

Joint submission on the Government consultation:

Reducing Waste: A more effective landfill levy

Submitted 27 January 2020

This submission has been prepared jointly by The Rubbish Trip, New Zealand Product Stewardship Council, Zero Waste Network, Envision, Para Kore, RefillNZ, Aotearoa Plastic Pollution Alliance, Wanaka Wastebusters, Whāingaroa Environment Centre, Ākina, Xtreme Zero Waste, Plastic Free Raglan, and Whāingaroa Environmental Defence Incorporated. Each organisation may also make their own separate, individual submissions.



Whāingaroa
Environment Centre

Whaingaroa Environmental Defence Incorporated

Question 1: Do you think the current situation of increasing waste to landfill and poor availability of waste data needs to change?

Position: Yes

Notes

Increasing waste to landfill

In a world of resource depletion, climate change and pollution, increasing waste to landfill is untenable. We must aim for a graph line that shows waste to landfill decreasing over time, until waste is completely designed out. We must do this to fulfill our responsibilities as uri (descendants) of Papatūānuku, and relatives of all other species. Decreasing over time the amounts of waste NZ sends to landfill is about upholding the values of this whenua, including manaakitanga and kaitiakitanga.

Regrettably, not only is New Zealand's rate of waste to landfill increasing, but we're one of the world's most wasteful countries, per capita, according to World Bank and OECD data. The disposable society our wastefulness represents produces greenhouse gases we cannot afford to emit; making stuff, buying stuff, and then throwing stuff away is poor waste management and threatens the mauri (life force) of the natural world, and our mauri too. Additional to the emissions from the production and consumption phase, many material streams produce methane in landfill environments (e.g. wood, paper, cardboard, greenwaste, food waste).

Landfills are, rightly, highly unpopular, as recent protests against the proposed Dome Valley landfill demonstrate. The inadvertent openings of various legacy landfills over the past few years also make increasingly obvious the reality that landfills are no long-term waste solution. However, unless we reduce our waste generation, we will need to keep building landfills.

New Zealand's high rate of waste generation partly relates to the cost of the linear economy being relatively low. To minimise waste, disposal costs must increase. While landfill levies alone will not create a circular economy, it's highly unlikely we'll get any closer without expanding and progressively increasing the landfill levy.

Poor availability of waste data

New Zealand's lack of complete and reliable waste and recycling data is unacceptable. Over the past two decades, various international and domestic commentators have called on NZ to improve this data, including Local Government NZ, the Parliamentary Commissioner for the Environment, WasteMINZ, successive OECD Environmental Performance reviews and, most recently, the Prime Minister's Chief Science Advisor. When businesses seek to reduce waste, one of the first actions consultants undertake is a waste audit because "you can't manage what you don't measure". Yet, this best practice has not translated to the national level. Among other things, lack of waste data has obstructed progress to regulate waste, including potential priority products (such as electronics).

Accordingly, the need to begin collecting consistent and comprehensive waste and recycling data nationwide is beyond urgent. We need to know where and how many landfills, cleanfills, transfer stations and farm dumps exist around New Zealand, the precise quantities of waste disposed to these sites, and the composition and source of that waste. We must also gather comprehensive data on diverted materials, including recycling and reuse, and on contamination occurring within sorting and processing systems for recycling. Every extra year we delay sets us back many more in terms of achieving evidence-based policy to combat our waste woes.

Question 2: Do you have any comments on the preliminary review of the effectiveness of the waste disposal levy outlined in appendix A? If so, please specify

Position: Yes

Notes

We make two observations:

- In Table 7, in the second row, which addresses whether the amount of waste “reused, recycled, or recovered in New Zealand increased” since the last review, the comment provided is that “The Government lacks consistent national data to answer this question”. However, the suggested proposals to improve data availability (in section 5) are not adequate to deliver answers because they focus mostly on waste to landfill, not materials reused, recycled or recovered. We recommend broadening the section 5 data proposals to include the use of s 86 of the Waste Minimisation Act (WMA) to mandate gathering of data on reused, recycled and recovered materials.
- Focus 1. Strategy: The strategy makes no mention of the waste hierarchy. Adhering to the waste hierarchy should be expressly mentioned as a core feature of the strategy/vision.

