



Edward Mountain, MSP
Convener
Net Zero, Energy and Transport Committee
Scottish Parliament

20 June 2024

Dear Mr Mountain

The Persistent Organic Pollutants (Amendment) Regulations 2024

Your letter to COSLA's Chief Executive was passed to me as my team is responsible for waste policy. I can say that COSLA is grateful for the opportunity to contribute to your Committee's consideration of the Persistent Organic Pollutants (Amendment) Regulations 2024 at its meeting on 25 June.

COSLA Leaders have considered the matter and established that there is a significant financial and logistical impact on Councils as a result of the regulations.

Councils have found themselves in challenging circumstances to comply rapidly with new requirements. While aware that changes to waste management would be required as a result of forthcoming regulations on POPs (Persistent Organic Pollutants) it was only after the Regulatory Position Statements were finalised by SEPA last autumn that councils were clear exactly what changes to their service provision would need to be made, and how this would affect their contracts with commercial waste operatives.

COSLA has been monitoring the situation since the beginning of last year, and we have engaged in discussions with SEPA, Scottish Government, waste managers and SOLACE to find a practicable way forward. Waste Managers compiled a survey of readiness last year and this was updated earlier this year.

It provides a clear picture of some level of challenge experienced across the country, and varying degrees of challenge across authorities. Councils face financial pressures along practical and logistical challenges.

Councils across the country have been making significant efforts to adopt advanced handling and processing standards for POPs in waste upholstered domestic seating (WUDS.)

It is important to note that the varying degree of councils' ability to adapt waste services is not a direct reflection of the level of effort made by individual councils. Variations reflect councils' baseline position, i.e. the type of services and infrastructure they have currently in place, and their scope of adaptability to the new requirements for handling

WUDS. The variations across Scotland also reflect that some councils are more reliant on commercial waste processors than others, and significant price increases experienced in existing contractual arrangements.

While dealing with the immediate issues arising from POPs in WUDS, we are aware that new material streams are likely to be added to the list of problematic materials. It is therefore likely that councils will be faced with further new requirements when dealing with certain waste streams, and we are aware that some of these future materials might require more complex mechanisms for their destruction.

COSLA fully recognises Local Government's responsibility to contribute to the removal of Persistent Organic Pollutants from the environment and understands the risk this poses to our natural environment, human health and biodiversity.

COSLA will be taking up the financial impact of the new POPs/WUDS regulations issued by SEPA with Scottish Government. We believe that this effectively presents a new burden, and that Local Government must be reimbursed based on the actual additional pressures experienced by councils in Scotland.

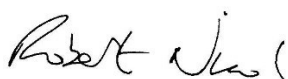
It is vitally important that we are better prepared for the future identification of persistent organic pollutants and the impact on councils' service provision. We are therefore asking that Scottish Government work with SEPA and DEFRA to ensure an early alert to new problematic materials, and timely production of regulations with a reasonable implementation timeframe. The challenges arising from future POPs containing materials also need to be fully considered in the Scottish Government's Circular Economy Roadmap, which is currently in the process of being finalised, and relevant national Health and Safety guidance needs to be clear and rapidly updated.

Responding to your question, we would like to highlight that information received from councils point to the fact that pretreatment, rather than incineration capacity, is the main concern experienced by Councils currently, and that we are exploring if minor technical changes to the regulations that we believe would not impact on the substance and principal aim of the regulations could potentially significantly reduce costs for Councils.

We did not formally respond to the consultation you highlighted.

In summary, COSLA Leaders are concerned about the financial pressures on council budgets resulting from the new regulations and Stockholm Convention; agreed to ask Scottish Government to provide funding to councils for this additional pressure; and agreed to request that DEFRA and relevant agencies put more effective mechanisms and longer lead in times in place when new material streams are identified that require specialist treatment by councils.

Yours sincerely



Robert Nicol
Chief Officer - Environment and Economy
COSLA