WASTE ADVISORY BOARD

12 March 2021

Hon David Parker
Minister for the Environment
Parliament Buildings
WELLINGTON

Dear Minister,

Food / Organic Waste and Duty of Care Responsibilities.

The Waste Advisory Board (WAB) met in late February to consider two priority areas outlined in our 2020-2023 Strategic Plan.

During this first meeting of the year we discussed food / organic waste and the issues around the ownership and management of wastes, in particular hazardous wastes.

These were considered to be the most pressing current issues and the Board's thoughts and recommendations are outlined below.

New Zealand Duty of Care Regime

At the Board's most recent meeting we discussed the issue of orphaned waste. This topic was precipitated by the recent issues in Mataura and Ruakākā. These are not isolated incidents but are just the latest in a long line that demonstrate the fragility of New Zealand's waste management system.

Too often waste producers are able to contract out of their responsibility for the management and appropriate disposal of their waste(s), many of which pose a significant risk to human health and the environment.

Furthermore, there are insufficient controls on who can practise as a waste contractor particularly with the management of hazardous waste.

The two recent incidents are examples of how companies have been established to treat and dispose of hazardous wastes only to become insolvent and the Owners/Directors walk away from the problems they have created. The original producers of the waste accept and currently have no liability for their wastes, leaving local councils and central government to clean up the mess.

Most developed overseas jurisdictions have a regulatory regime (Duty of Care) that requires those that handle waste to be competent and qualified, and those that produce waste to ensure that their waste is correctly managed throughout its life, to its ultimate destination of treatment and/or disposal.

The Board has discussed this and considers that such a regime, including a requirement to track and report commercial waste should be investigated, developed and implemented in New Zealand.

The board is also concerned that without a robust Regulatory regime, unscrupulous hazardous waste producers, and treatment and disposal companies, could start to use the trade waste system for disposal which could significantly compromise these networks and impact local communities and the environment. A mandatory tracking system could minimise this.

The Board considers that the upcoming reviews of the Resource Management Act and the Waste Minimisation Act provide an ideal opportunity to address this and reduce the risk of these issues occurring in the future.

Recommendations

1. A Duty of Care requirement is placed on all those that produce commercial and industrial waste, and this requirement remains in place until the waste is treated and safely recovered or disposed.
2. Those who import, carry, keep, treat and dispose of waste have a legal obligation to ensure that the waste is safely managed through its life.
3. Those that handle and manage wastes are suitably qualified and competent to safely handle and manage those wastes.
4. That Directors of failed waste companies (particularly hazardous waste) are personally liable for all remediation and disposal costs associated with their failed business.

WAB Strategic Plan: Priority Area 8 – Food/organic waste

Food and organic waste is a significant waste stream with estimates of it being up to 50% of household waste. Whilst it is difficult to access robust data for waste from commercial sources it is likely that, for some sectors, the proportion of food and organic waste is even greater than 50%.

The draft advice of He Pou a Rangi – the Climate Change Commission (CCC) to the Government estimates that "*If all organic waste was recovered from landfills, waste emissions could reduce by nearly 50% by 2035 and up to 75% by 2050 in Aotearoa"*[1].

The report recognises that the sector needs to be scaled up and that end uses for the diverted waste would also need to be developed.

They also estimate that between 5% and 60% of the organic waste stream could be recovered by 2030 and 60-95% by 2050. Therefore food/organic waste is a significant issue for NZ, both from a circular economy opportunity, and a carbon emissions objective.

This was discussed at our recent meeting and the following concerns and recommendations were made in terms of addressing the current situation. Values of Te Tiriti, building community interconnectedness, addressing inequity, allowing for innovation, education and regeneration of natural systems should also be considered within the context of these recommendations.

Long-term solutions to food and organic waste are connected to the move away from linear food systems and a return to sustainable, climate resilient local food production. This move can build nutritious food security for all citizens of Aotearoa New Zealand, contribute to regenerating the

[1] https://ccc-production-media.s3.ap-southeast-2.amazonaws.com/public/evidence/advice-report-DRAFT-1ST-FEB/Evidence-CH-04d-Reducing-emissions-Waste-20-Jan-2021.pdf

natural environment and biodiversity, allow for less packaging or innovative reusable packaging systems and last but not least reduce carbon emissions.

Food Rescue

Food rescue operators provide a vital waste diversion option, transferring unwanted food from supermarkets and cooked food providers to those in need. They operate throughout the country but are reliant on voluntary labour, donations both of food and money and are under an almost constant threat of closure.

The diversion of unwanted food to those in need is the best use of this unwanted resource; feeding people who are food insecure and desperately need it and reducing the associated emissions that would have resulted from landfill disposal.

Given the waste diversion service they provide and the social good they perform, feeding those in need within the local communities, options should be investigated to see how these activities can be supported to develop a more robust network.

Recommendation

5. That options to support food rescue operations be actioned with the aim of maximising the diversion of edible unwanted food to people in need.

Kerbside separation of food and organic waste.

As the CCC has highlighted, if all organic waste was recovered from landfills waste emissions could reduce by up to 50% by 2035 and 75% by 2050. One source of this waste is households.

Some councils have for many years provided a separate organic waste collection for their residents. The separated waste is diverted to make compost, which in turn is returned as part of a circular economy to produce more organic products.

However, despite a number of these systems operating for over a decade they are the exception rather than the rule. The Board considers that this reversing this would reduce emissions and contribute to establishing New Zealand's organic circular economy.

Recommendation

6. That the source separation of kerbside organic waste should be standard practice for all urban residents and that councils should provide for this where practicable.