Question 3: Do you think the landfill levy needs to be progressively increased to higher rates in the future (beyond 2023)?

Position: Yes

Notes

We welcome the present proposal to expand and increase the Waste Disposal Levy (WDL), which is a positive step forward for NZ waste policy. We do think that the levy needs to be increased to higher rates in the future beyond 2023.

In 2017, Eunomia produced a comprehensive report on New Zealand’s WDL, which found the WDL too low and too narrowly applied to incentivise waste minimisation and reduce waste disposal. The report noted that a levy of at least \$90 per tonne would generate an enhanced recycling scenario and incentivise organic waste collections. However, to trigger real reductions in *waste disposal*, the levy would need to reach \$140 per tonne. Furthermore, to ensure this higher levy would not incentivise diversion to Waste to Energy (W2E) incineration, Eunomia recommended an accompanying incineration levy of \$40 per tonne. In 2018, the Waste Manifesto of the Territorial Authority Forum of WasteMINZ also supported the rate of \$140 per tonne (the manifesto did not mention a W2E incineration levy).

In light of these reports, we strongly recommend continued progressive increases to the levy beyond 2023 to reach \$140 per tonne by 2026, alongside an incineration levy by 2026 also (with amendments to the WMA to allow the WDL’s application to W2E incineration too - see our comments under Question 13). We believe the incineration levy should be set at the same rate as the landfill levy for equivalent waste streams.

We recommend building this projected increase into the present proposal in order to maximise certainty, send a strong signal to industry, and incentivise early proactive investment in waste minimisation initiatives and alternatives to disposal. The consultation document’s general

reference to the possibility of future increases pending the outcome of the 2023 review of the WDL is insufficient. The present proposal must recognise that \$60 per tonne will have limited impact on decreasing waste to landfill and that a gradually increasing higher WDL reaching \$140 by 2026 is critical and must be signalled and prepared for now. When the WMA was enacted, it was never envisaged that the levy would remain at \$10 per tonne for so long, as demonstrated by various speeches delivered by Members of Parliament during the Bill's progression through the House. However, no pathway was created to ensure rate increases occurred (outside of the triannual review of the WDL). Consequently, successive Governments kicked the can down the road for over a decade. The available research demonstrates that the ideal levy is more than double the \$60 per tonne currently proposed. Accordingly, we urge the Government to amend the present proposal to embed a strong assurance that the levy will continue to rise to \$140 per tonne, and set out the proposed timeline/schedule to achieve this.

Question 4: Do you support expanding the landfill levy to the following landfills?

Positions - Select all that apply:

- i. waste disposed of at industrial monofills (class 1) – Yes**
- ii. non-hazardous construction and demolition waste (e.g. rubble/concrete/plasterboard/timber) (class 2) – Yes**
- iii. contaminated soils and inert materials (class 3 and 4) (whether requiring restrictions on future use of site or not) - Yes**

Notes

Yes, we welcome and strongly support the proposal to expand the landfill levy to all the above landfills.

Estimates suggest roughly 50 percent of waste to landfill in New Zealand is construction and demolition (C&D) waste. We cannot reduce this without increasing the disposal costs and applying levies to all landfills typically accepting this type of waste. It's also unfair that household waste is levied while industrial waste is not.

Question 5: Do you think that some activities, sites, or types of waste should be excluded from the landfill levy?

Positions - Select all that apply:

- i. cleanfills (class 5) – Unsure**
- ii. farm dumps – Yes**

Notes

Cleanfills

Excluding cleanfills from the levy carries risks. Anecdotal evidence suggests that inappropriate materials (i.e. materials that are not inert) are *already* routinely deposited in cleanfills illicitly. If cleanfills were to be the only disposal sites not attracting a levy, potentially this inappropriate material diversion would increase.

Accordingly, if cleanfills are to be excluded from the levy regime, we urge the Government to implement measures to ensure they are regulated, monitored and policed, that data is gathered on the waste disposed at these sites, and sufficient funding allocated to increase monitoring and enforcement. All cleanfill sites should be required to be registered. Funding should be allocated to enable territorial and regional authorities to carry out routine site inspections and respond to complaints of suspected breaches.

