

## Annexe A – Inclusion Scotland submission to NZET Committee



### Our voices ■ Our choices

#### **Net Zero, Energy and Transport Committee: Submission on the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021**

Inclusion Scotland is a 'Disabled People's Organisation' (DPO)<sup>1</sup> – led by disabled people ourselves. Inclusion Scotland works to achieve positive changes to policy and practice, so that we disabled people are fully included throughout all Scottish society as equal citizens.

We do this by:

**Influencing decision-makers**, ensuring that disabled people are involved in developing effective solutions for policy and practice that reflect our expertise by experience and meet our needs and aspirations.

**Supporting disabled people to be decision-makers themselves**, promoting the equal representation of disabled people as policymakers and our right to make decisions about our own lives.

**Developing capacity, awareness, and engagement, of disabled people, disabled people's organisations**, and the organisations and institutions that affect our lives.

Inclusion Scotland has a network of 49 Disabled Peoples' Organisation (DPO) members including [access panels](#), and many partners, with reach to over 10,000 individual disabled people via our newsletter, e-bulletin, social media channels and membership. Inclusion Scotland has built up a strong reputation as an independent, non-party political, representative organisation of disabled people across Scotland.

1. Inclusion Scotland welcomes the opportunity to submit evidence to the Net Zero, Energy and Transport Committee on the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021 and the introduction of market restrictions on problematic single-use plastic items as identified in Article 5 of the EU Single-Use Plastics Directive (EU SUPD) 2019/904.
2. We saw with the proposed market restriction – effectively a ban – on plastic straws in Scotland, and some disabled people's initial reaction to it<sup>2 3</sup>, how

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<sup>1</sup> Disabled people's organisations or 'DPOs' are representative organisations or groups of disabled people where disabled people constitute a majority of the overall staff, board, and volunteers in all levels of the organisation.

<sup>2</sup> Third Force News Disabled campaigners fear plastic straw ban

important it is to involve disabled people and their Disabled People's Organisations (DPOs), in decision-making from the outset in terms of policymaking to avoid excluding disabled people or alienating us from the discourse on actions to tackle throw away culture and address plastic pollution in Scotland<sup>4</sup>.

3. When disposed of incorrectly, single-use plastic products end up in our rivers, lochs, and seas and cause significant harm to the marine environment as well as to the public's enjoyment of Scotland's natural landscapes. The disposable single-use plastic products specified in the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations are some of the most commonly-found products of plastic litter washed up on Scotland's shores.
4. It is expected that market restrictions on a range of single-use disposable products will reduce the volume of plastic waste created; reduce the amount of plastic waste entering Scotland's rivers, lochs, and seas; reduce the number of products littered where reusable substitutes exist and encourage wider behaviour change around material choice.
5. However, single-use plastic straws are essential for some disabled people being able to eat and drink safely and conveniently in and out of the home, with proposed alternatives being unsuitable in terms of flexibility and safety.
6. Paper straws are not sufficiently robust and, for some individuals with low muscle tone, they can cause choking as they degrade. Paper straws often disintegrate in hot drinks and are also a burn risk. For some disabled people, metal and bamboo straws pose a risk of injury, or exacerbate sensitive bite or gag reflex. Metal straws are inflexible and can be dangerous for those with neurological conditions, who experience muscle spasms or shakiness and are also a burn risk in hot drinks. Other, more environmentally sustainable straws can contain allergens for some disabled people like latex, gluten or shellfish residue that may make them unusable or potentially life threatening.
7. Inclusion Scotland has therefore been working closely with Zero Waste Scotland to support their work with the Scottish Government on the Single Use Plastics Directive. This work was focussed on ensuring that an exemption to the ban on plastic straws for disabled people was in place in regulations that would maintain access to disabled people where plastic straws were required to support independent living<sup>5</sup> or for medical reasons.

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<https://tfn.scot/news/disabled-campaigners-fear-plastic-straw-ban>

<sup>3</sup> Market restrictions on single-use plastic items: consultation analysis

<https://www.gov.scot/publications/introducing-market-restrictions-single-use-plastic-items-scotland-analysis-consultation-responses/>

<sup>4</sup> Inclusion Scotland (2021) It's Our Planet Too: Climate Change, Disabled People and Climate Action in Scotland Report

<https://inclusionsscotland.org/home-page-news/inclusion-scotland-publishes-climate-change-report-ahead-of-cop-26>

<sup>5</sup> It is important to recognise that Independent Living means all disabled people having the same freedom, dignity, choice, and control as other citizens at home, at work and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life.

