

CHAPTER 7

The Polluter Pays? Individualising Ireland's Waste Problem

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In late 2003, the Department of the Environment, Heritage and Local Government unveiled a no-holds-barred television advertisement as part of its 'Race Against Waste' campaign. Viewers of the advert witness 'Judgement Day' – at least as far as Ireland's waste crisis is concerned. A typical suburban street is literally deluged by a wave of waste and vermin that would not seem out of place in the Book of Revelations. In the midst of this carnage, one man strives to rescue a little girl from the ensuing chaos and danger – here one person can truly make a difference. This award-winning advert carries a simple yet powerful message: individual behaviour can make all the difference to the waste problem. But that is not all. The subtext of this advert is that those who live in suburban streets are those that produce the mountains of waste that now confronts us. It is they who should pay for the mess that they have created.

2003 also saw a huge escalation in disputes over the introduction of domestic waste charges, or the 'bin tax', particularly in Dublin. The notion of charging each individual household for the waste that it 'produces' seeks to

change individual behaviour on waste management. It is also part of the government's response to European Union legislation known as the 'polluter pays principle', as the then Minister for the Environment, Martin Cullen, stated in the Dáil on 30 May 2003:

The position is very simple. The polluter pays principle underpins EU environmental policy and legislation **and** must be applied by Member States. Specifically, EU waste legislation requires that households, as well as other waste producers, pay for the costs of disposing of their waste.

This issue ultimately led to the imprisonment of a number of non-compliant householders and elected representatives in the course of a lengthy, bitter and sometimes violent campaign of public opposition.

The polluter pays principle, enshrined in the EC Treaty, Article 174(2), states that the producers of waste 'should pay the full costs of their actions' and represents a clear indication of the increasing individualisation of the waste **issue**. Here, the focus is on individual responsibility and action, rather than reliance upon institutional responses. **The** individualisation of Ireland's waste **management** takes **many** forms. The introduction of domestic waste **charges/bin** tax is one such instance. Another is the plastic bags levy introduced in 2002 'to reduce the consumption of disposable plastic bags by influencing consumer behaviour' through the imposition of a 15 cent charge on each plastic bag purchased. It is in this context that this chapter seeks to **examine** the Race Against Waste campaign and the bin tax issue.

While no one doubts that individual responsibility is a critical part of managing waste, the individualising of the **waste** problem, particularly in terms of the degree of attention paid to household waste, has enabled the government to avoid challenging the biggest waste **producing** sectors by far in Ireland today, namely agriculture,

industry, and construction and demolition. The argument offered here is simple: the individualisation of Ireland's waste management problems allows the government to address this issue without seriously confronting the **main** producers of waste primarily because of the government's own policy imperative of maximising economic **competitive-**ness. As a consequence, Irish strategies are geared **towards** disposal options such as exporting waste, landfilling and possibly introducing incineration in the near future.

The society of the individual

Many social theorists have argued that contemporary society is rapidly becoming the society of the individual. Global capitalism encourages the primacy of the individual in terms of identity, work, consumption, politics and culture, where 'socio-economic relations place the emphasis on an individualized sense of responsibility for personal **achievement**'? The individual is encouraged to make choices, to exercise individual rights and to recognise ever-increasing responsibilities. As a consequence, traditional institutions and structures have been weakened and eroded. **The** individual is now faced with a range of risks that **fore-**shadow every choice that is made. The uncertainty associated with **making** personal choices in the **face** of impending or **perceived** dangers produces a plethora of anxieties and worries that must also be negotiated successfully.

This is not necessarily a bad thing. Writers such as Anthony Giddens are at least partly enthused by such a state of events. They **argue** that the removal of the '**shackles**' of 'tradition' opens up a vista of opportunity for the individual in the globalised world. And with this **new** 'freedom' comes reflexivity and responsibility, where the

¹ J. Webb, 'Organisations, Self-Identities and the New Economy', *Sociology*, vol. 38, no. 4, 2004, pp. 719–738, p. 722.

individual is conscious of the consequences of her or his actions. 'We have to make our lives in a more active way than was true of previous generations, and we need more actively to accept responsibilities for the consequences of **what** we do and the lifestyles we adopt.'² Environmental concerns are identified by Giddens and by Ulrich Beck³ as having particular **significance** in contemporary, individualised society. It is this concept of responsibility for one's actions that goes to the heart of the EU's polluter pays principle and, ultimately, the individualising of Ireland's waste problem.