Farm Dumps

We believe farm dumps require urgent regulation, but that the levy is not necessarily the right tool for this. Including farm dumps within the levy regime may condone an archaic and completely unacceptable disposal system that is harmful to Papatūānuku, Ranginui me ō rāua uri. Applying a levy to tens of thousands of farm dumps would be inefficient and problematic.

However, we do not support the continued laissez-faire, 'turning a blind eye' culture that surrounds these sites just because they fall outside the minimum monitoring and data gathering requirements that flow from a levy regime.

The widespread prevalence of using farm dumps to dispose of waste across Aotearoa beggars belief in light of the environmental and human health risks they present in terms of their quantity, location, size, and the unknown material streams deposited (including household waste). We urge a combined strategic approach by central and local government, to denormalise and ultimately phase out the use of farm dumps.

Prior to phasing out farm dumps, we urge the Government of Aotearoa to implement measures to regulate, monitor and police them. All sites should be required to be registered. Clear, nationwide standards outlining the phase-out period, and the kinds of waste permitted and prohibited in farm dumps as this practise phases out should be established. Funding should be allocated to enable territorial and regional authorities to carry out routine site inspections and respond to complaints of suspected breaches.

Question 6: Do you have any views on how sites that are not intended to be subject to a levy should be defined (e.g. remediation sites, subdivision works)?

Position: No

Notes

Question 7: Which of the following proposed rates for municipal (class 1) landfills do you prefer?

Position: Other (Higher)

Notes

See comments at Question 3. We support the Government's proposal to increase and expand the landfill levy, and support a higher rate than currently proposed (\$140 a tonne, plus an incineration and WtE incineration levy). A staged approach to this higher rate is acceptable, starting with the proposed schedule to reach \$60 p/tonne by 2023. However, as noted above, we recommend the proposal adopt a longer timeframe that sets out a schedule for achieving a higher rate by 2026.

Question 8: Do you think that the levy rate should be the same for all waste types?

Position: Yes, in the long-term

Notes

Our priority is to see all the different landfill types brought within the fold of the levy regime. Achieving this would be a significant positive step forward for New Zealand waste policy and we are very supportive of the present proposal to begin this work. In the short term, a staged approach of different rates for different landfill types may be the most practical starting point.

After careful reflection, we do not support different rates for different classes of landfills (and their subsequent waste streams) over the long term. We do not believe the consultation document's rationales for differential rates are sufficiently relevant in light of the purposes of the WDL and the WMA. These rationales are a desire to reflect the differential potential for environmental harm of the waste disposed of at the different landfill sites, and the availability of alternatives to disposal to landfill.

In our view, the first rationale, while initially compelling and seemingly logical, misses the fundamental purpose of landfill levies. As the consultation document notes, the landfill levy is an economic instrument to decrease waste disposed of to landfills, increase waste diverted from landfills through recovery, reuse and recycling, and raise revenue to re-invest in waste minimisation. The consultation document also notes that overseas jurisdictions commonly set levy rates at a level higher than the cost of externalities because these broader aims underlie the levies' purpose (p.31).

Accordingly, the narrow goal of reflecting the environmental cost of disposing at a particular site through a dollar value is not the WDL's purpose. For a start, the revenue is not hypothecated for remediation. But more broadly, the relative harm of different wastes in different landfills is a side note to the larger problem of the linear economy and the goal of reimagining all wastes either as 'resources' or as a material to be designed-out of the economy, regardless of the level of (currently known) harm caused when buried in a landfill. Even if materials deposited at an industrial fill may cause less (perceived) harm than those deposited at a Class 1 fill, if the materials could have been effectively reduced, reused, or recycled, then their disposal violates the WMA's purpose and aims.

The second rationale for differing rates (the lack of alternatives to disposal for certain wastes) is more appropriately a rationale for a slower phase-in of a higher landfill levy for these landfills, rather than a permanently lower landfill levy. We are not opposed to different landfills reaching the same levy rate on different timeframes.

In addition to the above, we also note that differing landfill levy rates risk incentivising diversion of waste streams to inappropriate landfill types. The necessary costs and resources of monitoring and enforcing such breaches could be avoided through a flat landfill levy rate, and invested in developing alternative options to disposal instead.

Question 8i: Should the levy be highest for municipal landfills (class 1)?

Position: Not in the long-term

Notes

See comments under question 8.