8. We were also at pains to ensure that these exemptions would work in practice without being burdensome or stigmatising for disabled people, and that lived experience of disabled people who are straw users was front-and-centre in designing a communications strategy on the exemption and toolkit for businesses and service providers.
9. Alongside Zero Waste Scotland, Inclusion Scotland set up the Plastic Straws Advisory Group, which included disabled people who needed to use a plastic straw, and representatives from Disabled People's Organisations including Disability Equality Scotland and Glasgow Disability Alliance. The Plastic Straws Advisory Group has commented on draft regulations and guidance on the plastic straws targeted exemptions, toolkit, accessible communications, and suggestions for training for those dealing with requests for straws.
10. In this context we are supportive of The Scottish Government including several targeted exemptions to the prohibition on the supply of plastic straws, to maintain access for those who need single-use plastic straws to eat or drink independently or where necessary for medical needs.
11. We welcome the exemption that allows catering establishments to be able to provide a single-use plastic straw on request to a disabled person who needs one alongside drinks or food. The Plastic Straws Advisory Group has given feedback on the request system and has inputted into the wording and design of a request card that disabled people can present in a catering establishment in order to show that they need a straw.
12. We are pleased to see that the draft guidance on the exemptions states clearly that it is important to note that customers do not need to provide proof of need when requesting a plastic straw. Members of the Plastic Straws Advisory Group stressed repeatedly that disabled people should not have to provide any proof of need or proof of their impairments to request a plastic straw. This cannot be overstated.
13. We welcome the exemption that will allow single-use plastic straws to be purchased by those that need them or on behalf of someone that needs them from pharmacies. Some concern has been raised by disabled people that the price of plastic straws may increase considerably once the market restriction is in place<sup>6</sup>.

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<sup>6</sup> Disabled Scots are disproportionately likely to be living in poverty in Scotland and are therefore extremely concerned about any additional living costs even something that seems as affordable to others as plastic straws. Covid-19 has supercharged existing inequalities, deepening poverty, and drawing many thousands more families into poverty and destitution, putting the human rights of disabled people at further risk. The official measure of poverty (households living on less than 60% of median income) fails to take into account the additional costs associated with disability.

In 2018 Scope found that Scots disabled people spent on average £632 a month on disability-related expenses (e.g., taxis, increased use of heating, special equipment, care costs, etc.). These are the highest excess costs in the UK. Once these costs are taken into account fully, half a million (500,000) Scottish disabled people and their families are living in poverty, 48% of the total of all people in Scotland living in poverty, despite making up only 22% of the population.

14. We welcome the exemption that will allow care homes, prisons or other places of detention, schools, and premises for early learning and childcare, day care or childminding to purchase single use plastic straws and supply them to individuals using these facilities who require them.
15. A number of members of the Plastic Straws Advisory were keen to ensure that plastic straws would be available in the course of receiving social care support at home or when out of the house. We therefore welcome the exemptions to ensure supply in the course of a support service which provides personal care or personal support in a formal care setting, but also by any person providing care giving or similar services outside of a formal care home setting. In addition, a carer (whether or not a professional) may purchase single-use plastic straws from a pharmacy.
16. Furthermore, we welcome the exemption so that single-use plastic straws can be supplied where they are:
  - A medical device which is an approved medical device under the Medical Devices Regulations 2002
  - Packaging such as straws used to package granular medicines
  - Used for medical purposes. This means for the purposes of preventative medicine, medical diagnosis, medical research, and the provision of medical care and treatment
17. It should be stressed that plastic straws are not just needed for medical reasons and their use should therefore not be medicalised unnecessarily - they are a vital accessibility aid that meets a social need for some disabled people and as such are crucial to independent living and social inclusion for disabled people.

