



13th September 2013

Dear Marine Scotland,

The Marine Conservation Society (MCS) welcomes the opportunity provided by this consultation to express our views on the proposals for a draft Scottish marine litter strategy.

MCS is the leading UK charity dedicated to the protection of the marine environment and its wildlife, with a dedicated Scotland conservation programme operating since 2000. One of our key aims is the prevention of litter pollution from land-based and marine sources.

MCS would like to commend the Scottish Government for proposing a marine litter strategy, and believe that it is a necessary and important step in reducing this extremely damaging form of pollution. We would welcome this strategy, in conjunction with the Scottish Government's forthcoming national litter strategy.

It is MCS' firm understanding that within the list of nine *Existing Actions* in Strategic Direction 2, points 2-9 are not yet happening and should in fact be listed under *Possible Actions*. These eight points are all taken from the *Marine Litter Issues, Impacts and Actions* advisory report p100-101, under chapter 12, *Proposed Objectives for a Marine Litter Strategy*. Furthermore, the advisory report took these eight points from MCS' *Draft Recommendations for Reduction of Marine Litter*, which has been appended to this consultation response.

There is no mention of sewage-related debris (SRD) in the *Possible Actions* of Strategic Direction 2. MCS feels this is a significant oversight. Certain areas of Scotland have ongoing and obvious problems with SRD, and whilst Scottish Water have been and currently are investing in their infrastructure, there are still many more improvements that can and should be made, including mapping and monitoring all Combined Sewer Overflows (CSOs) and the fixing of problem CSOs.

MCS believes that Option 3 would best deliver a marine litter strategy. If a strategy is to make a real difference to this problem the Scottish Government must accept that money will have to be spent. Funding, staff and resources will have to be provided to make the strategy work effectively, and this will only be done through Option 3.

It of great importance that the marine litter strategy and the national litter strategy link together to ensure a comprehensive approach to tackling the litter problem, on land and at sea, and the two strategies together must ensure there are no gaps in responsibility or action.

We trust that the attached comments will be considered in your deliberations and feedback on points made would be appreciated. We look forward to providing further input to your plans to implement a marine litter strategy in Scotland.

We are happy for this MCS response to be published on your website and placed on any public register.

Yours sincerely,

[Redacted signature]

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CONSULTATION QUESTIONS

Structure

Q1. Do you agree with the timescales outlined?

Yes No

MCS agrees that it would be most appropriate for the timescales to match that of the MSFD process.

Vision

Q2. Do you agree with this vision?

Yes No

Q3. Does the draft vision have the right level of ambition? If not, please offer alternative text or suggestions.

We broadly agree with Q2. Tackling litter at source is the key, but removal from coastlines and beaches will need to continue for the foreseeable future.

Q3: The strategy should enable Scotland to go further than simply meeting GES targets, but instead to exceed them.

Marine Strategy Framework Directive

Q4. Do you think implementation to achieve Good Environmental Status under Descriptor 10 will be sufficient or do you think additional action in Scotland is also necessary?

Yes No

Q4 asks two opposing questions therefore it is not possible to answer yes or no.

The targets that Defra has set to achieve GES are not ambitious, with no percentage reductions in marine litter stipulated. Therefore Scotland must take additional actions and go further than the current GES targets.

Strategic Directions

Q5. Do you agree that Strategic Directions are a suitable way of outlining action under the Strategy?

Yes No

Q6. Do you agree with the list of Strategic Directions?

Yes No

If not, how would you reword them or what would you add?

Strategic Direction 1 – On p14 of the consultation document it states ‘The challenge of addressing marine litter levels will require further change in public attitudes and behaviour...’ MCS believes that this must require changes to *business and industry* attitudes and behaviour too. This cannot solely be left up to the public.

Suggested additional *Strategic Direction* – *improved use of and enforcement of existing legislation*. Although this is implied within *Strategic Direction 5*, the actions mentioned are linked to EU and international legislation. There is a great deal of Scottish and UK legislation that exists to prevent littering, as highlighted in the advisory report *Marine Litter Issues, Impacts, and Actions*, and better enforcement of these domestic laws would be a logical approach.

Actions

Strategic Direction 1:

Q7. What are your views on the possible actions?

Q8. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?

Q9. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?

The consultation document states that action under *Strategic Direction 1* will be covered by the National Litter Strategy. That being the case, the two strategies must align in timescales, scope and ambition.

There is no mention of marine litter in the actions within the National Litter Strategy. Any actions that contributed to reducing terrestrial litter would of course have a positive impact on marine litter, but it would improve clarity and be a useful reminder to those using the National Strategy that these links do exist and that marine litter has to be borne in mind if there are to be sufficient and positive links between the two strategies. For both to be successful there must be no gaps in responsibility or action between the two strategies.