Question 8ii: Should the levy be lower for industrial monofills (class 1) than municipal landfills (class 1)?

Position: Not in the long-term

Notes

See comments under question 8.

In addition, we strongly recommend that if the Government does proceed with different levy rates for different landfill classes that, at the very least, all Class 1 landfills reach the same levy rate. We do not believe that industrial monofills should have a lower levy rate than landfills that take household waste; this is unjust. A staged approach may be appropriate to give time for alternatives to disposal to emerge, but ultimately the final levy rate should be the same.

Question 8iii: Should the levy be lower for construction and demolition sites (class 2) than municipal landfills (class 1)?

Position: Not in the long-term

Notes

See comments at question 8.

In addition, we disagree with C&D sites, specifically, attracting lower levy rates than municipal landfills. C&D waste is one of the primary waste streams that a WDL can most influence (as noted in Eunomia's 2017 report), which is crucial given C&D waste contributes c.50% of NZ's total waste to landfill. Furthermore, as the consultation document notes, potential exists for reasonably high diversion rates for this waste stream. The economic driver of increased levy costs will incentivise the industry's transition towards more circular practices, including making the necessary investments (otherwise lacking when landfill costs are so cheap and labour expensive).

Question 8iv: Should the levy be lowest for contaminated soils and other inert materials (class 3 and 4)?

Position: Not in the long-term

Notes

See comments at question 8.

Question 8v: Should a lower levy apply for specified by-products of recycling operations?

Position: Yes

Notes

Yes, we support a lower levy for specified by-products of recycling operations. Recycling is a key part of the circular economy. However, economic incentives to collect and process recycling are often marginal and unstable, and recent fluctuations in global recycling markets has put further pressure on many recyclers. Setting the levy at a lower rate will assist the industry to transition to a quality-based, transparent recycling chain in the medium-term.

However, the efficacy of this exemption will turn on the definition of "specified by-products". We recommend this definition is developed carefully, with input from stakeholders, to avoid the creation of loopholes that cause perverse consequences. Poorly drafted exemptions could allow unscrupulous recyclers to cherry pick the easiest, cheapest and more valuable parts to recycle and send the rest of the products to landfill, despite there still being parts that are recyclable. For example, recyclers extracting valuable minerals from electronics and then

disposing the rest of the product at a cheaper rate. Furthermore, the Government should be aware that exemptions such as these could add to the cost and complexity of the administration of the levy, reporting of data, and also fee gathering from the customer.

Question 9: Do you support phasing in of changes to the levy?

Position: Yes

Notes

Yes, as it will take time to ensure adjustments and to manage increases in funding. Furthermore, it will also take time to offer alternatives to disposal and implement adequate product stewardship schemes.

Question 9 (continued): if you support phasing in of changes to the levy, which option do you prefer?

Position: Option A, but amended to reach higher levy rate

Notes

Our preference is Option A, with Option B a second choice. However, with an amendment to go to the higher levy increase proposed in Option D (\$60 per tonne), and an addition of a plan for further incremental increases up to at least \$140 by 2026, alongside an incineration levy.

We prefer Options A or B because they see a more rapid implementation of the proposals in a more progressive fashion (for example, we don't support waiting until 2022 to see any increase to the existing WDL, which would be the situation with Options C and D). Furthermore, in terms of using the 2023 review of the WDL to determine future possible increases, Options A or B would provide more information by 2023.

However, we would like to see the landfill levy rise to the higher \$60 per tonne rate, regardless of the Option chosen (i.e. not limiting the \$60 per tonne rate to Option D only). We would also like to see the addition of a plan for further incremental increases up to \$140 by 2026 (alongside an incineration levy).

Question 10: Do you think any changes are required to the existing ways of measuring waste quantities in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009? If so, please specify:

Position: Yes

Notes

We note the need for a user-friendly, harmonised data management system across all landfill categories. The current regulations leave room for interpretation on how to estimate waste tonnage. The measurement of disposal and diversion of waste should be unambiguous and the same at every site, according to national guidelines and comparable with international datasets.

It is important that the regulations retain the ability to measure gross tonnage using conversion factors, as it is impractical and cost prohibitive for many small and rural disposal sites to have a compliant and functioning weighbridge.

Question 11: Do you think any changes are required to the definitions in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?

