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Dr Alan Whitehead MP
House of Commons
London
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18th November 2020

Dear Dr Alan Whitehead,

Environment Bill – Resource efficiency requirements (Schedule 7)

I am writing following Environment Bill Committee on 12th November where I agreed to respond to your question about the relationship between the classification of waste and effective use of the resource efficiency powers.

My understanding of the point you raised is that when materials and products are discarded they are classified as waste and are therefore subject to waste controls until they meet end of waste tests. This adds cost and administration for operators wishing to build viable re-use, repair, remanufacture and recycling businesses.

I'd like to explain that the power in Schedule 7 focuses on the design of products and related features to extend the usable lifetimes of products and components and enable material recovery at eventual end-of-life. This could be, for example, by requiring spare parts to be provided for easy repair, or by requiring products to be recyclable. The expected outcome is that products have longer or multiple lives before they become waste. Once products are thrown away, products which are more recyclable will be more valuable. This will strengthen secondary markets for those products, making permitting costs for managing waste less significant.

In terms of the classification of products and materials as waste, a balance needs to be struck between adequate regulation of potentially hazardous or polluting waste materials, ensuring public safety and protecting the environment, whilst also ensuring that these controls do not unnecessarily impact upon ease of reuse, repair, remanufacturing and recycling. As explained in our Resources & Waste Strategy, the government has put in place clear guidance and quality protocols, and we have also committed to review end of waste criteria and our current Quality Protocols, as well as address information barriers to the use of "waste" as a secondary material, all of which can contribute to striking the optimal balance.

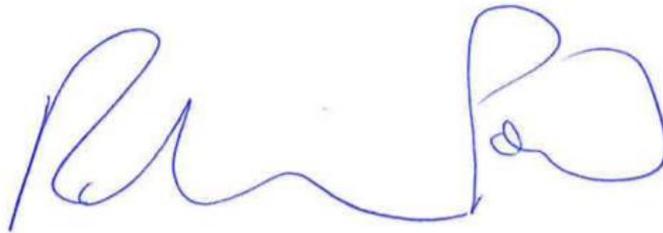
The power in Schedule 7 enabling future regulation of product design is separate and distinct from the existing regulations and decisions implementing the Waste Framework Directive which govern the definition of waste, the list classifying different types of waste



and the end-of-waste criteria. It should be mentioned that a draft EU Exit SI, currently laid before Parliament, will confer on the Secretary of State and the Devolved Administrations power to amend or replace the list of wastes. Those Regulations, rather than Schedule 7 to the Bill, will give the Government power to address any difficulties which may be caused by the way in which types of waste are currently classified.

Through this approach of improved design of products combined with regulation of products and materials when they become waste, we seek to meet our objectives of transitioning to a more circular economy which maximises the value of our resources and minimises waste whilst also safeguarding public health and our local environment.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Rebecca Pow', with a stylized flourish at the end.

REBECCA POW MP