

Health and Social Care Alliance Scotland (the ALLIANCE)

Consultation Response: Introducing Market Restrictions on Problematic Single-Use Plastic Items in Scotland

December 2020



Introduction

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the consultation on Introducing Market Restrictions on Problematic Single-Use Plastic Items in Scotland. Climate change is an area in which radical change¹, and urgent and decisive action, is needed to tackle plastic pollution and protect our environment. The proposed market restrictions present a means by which Scotland can move towards becoming a more sustainable and circular economy. However, it is imperative that the needs and rights of disabled people and people with long term conditions are fully considered prior to implementation of market restrictions.

Question 1(a): Do you support the proposal to introduce a restriction on the supply by businesses in a commercial capacity in Scotland on each of the single-use plastic items listed and all ox-degradable products?

	Yes	No
Single-use plastic cutlery (forks, knives, spoons, chopsticks)	✓	
Single-use plastic plates (plates, trays/platters, bowls)	✓	
Single-use plastic straws	✓	
Single-use plastic beverage stirrers	✓	
Single-use plastic balloon sticks	✓	
Single-use food containers made of expanded polystyrene	✓	
Single-use cups and other beverage containers made of expanded polystyrene, including their covers, caps and lids	✓	
All oxo-degradable products	✓	

Question 1(b): Please give reasons and where possible provide evidence to support the view expressed in response to Question 1(a).

The ALLIANCE endorses the shift from a 'throwaway culture' towards a more 'circular economy'. We therefore support the proposal to introduce a restriction on

¹ <https://www.alliance-scotland.org.uk/wp-content/uploads/2020/09/ALLIANCE-Academy-Provocation-Paper-Sustainable-Health-Care-COVID-19-Climate-Change-September-2020.pdf>

the supply by businesses in a commercial capacity on the single-use plastic items listed above. However, as outlined in our answers to the other consultation questions, this must be done in a way which promotes the needs and rights of disabled people and people with long term conditions.

Question 1(c): Do you support the introduction of a restriction on the supply in a non-commercial capacity (rather than only in the course of commercial activity) of the specified single-use plastic and oxo-degradable items? Yes/No. Please give reasons.

Yes.

The ALLIANCE supports the introduction of a restriction on the supply in a non-commercial capacity, presuming that the same exemptions apply and people who rely on single-use plastic items can continue to access them.

Question 1(d): Do you support the introduction of a restriction on the manufacturing of the specified single-use plastic and oxo-degradable items, excluding those for which exemptions will be introduced? Yes/No. Please give reasons

Yes.

We believe that restriction on the manufacturing of the specific single-use plastic and oxo-degradable items is conducive to a move away from a single-use and 'throwaway' culture. Where this restriction does not have an impact on disabled people and people with long term conditions who may rely on single-use plastic items, we believe that such restriction is an important, and necessary, step in reducing the negative environmental impacts associated with single-use plastic and oxo-degradable items.

Question 2: To your knowledge, are any of the oxo-degradable products identified in this document present on the Scottish market that we have not identified? Please provide evidence to support your answer.

No.

Question 3: The SUP Directive includes limited exemptions for single-use plastic straws and balloon sticks. Are there other exemptions we should consider in relation to the market restrictions being proposed? Yes/No. Please give reasons

No.

Single-use plastic straws are an integral part of daily life for many disabled people and people with long term conditions. The ALLIANCE therefore supports the exemptions under the SUP Directive, specifically in relation to single-use plastic straws provided for medical use and to support independent living. We have not identified any other exemptions in relation to the proposed market restrictions.

Question 4: How can we make sure disabled people have access to plastic straws if they require them for medical reasons or to support independent living, whilst at the same time restricting wider access for environmental purposes in a way that fulfils the SUP Directive requirements?

The ALLIANCE welcomes the exemption on the market restrictions for plastic straws provided for medical use. We believe that plastic straws should be easily accessible and available for those who rely on them. However, there are concerns that the proposed restrictions continue to place an unfair, additional burden on disabled people and people with long term conditions; while the restrictions are welcome in the promotion of independent living, they do give rise to concerns around 'gatekeeping' and people having to prove their disability or condition to gain access to the support that they are entitled to. Comments from a recent poll by Disability Equality Scotland called for consideration of the impact of restrictions on disabled people and people with long-term conditions, for example:

"Before getting rid of something one needs to evaluate the impact of such a decision and, as appropriate, work out what is to replace it."²

The ALLIANCE recommends that an initial pilot scheme is undertaken, prior to full implementation. During the pilot scheme period, and beyond, there should be sustained and in-depth engagement and consultation with individuals affected to evaluate the impact of the initiative on their needs and rights.

Additionally, the exemption should extend to unpaid and paid carers purchasing plastic straws on people's behalf. Any impact on people and their right to live independently will have a consequential impact on carers where they provide care to the affected person as it is likely that they will need to provide more care and assistance to compensate.