Position: Unsure

Notes

Question 12: What do you think about the levy investment plan?

Notes

We support the Levy Investment Plan, particularly a more detailed, transparent and considered strategy to guide allocations of levy revenue. We make the following observations and recommendations:

1. **We recommend adding to the Plan an express intention to prioritise funding allocations towards the top of the waste hierarchy.** Currently, the Plan makes no mention of the waste hierarchy, which is concerning. The consultation document rightly notes that “Investment is needed at every stage of a product’s life cycle” (p.9), but this is not translated into the Plan’s overarching priorities, which generally focus on the recycling and management end of the pipeline. Presently, many existing and emergent businesses in NZ are seeking to design and deliver their products less wastefully or develop reuse systems for packaging, but face infrastructural barriers to scaleability (including the nature of distribution systems and a lack of sterilisation plants). These barriers may also obstruct ambitious outcomes in the proposed priority product stewardship schemes and the Container Return Scheme design. Strategic use of levy revenue that prioritises reduction and reuse initiatives could help to address these barriers and provide greater certainty for scheme designers that ambitious schemes will be supported by adequate funding.
2. **We recommend greater emphasis on “telling the story” of successful levy projects,** both locally and nationally, and **supporting behaviour change and community engagement projects** as part of the Levy Investment Plan. Telling the story will help leverage the impacts of projects. Behaviour change and community engagement projects broaden public support around waste minimisation and the shift towards a circular economy. They also help remove barriers to individual waste reduction behaviours, and create social norms around activities such as reuse and repair.
3. **We support greater transparency around grants of levy revenue, and broadening out decision-making power beyond the Minister.** Currently, WMF applications are reviewed by individuals who are essentially anonymous. The membership of other funding panels in the Ministry are publically listed, such as the Environment Legal Assistance Panel. We recommend that the Levy Investment Plan seeks this kind of transparency for the WMF too, and that the panel includes a community representative, an environmentalist, and/or a waste-related NGO representative.
4. **We support greater harmonisation of Government funding of waste solutions** so that all such funding is required to align with the Waste Minimisation Fund principles

as outlined in the final Levy Investment Plan. Currently, other funding sources, such as the Provincial Growth Fund, have been directed towards projects that sit uncomfortably with waste minimisation goals, the WMA, and even the Government's Waste Work Programme. Particularly when such investments go towards infrastructural projects, they can lock-in activities that work against transitioning to a circular, waste-free Aotearoa.

5. **We recommend that the Levy Investment Plan proposes that funding be available for research into the area of waste** (for example, funding Masters and PhD research). NZ lacks detailed waste-related research and data, and yet, where it exists, policymakers generally draw on it. For example, the 2019 Government consultation document on proposed priority products referenced a recently completed Masters thesis into e-waste management behaviours of households in Whangārei. Greater availability of such research would improve policy making, but at the moment the WMF is not available to Masters and PhD research projects.
6. **We recommend that the Levy Investment Plan creates greater flexibility for the WMF.** This would include revising the current “co-funding” requirement built into the WMF process (i.e. that projects can only be part funded by levy money, so applicants must demonstrate successful access to alternative funding streams), which unfairly discriminates against NGOs and the science community and biases successful bids towards industry and commercial enterprises that have the resources to co-invest their own funds. We also recommend increasing the number of application rounds in the year, potentially with different pools for different sized projects, allowing for a quicker turnaround of grants for smaller projects (as happens with some Councils and funding bodies).
7. In terms of projects invested in, **we support the emphasis on building extensive networks of (locally owned and operated) resource recovery centres** and providing local solutions which build capacity and community resilience. We encourage the Government to continue to support the community sector and draw on the wealth of knowledge and information that exists amongst the members of the Zero Waste Network when considering the best ways to build a resource recovery network. These centres follow the waste hierarchy and spend resources on changing behaviour to minimise the production of waste rather than the management of waste post-consumption. Many of these centres offer a suite of services focusing on reuse, repair, upcycling and recycling with only residual waste needing to go to landfill, eg Xtreme Zero Waste of Raglan or Wanaka Wastebusters of Wanaka.
8. In relation to investment in major infrastructure, **we encourage greater consideration in the Plan of the risk that some investments create path dependence or lock in towards particular activities that sit nearer the bottom of the waste hierarchy**, impeding movement up the hierarchy over time. For example, we are reticent about excessive investment in infrastructure to downcycle plastics or process compostable plastics vis-a-vis investments in innovations that reduce the use of plastic (or other disposable products) in the first place. Similarly, we question the repeated reference to anaerobic digestion in this consultation document. We would prefer to see investment in local composting solutions that not only achieve improved waste minimisation outcomes, but also better outcomes in terms of reduced greenhouse gas emissions, carbon sequestration and regeneration of top soil.

