

## WRITTEN SUBMISSION FROM CONSUMER FOCUS SCOTLAND

### **Call for Views on the Climate Change (Scotland) Bill – Submission from Consumer Focus Scotland**

Consumer Focus Scotland welcomes the opportunity to respond to the committee's call for views on the Climate Change (Scotland) Bill.

Consumer Focus Scotland was formed through the merger of three organisations – the Scottish Consumer Council, energywatch Scotland, and Postwatch Scotland.

We work to secure a fair deal for consumers in both private markets and public services, by promoting fairer markets, greater value for money, and improved customer service. While producers of goods and services are usually well-organised and articulate when protecting their own interests, individual consumers very often are not. The people whose interests we represent are consumers of all kinds: they may be patients, tenants, parents, solicitors' clients, public transport users, or shoppers in a supermarket.

We have a commitment to work on behalf of vulnerable consumers, particularly in the energy and post sectors, and a duty to work on issues of sustainable development.

Consumer Focus Scotland recognises the importance of climate change as a policy area, and the profound effects on existing patterns of consumption implied by substantive reductions in emissions. We have a particular concern around the issues as they affect consumers. Accordingly, this response sets out some guiding principles which, in our view, should help ensure that consumers are able and encouraged to participate in actions to help reduce emissions, and also provides specific comments on some of the detailed questions raised in the call for views.

#### **General Approach**

Descriptions of the source of greenhouse gas emissions are commonly given at national level by source, such as electricity generation, or transport. Alternatively, emissions can be linked to the activities of individual businesses, households or public services. If the latter approach is taken, the scale of existing use of carbon-intensive energy in all aspects of consumers' lives becomes more apparent, and, by implication, the scale of change implied by the targets set out in the Bill. Four points follow from this:

Firstly, there is a clear need to ensure that actions to reduce emissions take account of the needs and views of consumers, and in particular, the position of vulnerable and disadvantaged consumers. As with change in other areas, such consumers are likely to require assistance to make changes, especially where long term gains require considerable short term investment – the wider adoption of renewable heat technologies is an example.

Secondly, previous work undertaken jointly by one of our predecessor bodies, the National Consumer Council, and the Sustainable Development Commission *I will if you will*<sup>1</sup>, suggests that consumers are willing to make these changes as long as they are seen to be contributing in a balanced way alongside government and business, as well as with other consumers. Work on behaviour change for all consumers therefore depends on consistency of approach across all sectors, together with clarity of respective roles. The roles of infrastructure and of consistency of approach are both important here. Decisions which are seen to increase emissions, or which influence consumer choices to do so (such as airport expansion) can undermine the credibility, and therefore delivery, of overall approaches.

Thirdly, we recognise that moves towards greater consideration of emissions will create markets for new products and services with lower carbon footprints. There is a need to ensure that claims made about such products and services are transparent and justifiable, so that consumers have confidence in the difference they make by choosing them. Again, this is an area in which one of our predecessor organisations, the National Consumer Council, has worked.

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<sup>1</sup> National Consumer Council / Sustainable Development Commission, 2006

Finally, there is a need for a long term communications and behaviour change strategy to underpin the emission reduction aims. Such a strategy should be directly targeted at the consumer viewpoint and link explicitly and progressively to other government aims. This is already the case in some areas – for example, the contribution to economic development and energy security made by the expansion of the renewable energy sector is often highlighted by Scottish Ministers. Further examples of the way in which a low-carbon future will deliver economic and social benefits are needed.

Our responses to the detailed questions follow.

**Q1 The Bill creates a statutory framework for greenhouse gas emissions reductions in Scotland by setting a 50% reduction target for 2030 and an 80% reduction target for 2050. What are your views on the 2050 target and a 2030 interim target proposed in the Bill?**

See answer to Q3.

**Q2 The Bill requires that the Scottish Government sets annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050. It is proposed that these annual targets will be set in batches, the first being for the years 2010 to 2022 inclusive. What are your views on the setting of targets in batches from 2010 to 2022?**

See answer to Q3.

