

Taking responsibility for our waste: Proposals for a new waste strategy; Issues and options for new waste legislation. Wellington: Ministry for the Environment.

S2S is making a submission on the MfE consultation document that sets out:

- proposals for a new national waste strategy
- issues and options for developing new, more comprehensive waste legislation.

There are 43 questions that MfE want responses to. Below is the drafted S2S submission. Please highlight any suggested additions/changes you would like made and send back your responses to vicky.forgie@gmail.com by evening of Monday 6th December.

The full document can be found at

https://consult.environment.govt.nz/waste/taking-responsibility-for-our-waste/supporting_documents/wastestrategyandlegislationconsultationdocument.pdf

Part 1: Why we need to transform our approach to waste

1 Do you think changes are needed in how Aotearoa New Zealand manages its waste?

Yes, the main effort needs to go into reducing waste generation rather than reducing the impacts of disposal. Recycling requires scale for efficiency so by relying on this as the solution we are encouraging the increased extraction of natural resources rather than trying to minimise the impact our life style has on the natural environment.

2 Do you support tackling our waste problems by moving towards a circular economy?

We support moving to a circular economy in New Zealand and reusing as much of our waste as possible. We also support the need for producers' responsibility to be attached to imports into New Zealand. NZ landfills are being filled with cheap imported goods not made to last. There is currently no requirement for the producers of these goods to take responsibility for their disposal. Likewise, we allow poorly made goods to be brought into NZ that don't meet Health and Safety standards. These are then dumped in NZ rather than legislating compulsory return to the country of origin.

Part 2: Proposed new waste strategy for Aotearoa New Zealand

3 Do you support the proposed vision?

Yes, we need to ensure that the planet's resources are used wisely and sustainably. We also need to be building up natural capital to compensate for what we use. Dealing with the disposal of waste product is only part of the de-

intensification of GDP we need to undertake. We need reductions in the resource intensity of GDP, energy intensity of GDP and waste intensity of GDP.

4 Do you support the six core principles or would you make changes?

The six core principles are sound but they do not address goods imported into NZ.

5 Do you support the proposed approach of three broad stages between now and 2050, and the suggested timing and priorities for what to focus on at each stage?

It is important that the time frame be reduced. 2050 is 30 years away and more immediate action is needed.

6 Looking at the priorities and suggested headline actions for stage one, which do you think are the most important?

These are all interlinked goals that need to be addressed concurrently.

7 What else should we be doing in stage one?

Recognising and supporting the good work that is already underway. For example, little repair shops that struggle to remain economic need to be supported. In Palmerston North we have Martins Electrical that has operated for 30 plus years repairing goods that most people throw out. They dismantle unrepairable goods for spare parts and sell spare parts thereby allowing people to keep using existing goods rather than replacing them. Timber traders that recycle wood also need to be supported. Sadly, it is a lot cheaper to demolish a house using a digger than to dismantle and extract all the native timber and reusables. With the housing stock renewal/increase programmes that are underway the economic incentives/disincentives need to be more balanced in favour of recycling rather than landfilling.

8 What are the barriers or roadblocks to achieving the stage one actions, and how can we address them?

1. Bringing in cheap, non-repairable goods from overseas is a huge barrier. This may be difficult to address given NZ's free trade agreements but could be tackled by making it compulsory for goods that do not meet the minimum pre-set life expectancy to be returned to the country of origin at the importers' cost. This will be a disincentive to bring unreliable products into NZ. Other goods sold in NZ should have a recycling cost added to the purchase price so the producers pay for the recycling of the product at point of sale.
2. Garden waste needs to be treated differently from other organic waste sources. NZ has a temperate climate so vegetation grows quickly. A small urban section needs planting to provide amenity value for both residents and neighbours, as well as maintaining biodiversity. Indiscriminate increase in green waste disposal charges will impact negatively on the built environment.