Question 13: If the Waste Minimisation Act 2008 were to be reviewed in the future, what are the changes you would like a review to consider?

Notes

The review should consider the following changes:

1. **Set out and refer to the “Waste Hierarchy” in the Act’s interpretation section AND embed the waste hierarchy as a central consideration for all decisions made under the WMA – either through a general purposes section or in the purposes section of each Part.** Globally, the waste hierarchy is accepted as the cornerstone of waste policy. Adherence to the waste hierarchy achieves the best outcomes in terms of waste minimisation and greenhouse gas abatement. However, the WMA’s current reference to the waste hierarchy is opaque and indirect. While the Act’s interpretation section defines the different tiers of the hierarchy (reduction, reuse, recycling, recovery, treatment, disposal), these tiers are only set out as a hierarchy in s 44. Section 44 requires territorial authorities, when preparing or revoking a waste management and minimisation plan, to “consider the following methods of waste management and minimisation (which are listed in descending order of importance)”. Not only does s 44 sidestep the language of the “Waste Hierarchy”, it only applies to territorial authorities. Thus, the expectation that all actors should adhere to (or even consider) the waste hierarchy when making decisions or designing product stewardship schemes or regulations under the Act is not set out. This is a major defect of the legislation, requiring urgent amendment; it has the potential to weaken the policies and product stewardship schemes currently under design and/or to be designed in the future.
2. **Insert into WMA a requirement to adhere to Te Tiriti and mātauranga Māori involving a Tiriti partnership with tangata whenua in the Act’s provisions.** Māori are the Tiriti partner and this partnership needs to be described within the Act. This includes working with Māori, responsive consultation with tangata whenua and adhering to the principles of active consultation and partnership. Matters of waste and waste minimisation have implications for land, air, waterways and marine areas, and often invoke tikanga considerations. Furthermore, mātauranga Māori has well established approaches to managing and minimising waste, as exemplified and developed by Para Kore. We recommend amending the Act to ensure Māori are adequately involved as a Tiriti partner on all actions taken under the WMA, and that Mātauranga Māori features at the heart of our response, shaping Aotearoa’s unique approach to achieving a whenua (country) without waste.
3. **Amend the definition of “recovery” in s 5.** The WMA’s definition of recovery is too broad and encompasses a range of disparate activities, including W2E facilities, composting, and potentially also the repurposing activities of resource recovery centres (i.e. salvaging or ‘rescuing’ waste materials for ‘upcycling’). This is problematic because “Recovery” is included in the Act’s waste hierarchy (in s 44). So these different activities are effectively granted an equivalent level of priority that runs contrary to the waste hierarchies of many international organisations and overseas jurisdictions (cf, for example, [the Zero Waste International Alliance Zero Waste Hierarchy of Highest and Best Resource Use](#)). Of particular concern is that this definition of recovery places composting and all W2E on the same level of the waste hierarchy. The idea that W2E incineration and composting could be of equivalent priority is clearly ludicrous. However, more practically problematic is the equation of composting and anaerobic digestion; most in the zero waste, urban farming and composting communities would agree that composting is preferable to anaerobic digestion (for example, see [the Zero Waste International Alliance policy](#)). In NZ, our legislation’s equation of these two methods of processing organic waste has real and urgent implications because councils are required to consider the waste hierarchy when making their waste management and minimisation plans. Right now, many councils are grappling with the issue of residential organic waste. By treating anaerobic digestion and composting as equivalent, the WMA gives inaccurate/unhelpful guidance to these councils. We are concerned this will lead to many long-term contracts across the country with anaerobic digesters that leave little room for future manoeuvre (for example, Auckland). We recommend that the WMA remove composting from the definition of recovery and instead situate it alongside recycling (i.e. above recovery).