**Q3 The Bill provides that from the year 2020, the annual emissions targets must be set so that each is at least 3% lower than the target for the previous year. Prior to 2020, the Scottish Government has indicated that it intends to set annual targets which build towards delivering emissions reductions of at least 3% each year. What are your views on this approach or any possible alternative approaches?**

**We accept the need for long-term targets which are set by the science of climate change. We also note that, as the science has become more robust, predictions of the likely speed and scale of climate change impacts have increased, and accept that targets may need to be revised if this trend continues.**

In terms of presentation for consumers now, however, the changes implied are so large and so distant in time, that they are effectively meaningless at an individual level. Smaller, shorter term targets are preferable. These should be published together with action plans showing how they will be achieved, and describing the likely costs and benefits for different groups.

**Q.4 The Bill introduces the concept of a “net Scottish emissions account” as a point of reference against which the target for reducing greenhouse gases can be measured. It is defined as the net Scottish emissions plus or minus any carbon units credited to or debited from the account. Any units purchased may be used to offset Scottish emissions. Any carbon units generated in Scotland and sold to customers outside Scotland, count as emissions made in Scotland.**

**What are your views on the proposals in the Bill relating to the net Scottish emissions account, and should there be a limit on the number of carbon units which Scotland can purchase?**

From a consumer perspective, the main issue is that any trading is transparent, and has credibility so that consumers can see the impact of their actions. It would also be helpful, if credits are to be purchased from developing countries, to link the activities funded to the Scottish Government’s overseas development aims.

**Q5 The Bill defines “Scottish emissions”, in relation to a greenhouse gas, as being emissions of that gas which are attributable to Scotland. The policy memorandum states that “Scottish emissions” are defined as being those greenhouse gases which are emitted in Scotland or which represent the Scottish share of emissions of gases from international aviation and international shipping.**

**What are your views on this definition of Scottish emissions?**

Presentation of the data is important in this case. We appreciate that there is a balance to be struck between practicality of data collection and accuracy; the proposed approach will deliver (comparatively) robust, consistent data, but, at the same time, would seem to exclude the emissions associated with the production of many day to day consumer goods, including imported food, clothing and household goods.

We would therefore support the publication of emissions data in this way as long as it is accompanied by material which explains that there are many actions which can be undertaken by consumers, and which can help reduce emissions at global level, even if they are not, in the short term, captured in the Scottish emissions data.

In the longer term, we would support the development of revised data of this type.

**Q6 The Scottish Government has indicated that initially it intends to seek independent, expert advice on climate change from the UK Committee on Climate Change. The Scottish Government states in the policy memorandum that if it determines that the UK Committee on Climate Change does not meet all the advice needed for Scotland, the Bill contains provisions which will allow the Scottish Government to establish a Scottish Committee on Climate Change or to designate an existing body to exercise these advisory functions.**

**What are your views on the Scottish Government’s approach to obtaining independent, expert advice on climate change?**

We would suggest that any advisory committee, regardless of its location, needs to involve representatives of all groups, including consumer groups, whose actions will be affected by moves to a low carbon economy. In particular, the interests of disadvantaged consumers should be considered explicitly. In that respect, membership of such a group should include those with expertise in the social sciences, including marketing and behaviour change, in addition to scientific expertise.

**Q7 The Bill places duties on the Scottish Government requiring that it reports regularly to the Scottish Parliament on Scotland’s emissions and on the progress being made towards the emissions reduction targets set in the Bill. The Bill sets out details of these reporting requirements.**

**What are your views on these proposed reporting arrangements?**

We welcome the reporting proposals, and support the inclusion of the requirement to include changes in policy to deliver emissions reductions and to explain variations, should they occur.