Organic waste treatment options

One factor that limits councils' ability to provide a kerbside collection service is a lack of consented organic processing facilities that can accept food wastes. A recent WasteMINZ study found that, of 62 organic processing sites, only 10 were consented to take food waste and 2 of these only in small amounts. This is obviously insufficient for the current needs of the country and not only inhibits councils' ability to offer kerbside organic collections but also businesses ability to divert their organic waste.

Investment in organic processing facilities should be considered to support councils in the requirement to divert food and organic waste from landfill. However, there may be a tendency to focus solely on large scale schemes to the exclusion of smaller more local options. Small

communities such as Raglan and Kaikoura have successfully demonstrated that the required infrastructure can be small and need not require significant investment.

The Board is also cognisant that the processing of the food/organic waste should not be solely focused on the removal of a difficult waste stream from kerbside landfill bins but also the production of material that is of benefit to the circular economy which can then be diverted to be used to produce new food in a relatively closed loop system.

The Board considers that investment decisions for the processing of this waste should consider its end use and have a preference for systems that deliver solutions that have the best net beneficial use for the community and the environment that generated it.

An increase and availability of treatment and processing options is only part of the solution. It is also vital that markets be developed and encouraged to ensure that the resultant products (such as compost) is returned to be used as a nutrient source for future food production.

Without this market development we run the risk of creating stockpiles of nutrient rich material with no one willing to use it. It is essential that barriers both actual and perceived be reduced or eliminated to ensure this diverted material can be beneficially used.

This may be through the development of urban and rural planning policies and rules that promote or require the use of the products of this diversion, for example the promotion of urban farming where compost is produced from local food providers and used to grow food that is sold back to these food providers.

Recommendations

7. That investment is targeted to increase organic waste processing and that this investment consider the end use of the processed material and does not solely focus on large scale infrastructure when smaller more local solutions deliver better results.
8. That markets for processed organic waste such as compost be developed and supported.
9. That urban and rural planning policies and rules are developed to encourage the use of the products made from the diverted organic waste.

Compostable Packaging

There is a proliferation of various compostable products and packaging that is causing issues for the composting sector.

The lack of standardisation of these products with different materials and compositions make it difficult for compost operators to know what impact it may have on their final product.

These operators have not been set up to merely process organic waste but to produce a quality product that can be sold and used in value-added situations. Therefore, understandably they are reluctant to risk contaminating their product with unknown chemicals and materials. At present the majority of compostable products are sent to landfill where they contribute to the landfill's greenhouse gas emissions.

Standardisation of this area would reduce this risk and could provide a functioning pathway for this increasing volume of material to be processed and returned to be beneficially used.

Recommendation

10. That compostable products and packaging be standardised to maximise their potential diversion for beneficial use, and those products and packaging that could jeopardise this be considered for prohibition or restricted.

Alternative food waste disposal options.

As businesses look for alternatives to landfill disposal for organic waste there is the potential for less desirable processes to be installed particularly where there are limited or no food waste processing options available.

For example, there are largescale maceration units that are promoted to organic waste producers such as restaurants and supermarkets, as a way of reducing landfill costs. These units turn the food waste into a slurry, which is then disposed of to the trade waste system. If taken up on scale this could lead to an overload of municipal wastewater treatment plants which would have an impact on their discharges to the environment.

In addition to the increased load, it also restricts the beneficial use of the organic material limiting its circular economy opportunities. These organic wastes would be mixed with other trade wastes, that would include heavy metals and other industrial contaminants, rendering them unusable for food production.

Furthermore, it is often difficult for wastewater treatment facilities to find beneficial disposal options for their biosolids. Therefore, this material can often end up having to be disposed of to landfill.

For a Circular Economy to thrive these food wastes should be used to produce nutrients that can help to grow more food, not be contaminated with substances that limit their use and potentially restricts their disposal to Class 1 landfills.

Recommendation

11. The board considers that these alternative processing solutions should be investigated, and methods and tools identified and actioned, to restrict their use where needed.

National Food Waste Behaviour Change Programmes with local engagement and delivery.

Avoiding the production of waste is the most effective way to manage it, reducing both its upstream and downstream impacts. Worldwide a third of all calories produced are wasted either in transportation from farm to table or from uneaten food that is thrown away by consumers. That means that the equivalent of half of the calories we eat have gone to waste.

A WasteMINZ study carried out in Auckland estimated that New Zealand households waste $872M of food each year, the equivalent of feeding double the population of Dunedin every year.

Following the results of this study the Love Food Hate Waste (LFHW) campaign was launched in NZ with funding from local councils and the WMF. The initiative was highly successful in raising awareness of food waste and showed significant engagement of the NZ public with a waste minimisation programme.

Unfortunately given the time-limited requirements for projects of the WMF, funding could not continue and LFHW has had to rely solely on individual council support limiting its national focus and impact.

This requirement of the WMF to fund projects and not programmes limits these national behaviour change initiatives to a specific funding timeframe. This forces good programmes to stop and new programmes to be developed and delivered to replace them. This wastes valuable resources and undermines the desired behaviour change messages with the delivery of a different programme.

Road safety and health campaigns are not funded and delivered in this way and neither should these waste initiatives. They are all behaviour change initiatives and require ongoing programmes that deliver long term changes.

Recommendation

12. The Board considers that:
    a. WMF funding criteria that limits projects to a maximum of 3 years be removed for behaviour change programmes,
    b. funding be targeted for long-term national behaviour change campaigns that include local engagement and delivery and focus on waste avoidance both in the household and commercial sectors.

We also acknowledge the request for advice on the proposed phase out of problematic and hard to recycle plastic. We will be meeting on the 18 March to discuss this and will be able to provide you with our advice by the 31 March 2021.

Yours faithfully

Darren Patterson

Chair, Waste Advisory Board