The most important of the listed *Possible Actions* is that of industry and

producers changing manufacturing design of products and packaging. It is important that business and industry lead the way in these possible actions. If less packaging and fewer disposable products are produced, there will be fewer items that will become litter. It is better to reduce our consumption in the first place, rather than having to come up with solutions for disposal / recycling afterwards, as highlighted *Strategic Direction: Infrastructure* of the National Litter Strategy.

Strategic Direction 2:

Q10. What are your views on the possible actions?

Q11. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?

Q12. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?

Q13. Do you think any of the existing actions need to be improved? If so, please provide details.

It is MCS' firm understanding that within the list of nine *Existing Actions* in Strategic Direction 2, points 2-9 are not yet happening and should in fact be listed under *Possible Actions*. These eight points are all taken from the *Marine Litter Issues, Impacts and Actions* advisory report p100-101, under chapter 12, *Proposed Objectives for a Marine Litter Strategy*. Furthermore, the advisory report took these eight points from MCS' *Draft Recommendations for Reduction of Marine Litter*, which has been appended to this consultation response.

These eight actions should be correctly listed under the *Possible Actions*, and should then be considered important enough to be put in place.

We would consider it only fair that, when analysing responses to this consultation, Scottish Government takes into account the fact that respondents may be misled into thinking there is already a great deal happening in this area, and may therefore answer the questions with less rigour than might otherwise have been the case.

Of the two *Possible Actions* currently listed, to 'incorporate marine litter reduction into regional marine plans under the Marine (Scotland) Act 2010' would be essential. Regional planning, which would involve industry, business and local interests, must include a duty to reduce marine litter otherwise a valuable link in the overall marine litter strategy will be missing.

There is no mention of sewage-related debris (SRD) in the *Possible Actions*. MCS feels this is a significant oversight. Certain areas of Scotland have ongoing and obvious problems with SRD, and whilst Scottish Water

have been and currently are investing in their infrastructure, there are still many more improvements that can and should be made, including mapping and monitoring all Combined Sewer Overflows (CSOs) and the fixing of problem CSOs. We note the Scottish Water Case Study on p8 of the consultation document, but question why the suggested actions in there are not in the list of *Possible Actions*. If the strategy is to be effective action by all stakeholders must be included, especially when they are large and important stakeholders such as Scottish Water.

Strategic Direction 3:

Q14. What are your views on the possible actions?

Q15. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?

Q16. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?

Q17. Do you think any of the existing actions need to be improved? If so, please provide details.

Incentivising recycling is a positive step. Investment in new technologies, and in environmental monitoring is essential. There is already a great deal of legislation that exists to prevent litter entering the sea, but the money and resources available to enforce these laws is minimal and spread thin, so investment in this area would bring about significant changes.

In the long-term we must invest in new technology to improve our recycling capabilities, and in monitoring to enforce legislation.

Incentivising recycling and investing in recycling most likely fall under the remit of Zero Waste Scotland. However, the lead body appointed to oversee the marine litter strategy must take responsibility for environmental monitoring of industry and enforcement of legislation.

MCS questions whether the 2nd and 3rd points in the *Existing Actions* list are indeed existing actions. If they are not then they should be added to the *Possible Actions* list and implemented. If they are definitely existing actions they should be improved by *enforcing* separate collection of recyclable materials, and by installing the infrastructure to recover and recycle nets, and encourage business and industry to develop a market for the recycled materials.

Strategic Direction 4:

Q18. What are your views on the possible actions?

Q19. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?

Q20. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?

Q21. Do you think any of the existing actions need to be improved? If so, please provide details.

Many of the possible actions are being dealt with through the Marine Strategy Framework Directive Technical Subgroup on D10 Litter. A report is being compiled and is due to be published in 2013. This will give advice and recommendations for monitoring methods for beach, seafloor and floating litter, as well as recommendations for monitoring microplastics.

The Scottish marine litter strategy should align with these recommendations to ensure a consistent methodology is used throughout Europe.

Strategic Direction 5:

Q22. What are your views on the possible actions?

Q23. Which do you believe is the most important possible action in helping to deliver the Marine Litter Strategy?

Q24. Can one or more of these possible actions be delivered under existing activities or do you think more action is needed under the Marine Litter Strategy?

Q25. Do you think any of the existing actions need to be improved? If so, please provide details.

