?

**Dr Whitehead:** My hon. Friend is absolutely right that clarity is important.

In clause 54(4), immediately after the conditions that are set out on recyclable and food waste, there is a separate amendment to the Environmental Protection Act 1990, which talks about the

“separate collection of household waste from relevant nondomestic premises”.

The conditions in that proposed new section are different from those on household waste. We have an issue here about what it means to collect recyclable waste, which may be food waste, in the context of household collection; and what it means to collect food waste that is separate from recyclable waste, and appears to be collectable once a week.

Unless the join is properly made between the different provisions in legislation, it appears to me, the holes will not be completely filled. Can the Minister point me to other parts of the Bill where they are filled? Alternatively, will it be possible to fill those holes in different ways, by regulations? I would be delighted to hear from the Minister what she thinks about the idea in general and how far she thinks the clause has gone towards resolving the problems.

**Rebecca Pow:** I thank the hon. Gentleman for his comments. In the 2018 resources and waste strategy, the Government set out their intention to achieve 65% recycling of municipal waste by 2035. Our current arrangements are insufficient to meet that, so clause 34 will make a big difference. It will make recycling simpler for everybody by requiring the same recyclable waste streams to be collected from all households, whatever their local authority. At the moment, as hon. Friends and Members know, we have myriad different systems across the country, which is clearly not the best way to get the most products collected, recycled and reused. That will include non-domestic premises such as schools, hospitals and businesses.

Through the Bill, no matter where people live in England, they will have their plastic, metal, glass, paper, card, food waste and garden waste all collected for recycling, with food waste being collected from households weekly.

The unexpected consequences of leaving food waste longer than that were outlined by the hon. Member for Newport West.

Food waste should be collected separately unless absolutely not technically or economically practical, but there is a requirement for it to be collected every week. At the very least, householders will have a bin for what is called dry recycling, which are the first things I mentioned, and another bin for residual waste, as we do in Taunton Deane already; I do not know whether they have those in Southampton, Test.

**Dr Whitehead:** They do.

**Rebecca Pow:** All the district councils in Somerset join together for that scheme. It works extremely well and it is very straightforward. All other local authorities will follow a similar model, so there will no longer be a postcode lottery with one place where they do collect it and another where they do not.

For the first time, there will also be a requirement, as was raised by the hon. Gentleman, for non-domestic premises and businesses to arrange to have the same recyclable waste streams as households, separately collected, with the exception of garden waste, and for them to present their waste in accordance with those arrangements. I honestly believe that the hon. Gentleman is getting a bit muddled in his interpretation of what he is reading, because what is envisaged is clear.

**Daniel Zeichner:** I do not mean to usurp my hon. Friend the Member for Southampton, Test, who I am sure will follow immediately afterwards, but I think much of that is to be welcomed—certainly weekly collections. As I am sure the Minister is aware, the Local Government Association has caveated its support with a request for funding to be made available to carry those out. Can she point to where in the Bill that guarantee is given?

**Rebecca Pow:** We have made it very clear from the beginning that burdens to local authorities will be covered. If the hon. Gentleman wants us to write to him in more detail about that, we can, but that has been made quite clear.

**Dr Whitehead:** If I am being misled, I look to the Minister to provide clarification, which I hope she is beginning to do—indeed, that is what I want, to inform my understanding of how the clause will work. There are some things that I cannot quite get to the bottom of, however, so perhaps she can point me to exactly how they join together.

I very much welcome the advances on food waste and it is essential that we take action on that, but I remain unconvinced that the clause states exactly that every local collection authority has to provide a food waste collection. If they do provide a food waste collection, it has to be collected once a week, but does the clause mean that every local authority has to provide an unmingled food waste collection arrangement and that that arrangement is not to be mingled with more general recyclable collections?

I am sure that the Minister can appreciate the distinction between putting a whole pile of food waste in a general recycling bin and separating food waste out so that it

can be used for specific purposes. If food waste is mingled in with recycling, it is difficult to take it out subsequently, and it cannot be used entirely for the purposes for which we want food waste to be used: anaerobic digestion and various other things.

2.30 pm

**The Chair:** Order. Before I bring the Minister back in, I should say that I have allowed lengthy interventions on the basis that I think it is for the good conduct of the Committee that people have the opportunity to make these points, so no criticism is implied. However, I do hope people will try to be a bit briefer with their interventions as the Committee proceeds.

