

WASTE – PERSISTENT ORGANIC POLLUTANTS (POPs)

1.0 INTRODUCTION

- 1.1 This report provides an update on Persistent Organic Pollutants (POPs) and the worldwide concerns surrounding the release of POPs into the environment. The report specifically focuses on the implications of disposing of materials containing POPs and the likely cost implications associated with disposal should a landfill ban of the material be introduced in Scotland, in line with the draft guidance produced by SEPA – a copy of which is enclosed under **Appendix 1** of this report.
- 1.2 Following discussion at the Waste Strategy Project Board, the Board agreed to bring an information report forward to the Environment, Development and Infrastructure Committee in the first instance.

2.0 RECOMMENDATIONS

- 2.1 Members of the Environment, Development and Infrastructure Committee are asked to:-
 - i. Consider and note the contents of this report; and
 - ii. Agree a further report is presented to a future Environment, Development and Infrastructure Committee when and if legislation is changed and that any additional costs brought about by new legislation are considered as part of future budget processes as necessary.

3.0 BACKGROUND

- 3.1 Historically POPs have been disposed of in landfill. It is anticipated that, in line with recent changes in England, landfilling of POPs will be banned in Scotland and that the material will need to be disposed of via Energy from Waste (EfW). POPs are generally found in items such as sofas and mattresses. Disposal of POPs via EfW will introduce cost pressures to the Council associated with the processing of these materials, i.e. transportation, shredding and the processing of the shredded material through EfW.
- 3.2 The Stockholm Convention developed initiatives to address concerns of POPs and to protect human health and the environment. The convention is noted within The

Persistent Organic Pollutants Regulation 2007. The regulation places strict controls over the management of the POPs products and determines how they should be destroyed. POPs are contained within fire retardant foam materials included in many soft furnishings made prior to 2019. POPs are also contained within some other products e.g. some building materials, non-stick cookware, tents etc. There is the possibility in future that more items will be identified by the regulator to be treated in a similar manner to soft furnishings with POPs. Typical items containing POPs which have been historically disposed of in landfill and are likely to have to be transitioned to EfW include but are not limited to:-

- Sofas
- Sofa beds
- Armchairs
- Kitchen and dining room chairs
- Stools and foot stools
- Home office chairs
- Futons, bean bags, floor and sofa cushions
- Leather, synthetic leather, other fabric and foam.

- 3.3 Non-upholstered items, such as wooden chairs without a cushion or textile back, seat, or arms are not likely to contain POPs. Additionally, waste from manufacturing new domestic seating that the manufacturer can demonstrate does not contain POPs are not covered by SEPA's draft guidance.
- 3.4 There will be an additional financial demand to the Council which relates to POPs. This financial demand affects the whole of Argyll and Bute and the Waste PPP contract due to the additional cost of transporting materials, separately shredding items and then processing through EfW. The table in **Appendix 2** details the projected financial impact this material may have on the Council budget. The table provides projected costings based on best, medium and worse case estimates. The best case scenario would see the Council incur additional costs of £78,500. The Mid-Range scenario is £173,000 and the worst case costing range is £366,000 of additional revenue costs. All three costs ranges also have additional capital expenditure implications which are estimated to be £110,000 this being a one off cost. The three financial scenarios have been modelled using estimated tonnage, known haulage rates and estimated gate fees based on existing contracts etc. The modelling has been carried out from staff in both the Waste team and Financial Services.
- 3.5 In Scotland, the date for enforcement has not been confirmed. It is worthy of note that the Environment Agency in England recently gave 8 months' notice to the waste industry in England prior to having to ensure compliance with legislation, albeit this regulation was introduced in 2007 without the concerns outlined in this report being known at the time.
- 3.6 Scottish Local Authorities affected by this change in legislation include Inverclyde, West Dunbartonshire, Highland, Stirling, Clackmannanshire, Western Isles and Argyll and Bute. The remaining authorities already dispose of these materials through incineration or EfW processes.

4.0 CONCLUSION

- 4.1 In concluding this report, officers will continue to monitor and review updates from SEPA and report any further findings in relation to POP's to the Environment, Development and Infrastructure Committee. This report highlights the potential additional costs associated with disposal of items containing POPs should Scottish Government make changes to regulation in line with England.

5.0 IMPLICATIONS

- 5.1 Policy – The Council's waste strategy will evolve in line with the changes in legislation relating to the Persistent Organic Pollutants.
- 5.2 Financial – Implications are prevalent with regard to both revenue and capital expenditure. The best case scenario would see the Council have additional costs of £78,500. The Mid-Range scenario is £173,000 and the worst case costing range is £366,000 of additional revenue costs. The three costs ranges also have capital expenditure implications which are approx. £110,000 this would be a one off cost.

This being a new financial burden, the Council should consider lobbying Scottish Government for financial support.

- 5.3 Legal – The existing PPP contract was not designed or written to accommodate the changes this legislation will require. The contract will require to varied. Contract change as a result of legislative change is provided for within the contract but the process is quite cumbersome.
- 5.4 HR – No HR issues.
- 5.5 Fairer Scotland Duty:
5.5.1 Equalities - protected characteristics – None
5.5.2 Socio-economic Duty – None
5.5.3 Islands – There may be potential ferry capacity issues for bulking and transporting waste material from islands.
- 5.6 Climate Change – Incineration is the only way to dispose of POP's Waste material. Transitioning from Landfill to Energy from Waste would result in a reduction in the annual quantity of Greenhouse Gas Generated in Argyll and Bute. However, the additional road miles incurred taking POP's waste to EFW markets may partly offset the carbon reductions achieved through not landfilling.
- 5.7 Risk – As in section 5.2 there are financial risks associated with POPs waste material.
- 5.8 Customer Service – None.

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APPENDICES

Appendix 1 – Draft Guidance produced by SEPA

Appendix 2 – Annual Estimated Revenue Costs