A National Steering Group on marine litter must be set up and must be led by Marine Scotland. Marine Scotland must be the body which co-ordinates Scotland's action to tackle marine litter. Sharing best practise, sharing resources, and prioritising actions will be key to making a strategy work. However, sharing resources must not be a replacement for buying or procuring new resources when those are definitely required.

Regional marine plans must include actions to tackle litter. If this is not included, agencies that could otherwise play a vital part in the process will be missed out and this will leave a gap in the co-ordination of effort.

None of the *Possible Actions* could be delivered under existing activities therefore it is essential that a marine litter strategy includes these actions.

Existing Actions: Much more needs to be done to ensure the enforcement of existing legislation. This potentially should be a separate strategic direction as it also includes national legislation related to land based littering and waste offences.

Option for delivery

Q26. Do you think that Option 4 is the most appropriate mechanism for developing and improving policies under the Marine Litter Strategy?

Yes No

Any other views on the options outlined or other options not identified are also invited.

MCS believes that Option 3 would best deliver a marine litter strategy. If a strategy is to make a real difference to this problem the Scottish Government must accept that money will have to be spent. Option 4 focuses on delivering some elements of the strategy using the resources that already exist. If the problem has not been tackled sufficiently already with resources/funding/staff that currently exist (and these are mostly within the charity sector), it is unlikely that simply grouping these resources together under a strategy will make significant difference to future progress. Funding, staff and resources will have to be provided to make the strategy work effectively, and this will only be done through Option 3.

Essential elements for Option 3 should include: a lead authority identified and funding provided for a dedicated policy officer; funding for high profile campaigns that would have a direct impact on reducing litter from source, e.g. Bag it and Bin it; Scotland-wide co-ordinated campaigns, rather than the many and varied localised campaigns that exist at the moment; baseline data will be essential to monitoring future progress of the strategy, and a Government-led data collection strategy would be required. Successfully tackling our marine litter problem through a strategy would demonstrate best practise and show what was possible to the UK and other EU countries, and influence further action.

Equalities

Q27. Are there any equalities issues that should be factored into the Equalities Impact Assessment for the Marine Litter Strategy?

Yes No

Comments

Strategic Environmental Assessment

Q28. Do you have any feedback on the findings of the Strategic Environmental Assessment?

Yes No

Comments

Partial Business and Regulatory Impact Assessment (BRIA)

Q29. Are there any particular issues that you wish to highlight with regard to the partial BRIA, and the potential impacts on the third sector, business and the economy?

Yes No

Comments

General

Q30. Are there other issues that have not been highlighted in this consultation that you would like to mention?

Yes No

Comments

MCS Recommendations for Reduction of Marine Litter

Introduction

The amount of litter in our seas and on our beaches continues to be a cause for concern. Beach litter surveys indicate that, in general, quantities of litter on UK beaches have increased by 110% since 1994, with the density of plastic increasing by 146% in the same period. Average litter densities on UK beaches are now over 2,000 litter items/km surveyed.

In order to prevent items from becoming litter it is important to tackle the sources of litter. Reactive measures, such as beach cleaning, are useful in the short-term but do not provide any long-term solutions to the problem and are only economically viable on amenity beaches where tourist revenue is important. It is also important to realise that marine litter is not simply an aesthetic problem but that it has environmental, ecological and socio-economic impacts.

Although certain elements that contribute to marine litter are being tackled e.g. Food on the Go, cigarette butts, Bag It and Bin it, there is at present **no single strategy** which takes a broad overview of the sources of marine litter and the problems that it causes. A **lead body or agency** is also required which can coordinate resources, campaigns and research into combating this form of pollution.

Current policies and responsibilities for marine litter are covered by several agencies and thus there is no coherent management of the problems, with responsibility being passed between agencies. A lead body would be able to identify gaps and address current problems.

Much as the idea of **Zero Waste** strategies are gaining acceptance for many solid waste strategies on land, there needs to be a similar sea change in attitude towards marine litter so that there is a goal of zero waste discharge into the marine environment. This would mean a greater emphasis on waste prevention and minimization, as well as allowing no discharge of waste into our seas and onto our beaches.

If no action is taken, litter will continue to accumulate and increase in the marine environment and on our beaches with environmental and economic implications.

1. Reduction of Land Based Sources.

Whilst local authorities, water authorities and Government must play their part to reduce and clean up litter, every member of the public must also accept individual responsibility to minimise their impact on the marine and coastal environment and support national legislative measures and educational initiatives to reduce litter at source. Only then will coastal communities, wildlife and other beach users realise the full benefits of a clean, litter-free coast.

Elements of land based litter which are a cause for concern for the marine environment include fast food debris, dog fouling, smoking related litter, balloons and fly-tipping. Current recycling and public awareness campaigns could easily be adapted to raise awareness of this type of litter in the marine environment.