**Rebecca Pow:** I think the hon. Gentleman has made his own point, really. He has outlined why we do not want food waste mingled up with all the rest of the waste. That is why through this Bill, no matter where in England a person lives, they will see dry waste—plastic, metal, glass, paper and card—collected, and food, which is not dry waste, in a separate bin. That is all in the Bill. Food waste will be collected from households on a weekly basis—I do not know how much clearer I can be. That will make recycling more straightforward and, with all the other measures in the Bill, will help us to increase overall recycling rates to 65%.

These recyclable waste streams must be collected separately from other waste and separately from each other, except when it is technically or economically impractical to do so or there is no significant environmental benefit. That will lead to higher quality, driving up the value of all recycled materials and, in turn, encouraging more recycling through increased demand. The clause allows us to add additional recyclable waste streams in future, subject to certain conditions. It will provide consistency of recycling for the first time, and help us meet future recycling targets. I therefore commend it to the Committee.

*Question put and agreed to.*

*Clause 54 accordingly ordered to stand part of the Bill*

### Clause 55

#### ELECTRONIC WASTE TRACKING: GREAT BRITAIN

**Ruth Jones:** I beg to move amendment 128, in clause 55, page 41, line 33, leave out “including” and insert “excluding”.

Clause 55 adds new text to the Environmental Protection Act 1990, and seeks to set up a new system of electronic tracking for waste. Our amendment, which stands in my name and that of my hon. colleagues, seeks to secure that new system. I say to the Minister that the proposed new system is very welcome, but although we welcome the proposal, we and many campaigners and experts want to go further. The new system needs to be expanded to track all materials in line with the National Materials Datahub—the same data hub that the Government have previously supported. I hope the Minister will understand the background and motivation behind what we are trying to do here, and I commend the amendment to the Committee.

**Rebecca Pow:** I thank the hon. Lady for the amendment. I would point out that in the resources and waste strategy, the Government committed to modernising, simplifying and harmonising current regulations relating to the transport, management and description of waste, which have been introduced in a very piecemeal fashion over the past 30 years or so. She will probably agree with me that the current system is in urgent need of an update, and I welcome the fact that she is supporting these general measures.

Waste tracking is still largely carried out using paper-based record keeping, which makes it very difficult to track waste effectively, as it provides organised criminals with the opportunity to hide evidence of the systematic mishandling of waste. In 2018, the independent review into serious and organised waste crime recommended that mandatory electronic tracking of waste should be introduced at the earliest opportunity to address the problems of illegality in the waste sector. In the current system, waste can be fraudulently re-classified and transferred on, or simply illegally dumped, and the paper trail then disappears. That makes it difficult to identify and deal with waste crime, including cases of fly-tipping, which concerns rural and urban areas.

To make essential improvements and create a digital waste-tracking system, amendments may be required to primary legislation or retained direct EU legislation. That does not mean that we are falling behind the EU on standards of waste management—far from it. Instead, we will amend the current legislation to develop a comprehensive system, to ensure that waste can be tracked and regulated more effectively.

The practical effect of the amendment, therefore, would be to undermine and restrict our ability to introduce mandatory electronic waste tracking in a way that works best for our environment, now and in the future, although I know that is not the hon. Member’s intention. I ask her, therefore, to withdraw the amendment.

**Ruth Jones:** I am grateful to the Minister for her expansion on the situation. We are singing from the same hymn sheet, because electronic tracking is so important, as the Minister said; the paperwork trail is not as accurate as the electronic one. We all want the same thing. I am pleased she has mentioned the EU, because we do not want to fall behind the EU either. That is paramount as we move forward from 1 January. With that in mind, we will not push the amendment to a Division. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment made:* 43, in clause 55, page 41, line 44, leave out “the National Assembly for Wales” and insert “Senedd Cymru”.—(*Rebecca Pow.*)

*See Amendment 28.*

*Clause 55, as amended, agreed to.*

### Clause 56

#### ELECTRONIC WASTE TRACKING: NORTHERN IRELAND

**Ruth Jones:** I beg to move amendment 7, in clause 56, page 43, line 4, leave out “may” and insert “must”.

This amendment, again, is focused on language and the strength of the legislation. We want to replace “may” with “must”. I suspect the Minister is getting tired of hearing these amendments, but we are trying to

[Ruth Jones]

be helpful and ensure that the Bill is as strong and effective as possible. I will not repeat the benefits of “must” over “may”.

**Rebecca Pow:** I thank the hon. Member for the amendment. The introduction of a mandatory electronic waste tracking system will increase transparency in the waste industry, as I outlined earlier, and pose a barrier to organised criminals operating in the sector.