3. Resistance from businesses heavily invested in the waste disposal industry to change can be addressed by legislation that makes changes mandatory.
4. Little is being done to prevent increased generation of waste. Companies like Coca Cola and bottled water producers are increasing the amount of plastic waste generated. Recycling is not the solution. There is no acknowledgement with the circular economy model of the harm and risks associated with plastic at each stage of the life cycle. For example, fence posts from recycled plastic, that are seen as a sustainable product, still break down in the sun and will eventually add microplastics into new areas that were previously uncontaminated, and subsequently add them to the waterways and oceans.
5. Ways to reduce food wrapper waste have not been detailed. The Plastic Pollution Challenge found these to be a major contributor to waterway pollution in the Manawatū River catchment. See page 8 of the Manawatū River Source to Sea Plastic Pollution Challenge 2020-2021 Report [https://www.enm.org.nz/application/files/1716/3406/7439/Final_PPC_Report_2020-21-compressed.pdf]
6. Removing all polystyrene from NZ – other countries have banned this unrecyclable product but NZ still allows it to be used extensively. This breaks up and causes serious problems in waterways.
7. As councils have become stricter with what can be recycled and separated, lazy people have moved to using private companies to collect rubbish. Waste disposal levies need to be set at a level that encourages people to separate out their waste.
8. Fly-tipping is a serious problem in NZ and will increase as waste disposal costs increase. This needs to be addressed with new strategies before costs are increased.

9 Do the strategic targets listed in Table 1 focus on the right areas?

Waste going into waterways could be listed separately as this is a significant issue.

10 Where in the suggested ranges do you think each target should sit, to strike a good balance between ambition and achievability?

Difficult to determine as these are aspirational and there is no information provided as to how they have been set or how the targets will be evaluated.

Part 3: Developing more comprehensive legislation on waste: issues and options

Embedding a long-term, strategic approach to reducing waste

11 Do you think new legislation should require the government to have a waste strategy and periodically update it?

Yes

12 How often should a strategy be reviewed?

Every 5 years at a minimum. It takes many years to implement legislation and recycling pathways so it is critical these are actually achieving desired outcomes.

13 How strongly should the strategy (and supporting action and investment plans) influence local authority plans and actions?

Currently local authorities are required to 'have regard to' the Waste Minimisation Act (2008). For new regulations and economies of scale to be effective there will need to be co-ordination at local authority level, so a more mandatory approach will be required.

14 What public reporting on waste by central and local government would you like to see?

Number of infringements of waste legislation and amount paid in fines (as a deterrent to others, or, offenders will perceive that there are no consequences for unacceptable actions). This should be published with companies named and company owners named. Councils should publish how they are doing in the waste area e.g. volume dumped to landfill, volume recycled, recycled materials dumped etc

15 Do you agree with the suggested functions for central government agencies?

Yes, but there needs to be sufficient funding flowing from the waste minimisation levy to territorial authorities to make improvements at the local level.

16 What central government agencies would you like to see carry out these functions?

Agencies that can integrate action across central government agencies and question other government action as well as the private sector. For example, the New Zealand Qualifications Authority now package every NCEA unit in a plastic bag (approx. 700,000 bags used per year) when we are being asked to reduce plastic use and waste generation.

17 How should independent, expert advice on waste be provided to the government?

Avoid business lobbyists that only advocate for the waste disposal industry. Involve non-governmental organisations and community initiatives such as [The Rubbish Trip](#) and [Sustainable Coastlines](#). To get independent expert advice funds need to be put into training and employing experts.

18 How could the legislation provide for Māori participation in the new advice and decision-making systems for waste?

No comment – not an area conversant with.

19 What are your views on local government roles in the waste system, in particular the balance between local and regional? Who should be responsible for planning, service delivery, regulatory activities like licensing, and enforcement of the different obligations created?

There needs to be local level surveillance to minimise the level of illegal landfills being set up, as well as ensure local standards are met and waterways protected. As waste disposal costs at official sites increase there will be more illegal sites used. District and city councils are better placed to monitor than central government agencies. However, central government may be better placed to prosecute. Legislation will need to make sure that fines imposed are high enough to be a deterrent.