**Q8 The Bill contains powers to allow the Scottish Government, by regulations, to impose duties on public bodies in relation to climate change, to issue guidance to those bodies relating to their climate change duties and to require that they report upon the discharge of those duties.**

**What are your views on this proposal?**

In line with our initial comments, we believe that a consistent approach to reducing emissions across all public sector organisations is an essential component of delivery of emissions reductions overall. It is critical that all parts of the public sector are seen to lead by example.

Appropriate resources for investment may be needed to accompany this duty, so that public agencies are supported to make energy savings, and to adopt new, low carbon technologies. Public accounting practices should also be made consistent with this duty.

We would also favour the extension of this approach so that it applies to all bodies delivering public services. For the purposes of its recent report, the Fit for Purpose Complaints System Action Group suggested that where public expenditure is used to oversee or deliver services, the organisation using that expenditure should be publicly accountable.<sup>2</sup> This definition of public services (rather than public sector/public bodies) provides a useful starting point in considering which providers should be specified to comply with climate change duties.

**Q9 The Bill places a duty on the Scottish Government to produce a report for Scotland, setting out its objectives in relation to adaptation to climate change, proposals and policies for meeting them and the timescales within which they will be introduced.**

**What are your views on this proposal?**

We support this approach as part of that outlined above – a clear adaptation plan is part of the process of demonstrating that the Scottish Government is taking action on climate change.

**Q10 Muirburn is the act of controlled burning of vegetation on open semi-natural habitats such as muir (Scottish word for moor) or moorland, and includes the burning of plants such as gorse, heather and grass. The Bill contains an enabling power to allow the Scottish Government to vary the permitted times during which muirburn may be made where they consider it necessary or expedient to do so in relation to climate change.**

**What are your views on this proposal?**

No submission.

**Q11 The Bill will allow modification by order of the functions of the Forestry Commissioners to enable the Forestry Commission in Scotland to play a greater role in tackling climate change. The immediate intent of the Scottish Government is to take forward proposals relating to renewable energy development on the National Forest Estate and the release of capital from the National Forest Estate for woodland creation.**

**What are your views on this proposal?**

No submission.

**Q12 The Bill requires the Scottish Government to produce an action plan setting out current and proposed measures to improve the energy efficiency of buildings in Scotland, as well as measures to encourage behavioural change.**

**What are your views on this proposal?**

See Q13

**Q13 The Bill confers powers on the Scottish Ministers to make regulations providing for the assessment of (a) the energy performance of non-domestic buildings; and (b) emissions of greenhouse gases produced or associated with such buildings. The provisions are enabling in nature and the Policy Memorandum provides further information on the Scottish Government's thinking in this area.**

**What are your views on this approach?**

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<sup>2</sup> Fit for Purpose Complaints Action Group (July 2008) Report to Ministers

Consumer Focus Scotland has duties and powers under the Consumers, Estate Agents and Redress Act 2007, to promote consumer interests, and in particular the interests of vulnerable consumers, in issues around domestic energy use. As an example, we were very much involved throughout the development of the recently-launched Home Reports in Scotland, and welcomed the inclusion of the energy report as part of the package. We strongly support the development of an action plan which comprehensively addresses measures to be taken to help address this issue in domestic buildings. In addition, we have recently commissioned a series of focus groups to help explore attitudes, behaviours and barriers to improving energy efficiency for these consumers, the findings from which, when available, may be of interest to the Committee in this respect.

We would also suggest that addressing energy efficiency issues in public buildings is an integral part of demonstration of action on the part of the public sector. Because of this, we would welcome the extension of this action plan so that, ultimately, it covers all buildings in which public expenditure is associated, as the approach we have outlined in our answer to question eight suggests.

We are concerned that there appears to be very little detail about the 'behavioural change' aspects of the action plan in the Bill. We believe that public engagement is absolutely fundamental to the achievement of reductions in emissions in two respects.

Firstly, there will be a need for consumers to use existing technologies or products in ways which reduce carbon impacts – taking public transport rather than driving, for example. We would also reiterate that the infrastructure put in place by the public sector has a critical, long-term influence over the choices made by consumers in examples of this type.