Not everyone shares Giddens' optimism for the individualised society. Zygmunt **Bauman**, for instance, points out that the emphasis that is now placed upon individual responsibility somewhat misses the point. Put simply, talk of the primacy of the individual serves only to cloak the real machinations of power, and in this case, it allows the public and political focus to be removed from those institutions and agents that can truly effect change at *a* fundamental level. Meanwhile, the inadequacy of the individual to truly 'make a difference' results in feelings of powerlessness, disconnectedness and alienation: Turning the blame away from the institutions and onto the inadequacy of the self helps either to defuse the resulting disruptive anger, or to recast it into passions of self-censure and self-disparagement'.⁴

The race against waste

The whole rationale for the government's Race Against Waste campaign is to encourage the **individual** to reduce, reuse and recycle waste. The **campaign website**,

² A. Giddens, *The Third Way*, Cambridge: Polity Press, 1999, p. 37.

³ U. Beck, *Risk Society. Towards a New Modernity*, London: Sage, 1997.

⁴ Z. Bauman, *The Individualized Society*, Cambridge: Polity Press, 2001, p. 5.

www.raceagainstwaste.ie, offers a wide range of data that illustrates the extent of Ireland's waste problem and the amount of municipal, household, commercial and **packaging** waste that is produced *per person*.

Ireland's over-reliance on **landfill** sites as a means of disposing of waste 'is the most fundamental issue to be addressed in the waste management area' according to the **government**.⁵ Landfilling is the government's least-favoured means of dealing with waste for a number of reasons. Historically, many of Ireland's **landfill** sites have suffered from mismanagement and neglect, and have given rise to public concerns over issues such as pollution, vermin **and** the **production** of greenhouse gases. Many existing **landfill** sites **are** reaching their full capacity, while others are failing to meet existing environmental standards and are facing closure. In addition, EU legislation has set the ambitious target of reducing the amount of waste going to disposal by **50 per cent** by 2050.

Despite increasing pressure on the country's waste infrastructure, all the indications are that Ireland continues to produce more and more, waste. In 2001, the annual amount of waste 'arising' per person **was** 0.37 tonnes compared to 0.34 tonnes that was actually collected for disposal. This represented an increase on the years **1995** and 1998. Likewise, commercial waste per person has risen from 0.14 tonnes in 1995 to 0.25 tonnes in 2001.

Race Against Waste was launched in October 2003 by Minister Cullen and constituted certainly the most memorable, if not the most intensive, government advertising **campaign** on waste management thus far. This three-year advertising and communications campaign **was** designed to be provocative and attention grabbing. Its **initial** award-winning television advert certainly fitted those criteria. Considering the shocking images – more akin to a

⁵ N. Dempsey, *Changing Our Ways*, Dublin: Department of the Environment and Local Government, 1998, p. 3.

big-budget disaster movie than a government information slot – the advert had to be broadcast after the 9.00 p.m. watershed. According to the makers of the advert, one of the key objectives was to 'produce emotional markers' in order to 'deliver the personal ownership necessary to shift attitudes and consequently behaviour'.⁶

The advertisement encapsulates all of the key tenets of individualisation mentioned above. For instance, we **have** the impending danger of environmental catastrophe – the **sky darkens**, the earth seems literally to spew forth mountains of decaying waste, all of which are a direct by-product of modern living. A little girl is in danger of being engulfed by the wave of debris and rats; this can be taken to signify that environmental degradation is one of the major risks faced by all of us today and is a particular threat to our children, the representatives of future Irish society. Finally, a man plucks the infant from harm's **way**, demonstrating quite vividly that individual responsibility and action **can** save the day.

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The bin tax

While the Race Against Waste campaign is primarily about encouraging 'personal ownership' of the waste problem by challenging beliefs and behaviours, the bin tax issue constitutes a far more coercive approach to the individualisation of Irish waste management. In a 1998 policy statement, **Changing Our Ways**, the then Minister for the Environment and Local Government, Noel Dempsey, stated: 'By ensuring that waste generators pay directly the full costs of waste collection, treatment and disposal, public attention can be focused on the implications of waste generation and a direct economic incentive can be provided for waste reduction' (pp. 10–11). Minister Dempsey added that many households pay low waste charges, or no charges

⁶ www.iapi.ie/adeffective/adfx04/cases/race.htm, accessed 5 January 2006.

at all, and that local authorities must recoup the full cost of the waste services they provide. In January 2005, the government announced a direct economic incentive to reduce the amount of household waste for disposal, which would involve charging households on the basis of 'pay-as-you-use', in a bid to encourage more recycling.

