

**STATEMENT OF JAMES FITZGERALD**  
**INDEPENDENT FARM FILM PLASTICS COLLECTOR**

1. The decision of the Chinese government to cease accepting farm film plastics in January 2017 caused major disruption in the export industry in farm film plastic in Ireland. This has led to stockpiling of farm film plastic. The Irish system involves a statutory scheme, where an Approved Body, presently IFFPG, is responsible for collecting a minimum of 70% of the farm film plastic put on the Irish market each year. The balance is collected, assembled and shipped by typically small, rural businesses, mainly former IFFPG contractors. I am a sole trader in this market, as well as an Agricultural Consultant advising farmers in the West of Ireland. It is respectfully submitted that the current system impacts unfairly on small business owners in this market and on farmers.
2. The current statutory regime is set out in S.I. No. 341/2001 – Waste Management (Farm Plastics) Regulations 2001. It is apparent from Part II of the Regulations, entitled '*Producer Responsibility Obligations*', that the primary intention behind that Statutory Instrument was to create a '*Deposit and Refund Scheme*.' This provided for the farm film plastics Producer [or Suppliers in Part III] operating a Deposit and Refund scheme, in which the Purchaser [farmers] of such farm plastics had to pay a refundable deposit of money, which was to be refunded to the farmers on the return of the plastic to Producers.
3. In this regard, the Statutory Instrument envisaged primarily a producer pays type initiative. However, it also provided an exemption to the obligations imposed by the Statutory Instrument in Part IV, entitled '*Approved Bodies*.' This gave Producers the option of participating in a statutory scheme for the recovery of farm plastics waste. A mechanism for the appointment of an Approved Body was included in the legislation, and the current Approved Body is IFFPG.
4. The mechanism for how an Approved Body ought to manage its affairs is notably absent, particularly by comparison to the extensive requirements imposed on a Producer should it wish to deal with its own affairs pursuant to Part II. The manner in which the scheme is currently run involves a levy being placed on 100% of the plastic placed on the Irish market, which goes entirely to IFFPG. Farmers then pay IFFPG a further substantial sum of money, in order to collect farm film plastics. IFFPG have no role in recycling farm film plastic.
5. Accordingly, the statutory regime has two core flaws:
  - a) The levy is distributed in an unfair manner, with the Approved Body receiving 100% of the levy, in circumstances where the Approved Body does not collect 100% of the plastic.
  - b) Farmers pay for farm film plastic to be returned, which appears to be a significant departure from the deposit and refund scheme envisaged. In accordance with a recent communication from Minister Ryan's office, the charges are set by IFFPG in consultation with the Department but are a commercial charge rather than a statutory one.

6. The current Covid crisis has emphasised the importance of State intervention in extraordinary market events in order to support small businesses. This is particularly important in a market that:
  - a) is of international significance in terms of the State's recycling obligations;
  - b) is distorted by the existence of a lightly regulated statutory scheme that impacts heavily upon competition in the market;
  - c) impacts directly upon a rural and in many cases disadvantaged sector of society in the farming community.
  
7. **The steps which can be taken to address the situation at Government level are:**
  - a) **Amend the statutory scheme:**
    - (i) Providing for a deposit and refund scheme to reduce the financial impact on farmers;
    - (ii) Creating a clear and precise set of obligations and working mechanism in respect of any Approved Body. It is respectfully submitted that a Repak style scheme, in which private operators work in tandem with Repak, would provide a fairer system, in which an Approved Body is not in competition with small Irish businesses, but rather working with them to collect 100% of the plastic on the market.
    - (iii) Provide for the fair distribution of the levy and to allow for private operators to export in cooperation with the Approved Body. IFFPG have indicated that they have no statutory remit to distribute the levy to alternative exporters of farm plastic.
  
  - b) **Address the export issues:**
    - (i) Engaging in research and talks at EU level to establish the attitude of other EU countries to the present issues, with a view to establishing a common EU strategy to the farm film plastics market issues. There is no reference to the farm film plastics issue in the European Green Deal, and as such, it is an area that warrants examination at EU level. This may include discussion on increased taxation of virgin plastics, which would encourage the production and use of recycled plastic.
    - (ii) Providing for State supports for independent collectors in order to assist in reducing farm film plastics stockpiles. This could be done by assisting in identifying export pathways, providing financial assistance and by encouraging the positive engagement of the Approved Body with private collectors. The objective of the Approved Body and independent collectors is the same – to reduce plastics stockpiles in an efficient and cost effective manner.