Secondly, there will be a need for consumers to adopt lower-carbon products and services as they are developed. One of our predecessor organisations, the National Consumer Council, undertook a great deal of work in assessing green claims associated with new products and services (including, for example, the credibility of 'green electricity' tariffs). Lessons from those studies show that credibility and consistency are critical in the adoption of new products.

We would strongly suggest that the issue of behaviour change receives considerably more attention.

**Q14 The Bill places a duty on the Scottish Government to take such steps as it consider appropriate to promote the use of heat from renewable sources. The Scottish Government has indicated this provision will enable it to introduce measures it deems appropriate to incentivise the production of heat from renewable sources.**

#### **What are your views on this proposal?**

We strongly support an approach to the promotion of heat from renewable sources which takes social factors into account. We recognise that heat from renewable sources can, in particular, have significant benefits for consumers in rural areas who do not have mains gas connections. In these locations, both carbon and financial savings are likely to be larger compared, to other forms of heat, than in comparison to gas central heating.

Given that the physical and financial impacts of installation of renewable heat sources can be significant, it makes sense for this to be done at the time of construction, of building renovation, or at the end of life of existing heating systems, and any approach should seek to influence consumer decisions on heating sources at these stages.

However, the initial cost of investment, as well as the innovative nature of the technologies involved, are likely to be barriers for consumers at present, and particularly so for low income consumers. As these groups would benefit most from the longer term financial savings, we would emphasise the need for work in this area to be, in part, explicitly targeted towards them.

**Q15 The Bill sets out measures aimed at improving waste and recycling. The Bill gives powers to the Scottish Government to make regulations in the following areas:**

**Waste prevention and management plans;  
Waste data;  
Deposit of recyclable waste;  
Procurement of recyclate;  
Reduction of packaging;  
Deposit and return schemes;  
Charges for carrier bags.**

**What are your views on these proposals?**

We have responded to the waste-related questions in more detail, as this is an area in which one of our predecessor bodies, the Scottish Consumer Council, commissioned more detailed work<sup>3</sup>. As a preface to our detailed comments, we would note that, although waste management forms a relatively small proportion of total emissions, recycling is consistently the single most important activity identified by members of public when asked about actions they have taken to reduce emissions<sup>4</sup>. It is therefore critical for the credibility of work on climate change that sustainable waste management is addressed in this context, so that success in this area can be used as a springboard for wider changes.

#### **Waste Prevention & Management Plans**

We support this approach. Work commissioned by the Scottish Consumer Council, one of our predecessor bodies, found that some consumers were put off recycling because of the contrast between the actions they were asked to undertake at home and the experience of observing 'piles of waste on the streets outside businesses'. This relates to our earlier comments on consistency of approach. For the same reasons, we also support the proposals to encourage collection of recyclable waste at public events or in workplaces.

#### **Waste Data**

Insofar as robust information is critical to good decision-making, we support the proposal to improve data collection.

#### **Procurement of recyclate**

There is a need to close the recycling loop by demonstrating to consumers that material they recycle is indeed used in new products – this helps reinforce recycling behaviour. We therefore agree with the Sustainable Development Commission for Scotland's assessment that the Scottish Government has a clear leadership role in this area,<sup>5</sup> to help develop the market for recycled products, as well as because of the demonstration value.

#### **Reduction in packaging**

This provision proposes to make regulations on packaging which would set statutory targets on retailers for packaging reductions. This is clearly an area where consumers have an interest, and Consumer Focus Scotland is a stakeholder in an initiative by Valpak and the Scottish Waste Awareness Group to help identify and reduce (at the point of manufacture and design) excess packaging. Voluntary measures such as this, the Courtauld Commitment and increasing media and consumer pressure, are all having an impact in this area.

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<sup>3</sup> PZA (2008) Household Waste Management and Recycling in Scotland: Developing a Consumer Perspective. A Scoping Report for the Scottish Consumer Council (unpublished).