Clause 56 provides the regulation-making powers needed to legislate on how the system is set up and administered in Northern Ireland. It is entirely appropriate to provide the Department of Agriculture, Environment and Rural Affairs in Northern Ireland with the flexibility as to when and how the provision is given effect. Primary legislation consistently takes that approach to the balance between powers and duties. This enabling power should not be converted into a duty.

It should be for the Department of Agriculture, Environment and Rural Affairs to decide how and when to use the enabling power to bring forward legislation and, in turn, for the Northern Ireland Assembly to decide whether to approve this legislation. The Assembly must be given its proper place in terms of scrutiny when it comes to the commencement and implementation of the powers. The proposed amendment to place an absolute duty on the Department of Agriculture, Environment and Rural Affairs goes against the spirit of that. If the amendment is made, the Department could be subject to a duty to make regulations on waste tracking that it would then be unable to comply with if the Assembly did not approve the legislation. It would also not be appropriate for Northern Ireland to be subject to a duty to make waste tracking regulations that the other nations of the UK are not subject to. I therefore consider the amendment inappropriate and ask the hon. Lady if she will kindly withdraw it.

**Ruth Jones:** I thank the Minister for her comments. While I understand her reasoning, we want Northern Ireland to be in line with the rest of the UK in being as strong and far reaching as possible on waste and electronic tracking systems. It is important that we enable the Northern Ireland Assembly and the authorities there to do everything they want to. We had a long debate on powers and duties when considering the Agriculture Bill. If it is that important, it should be legislated for, and it should be in the Bill. However, having heard the Minister, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 56 agreed to.*

*Clauses 57 and 58 agreed to.*

### Clause 59

#### TRANSFRONTIER SHIPMENTS OF WASTE

**Ruth Jones:** I beg to move amendment 177, in clause 59, page 50, line 19, at end insert—

“(1C) The Secretary of State must by regulations make provision to prohibit the exportation of waste consisting wholly or mostly of plastic from no later than March 2025.”.

The clause seeks to amend the Environmental Protection Act 1990 and give the Secretary of State new powers to regulate the export of waste from the United Kingdom. In principle, it is welcome, because a country of our wealth and location should absolutely not export polluting waste to countries in poorer parts of the world with economies nowhere near the size of ours. This is a question of morality in many ways. I touched on it earlier this week when I referenced the situation that the Government are now in with Sri Lanka and the 21 containers that were shipped there in 2017 that are now being returned.

For all the welcome that the clause deserves, existing international commitments mean that it is already illegal for the UK to send polluting waste to non-OECD countries. The international Basel convention obliges signatories, including the UK, to prohibit the export of waste to developing countries if they have reason to believe that the waste will not be managed in an environmentally sound manner. The convention will be strengthened in 2021, when most plastic will become subject to even stricter hazardous waste controls.

The United Kingdom, in many ways, has had a lost decade under the Tories and Lib Dems when it comes to protecting the environment. I have to say that this country has struggled to fulfil its international obligations in this area, although the Environment Agency in England recently tried to increase its preventive work, and I acknowledge those small, tentative steps forward in spite of the cuts to resources it has suffered over the last 10 years.

For the power before us to be exercised effectively, the Government need to put in place an adequate regulatory and enforcement system to ensure that they meet current and future obligations on waste shipments. Ministers need to review the approach to consumption and resources use to reduce current and future reliance on landfill and incineration. This should address the underlying drivers of the waste problem. For ease of reference, those drivers include unsustainable growth and consumption of single-use packaging and other items, a lack of domestic recycling and reprocessing infrastructure, and limited end markets for secondary materials. We have had some useful debates on those things already during the passage of the Bill through this Committee. The amendment is specific and allows us to show the leadership that people and nations across the world expect from the United Kingdom.

2.45 pm

**Daniel Zeichner:** It is a pleasure to follow my hon. Friend, who has made a very good case for the amendment. I am puzzled about why the world is not more excited by the Bill at the moment. Given the wider world’s interest in environmental issues, one would expect it to be on everyone’s lips. Of course, Greta Thunberg laid out the challenge: she does not trust a single politician, and here was the opportunity for the Minister to respond and to become a politician Greta Thunberg might trust. Part of the problem is the lack of ambition in the Bill, and that is exactly what the amendment inserts into it—a sense of urgency.

I suspect that hon. Members have been into primary schools and talked to young children. I used to do that often, and I was struck by how many times environmental issues came up. I have had numerous letters from schools, and the issue of waste being transported elsewhere comes up time after time. So many of our fellow citizens do the



right thing. In so many households, particularly in a city such as Cambridge, people go to huge efforts to recycle, but then they ask themselves where it goes. When they read—possibly even in *The Guardian* occasionally—that all is not well on this front, it really demoralises them. They think, “What’s the point?” They are doing their bit, but their Government are not doing the bit that only Government can do.