Putting responsibility at the heart of the new system

20 Do you see benefit in adapting the United Kingdom's duty-of-care model for Aotearoa New Zealand's waste legislation, supported by appropriate offences and penalties?

I would do further research before recommending the UK system. George Monbiot (an investigative journalist for the Guardian UK newspaper) published this article on 24 November 2021 <https://www.monbiot.com/2021/11/26/cleaning-up/> This article also highlights potential data gaps that will need to be addressed in New Zealand.

21 Do you support strengthening obligations around litter by creating an individual 'duty of care' to dispose of waste appropriately?

Businesses who profit from the sale of waste should be targeted. For eg Coca Cola who produce large numbers of plastic bottles or Wrigleys who pollute footpaths with chewing gum need to cover the full cost of the life cycle of their product rather than pass costs on to the tax/rate payer.

22 What else could we do so that litter is taken more seriously as a form of pollution?

Build up a better picture and publicise just how extensive the issue of litter is in New Zealand especially in waterways. All organisations need to spend more money on surveying, monitoring and investigating offenses and making the resultant knowledge public. Manawatū River Source to Sea Plastic Pollution Challenge has carried out litter collection and analysis and made these data available. See:

https://www.enm.org.nz/application/files/1716/3406/7439/Final_PPC_Report_2020-21-compressed.pdf

Grassroot community action such as the Manawatū River Source to Sea Plastic Pollution Challenge and activities such as The Rubbish Trip initiative and Zero Waste Network need support as these are effective at education and behaviour change.

23 Do you support a nationwide licensing regime for the waste sector?
Any licensing regime should be done at a national rather than local/regional level to ensure consistency across the country and avoid dumping in areas with lower standards. Licensing alone will not solve issues – see <https://www.monbiot.com/2021/11/26/cleaning-up/>

24 Should the new legislation include a power to require a tracing system to be developed for some or all types of waste?
Yes, especially for waste that presents a serious risk to human health and the environment should be traced from entry into the country/manufacture in New Zealand to disposal sites.

25 What aspects of the proposals for regulating the waste sector could be extended to apply to hazardous waste?
As suggested on page 56

Improving legislative support for product stewardship schemes

26 Should the new legislation keep an option for accreditation of voluntary product stewardship schemes?
Yes, if they meet the required standards and achieve the desired outcomes.

27 How could the accreditation process for new product stewardship schemes be strengthened?
Make product stewardship compulsory for specified goods. Product stewardship has been in operation for 20+ years in countries like Japan and Germany. The lack of progress in New Zealand shows there is little incentive for doing something when it is a voluntary measure.

28 How else could we improve the regulatory framework for product stewardship?
Make product stewardship compulsory for specified goods as this will assist building the volumes needed to make the circular economy system viable.

Enhancing regulatory tools to encourage change

29 What improvements could be made to the existing regulatory powers under section 23 of the Waste Management Act 2008?

This Act is 13 years old and only one of the powers under Section 23(1) of the Act has been used to date. This is not because there have been no waste issues to deal with. Before enacted, new investigations determining why current regulation is not used are needed.

30 What new regulatory powers for products and materials would be useful to help Aotearoa move towards a circular economy?

The powers under Section 23(1) Waste Management Act 2008 could be put into effect. Recycling labels printed on goods and packaging need to be more visible and printed in a larger size. Disposal of the product packaging should be built into the product cost (not just the disposal of the product itself). This would help reduce the over-packaging used for marketing purposes. Examples of this include toothbrush heads and batteries.

31 Would you like to see a right to return packaging to the relevant business? Yes – for large packaging items where it is feasible. This is an expectation with many businesses already and there needs to be an on-line place to publicise companies that don't do this. And a follow up by someone in authority to bring about change.

32 Would you like to see more legal requirements to support products lasting longer and being able to be repaired?

Yes, any imported product that does not meet a pre-determined life expectancy needs to be returned to the country of origin at the importer's cost (not dumped in landfill as is now the case). This will provide an incentive to import better quality, longer-lasting goods. Right to be able to repair goods which have repairable components should be mandatory and replacement parts made available at a price that reflects their initial cost. Often the price charged for a part and delivery can be almost as much as the price of a new item making repairing uneconomical and encouraging a throwaway society. Built-in product redundancy needs to be addressed as well.