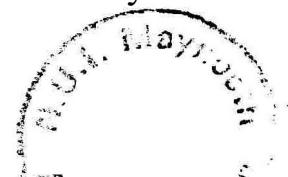
It soon became evident, however, that local authorities would face opposition from members of the public on the introduction of domestic waste charges. As early as 2000, protestors began to organise a campaign of resistance against government plans. In 2002, figures released showed the extent of opposition to the bin tax in the Dublin City Council area, with non-payment running at 75 per cent.⁷ If local authorities were to have any success in implementing this policy, they would have to resort to more forceful and coercive measures.

From the summer of 2003, opposition to the charges was concentrated on the following issues. By far the main complaint of campaigners was that the waste charges were nothing more than a form of extra taxation, aimed primarily at the PAYE sector. The argument here was that the public already paid for waste management through the general taxation system. Waste charges targeted at individual people and households, therefore, were viewed as less to do with 'polluter' or individual responsibility than the imposition of yet another tax burden on working people.

Second, campaigners argued that the bin tax did not amount to a 'green tax' as a disincentive to dispose of less waste, claiming that: 'Industry and large-scale agriculture produce the vast majority of waste. They should pay to sort out the waste management crisis. We have paid our share already'.⁸

⁷ www.stopthebintax.com/city/press.htm#city_non_payment, accessed 5 January 2006.

⁸ www.stopthebintax.com/information_sheet.htm, accessed 5 January 2006.



Third, campaigners believed that the bin tax was a prelude to the privatisation of waste collection, where charges would be significantly increased every year without any democratic accountability. For its part, the government passed the Protection of the Environment Act, 2003, whereby local authorities could now refuse to collect domestic waste from those households that defaulted on payment of the charges. The Act also allowed County and City Managers to set the annual domestic charge for households, taking this power **away** from locally elected representatives. This matter quickly became one of the most bitterly fought and contentious urban policy issues in Irish politics in recent times.

The strategy employed by the anti-bin-tax campaign centred on blockading bin lorries from either leaving council depots or leaving housing estates where council workers had refused to empty the bins of non-paying households. Dublin City Council threatened to impose fines of up to €1,900 on those households that left **uncollected** rubbish outside their homes (*Sunday Business Post*, 24 August 2003). In September 2003, **Fingal** became the first local authority to refuse to collect waste from the homes of non-payers.

Conflict between the protestors and the local authorities climaxed with the jailing of twelve campaigners in September and October 2003. **Fingal** County Council went to the High Court and instigated legal proceedings against protestors who were obstructing bin lorries. Socialist Party TD Joe **Higgins** and **Fingal** Councillor Clare Daly were each sentenced to a month in prison on 19 September. They were followed by ten other activists including breastfeeding mother Lisa **Carroll** and 61-year-old grandfather Noel **Kelly** (*Sunday Business Post*, 11 October 2003). In November, six other protestors from the South Dublin County Council area **were** jailed for three weeks and **fined** €1,500.

Although the campaign certainly showed signs of waning towards the end of 2003 and early in 2004 – though this would be disputed by campaigners – it nevertheless

graphically demonstrated that for many householders domestic waste charges are seen not as an act of civic or individual responsibility, but as an instance of coercion through the legal and taxation systems.

Who really pays?

In launching the Race Against Waste campaign, Minister Cullen remarked that it sought to show 'businesses as well as communities as the producers of the majority of waste'. This goes to the heart of the individualisation of Ireland's waste policy. But does that statement actually stand up to scrutiny?

Even a cursory examination of the Environmental Protection Agency's (EPA) data on the production and disposal of different waste streams disputes Minister Cullen's claim. The most recent data **available** from the EPA is for 2001, when the biggest waste-producing sectors in Ireland were agriculture (76 per cent of all waste and managed by 'land spreading'), manufacturing (7 per cent), construction and demolition (5 per cent) and mining (5 per cent). Municipal waste, including both household and commercial totals, represented only **4** per cent of total waste. According to the EPA, municipal waste, while a comparatively small waste stream, 'is perhaps the most important in terms of public education and **awareness-raising**'.⁹ This recognition of the symbolic, rather than the actual importance of municipal waste (in comparison with other waste streams), goes to the heart of the construction of a civic personal responsibility for the waste 'crisis'.

