



Supporting Notes:

Today we need not just to continue to reduce point source pollution, we also need to help Scottish society to tackle systemic and complex environmental problems such as diffuse pollution, climate change and over-use of natural resources.

If everyone in the world lived the lifestyle of the average Scottish resident, we would need almost three planets. Research by the Global Footprint Network estimates that the UK has the world's 11th highest total ecological footprint (www.footprintnetwork.org).

Most nations in the world face this dilemma - Since the 1970's, humanity's use of resources has been in ecological overshoot with the planet's capacity to regenerate. It now takes the Earth nearly 18 months to regenerate what we use globally in a year. In 2018, Earth Overshoot Day was 1st August. That is we use up what the Earth can regenerate in one year within just the first 212 days of the year. Beyond this date, humanity is building up ecological debt.

EPA's around the world need to find new, innovative and powerful ways of regulating if they are to rise to this challenge and play their role in tackling it.



One of the primary challenges in achieving a sustainable one planet society is management of waste and since we last presented to you in 2015 SEPA has released its Waste to Resources Framework. Impacts upon environment and health from pollution caused by inappropriate waste disposal are well known, but there are also significant impacts upon socio-economic and sustainable development. Interpol tell us that all environmental crime “have the capacity to directly undermine global efforts to alleviate poverty and achieve Sustainable Development Goals”.

The loss of resources through the generation and disposal of waste is a something than needs to change with the work of EPAs assisted by industry and business. Resource efficiency is not only a benefit for the environment but is a source of financial savings for business. Where resources are generated we need to see that they can be recovered or disposed of with the minimum environmental impact.

This cannot be achieved where waste crime is active. The 2017 “Rethinking Waste Crime” report (commissioned by the Environmental Services Association Educational Trust (ESAET) and the Environmental Services) estimated that waste crime in England costs the economy over £600 million a year. Applying this to Scotland would mean an additional estimated £60 million cost to the Scottish economy each year, and it thought that this is only a conservative estimate.



Eradicating Waste Crime







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Environmental crime deeply threatens sustainable development, altering the ecosystems and robbing states of natural resources, and at the same time fuelling more crime – such as corruption and money laundering . There is a compelling need for the international community to recognize environmental crimes as serious threats to peace and sustainable development and to strengthen the environmental rule of law.

Where waste crime persists: Partnership working – sharing of intelligence, best practice, aligning systems and recording/reporting between agencies.

Inclusion of partners beyond EPAs including other regulatory bodies (Police Scotland etc.) and industry, business etc.

Intervention approach – work to remove materials from the waste stream at the start or channel waste through innovative reuse/recovery

Life Smart Waste – European funded project running to 2019 with SEPA working alongside other EPAs in Wales and Brussels – aim to fill the gaps in our understanding of the causes, dynamics and triggers of waste crime and develop innovative intelligence gathering tools and intervention approaches

Waste Crime Investigations Team

- Established to support SEPA's high level aim of eradicating waste crime
- Focus on the involvement of Serious and Organised Crime
- Undertaking both reactive and proactive investigations and disruption work

Following a pilot which ran between 2014-2016 the Waste Crime Investigations team was established 2017.

The Waste Crime Investigations Team (WCIT) is a dedicated national unit who undertake investigations, enforcement and intervention work specifically in relation to environmental crime. The team supports SEPA's high level aim of eradicating waste crime, particularly with respect to proactive investigations and intervention work tackling serious environmental offences and persistent offending.

SEPA is currently undergoing a period of change which will involve the creation of a wider Enforcement Department later in 2019.

Proactive and Reactive work



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The team has established close partnership working with other regulatory agencies and local authorities and frequently participate in multi-agency operations such as the October 2018 multi-agency Drive Out Waste Crime initiative targeting illegal cross-border waste haulage and disposal as part of the £3.8m LIFE SMART Waste project. In tandem with police forces across Britain and the English, Welsh and Northern Irish environment agencies a series of road stops, site visits and awareness-raising activity was completed to remind hauliers of their responsibilities relating to waste haulage and disposal. This was in direct response to incidents of waste being hauled from England and Wales and illegally deposited in Scotland.

