

Battling Barriers

Earlier this year the UK Environmental Law Association and the Royal Society for the Encouragement of Arts, Manufactures and Commerce held a round table on the “most favoured route” to achieving a circular economy. *CIWM Journal's* **Darrel Moore** reports on further discussions to identify barriers, with a view of feeding into the European circular economy consultation.

The purpose of the round table was to build on a previous discussion (see page 54 in the August issue of the *CIWM Journal*), which looked at the barriers to the circular economy (CE). Using the European consultation as a reason to gather once again, the meeting aimed to assess some of the key barriers with a view to responding. Within the aims of the discussion, identifying the barriers that those around the table can actually do something about was a priority, and to also develop an action plan that attendees can use, with their expertise and backgrounds, in order to move forward with mitigating some of those barriers.

The round table discussion began with CIWM's Tina Benfield giving an overview of a CIWM survey, which asked members to contribute to what CIWM would itself feed into the European CE consultation. Members were asked to rank what they believed was the order of importance for products within a CE. The results revealed that durability was prioritised, followed by repairability; upgradability; recyclability; increased content of reused/recycled parts; increased use of renewable materials; resource use – when in the use phase. When asked to rank how regulatory barriers impact within the EU, “leads to a reduction in resource efficiency” came out on top. CIWM then asked its members what actions could reduce or mitigate these barriers. The most popular was “cooperation between authorities in different member states”, followed by “greater clarity on the meaning of regulations”.

The results led the table into looking in greater detail at some of the barriers identified, starting with design and then moving through the circle to manufacturing and waste.

“I think there's very little being done specifically in design, apart from the eco design directive,” the Royal Society for the Encouragement of Arts, Manufactures and Commerce's (RSA) Sophie Thomas said. “It's quite specific. If you're designing a vacuum cleaner then it's useful. If

you're designing a food processor, it's not.”

Sophie went on to highlight how it would be interesting if intellectual property (IP) was shifted from where it sits within the lifetime of a product, so that it returned to the manufacturer at a certain point, so components could then be reused.

“That would affect how the design is considered,” she continued. “At the moment design briefs don't usually take into account second or third life. It basically stops at the shelf when it's sold or at the warehouse when it's finished and boxed. So we [RSA] were looking at IP as being a very interesting concept as a carrot.”

“Circular economy is primarily about preventing waste. Sometimes I think we try and get things to cycle faster at the expense of the durability specification. Ultimately it should be about long life”

“IP has a long way to go before it's seen as any sort of a carrot,” independent IP lawyer, Richard Gallafent replied wryly.

The dialogue moved onto patents and the potential for manufacturers to make more information available on how to actually take apart or repair their products in order to extend its life. The barrier here was seen as being that this could potentially put businesses at a competitive disadvantage; as rivals could potentially buy these products and strip them down to see how they're made in order to reproduce it.

“In terms of complex products it's to do with the guarantee,” Richard offered.

But while manufacturers might not readily make available how to disassemble and repair their goods, Richard pointed

out that with the wonders of social media people will probably be able to find out how to do it on YouTube.

"I would like to think this will help, because I'm a firm believer that things should be repairable," he said. "And you can't repair it if you don't even know how to get in."

Brands And Value

"I THINK there's a social action at the moment," Furniture Re-use Network's (FRN) Craig Anderson said. "People now look for quality."

The subject of built-in obsolescence and product reliability was then touched upon, as well as why the manufacturer might not want an organisation like FRN to go in and repair their product – reasons for which include using an inferior part that will affect where the product liability lies.

"Manufacturers now want us, as reusers, to take their brand names off the products," Craig revealed, "take full product reliability, have to meet the regulations when that product ends its second life and then handle all the waste and all the costs. The whole barrier here is that retailers aren't around this table discussing it; they're doing quite the opposite. And that's our problem."

The vehicle sector was highlighted as an example where this isn't the case, and it was thought that the reasons for this were a mixture of the value in the product and the legislation that protects manufacturers when third parties have access. The question was then raised whether this could be extended to more mundane, everyday products.

Sophie added that part of the problem with manufactures being a barrier to reuse is about "brand risk", where producers don't want their product bought at a reduced price or second hand on eBay, for example. They want the consumer to have to go directly to them, which results in many products being sent to landfill.

Keith James from WRAP then asked what Sophie thought could influence a design brief where the manufacturer would actually want to put a product onto the market that could be repaired and reused through many life cycles.

"I think it's about businesses and companies looking for proper systems. For example, you can design a keyboard that can breakdown to very simple streams of material, but because our e-waste goes through a system where we crush and shred and condense, there's no point planning



The round table took place at the Denton offices in London

it for that, unless they have a system where they can take that keyboard back."

She said that with such a small piece of equipment such a system wouldn't be worth it. It's about value and that it has to come from the business point of view – the people who write the brief to begin with – but a lot of briefs come from a marketing perspective. Sophie also pointed to how there is frustration within the waste industry at how it is having to "backcast its innovation" in the way design is pushing forward. She gave the example of getting a brief for a plastic bottle to be designed with full graphics over it, which may impact how recyclable it is further down the line.

Producer Responsibility

THE DIALOGUE moved to producer responsibility and compliance schemes, using the WEEE system to look at how well that works.

"There is no incentive in current producer responsibility legislation to make a better product," Green Alliance's Jonny Hazell offered.

Nick Cliffe, of Innovate UK, offered the idea that if businesses offer the "service" of a product rather than selling the product itself – meaning they retain ownership of that product – they might want to preserve greater control on the reparability of that product.