Community campaigns that promote public involvement in finding solutions to the problem can be an effective means of getting the message across to a wider audience. Local community involvement in manual beach and river cleaning operations can provide a focus for local action groups and create a better sense of responsibility for the local environment amongst residents and businesses. However, removing the litter is only part of the solution as without surveys to identify sources, targeted litter campaigns cannot be implemented.

The MCS database containing information about beach litter is a tool that could aid in the development of beach management plans. Beach managers could use the database to establish which sources of litter are most common on their particular beach and whether current beach management plans are effectively dealing with beach litter. MCS currently holds the UK marine litter database but would require further funding to role out a nationwide database accessible to stakeholders.

Reduction of Land-Based Sources of Litter – MCS Recommendations

- Better implementation of Clean Neighbourhoods and Environment Act to ensure the enforcement of anti-littering laws on all land including beaches.
- Stricter enforcement of anti-littering laws to deter fly-tipping and littering by businesses and members of the public.
- Encouragement of “Food on the Go” code of practice for beach outlets and kiosks, and enforcement where necessary
- A ban on all balloon releases, and their recognition as a form of littering.
- Expansion of national recycling schemes and infrastructure, especially for kerbside plastics collection and research into refillables.
- Provision of adequate rubbish disposal, dog bins and recycling facilities for the public, particularly at beaches, supported by publicity on their location.
- Research ways of replacing unsustainable plastic packaging with alternatives that are less harmful to the environment.
- Further investment and research into plastic recycling of all types; not just bottle grade plastic.
- Encouragement of the public to reuse items such as plastic bags, recycle used items and buy items with less packaging.
- Further funding for litter monitoring and support of community groups; encouragement and support, by local authorities and relevant landowners, of voluntary local initiatives such as MCS Beachwatch, Tidy Towns and river clean-ups.
- Incorporation into school curricula of educational material on the sources and effects of aquatic litter and ways of reducing the problem at source.

2. Reduction of Ocean-Based Sources of Litter.

As the current laws and conventions on dumping at sea seem to be having little or no immediate effect on the amounts of litter being found on UK beaches and at sea, there urgently needs to be better enforcement of existing legislation, particularly the Port Waste Reception Facilities regulations.

There have been very few prosecutions under the Merchant Shipping (Prevention of Pollution by Garbage and Sewage) Regulations 2008. These should incur greater fines to act as a deterrent.

Fishing for litter schemes should be set up around the UK and environmental education of all seafarers should be a standard part of training.

Reduction of Ocean-Based Sources of Litter – MCS Recommendations

- Support the proposal for a change in Annex V for a general ban on disposal of garbage at sea.
- Review of port waste reception facilities and a level playing field for fees and harbour dues throughout Europe.
- Better enforcement of ship waste management plans and inspections of Garbage Record Books under the Merchant Shipping (Prevention of Pollution by Garbage and Sewage) Regulations 2008.
- Introduction of higher minimum penalties for illegal dumping of wastes as a deterrent to polluters.
- Establishment of Special Area Status under MARPOL Annex V for **all** UK waters
- Implementation of a public register of legal notices, offences and fines relating to pollution of the marine environment from shipping.
- A confidential/anonymous system to report vessels illegally dumping waste at sea
- Provide funding for MCS for their continued participation and provision of data in the OSPAR marine litter monitoring project.
- Incentives to encourage all vessels to bring back any litter found at sea; particularly debris likely to cause a hazard to navigation and safety, for correct disposal. Large items and lost fishing gear, which cannot be removed, should be reported to the MCA.
- ‘Fishing for Litter’ schemes should be encouraged and given financial incentives.
- Further participation of research vessels in monitoring litter at sea.
- Incorporation of environmental responsibilities into the education and training of ship owners, ship operators, crews, port users, fishermen and recreational boat users.
- Joint initiatives across the EU and worldwide to tackle the problem of litter at source.
- A series of EcoQOs with regard to beach litter and litter at sea.
- Further funding and research to investigate the cause of death of beached animals around the UK.
- Incorporation of waste management systems into the design of new vessels.

2.1 Reduction of Lost or Abandoned Fishing Gear.

Port Waste Reception Facilities Regulations should be extended to fishing vessels, which are currently exempt. In addition to having to maintain a waste log, all vessels should be encouraged to return all litter, including netting, back to port for appropriate disposal.

Several schemes for the identification of fishing gear are currently available: tags, tracers in webbing, coded wire tag and “rogue’s yarn”. More research is needed into the viability of implementing such systems in the UK.