As acknowledged in the consultation document, many of the proposed alternatives to plastic straws are not suitable for disabled people and people with long term conditions due to flexibility, safety and cost. Members of Disability Equality Scotland described the unsuitability of alternatives in some instances:

² <https://yoursayondisability.scot/weekly-poll-single-use-plastic-items/>

“More rigid straws are no use to people with cerebral palsy for example as they can bite down on them causing pain. The paper straws are not very good for hot drinks and not flexible enough.”³

The ALLIANCE recommends sustainable investment in research, development and manufacturing of suitable, greener alternatives that are inclusive for all, including disabled people and people with long term conditions. This would be conducive to the overall aim of reducing single-use plastic waste, whilst ensuring that the policy is fundamentally equalities and rights based, by prioritising the rights and requirements of people that rely on plastic straws.

The proposed restrictions and exemptions should be evaluated periodically, post-implementation. It is imperative that the policy is reviewed to assess its effectiveness in achieving its stated aims to reduce single-use plastic waste, as well as its impact on disabled people and those with long term conditions. **The ALLIANCE recommends that in the evaluation process, indicators and metrics for analysing waste data are used to gather robust data. Additionally, there should be explicit engagement with people with lived experience to ensure their rights and needs are prioritised and have a meaningful influence on informing policy implementation in practice.**

Question 5: This consultation highlights other items that the Scottish Government intends to consider market restrictions for in future (plastic wet wipes, plastic tampon applicators and other products contained in the UK Plastics Pact’s list of items to be eliminated by end of 2020 which are not currently subject to existing or proposed market restrictions). Would you support the consideration of market restrictions on these items or any other items we haven’t listed? Please provide reasons and evidence where possible.

Like plastic straws, some disabled people and people with long term conditions rely on disposable, plastic wet wipes daily. While biodegradable and greener alternatives are available, these can be significantly more expensive than their non-biodegradable equivalent.⁴

Disabled people who have periods may experience different challenges when managing menstruation. For example, some disabled people rely on plastic tampon applicators because alternatives – like tampons with cardboard applicators, menstrual cups, and period underwear – are unsuitable and inaccessible due to factors like cost.⁵

³ <https://yoursayondisability.scot/weekly-poll-single-use-plastic-items/>

⁴ <https://www.theguardian.com/commentisfree/2018/jul/09/disabled-person-plastic-straws-baby-wipes;>
<https://www.bbc.co.uk/news/44034025>

⁵ <https://www.damemagazine.com/2019/07/02/is-the-green-menstrual-movement-ableist/>

Until inclusive, cost effective, and sustainable alternatives are available, we propose that a market restriction is not placed on disposable, plastic wet wipes, or plastic tampon applicators. To do so would potentially subject some disabled people and people with long term conditions to a discriminatory and disproportionate cost. In the interests of independent living, and to preserve autonomy and the needs and rights of disabled people, the ALLIANCE recommends that any proposed market restrictions should involve in-depth engagement with the people who use, and may rely on, these products.

Question 6: Taking into account the accompanying Impact Assessments, can you identify any environmental, economic or social impacts we have not identified when developing the proposals contained in this consultation? Yes/No. Please give reasons

Yes.

There is a concern among disabled people and people with long term conditions that the restrictions would further stigmatise those who are exempt and are seen using straws in public spaces.⁶ This is troublesome as it potentially subjects people with medical conditions or disabilities to further discrimination.

It is necessary to strike an appropriate and equitable balance between the needs and rights of disabled people and people with long term conditions, and the environmental aims of the SUP Directive. It is proposed that in addition to the market restrictions and associated exemptions, there is meaningful investment in increased education and public awareness about the rights of disabled people and people with long term conditions to single-use plastic straws. Embedding an equalities and human rights based approach to the exemptions would promote transparent, fair, and consistent outcomes for individuals when accessing the support to which they are entitled. Additionally, appropriate accountability processes should be instated to ensure that disabled people and people with long term conditions have a means of redress where needed.

The consultation document notes the UK Government plans for a “UK-wide tax on plastic packaging”. This is concerning as it potentially subjects people using plastic straws to a discriminatory tax measure. If implemented, the restrictions outlined in the market restrictions should be extended to this tax to ensure there is no erroneous impact on disabled people and people with long term conditions.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803259/plastics-consult-sum-resp.pdf

Question 7: Do you believe the COVID-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation? Yes/No. Please give reasons

COVID-19 generated a significant increase in demand for Personal Protective Equipment (PPE). Since 1 March 2020, the health and social care sectors in Scotland have been issued over 696 million items of, mostly disposable, PPE.⁷ With PPE and protection measures around COVID-19 likely to be an ongoing issue, the environmental impact must be considered. Currently, a significant proportion of PPE used in health and social care, is single use and disposable to maintain clinical standards of hygiene and to reduce infection risk. However, most is not recyclable nor biodegradable, which poses a serious threat to the environment.⁸ We know that greener, more sustainable options are available, including plastic-free and reusable stock.⁹ Further research and national investment is urgently needed into the environmental impact of disposable plastic PPE and the development of clinically safe, reusable equipment that is tailored to different body shapes and sizes.

About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a growing membership of nearly 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

⁷ <https://www.gov.scot/publications/coronavirus-covid-19-ppe-distribution-statistics/>

⁸ <https://theconversation.com/coronavirus-faces-masks-an-environmental-disaster-that-might-last-generations-144328>

⁹ <https://theconversation.com/healthcare-is-still-hooked-on-single-use-plastic-ppe-but-there-are-more-sustainable-options-143940>

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

Contact

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RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future,

but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No