"If we keep moving towards a more servitisation-based circular system, I can actually see averse argument in favour of stronger protection of patent processes," he said. ➔





Defra's Simon Johnson takes notes as Keith James listens on

"If we're looking at barriers to CE approaches we ought to look at the fact that in some cases there might not be enough legislation and not enough protection of intellectual property," Nick added.

It was suggested that businesses would ultimately have to be the initiators of change. And because business, as Sam Reeve of Resource Futures put it, "will go where the money is", the main driver for that change will be signals. Sophie pointed out that it also depends on how an organisation defines profitability, which she said is changing depending on whom you talk to. This inevitably led to corporate sustainable responsibility (CSR).

"It's not all doom and gloom," Craig added. "It has to be a shift change."

He pointed to Tesco partnering with Fareshare to send surplus food to the charity, rather than be disposed of in landfill as part of their corporate sustainable responsibility.

"I never knew Tesco had a heart!" he added.

Durability & Compliance

TOUCHING ON a point about transparency, the RSA's Lucy Chamberlin pointed to a piece of legislation in France, where manufacturers are now required to specify how long they expect their products to last and share that with consumers, linking the "durability" aspect back to the CIWM survey of members' rank of importance for products in a CE.



Lucy Chamberlin and Sophie Thomas representing the designer aspect

"Circular economy is primarily about preventing waste," she said. "Sometimes I think we try and get things to cycle faster at the expense of the durability specification. Ultimately it should be about long life. And talking to consumers about how long things are expected to last, I think is a pretty radical start. It's something we could potentially look at doing here. It's quite a simple thing as well."

She then went on

to give an example of how a certain headphone producer puts a piece of metal in its product to make it weigh more and therefore convince the consumer that it's a higher-quality product, when in fact it costs just \$16 to make, retailing for \$200.

Looking at other countries for inspiration, the group cited that in Japan a different type of producer responsibility was introduced. It's a country where a lot of electronics are made, so rather than have compliance schemes – the middle men – the products go right back to the manufacturers, who actually own most of the recycling facilities. So it's actually in their own interests to produce a product that fits into a CE model.

Comparing this to the UK's compliance system, WRAP's Keith James said: "Producer responsibility is quite interesting because generally speaking it's just used to promote recycling at the moment. I think there is a real case to rethink producer responsibility... to really emphasise that it's about every aspect of the life of that product."

Craig then touched upon an idea that was brought up at this year's Resourcing the Future, and that's to "bin" the recycling targets.

"It just about gets stuff out of landfill, and it's all about tonnage," he said. "It's all about weight; cans, bottles... it doesn't look at the true value in a product. It looks at the material tonnage."

"Could you have different compliance schemes that act differently and have different costs associated," Landmark's Angus Middleton suggested. "One that grinds everything up, with the cost of being in that scheme very high, and another that disassembles everything and reuses or recycles parts, with the cost of that being very low."

Craig took up this idea to say this could be part of a CSR league table that could potentially embarrass businesses into wanting to do better. "Go to those businesses with a competitive idea," he said. "They don't like regulation. They don't listen to encouragement. They'll listen to competition."

He argues that if their competitors are higher in a league table of green manufacturers and the public is informed in order to "embarrass" those at the bottom, then the consumer might take notice of that. And that's something the manufacturer might move to rectify.

Duty Of Care

THE GROUP then brought up the subject of Duty of Care, seeing it as a barrier to reuse and recycling when local authorities, for example, don't know what's happening to their waste. Barriers within the Duty of Care itself were also



Keith James listens intently as Sam Reeve makes a point

Left to right: Lucy Chamberlin, RSA; Nick Cliffe, Innovate UK; Tina Benfield, CIWM; Eleanor Reeves, Dentons; Craig Anderson FRN; Richard Gallafent, IP lawyer; Sophie Thomas, RSA; Simon Johnson, Defra; Angus Middleton, Landmark; Jonny Hazell, Green Alliance; Sam Reeve, Resource Futures; Keith James, WRAP



identified, specifically around household waste and recycling centres, and what workers are required to do with items that are brought to them. This then, inevitably led back around to the issue of definition of waste.

“Half the barrier is understanding,” Innovate UK’s Nick Cliffe said. “Particularly from small businesses that think they’ve got an idea, but actually don’t.”

important to remember that, because the counter part of me wanting to buy a washing machine that lasts six times as long as another, for example, is that there’s a mass amount of effort and advertising that goes into consuming – people want to have the latest washing machine, with a blue light as well as red. So that’s the bulk of the challenge.”

As the round table came to a close, the group looked

"There is this bit about addressing the competitive element of business. They don't want to be embarrassed about being at the bottom of a CSR league table. For me that's the big thing today"

“There are two simple barriers – understanding and awareness,” Richard Gallafent added. “Unless you start thinking about this sort of thing, you’re not going to engage in any sort of circular economic activity, because you don’t think in those terms. Why not? Because you’re not taught in primary and secondary schools, and I doubt you’ll learn it in tertiary education.”

Going back to the design stage, Sam Reeve pointed out that not all consumers are motivated by how sustainable a product is. “We are very much in the minority,” he said. “It’s

at whether duty of care could be changed from being just focused on waste and spread to products as well. Barriers to this itself, with regard to the consumer, brought up issues such as confusion, laziness and sufficient drivers.

FRN’s Craig Anderson summarised his highlight from the discussion, saying: “It’s been about encouragement or it’s been about enforcement, but there is this bit about addressing the competitive element of business. They don’t want to be embarrassed about being at the bottom of a CSR league table. For me that’s the big thing today.” ■