That is why there is an opportunity to strengthen the Bill. The Minister should welcome the opportunity the Opposition are giving her today to do that and to perhaps begin to be able to say to the wider world that these things really are worth supporting. With all the caveats, all the “mays” and all the reasons why these things cannot be done yet because they are too difficult and complicated, the feeling out there in the wider world among the people we represent is that there really is not the sense of urgency that the situation requires.

**Dr Whitehead:** I echo my hon. Friend’s claim that the amendment is very important for how the country is seen to deal with its waste, and particularly for how we are seen by our own population. Hopefully, we are seen in a positive light. All that we have discussed about recycling, single-use plastics and such things is based, to a considerable extent, on the public’s confidence that what is going to happen is actually what does happen. If the public think that none of what is being said to them is true, the chances of them co-operating—by sorting everything into different bins, ensuring that things are returned, and stopping dumping things in hedges—will be undermined.

The fact that we are seen to be dealing with our own waste properly and safely, and that we are not simply using the export of waste as a safety valve for our inadequacies in processing waste fully in our country, ought to be something that should concern us very much. Frankly, that is what has happened over a number of years with our waste exports. We do import some waste, but we export quite a lot more than we import. The waste we import is usually waste that can be used for energy from waste and various other things, such as refuse-derived fuel. The waste we export is not only of a much wider variety, but actually goes to parts of the world where, in many instances, we cannot be sure—and certainly, people there cannot be sure—that the destination for that waste is of the standard we would expect if that waste were disposed of in our own country.

The Minister has said this legislation would ensure that we do not export waste other than to OECD countries. That sounds very reassuring, until we look at membership of OECD countries. It is not, shall we say, EU members and a couple of other states in the world. It is actually a wide variety of states across the world: for example, Chile, Colombia, Mexico and Turkey are members of the OECD. Therefore, that is not necessarily the quality standard route, as far as safety valves are concerned. The best thing to do is probably to ensure we have sufficient recycling collection, processing and reuse facilities here, so that we can really deal with all our waste in the UK. That is not just a practical thing; it is a moral obligation we have for the future, as far as waste management is concerned.

As my hon. Friend the Member for Newport West mentioned, what we really do not want is repeated scenes—not just repeated scenes, but repeated extremely

embarrassing scenes—of bales of waste, mainly consisting of plastic, going to countries we think will quite easily accept them and say nothing, but that are now beginning to say, “This is not good enough. The quality of this material is not right. It is not what we thought it was going to be, so you can have it back.” That is not just one instance—Sri Lanka; we have form on this. This has happened with several countries, including Malaysia, which sent back 27 bales of waste. Indeed, I put a written question to the Minister a little while ago about how that had happened, what was going to happen with that material when it came back to the UK and whether it would be properly dealt with and disposed of.

Part of the reason these things have started to happen is that some of our traditional destinations, in terms of what have historically been fairly lazy assumptions about export of waste, have drawn the drawbridge up themselves. China’s great green wall policy means that the Chinese no longer want to receive anything that looks vaguely usable that we might put in a container back to China, and that we cannot work on the assumption that they can somehow reprocess some of it and will be quite pleased to do so because that will help their economy. They do not want it. They have put a green wall up to stop these things happening.

That has meant that the waste exports have gone to other countries, which it was thought are less particular about what they want to receive and, indeed, probably happy to receive stuff that is not what it says on the tin or on the bale. One issue from this particular return of bales of waste to the UK was that they were claimed to be high-quality waste that could be reused and remanufactured by those countries for recycling purposes. However, they were not. There was all sorts of old stuff, to coin a phrase, in those bales, and it was way beyond the standard that they would reasonably accept. Two questions arise from that. First, what were we doing continuing to export in that lazy way to those countries? Secondly, why did what I thought were our internal checks and balances to ensure the quality of what we export fail to work?

We have potentially considerable work to do. If we are to continue to export waste at all, we have to get our act together and ensure that that waste is as good as it could be and is absolutely not going to the wrong places. The Opposition think that the best way to deal with plastic or mostly plastic waste is simply to say that by 2025 we will stop doing that. Yes, that gives us a challenge, because we currently do not have sufficient good-quality plastic recycling facilities in this country, particularly those that can properly separate the 25 or 26 different kinds of plastic and put them at the right level in the plastics hierarchy so that we do not end up only making traffic cones with the plastic we recycle.