33 Is there a need to strengthen and make better use of import and export controls to support waste minimisation and circular economy goals?

For example, should we look at ways to prohibit exports of materials like low-value plastics?

We need to process our waste in NZ rather than send off-shore. This will mean we should restrict imports of plastics (and other products) to those we can recycle in NZ (unless an exemption is required for example for PPE gear in a pandemic etc.).

Ensuring the waste levy is used to best effect .

34 What types of activities should potentially be subject to a levy? Should the levy be able to be imposed on final disposal activities other than landfills (such as waste to energy)?

If burning waste can be done sustainably with no carbon or toxic emission issues then waste to energy should not be levied. It reduces waste to land and the potential risk of landfill leaching and exposure in extreme weather events.

35 What factors should be considered when setting levy rates?

No comment – not an area conversant with, but levy rates should be punitive.

36 How could the rules on collection and payment of the waste levy be improved?

No comment – not an area conversant with.

37 What should waste levy revenue be able to be spent on?

Money should be spent on finding ways to reduce unnecessary resource use and waste production, rather than disposal. Support should be given, where needed, to allow repair and reuse of existing products. Illegal dumping (residential and business) should be policed. Other suggestions are:

- a) Promote the reduction in food packaging through bans, BYO and recycling of packaging, the development and adoption of re-usable and compostable packaging, and through awareness-raising;
- b) Eco-labelling and the development of an interactive app to allow consumers to scan products and receive easy-to-use information about the packaging used and how it will be disposed of. There is also no reason why every product should not have packaging disposal instructions on the label.
- c) Fostering the re-localisation of food and community-based growing, cooking, preserving, and sharing would cut down on both food packaging and transport packaging. (See page 8 of the Manawatū River Source to Sea Plastic Pollution Challenge 2020-2021 Report [https://www.enm.org.nz/application/files/1716/3406/7439/Final_PPC_Report_2020-21-compressed.pdf])

38 How should revenue from the waste levy be allocated to best reflect the roles and responsibilities of the different layers of government in relation to waste, and to maximise effectiveness?

The levy split needs to take account of who is responsible for enforcement activities, and assisting businesses/activities to reduce waste, as well as education and research into better ways of managing waste.

39 How should waste levy revenue be allocated between territorial authorities?

A suggestion is to split according to how it is collected. The territorial authorities that collect the most in levies obviously have the biggest problems to address. This is contingent on it not being good economics to generate waste to get the levy revenue!

Improving compliance, monitoring and enforcement

40 Which elements of compliance, monitoring and enforcement should be the responsibility of which parts of government (central government, regional councils, territorial authorities) under new waste legislation?

All elements are the duties of all parts of government. Specific responsibilities should be determined by what is practical. Funding from the waste levy should be tied to successful execution of these responsibilities.

41 The need for enforcement work will increase under the new legislation. How should it be funded?

By the waste levy – funding should be a circular economy!

42 What expanded investigation powers, offences and penalties should be included in new waste legislation?

Suggestions made in the document are all worthy of consideration going forward.

43 What regulatory or other changes would help better manage inappropriate disposal of materials (that is, littering and fly-tipping)?

Duty-of-care obligations need to be introduced, promulgated and enforced. Large amounts of litter picked up from Palmerston North waterways come from businesses that don't secure their rubbish and it blows away in high winds. There need to be stronger deterrents for individuals who drop litter or fly-tip. Ways to report businesses/individuals who litter needs to be made easier.

It is also possible to involving the community in clean-ups and work on education and behaviour change with initiatives such as "Fruit not Litter". As part of the Manawatū River Source to Sea Plastic Pollution Challenge six feijoa trees were planted in a section along the Te Kawau stream that had significantly more rubbish during the second clean-up than the first from rubbish coming straight over the fences of bordering properties (see page 6). By providing a more attractive environment and a source of food it is hoped people will start to appreciate and look after their immediate surrounds.