We have also undertaken proactive intervention operations in more rural areas of Scotland where traditional enforcement actions may be less effective due to the difficulty gathering evidence of those responsible. Fort William had a problem with long-term flytipping on abandoned land. In January 2018 the Waste Crime Investigations Team spent a week in Fort William completing high profile visits to waste sites and waste producers requiring evidence of waste duty of care and providing clear guidance on how waste should be appropriately dealt with. Working the Police, the Local Authority and community council the team were able to target those vulnerable to unwittingly passing waste onto flytippers and also making the sites prone to frequent flytipping inaccessible.



New Enforcement Powers

Already in place
Enhanced powers under S108
Sig. environmental harm offence & vicarious liability
Additional sentencing powers for the courts
Fixed Monetary Penalties
Enforcement Undertakings
Partially in place
Integrated permitting framework

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Legislation has been changed to provide SEPA with more proportional enforcement powers and fill the compliance gap between those suitable for a report to COPFS and those for whom a warning letter is not enough to promote compliance.

We have used FMPs selectively – food waste recycling, waste carriers, landfill data returns and waste burning but are already seeing results. For instance, during our road stop work with DVSA or Police Scotland the number of identified unregistered waste carriers has notably decreased. New penalty campaigns are being considered. We have also accepted a number of Enforcement Undertakings, the details of which are published on our website.

The Integrated permitting framework will provide us with a **Single framework** replacing four main regimes (CAR, PPC, RSA & WML) and others (sludge, waste carriers). There will be **Common procedures** for application, variation, transfer, surrender – FPP & Public Participation and common notices for enforcement meaning that such measures are more streamlined. Importantly for waste crime this new legislation will allow us to recast waste activities into new tiers – in the future - no such thing as an exemption thus removing a number of frequently abused authorisations.

The aim is to support circular business models while still preventing harm



Sector Planning

Tyre Sector Plan

Sector plans will be at the heart of everything we do and will shape our interactions with businesses.

The Tyre Sector Plan will help regulated businesses operate successfully within the means of one planet, encourage innovation and shape how we regulate the industry.

Let us know what you think about the Tyre Sector Plan by 20 November 2018.

Visit sectors.sepa.org.uk



www.sepa.org.uk

Sector plans will be at the heart of everything SEPA does and will shape our interactions with business – the aim is to make regulation and innovation work across a whole sector and not just on a site by site basis.

A number of the initial sector plans which we have consulted on or published have had specific links to waste crime. The Tyre and Metal sectors were chosen to be some of the first sector plans due to the involvement or organised crime and other criminal behaviour within the sectors.

There is no such thing as a typical waste crime operation under sector planning as each intervention will be tailored to tackle to the drivers for crime in that industry. We will not only take strong enforcement action against those who are already committing crime but also disrupt the circumstances which allow that crime to happen so that once stopped it does not just reappear elsewhere.

The sector plan approach is not only focusing our resources on disrupting and removing the criminal elements from these sectors but is also allowing SEPA to work with the legitimate industry to combine forces in eradicating crime from the sector and remove the opportunities that criminals exploit. By helping legitimate business and cracking down on criminals we can create within Scotland business models which are more profitable, sustainable, resilient to crime and support our communities.

Emerging issues which could impact on waste crime activity

- Biodegradable Municipal Waste Ban
- Waste plastics
- Intra-UK cross border crime
- Oil & Gas decommissioning

Looking forward there are a number of emerging issues which may provide new or increased opportunities for waste criminals. SEPA are aware of these and are in the process of planning ahead, linking through intelligence with other agencies and regulators to identify any early signs of criminality so that these can be stopped early on. Local authorities should also be aware of these issues as they may well result in increased illegal disposal or sham environmental businesses operating in their council areas.

- BMW ban: The Waste (Scotland) Regulations 2012 set out a number of provisions including a ban on biodegradable municipal waste going to landfill from the 1 January 2021.
- Waste plastics: a year ago China, the largest importer of waste plastics from Britain imposed a ban on such waste movements.
- Cross border: Waste crime is becoming increasingly sophisticated and those involved are using tactics similar to those used in moving other contraband around the country.
- Oil & Gas decom: Between 2016 and 2030 at least 60% of the platforms in the Northern and Central North Sea will be decommissioned. The Oil and Gas Authority estimates¹ that up to £60 billion could be spent on decommissioning from now until 2030.