With plastic recycling, the production level of the plastic going into the system needs to be commensurate with the recycling that takes place, so that the plastic can be recycled at that level. For example, food-grade plastic has to be recycled with other food-grade plastic. If it is contaminated with anything else, it stops being food-grade plastic, recycled or not. Indeed, if we are not careful, it all goes to the bottom of the plastic hierarchy, and we get massive amounts of park benches and traffic cones and nothing else.

[Dr Whitehead]

We need better facilities in this country for recycling and reprocessing plastic that can be recycled properly, according to the hierarchy. That is partly why the amendment says:

“from no later than March 2025.”

That would give us the space to start getting our act together in this country and ensuring that facilities are available to recycle properly. We really cannot accept, and I do not think any of us would want to accept, that exporting waste should in the future be seen as a safety valve for our own inadequacies. It has to be different from that. The amendment underlines why it has to be different, how it can be different and how we can set an example to the world by ensuring that we deal with what arises from our own backyard in our own backyard and do not send it out across the world, for purposes that we do not know too much about and that the people concerned are obviously increasingly upset about when it gets to them.

This is an important amendment that we hope the Minister will accept entirely in the spirit in which it is intended. I know that she is absolutely committed to those high standards in our waste management, and I hope that she will accept it in that spirit.

**Rebecca Pow:** I thank all hon. Members who have inputted, although I take slight issue with the “lost decade” for the environment. I think Labour needs to look at its own record prior to that and ask how we have come to this pass. Thank goodness we have a Government who are doing something about it. However, that is not to say that I do not welcome the Opposition’s support; I absolutely do.

Also, the hon. Member for Cambridge asked why people were not more excited about the Bill. I believe they are genuinely excited about it, and it is such a huge Bill. Other hon. Members have probably had this too, but when one meets groups of people who might be a wee bit, what I call controversial, and explains what is in the Bill, they are absolutely amazed. It literally addresses all the things that people write to us about and that fill our inboxes, so I for one am going to be that champion—indeed, I hope I already am. I hope that the hon. Gentleman will join me and promote the Bill, because I think it will do all the things we need for a sustainable future.

Anyway, to the amendment, for which I thank the hon. Member for Newport West and which would prohibit the export of

“waste consisting wholly or mostly of plastic”

by March 2025. However, the clause already provides powers to make regulations on a wide range of matters to do with the import and export of waste, including prohibiting and restricting its export. We will use powers in this clause to implement our manifesto commitment to ban the export of plastic waste to non-OECD countries—exactly what the hon. Member for Southampton, Test is asking for—as we recognise that some countries have difficulty processing imports of this type of waste. We are committed to dealing with more of our waste here in the UK through the measures I have been talking about today and previously. We will consult industry, NGOs and local authorities on the date by which the ban will be achieved.

3 pm

**Dr Whitehead:** Will the Minister give way?

**Rebecca Pow:** I will, but very briefly, because the hon. Gentleman had a very long go just now.

**The Chair:** I am sure he will be very brief.

**Dr Whitehead:** I will indeed. I just wanted to correct what the Minister seemed to suggest I said about the OECD. I was not saying “Hooray for exports to the OECD!” Rather, I think we should see whether all OECD member countries keep to high standards of waste reception and export. My perusal of the membership suggests that not all do.

**Rebecca Pow:** I too looked at that great list of members yesterday and at non-OECD countries. The OECD countries represent 80% of the world’s investment and wealth. I just wanted to make a point about OECD countries and waste, though. We must not forget that waste is a commodity and that there is a legitimate global market for secondary materials. Exports of waste for recycling between OECD countries are already covered by an international agreement—the OECD decision—which provides the framework for the control of movements of waste.

Where the UK cannot currently recycle materials economically, exports can ensure in some cases that the materials are recycled, rather than sent to landfill or for incineration. Not all products sold in the UK are made in the UK. Waste exports can help to increase the amount of recycled materials going into new products we buy that are produced abroad. We must not forget the big picture where waste goes and what it is used for.

Making the amendment before the consultation on the date for stopping the exports of waste to non-OECD countries would pre-empt the result of the consultation. It is important that all stakeholders have a fair and equal opportunity to express their view on when the proposed prohibition should be implemented. The prohibition could have wide-ranging effects on local authorities and our wider waste infrastructure, and it is important to consider these effects fully before we set a timetable for implementing the ban.

I assure all hon. Members that the Government take very seriously the regulation of waste imports and exports, as well as the impact illegal waste shipments can have on the global environment—hence our manifesto commitments. Electronic waste tracking will help this agenda, as we will know what is going where and it will be harder to send the wrong products abroad. I reaffirm that we should be dealing with our own waste right here in the UK wherever possible. I ask the hon. Member for Newport West to withdraw her amendment.