Any vessel which loses a net through unforeseen circumstances, such as snagging on the seabed floor, should be required to report the loss. Appropriate action could then be taken to try and retrieve the net. Using a marking system any net found washed ashore would then be identifiable and the owner could be prosecuted under MARPOL, unless the gear had been reported as lost. Current accidental losses are not reported and are exempt from prosecution under MARPOL.

Fishing nets used to be made of biodegradable hemp but are now made of plastic but have a life usage of 1-5 years. Under current legislation if fishing vessels bring used nets to shore they are charged for disposal, which encourages disposal at sea. Pieces of net are commonly found on beach as they are frequently repaired during their lifetimes. Monofilament netting has a life expectancy of 450 years but is generally only used for up to 5 years Therefore research should be undertaken into biodegradable netting and into recycling netting.

Recreational fishers and anglers should be made aware of the problems fishing gear can cause and appropriate disposal facilities provided.

Reduction of Lost or Abandoned Fishing Gear – MCS Recommendations

- Extension of Port Waste Reception Facilities Regulations to cover fishing vessels.
- A no blame reporting system should be introduced for reporting lost or abandoned fishing gear.
- Research should be carried out into recycling and reuse facilities for fishing nets at ports.
- The introduction of net markers for UK fishing gear should be implemented as in US and Canadian fisheries.
- Provision of lockable litter disposal facilities for fishermen at ports and harbours.
- Anglers should be encouraged to take all litter away with them and the possibility of providing facilities for the proper disposal of old line should be investigated.

3. Reduction of Sewage Related Debris (SRD).

In MCS Beachwatch 2008 6.1% of all litter found was SRD. This included 16,436 cotton bud sticks, 916 tampons and applicators and 1,115 sanitary towels. The majority of SRD recorded during Beachwatch is made of plastic, one of the most persistent materials. Cotton bud sticks and tampon applicators could be made from paper or cotton based materials, yet manufacturers are increasingly using plastics and often emphasise the ‘flushability’ of their products.

Sanitary items, regardless of whether or not they contain plastic, should not be advertised as flushable and the UK should follow other countries’ examples where the public readily accepts that they have to dispose of these items in the bin.

Reduction of Sewage Related Debris – MCS Recommendations

- Improvement by water authorities to combined sewer overflow systems which service coastal towns and discharge to coastal waters. These might include a) increasing the holding capacity of storm water storage tanks, b) limiting the spill frequency of all CSOs, c) improving the macro debris filters of CSOs to ensure removal of the most common SRD items, d) introducing CSO effluent disinfection e.g.: UV treatment, prior to discharge.
- Improvement of all remaining unsatisfactory Combined Sewer Overflows.
- Private outfalls to be identified, and adequately screened or treated to prevent the discharge of sewage related debris.
- Proper enforcement of CSO discharge consents by the competent authority and strict penalties for failure to comply with discharge consents.
- Mandatory labelling of sanitary products with the correct disposal information: 'Bag It and Bin It – Please Don't Flush It' clearly visible.
- Education in schools on the issue of sanitary waste and its correct disposal.
- Funding for national, community based educational campaigns to encourage the public to 'Bag it and Bin It'.

4. Plastic pellets and microplastic.

Under MARPOL, disposal of all plastics at sea is prohibited. Some wastes e.g. food wastes can be disposed of at sea if <2.5cm; in some cases it seems that this has led to the use of food grinders to break up plastics for disposal. However plastic never biodegrades it just breaks into smaller pieces and eventually becomes microplastic or 'plastic dust'.

Research indicates that small plastic pieces and microplastics are now widespread in the marine environment. These have the potential to adsorb toxins onto their surfaces which if ingested could pass up the food chain. The ecological impact, if any, is currently unknown and further research is needed in this area.

Plastic pellets originate from the plastics industry as the raw feedstock of all plastic items. Losses occur in factories, during packing, transport and shipping. They are found in their millions on some UK beaches. To reduce the input of plastic pellets into the environment, plastic industry manufacturers should insist on best practice in handling, packaging and transportation of pellets.

Reduction of plastic pellets and microplastic – MCS Recommendations

- Further research into the effects of microscopic plastics, their ability to adsorb toxins and to be ingested by marine wildlife.
- A greater understanding of plastic degradation times and their breakdown products.
- Encourage the plastics industry to bring in a code of conduct for the safe handling, packaging and transportation of plastic pellets.
- Enforcement of the European Directive on packaging and packaging waste to reduce the environmental impact of packaging by reducing packaging at source, maximising the recovery and recycling of used packaging, and eliminating harmful materials.