<sup>4</sup> A range of material at <http://www.defra.gov.uk/evidence/social/behaviour/index.htm>

<sup>5</sup> See reference 1.

Given that there are benefits to voluntary schemes and there are indications such schemes may be successful, this route should be sustained before considering statutory regulation. Regulation is costly and these costs are often passed onto consumers. However, if satisfactory progress is not forthcoming we would review the possibility of statutory regulation. We would also note that the provisions designed to allow consumer complaints about excess packaging under the Packaging (Essential Requirements) Regulations have not been effective, with only 4 successful prosecutions to date across the UK. <sup>6</sup>Such forms of enforcement, which are reliant on action being taken by individual consumers, are unlikely to be effective.

### **Deposit and return schemes**

Consumer Focus Scotland supports deposit and return schemes in principle, because they emphasise clearly to consumers the (financial) value of 'waste'; this is particularly relevant to those for whom the environmental arguments are not currently sufficient to encourage participation. However, we would have concerns about the impact of including a deposit in the price of the some articles, particularly the effect this will have on low income consumers, and also the potential for consumer confusion and inconvenience.

Any scheme of this type would also have to consider potential effects on existing kerbside recycling services, particularly as such services are now bedding in and recycling rates are rising.

Accordingly, we would welcome further information and debate on the impact and success of voluntary deposit and return schemes currently running both in Scotland and elsewhere, and their likely impact in Scotland, before any new schemes were introduced.

### **Charges for carrier bags**

As urged by one of our predecessor organisations, the Scottish Consumer Council, we support the introduction of a levy as a means to change consumer behaviour, as long as it is accompanied by a strong education and awareness campaign. Charging consumers for their use of plastic bags is often cited as an important element in raising awareness of environmental issues in general, and a potential catalyst for wider behaviour change.<sup>7</sup>

In order to demonstrate support for suppliers '*to charge for carrier bags at the place where the goods are supplied for the purpose of enabling the goods to be taken away or delivered*' we would also want more information on the suggested provisions, including, for example, the circumstances in which the requirement applies and the suppliers to whom the requirement applies.

We would need to consider the impact of this regulation on all groups, including low-income consumers and small businesses. Re-iterating the theme of the Zero Waste Consultation, there should be a threshold below which the regulations would not apply so that, for example, smaller businesses are not overburdened or disadvantaged.

*The carrier bags to which the requirement applies:* we would like to see paper bags included in the definition of carrier bags. A shift to paper carrier bags (which has already taken place in a number of large retail chains, including Primark) would lessen the impact of a future regulation. Paper bags have their own considerable environmental impact.<sup>8</sup>

We welcome the objective that regulations would require that the charge for carrier bags would be used for *the advancement of environmental protection or improvement or to any other purposes that may be reasonably regarded as analogous*. We are aware that, among others, both Marks & Spencer and WH Smith are taking this approach, and would recommend that any future regulation should take account of such experience as it develops.

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<sup>6</sup> [http://www.letsrecycle.com/do/ecco.py/view\\_item?listid=37&listcatid=313&listitemid=9007](http://www.letsrecycle.com/do/ecco.py/view_item?listid=37&listcatid=313&listitemid=9007)

<sup>7</sup> Scottish Consumer Council (2005) Written submission to the environment and rural development committee on the environmental levy on plastic bags (Scotland) bill.

<sup>8</sup> See reference 8.

**Q16** What are your views on the adequacy of the Scottish Government's consultation in advance of publishing the Bill?

No submission.

**Q17** Do you have any views on the Strategic Environmental Assessment which was carried out by the Scottish Government out on the consultation proposals?

No submission.

**Q18** Does the Bill raise any equalities issues you would wish to highlight?

No submission.

**Q19** Do you have any comments on the impact of the Bill on sustainable development?

No submission.

**Q20** Do you have any other comments on the Bill?

No submission.