### **Our concerns about the request system**

18. The system for maintaining access to plastic straws for disabled people who need them requires disabled people to request a straw. Businesses cannot offer or provide the straws unless requested; and must keep straws in a place where customers cannot help themselves and where the straws are not visible to customers.
19. We have accepted this system as a pragmatic solution to maintaining access to plastic straws for disabled people when a market restriction has been applied but we have a number of practical concerns about it which the committee may wish to consider: -
20. Some disabled people who need a straw may have sensory or communication impairments that may make it difficult, impossible, or burdensome to successfully

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Even using the official measure of poverty, according to Scottish Government figures one in four (24%) Scots children were living in poverty in 2018/19 but in households containing a disabled adult or child, the rate of poverty among children rose to 29%. This meant that nearly half (45% or 100,000) of all the children living in poverty in Scotland were to be found in households containing a disabled person.

request a straw. They will not be able to point at straws in order to request them as the straws will be stored out of view. The request card will ameliorate some of the concerns about the request system, but some disabled people will inevitably not know about the card, not be able to access one or not have it with them when they need to request a straw. We have concerns that in this situation disabled people may not be able to request a straw or that this process will be stressful, stigmatising, or burdensome.

21. Many disabled people have a long and tortuous experience of requesting things that are not widely available to others – for example keys for accessible toilets or extra assistance – and getting a very poor/negative response from service providers who have not informed or prepared, and their staff who may not have been adequately trained to know how to respond well. In this context having to ask for a plastic straw may only add to the difficulties disabled people experience when using catering establishments, unless proper training and communications are available to businesses about maintaining access to plastic straws for disabled people.
22. The debates around plastic straws and around the promotion of a 'greener lifestyle,' particularly on social media, have at times pitted disabled people against environmental and other campaigners, including celebrities worldwide, who have completely overlooked the needs of disabled people and the very real barriers they face to independent living. We are concerned that disabled people who request a plastic straw in public settings may experience negative or stigmatising responses from service providers or the general public who may accuse them of not caring about the environment.
23. The view of some disabled people who objected to worldwide bans of plastic straws is that until we have an environmentally more sustainable alternative to a plastic straw which offers disabled people the same benefits in terms of useability, flexibility and safety, we need to focus on how we dispose of plastic straws rather than punitive outright bans.
24. In short, their arguments have stressed that we need a circular economy for single use plastics, rather than the largely 'make-use-throw away' model we currently adopt, that integrates product design, use, recycling and reuse of plastics to reduce indiscriminate disposal.
25. Disabled people have also emphasised a need to move away from ideas that convenience means 'laziness,' when in reality, convenience means independence for many disabled people.
26. This is not simply an issue about plastic straws but goes much wider in terms of policymaking. Mitigating and adapting to climate change in Scotland will lead to initiatives that will impact on many aspects of disabled people's everyday lives in relation to a wide range of policy areas - urban and infrastructure planning, housing, transport, energy efficiency, waste management, risk management and emergency planning to name a few. It is vital that disabled people's needs, priorities, and perspectives are taken into account in our responses to a changing climate in Scotland.

27. In the context of ‘normalising’ climate action we need to be sure who’s ‘normal’ we are using as a barometer. As we seek to rapidly shift towards a low-carbon economy and a just and green renewal from Covid-19 we need to acknowledge that for some disabled people, many of the changes to lifestyle being promoted may be difficult or impossible to do. We need to identify these barriers to climate action for disabled people and actively involve them in identifying the challenges and opportunities for creating sustainable, inclusive, and accessible responses to climate change, being mindful about scope for competing interests and goals, and the need for disabled Scots to be involved in co-producing ways forward that work for us all.
28. As work is taken to finalise plans for public engagement climate change, we would urge the Scottish Government to ensure that disabled people and disabled people’s own organisations, (Disabled People’s Organisations – DPOs), are fully recognised and clearly positioned in the proposals.
29. This ask is supported by the United Nation’s commentary on understanding and applying the Convention on the Rights of Persons with Disabilities (UNCRPD). The UN’s General Comment 7(2018), says (paragraph 1) ‘The effective and meaningful participation of persons with disabilities, through their representative organizations, is thus at the heart of the Convention’. The General Comment also says that state parties and public authorities should prioritise disabled people’s views, through their DPOs, and that they should support the capacity and empowerment of DPOs. This is to ensure that ‘priority is given to ascertaining’ the views of disabled people and DPOs in decision making and monitoring processes (paragraphs 13, 14 and 23).<sup>7</sup>
30. In this context it is vital to understand competing interests in any ‘just’ transition to net zero. Efforts to reduce emissions via zero-carbon policy making (active travel that emphasises walking/cycling, car-free zones, low-emission zones, integrated transport, energy efficiency in the home, promotion of electric vehicles for example) have the potential to actively discriminate against disabled people who rely on cars, or who need support from others who drive cars, who cannot afford new electric vehicles (or find accessible or adapted electric vehicles), or who find the infrastructure to charge vehicles inaccessible. Many disabled people already live in fuel poverty and may not be able to make their homes more energy efficient unless specific financial support is made available to them. Disabled people living in rural areas may have oil fired heating systems and no financial means to change this.
31. Initiatives that might actively disadvantage disabled people if their needs are not recognised may become part of the picture in a net-zero economy. Town Centre planning for active travel that emphasises walking/cycling may take little account of those who can do neither and lead to the removal of parking bays for disabled