4. **We also recommend amending the definition of “Reuse”** to ensure that the repurposing activities of resource recovery centres that involve ‘rescuing’ or ‘salvaging’ materials for repurposing/upcycling are clearly situated within the ‘reuse’ category. At present, the language of “original purpose” and “similar purpose” are potentially too narrow to capture these activities, but they should be considered within the fold of reuse rather than “recovery”, as repurposing will usually be preferable to W2E. We also recommend amendment to the definition of Reuse to include repair activities, which are of growing importance for waste minimisation and allow products to be returned to a state where they can be reused for their original purpose. Including repair within the definition of reuse in the waste hierarchy will also support efforts to encourage greater product design for repair.
5. **Amend the meaning of disposal in s 6 so that the levy can apply to waste-to-energy (W2E) incineration.** Although “incineration of waste” is included within the meaning of disposal at s 6(1)(b), under subsection 6(3) this does not include waste incinerated “to recover energy from it”. So, the waste disposal levy (WDL) cannot be applied to W2E incineration. We do not believe this exclusion is warranted; despite permitting the extraction of some energy, W2E incineration remains a hallmark of the linear economy, which the WDL is designed to disincentivise. Although no W2E incineration facilities currently operate in NZ, this is partly because such facilities are not yet economic here. However, as Eunomia noted in its 2017 report on the WDL, raising landfill levies could change this situation. Accordingly, Eunomia recommended that landfill levy increases be accompanied by an incineration levy to deter the replacement of one disposal method with another. By excluding W2E incineration from the meaning of disposal, NZ’s legislation is not future-proofed to respond in this fashion. We strongly recommend that s 6(3) is removed and that s 6(1)(b) is amended to state “the incineration of waste, including to recover energy from it”. We also recommend that subsection 6(1) includes an additional paragraph referring to other waste-to-energy technologies for municipal household waste, such as gasification and pyrolysis.
6. **Reassess the two stages of Ministerial discretion for mandatory/regulated product stewardship.** The WMA’s mandatory product stewardship provisions are the centrepiece of the Act, holding huge potential to transform NZ’s waste and recycling landscape. However, to date these provisions have not been used. To activate them, the Minister must declare a product a “priority product” under s 9 of the Act, which automatically triggers the requirement that a product stewardship scheme for that product be developed and accredited (s 10). Once the scheme is accredited, it remains voluntary unless the Government of the day makes regulations under s 22 that would prohibit the sale of that product except in accordance with the accredited scheme. We recommend consolidating these two instances of Ministerial discretion (discretion to declare priority products and discretion to regulate to make resulting product stewardship scheme mandatory). The second instance of Ministerial discretion creates an unnecessary additional barrier to achieving mandatory product stewardship under the WMA. We recommend that a priority product declaration automatically triggers the regulation-making power, albeit with commencement delayed until a product stewardship scheme is developed and accredited.
7. **Require greater waste minimisation coordination and collaboration within and between regions.** Section 45 of the WMA allows territorial authorities to collaborate in preparing their WMMPs, which some do, but it’s not a requirement. Overseas, collaboration within and across regions has shown to improve waste management (higher recycling rates, less disposal, more efficiency, less costs). Accordingly, for a circular economy to function properly, more coordination at higher governance levels is necessary. As is collaboration on matters of best practice, especially around recycling processing and collection systems (to minimise contamination and maximise quality). We also recommend amending the WMA to require regional authorities to coordinate waste management and minimisation efforts. This role of the Regional

Authority could be strengthened by requiring regions to produce a Regional Waste Strategy or Plan, and have a dedicated waste minimisation officer who coordinates waste minimisation within their own region, as well as with other regions.

Question 14: Do you agree that waste data needs to be improved?

Position: Yes

Notes

Yes, waste data urgently needs improvement. See our response to this in our answer to Question 1.

We are very supportive of the proposal to use the s 86 powers to mandate data collection and pleased that transfer stations will be included, as well as landfill sites.