**Ruth Jones:** I thank the Minister for her enthusiasm for this Bill. We are obviously all enthused, and it is important we get the word out about what is going on. I thank my hon. Friends the Members for Cambridge and for Southampton, Test for their eloquent speeches about the need to deal with things at home and not just shove them off into the far blue yonder. People at home have woken up and want to do the right thing. We go on and on about people’s awareness being raised, but we must ensure that they have the ability to do the right thing.

Greta Thunberg has spoken eloquently and young people around the UK especially have taken on board what she says. I was honoured to make my maiden speech on 1 May last year, when she addressed a number of us in Portcullis House. It was the day we declared the climate change emergency so it was important. She is seen as one of the leading lights in engaging young people and encouraging them to lobby those within and outside this room, so that we will do the right thing for them and for future generations.

The nub of the matter is the end result, which is that we are dumping containers in another country. I have seen TV pictures of young people—children—scavenging through waste sites, and the waste has clearly been identified as coming from the UK. That is not acceptable and we know it. We need to make sure we deal with our waste here in the United Kingdom, for the very reason that the Minister has outlined, and with the very mechanisms that she outlined. We make the waste and we must dispose of it properly ourselves though measures including proper processing and proper waste stations. Let us not forget, if we ship waste abroad, it contributes to climate change through the extra emissions from shipping freight.

The Minister has made an eloquent plea for us to withdraw the amendment because the deadline of March 2020 might hinder meaningful consultation, but I argue that the deadline is a helpful way to encourage people to consult and to decide how we can achieve what we want within the timeline. I should say it is a spur—a driver—to help. If the Government are ambitious then, yes, set an ambitious target. That is why it is important that we should push the deadline. That is how we can start to demonstrate that this is about actions, not words. For that reason we shall divide the Committee.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 5, Noes 7.*

### Division No. 28]

#### AYES

Furniss, Gill	Whitehead, Dr Alan
Jones, Ruth	
Thomson, Richard	Zeichner, Daniel

#### NOES

Afolami, Bim	Longhi, Marco
Bhatti, Saqib	Moore, Robbie
Browne, Anthony	Pow, Rebecca
Docherty, Leo	

*Question accordingly negatived.*

*Amendment made: 44, in clause 59, page 51, line 47, leave out*

*‘the National Assembly for Wales’*

*and insert ‘Senedd Cymru’.—(Rebecca Pow.)*

*See Amendment 28.*

*Clause 59, as amended, ordered to stand part of the Bill.*

### Clause 60

#### HAZARDOUS WASTE: ENGLAND AND WALES

*Amendments made: 45, in clause 60, page 54, line 14, leave out*

*‘the National Assembly for Wales’*

*and insert ‘Senedd Cymru’.*

*See Amendment 28.*

*Amendment 46, in clause 60, page 54, line 17, leave out*

*‘the National Assembly for Wales’*

*and insert ‘Senedd Cymru’.—(Rebecca Pow.)*

*See Amendment 28.*

*Clause 60, as amended, ordered to stand part of the Bill.*

*Clauses 61 to 63 ordered to stand part of the Bill.*

*Schedule 10 agreed to.*

*Clauses 64 to 68 ordered to stand part of the Bill.*

### Clause 69

#### LOCAL AIR QUALITY MANAGEMENT FRAMEWORK

*Question proposed, That the clause stand part of the Bill.*

**The Chair:** With this it will be convenient to discuss the following:

That schedule 11 be the Eleventh schedule to the Bill.

Clause 70 stand part.

That schedule 12 be the Twelfth schedule to the Bill.

**Dr Whitehead:** I wanted to draw the Committee’s attention to schedule 11, which concerns the local authority management framework. As hon. Members will see, within that framework on air quality, an enormous amount is placed on the local authority’s plate. That is quite right because the people at local authorities are absolutely the right people to deal with air quality problems.

A little while ago there were exceedances of world standards on air quality. The Department for Environment, Food and Rural Affairs required a number of the local authorities that were in danger of infraction at that point to draw up local air quality plans and to produce proposals to improve air quality in certain areas. My city, Southampton, was one of those places. Generally, there was a good relationship between the Department and my local authority in drawing up those plans—this was before the more extensive plans set out in schedule 11—how those were looked at by the Department for Environment, Food and Rural Affairs, what sums of money were put in to support the plans in some instances, and how they then went forward. So far, so good.