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<sup>7</sup> General comment No. 7 (2018) on the participation of persons with disabilities in the implementation and monitoring of the Convention (see footnote below for link)  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhnsbHatvuFkZ%2Bt93Y3D%2Baa2pjFYzWLBu0vA%2BBBr7QovZhbuyqzjDN0plweYI46WXrJJ6aB3Mx4y%2FspT%2BQrY5K2mKse5zjo%2BfvBDVu%2B42R9iK1p>

people, fines for a failure to recycle would financially penalise disabled Scots who cannot recycle for reasons related to impairment (many disabled people are prevented from recycling as information about recycling is not available in accessible formats such as easyread) and urban planning for low-carbon cities that favours pedestrianisation may result in urban 'no go' zones for disabled people reliant on cars, and taxis, when public transport is not accessible or suitable for them.

32. We also need to ensure that moves to facilitate low-waste/low-emission living in Scotland are accessible to disabled people where possible - recycling initiatives, return deposit schemes, low-emission vehicles/charging points for example - and that disabled people are not financially penalised, or socially stigmatized, if they simply cannot live a 'greener' life or participate in these schemes for reasons related to their impairment/s.
33. Disabled people may be actively disadvantaged by aspects of zero-carbon policy making yet with the exception of treatments of 'vulnerability' in relation to the impacts of climate change for disabled people in the global south, disabled people are largely overlooked in the research on climate change in the UK as a whole and in Scotland in particular. There is very little research evidence on the impact of zero-carbon policy making on disabled people, in Scotland, or anywhere else for that matter.
34. Many disabled people are concerned about climate change and want to be involved in climate action yet describe being alienated by 'eco-ableism' – a failure by non-disabled environmental activists to recognize that many of the changes to habits and lifestyle they are promoting, and that could contribute to minimising climate change and rehabilitating the environment, are difficult or impossible for disabled people to do for reasons related to their impairment/s.

Examples of Eco-Ableism include:

- Ignoring disabled people in emergency planning - e.g., when designing flood protections or flood evacuations.
- Urban planning for low-carbon cities that discriminates against disabled people who need to drive a car or rely on support from others who drive cars and find public transport inaccessible to them.
- Protest about climate change (blocking roads or public transport) in ways that negatively impact on and alienate disabled people who rely on taxis or public transport to travel.
- Banning plastic straws without accepting that some disabled people need them to drink safely and conveniently.
- Promoting active travel without realising that some disabled people cannot walk, wheel or cycle – e.g., removing disabled parking bays to make way for cycle lanes.

- Recycling initiatives that do not include providing the right support to disabled people who struggle to recycle or who need information about recycling in accessible formats.

35. We know that there are significant impairment-related barriers to disabled people recycling, re-using, travelling via public transport, using carbon-neutral infrastructure, active travel, making homes energy efficient, protesting about climate change, and getting involved in national and local decision-making as it relates to climate change but there is almost no evidence in the research literature on climate change that acknowledges these barriers and ways to overcome them. There is a pressing need to fill this research gap. We would welcome involvement with any effort made by the Scottish Government to expand the evidence base in this area.