- (iii) Commissioning a paper to review the necessity of designating untreated farm film plastic as ‘Amber Waste’ as opposed to ‘Green Waste’ in purported compliance with the relevant EU legislation, thereby attracting a far more onerous regulatory regime, which stifles many prospects of export.

At EU Level, the categorisation of hazardous waste is governed by European Waste Directives. These EU Directives provides for a system whereby the shipment of certain waste is prohibited and the rest is categorised by reference to the level of hazard. The shipment of hazardous waste is subject to a notification system, requiring hazardous shipments to be notified to national ‘competent authorities.’ For example, in Ireland Dublin City Council was designated as the National Competent Authority for the export, import and transit of waste shipments. It is known as the Trans Frontier Shipment [TFS] Office The notification system is complex and expensive by comparison to the system in place for the export of non-hazardous waste.

The Irish TFS office have categorised farm film plastic into two main categories:

Green Waste if it is ‘treated’ at an authorised facility in Ireland. Treatment refers to trammelling the plastic by passing it through a screen to remove stones and grit and shredding it. This is an expensive process and there are very limited facilities in Ireland in which it is carried out. There is no demand for the treatment process among the processors of farm plastic, as it makes little or no difference to the recycling process.

Farm film plastic is defined as Amber Waste if it is not so treated on the basis that it is co-mingled with other contaminants. This is stated by the TFS office to be, for example, sand ,grit, stones, soil and organic material. Close consideration should be given to the EU Directives concerning the definitions of the properties of waste which render them harmful. What those properties have in common is that they are damaging to human /animal health or environment. There is no evidence that this is the case here, and accordingly there is a strong argument that the basis for the decision to categorise farm film plastic as Amber Waste is open to review.

Alternatively, if it is deemed that the TFS office have taken the correct approach, an exemption for the co-mingling of farm film plastic with non-hazardous contaminants is a matter that might be addressed at EU level. It is clear that any measures targeting co-mingled waste were intended to effect waste that was co-mingled with matter of a hazardous nature as opposed to non-toxic organic materials.

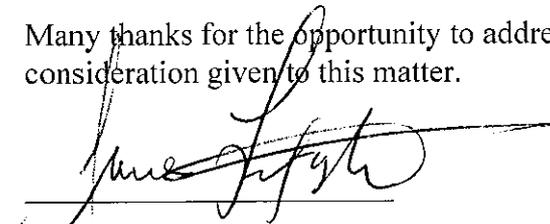
At present, it appears that untreated farm plastic is all categorised as Amber Waste on the basis of an assumption of contamination. There appears to be no system or basis for the quantification or inspection of suggested contamination. In the event that it is position that it is deemed that untreated farm film plastic must continue to be treated as Amber waste, it is respectfully submitted that the methods of acceptable treatment of plastic should be clearly set out in publications by the TFS office with a reasoned rationale, thereby allowing smaller businesses an opportunity to avail of more economical treatment options with confidence that such treatment will meet

with TFS approval.

**c) Create an overall national strategy for recycling farm film plastic:**

- (i) The Irish system lacks the ability to recycle farm film plastic on a reasonable scale. Investment in an appropriate Irish farm film plastic processing facility would assist the State in meeting its international environmental obligations, as well as provide long term cost benefits to farmers. Such a recycling would ultimately produce recycled plastic granulate, which could be used to produce recycled farm film plastic. The vast majority of farm film plastic on the market comes from virgin plastic granulate, which is refined from crude oil by-product.
- (ii) Investment in research and development into virgin farm film plastics alternatives, prioritising two areas:
  - (i) Incentivising the use of recycled farm film plastic as opposed to farm film plastic made from virgin plastic granulate.
  - (ii) Funding research and development into biodegradable bale wrap alternatives would put the Irish State at the forefront of research in this area.

Many thanks for the opportunity to address the Committee and for the time and consideration given to this matter.



**JAMES FITZGERALD B.Agr. Sc**