3.15 pm

In a number of instances, however, as soon as local authorities started to put in their plans, other Government Departments piled in to slag them off for what they were doing—saying that they were impeding the proper passage of transport or whatever through city centres, that it would be bad for business and should not be done for all sorts of reasons. I regret to say that those local authorities were getting it in the neck for doing what DEFRA wanted them to do and was supporting them to do. Local Members in those areas, who were not necessarily of the party putting forward those proposals if those proposals were from an Opposition party administration, also piled in to slag off those local authorities, even though their own Government were supporting the local authorities in putting forward those plans. I thought that was quite reprehensible.



The local authorities were making honest efforts to try to get air quality under control and sort it out. In some instances, they were using seriously difficult measures to do that. For political purposes, and sometimes other purposes, other Departments and Members sought to belittle and downgrade those efforts, or even downright opposed them. I hope to hear from the Minister about that.

We fully support the plans for local authorities and how they work, but two things are necessary. First, sufficient funds have to be available to allow local authorities to do their work where those plans are being set out. It is by no means apparent at the moment that that will be the case. Secondly, where local authorities are doing what they should be doing, they deserve support from across Government to allow that to happen. Believe me, it is severely demoralising for local authorities that are working really hard to find that support is not there when they thought they were doing the right thing.

I hope the Minister will be able to assure us that this is essentially a cross-departmental initiative and that all Government Departments understand what is involved in the schedule—that it involves, particularly at local level, local authorities doing something for this specific purpose that another Department might not think is a great thing. Departments have to understand that that is how it must happen. It may even be a question of the Minister asserting her undoubtedly massive power within the Government to get it across to other Departments that they should refrain from casting aspersions on local authorities when they are doing their best. Indeed, more than refrain, perhaps Departments should be active partners in those activities.

**Rebecca Pow:** I thank the hon. Gentleman for his comments. Improving the quality of the air we breathe is an absolute priority for the Government. We are taking action to reduce pollution from a range of sources, including a £3.8 billion plan to reduce pollution from road vehicles and our commitment, set out in clause 2 of the Bill, to set a legally binding national target to reduce fine particulate matter, which we discussed a great deal on the very first day of this Committee, a long time ago. The current local air quality management framework places responsibility on local councils to assess local levels of air pollution and to address pollution exceedances. The framework—I think this is what the hon. Gentleman was suggesting, and I agree with him—is not sufficient for delivering the progress we want to see.

The hon. Gentleman has raised a number of issues, but, first of all, on cross-departmental working, I can assure him that I, as the environment Minister, am working increasingly across Departments. On air, we work with the Department for Transport in particular; we have the joint air quality unit with that Department and we are also increasingly working with the Department of Health and Social Care. That is really healthy and really important.

However, going back to that framework, local authorities have told us that they need greater co-operation from a range of bodies in order to deliver meaningful action to bring pollution levels to within statutory limits. The provisions in the schedule will drive greater co-operation between different levels of local government and allow the Secretary of State to designate other relevant public authorities that will also be required to take action. I think that is what the hon. Member for Southampton,

Test is really driving at, but it is all in here, and we will consult on which bodies should be designated—actually, we launched a call for evidence on this on 5 October, so work is already under way.

As we set out in our clean air strategy, we also want to provide a quicker and more proportionate enforcement mechanism for smoke control areas, enabling greater local action on domestic solid fuel burning, which is a major contributor to national fine particulate matter emissions. I think the hon. Gentleman touched on funding. We anticipate only a small extra cost to local authorities from the revised local air quality management frameworks—the estimate we have had is around £13,000 per year per local authority.

Returning to the enforcement measures, especially in relation to the smoke control areas and domestic solid fuel burning, we are going to help tackle that, and we will achieve that by replacing the criminal offence in existing legislation with a civil penalty regime, which will allow for the removal of the statutory defences that currently hinder enforcement. This change will ensure that local authorities can avoid lengthy and costly court cases—many of them have mentioned this to us—in enforcing regulations on the smoke emissions, enabling much smarter enforcement. It will be much quicker and simpler for them to deal with an issue as and when they come across it if we make it a civil penalty.

**Ruth Jones:** On that point about enforcement, while we agree that it is essential that local authorities are able to enforce, how does the Minister see that enforcement being undertaken? There are environmental health officers up to their eyes with covid, there are lots of people who are no longer in work because of the cuts the authorities have had to make and the funding is an issue. How will it happen?

**Rebecca Pow:** The main way it will happen is that we will put the measures in the Bill to enable it to happen, so that the local authorities can take the action they are asking for. This is something they have been asking for and it will be made much simpler for them to take the action that they want to take, so they need to take it. We will have all our targets on smoke and fine particulate matter, so there will be even more reason to tackle any issues within one's particular local authority.