In addition, we believe the proposals could go further in some key areas:

- **Regulations should include waste composition data and also recycling, diverted waste and resource recovery.** Many gaps in our knowledge continue to obstruct policy to regulate different materials and ensure highest and best resource use, and to develop on-shore solutions. For example, for glass recyclate, we need to know what proportion is being recycled at O-I and what proportion is being downcycled into roading aggregate or landfill cover, so that instances of the latter can be addressed. Furthermore, monitoring plastic recycling is extremely important. We need to know what happens to different plastics collected for recycling (by polymer type as well as product), and the destination of the materials for recycling. The Prime Minister's Chief Science Advisor's recent *Rethinking Plastics* report made a tranche of recommendations on improving NZ's plastics data, which included increasing our knowledge about plastic recycling. By excluding waste composition and recycling, the present proposals don't satisfy these recommendations and are a missed opportunity. Contamination data for each type of recycled material should also be collected to identify the best practice collection and sorting processes to minimise contamination and maximise quality of recycled materials. Comprehensive recycling data is also necessary to give us a better understanding of the kinds of onshore processing we should invest in (which is a central priority of the proposed Levy Investment Plan), the kinds of products we should phase out, and which areas to prioritise infrastructure and policy development.
- **More guidance is needed for data gathering higher up the waste hierarchy.** By focusing on waste data alone, we focus our energy and knowledge at the bottom of the waste hierarchy. However, we must also develop good means of measuring and reporting on outcomes higher up the waste hierarchy in order to enable development of policy that promotes more of this activity, i.e. reduction and reuse, and to better value those in NZ's business, NGO, and resource recovery system that are achieving outcomes at this level.
- **Public access to the data gathered should be guaranteed.** Data will be extremely useful to scientists, community groups and NGOs. To date, the lack of transparency surrounding waste and recycling in NZ has eroded many people's faith in the entire recycling system; it also makes it difficult for community groups, NGOs and researchers to develop best practice solutions and research.
- **We support the proposed regulations regarding territorial authority waste management and minimisation activities.** We agree that reporting on territorial authorities' spending of levy money is necessary, as well as their performance in achieving waste minimisation outcomes. Across NZ, big inconsistencies in quality exist between local authorities in how they manage, minimise and communicate with the

public about waste – some councils do a fantastic job, others less so. There are certain things that would help, such as all councils being required to hire a waste minimisation officer (rather than bundling waste up with infrastructural and assets roles), and all councils making some levy money available for a community contestable waste minimisation fund. Collaboration with the regional council as well as other territorial authorities should be strongly encouraged. We would also like to see s 49 used to create expectations that contracting/tendering for waste and recycling services adequately weight social, community and environmental outcomes alongside cost. Best practice processes for recycling collection and sorting to minimise contamination and maximise quality of recycled materials should be identified nationally (using recycling and contamination data) and councils required to follow best practice methodology when new contracts are tendered.

Question 15: If the waste data proposals outlined are likely to apply to you or your organisation, can you estimate any costs you would expect to incur to collect, store and report such information? What challenges might you face in complying with the proposed reporting requirements for waste data?

Notes

We suggest that the design of any data collection system occurs in consultation with the community sector, iwi, NGO, and the science community, as well as industry and territorial authorities. This would help to ensure that any system is fit for purpose and that implementation costs are minimised. The community sector may incur costs for implementing any data collection system that they would not be able to fund. TAs would be able to fund their costs through their levy allocation. The community sector would need access to funding to be involved in the process and to implement the changes. This funding would need to be made available outside the current WMF process.

Templates, guidelines and other supporting resources should be produced as part of the design of the data collection system. The system must be accessible, user-friendly, and contribute to a harmonised and aggregated national data collection system.

Question 16: What are the main costs and benefits for you if the proposals to increase the levy rate for municipal landfills, expand the levy to additional sites and improve waste data?

Notes

Overall, we welcome the proposals in this consultation document, which will greatly improve NZ's approach to waste minimisation and facilitate a real step towards the Government's circular economy aspirations. The manifold benefits will far outweigh the costs. A real and fair economic incentive for all individuals and commercial entities to consider reducing their waste footprint will bring much increased motivation for change. Accountability for everyone will go up, lifting New Zealand to high-income country standards, and showing the international community that we are taking action to lower our appalling per capita waste production rates. Having reliable data will enable us to measure the effects of mitigating actions within NZ, and compare with other OECD countries. It will enable us to build a more thriving community, partly assisted with the increased levy income to invest in sustainable efforts to avoid ongoing and future waste creation.