These measures will also require retailers in England to notify customers of the law regarding the purchase of certain solid fuels for use in smoke control areas. These measures will all work together to improve compliance. They will remove the limit on the fine for the current offence of delivering these fuels to a building in a smoke control area. Local authorities will also be able to apply smoke control legislation to boats moored in their area, subject to consultation. Finally, criminal prosecution of serious offenders who repeatedly emit smoke that is prejudicial to health will be made possible by removing an exemption in existing statutory nuisance legislation. That is another thing that will definitely help the local authorities.

*Question put and agreed to.*

*Clause 69 accordingly ordered to stand part of the Bill.*

*Schedule 11 agreed to.*

*Clause 70 ordered to stand part of the Bill.*

*Schedule 12 agreed to.*



### Clause 71

#### ENVIRONMENTAL RECALL OF MOTOR VEHICLES ETC

**Ruth Jones:** I beg to move amendment 8, in clause 71, page 61, line 25, leave out “may” and insert “must”.

The clause provides for the Secretary of State to make regulations providing for the recall of relevant products that do not meet the appropriate environmental standards. I am afraid that this is yet another case of mayes and musts. The whole point of the Bill is to deliver real change and to ensure that we seize every opportunity to save our planet.

Do not forget, the Bill disappeared for more than 200 days, so we have lost a lot of time in the fight against climate change—but the fight is why we are here today. We cannot simply report back to the Floor of the House, and to the country, a Bill that is full of mayes, ifs and buts. Let us be confident and turn those mayes into musts and whens. We can get the Bill through and get on with what we need to do about climate change.

**Rebecca Pow:** We know the harmful effect that pollution from vehicles and machinery has on our air quality and the health of our communities. I am sure that all Members are aware of the difficulties facing many local authorities in bringing down concentrations of dangerous air pollution. Much of that is due to vehicles that emit more pollution on the road than they do in a certification test. The Government therefore set out in our clean air strategy that vehicles that do not meet the relevant environmental standards must be recalled and fixed. The provisions will enable the Transport Secretary to issue a mandatory recall notice if vehicles or parts of vehicles do not meet the environmental standards required of them.

I assure hon. Members that my colleagues in the Department for Transport intend to lay secondary legislation at the earliest opportunity to ensure that non-compliant vehicles can be removed from the road. However, it is critical that the vehicle recall regime is fit for purpose. We therefore intend to have a full public consultation on the draft regulations, and we expect the secondary legislation to be in place as soon as possible after Royal Assent. That will depend on the outcome of the consultation. It is appropriate that the Secretary of State is provided with the flexibility as to when and how this provision is given effect. I therefore ask the hon. Lady to withdraw the amendment.

**Ruth Jones:** I am grateful to the Minister for her words. Obviously, we welcome the clean air strategy. The fact that secondary legislation will be introduced is also welcome but, again, we do not want it to be seen as an excuse to kick things further down the road. Kicking the can down the road is not a good idea, especially when it comes to people’s health. As we know, the lack of clean air can impact directly on people’s lung capacity, asthma, chronic obstructive pulmonary disease and things like that, which are all exacerbated by poor air quality.

My question to the Minister—it is rhetorical, of course—is, again, who will enforce? She has talked about secondary legislation, but who will actually enforce when a vehicle is seen emitting polluting smoke and particles? Who will do it? There is no money and no staff within the local authorities to do it.

**Rebecca Pow:** The measures will impose no additional cost on the motorists. All the recalls will continue to be fully funded by the affected vehicle manufacturers. When enacting a recall, the Government will now be able to impose supplementary conditions on vehicle manufacturers, which could include the requirement that the owner of the vehicle or equipment is compensated for any inconvenience. I hope that the hon. Lady will agree that that means there is a sound system, including setting it all in secondary legislation.

**Ruth Jones:** That is interesting. I am sure that we will have further debates on this with later parts of the Bill. When I ask who will enforce, I am talking about boots on the ground—who will physically get to the car, lorry or whatever, to pull it in for the assessment it needs in order to impose that secondary legislation? But I am grateful to her for her explanation and, on that note, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 71 ordered to stand part of the Bill.*

*Clauses 72 to 74 ordered to stand part of the Bill.*

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

3.32 pm

*Adjourned till Tuesday 17 November at twenty-five minutes past Nine o’clock.*

**Written evidence reported to the House**

EB76 People and Nature

EB77 UK Pesticides Campaign