As we have seen, the main objective of government policy is to reduce the amount of waste that ends up in **landfill** sites. The EPA separates landfills into local authority sites and **private/industrial** sites in their **data**. Household waste is the biggest single waste stream going to local authority

⁹ Environmental Protection Agency, *Ireland's Environment* 2004, Dublin: EPA, 2004, pp. 227–231.

sites, with 1.25 million tonnes, approximately 45 per cent of the total; the remainder comprises commercial, construction, industrial and 'other' streams. The EPA estimates that just over 737,000 tonnes of commercial waste is **landfilled**, along with just over one million tonnes of construction and demolition waste, and 4.48 million tonnes of industrial waste. However, waste going to local authority sites constitutes less than 50 per cent of all waste that ends up in Ireland's landfills. This is an important point because, taken all together, household waste, the chief target of the government's **individualising** strategy, totals barely **15** per cent of waste going to landfill, while, for instance, construction and demolition waste amounts to almost four times that total.

A second, critical point is that household landfilled waste includes commercial **packaging**, for instance for food or electronic goods. On the face of it, household waste, at 1.25 million tonnes going to landfill, is a bigger stream than commercial landfilled waste, at just over 737,000 tonnes. Obviously, households are not **actually producing packaging** waste – manufacturing or commercial entities do that. Yet households must pay for its disposal through the imposition of domestic waste **charges**. This arrangement is reinforced through the government-sponsored Repak scheme. This voluntary arrangement, where businesses pay a fixed fee, aims to divert packaging waste away from Irish landfills. In return, these 'businesses – for instance, large supermarket chains – are exempted from having to take packaging back from consumers, as is the practice in other European countries. The consequence is that consumers must dispose of the packaging in their own homes thereby increasing the amount of waste that is defined as household in origin.

If it is the case that **household** waste only constitutes, at best, 15 per cent of waste going to landfill, then why has the government gone to great lengths to frame Ireland's waste crisis as a problem of household waste? Why has the government spent so much effort (and money) on individualising this issue when the major producers of

waste and landfilled waste are barely mentioned? **One** simple, but entirely plausible, explanation for this is **the** need to maintain Ireland's economic competitiveness, **while** at the same time allowing the government to claim that it **is** making inroads into diverting waste from landfill as **part** of its legal EU obligations.

In this respect, it is arguable that the Irish government has failed to comply with either the spirit or the letter of EU waste policy. European (and Irish) legislation states **that** there is a hierarchy of favoured options when dealing **with** waste. The most favoured option is prevention, then minimisation, followed by re-use, recycling and **finally** disposal. Prevention, minimisation and recycling, if enforced under the existing statutory legislation, **would** compel industry to change many existing product and packaging designs, and to modify production processes, affecting an array of products and services. This **would** impose financial penalties on industry, at least initially, allowing some to argue that such a policy would terminally damage the Irish economy.

Instead, Irish waste management is concentrated on 'end-of-pipe' solutions that externalise waste costs to industry. Externalising waste costs involves passing on **as** much as possible of the cost of waste production from the waste producer to the consumer of either a particular service **or** product – as is the case with the household disposal of product packaging. End-of-pipe solutions concentrate on addressing the issue of waste *after* the product **design/** production process has taken place – once again, externalising the cost of waste to the consumer. These solutions concentrate on what happens to waste after it has been produced and essentially refer to disposal methods (such as incineration and landfilling) rather than more preventive measures. As Mark Boyle puts it, 'waste management planning in Ireland appears to have been more concerned about organising consent around what **are** acceptable levels of pollution, than radically attacking the roots of the economic policies and systems that generate problems of

waste in the first instance'.¹⁰ These preferred options have become increasingly problematic, both politically and environmentally. Exporting waste from Irish landfills to developing countries has unleashed a whole catalogue of issues for the government. Likewise, the advent of municipal incineration has proved to be fraught with difficulties, not least because of community-based opposition to government plans.

This concentration on end-of-pipe solutions, coupled with a resolute failure to introduce any recycling infrastructure (as opposed to the *separating* of waste streams into different bins by households), means that the government never confronts the major producers of waste. Nobody doubts that individual action is a vitally important factor in waste management. However, a welcome increased awareness amongst individual citizens of **the** price of our 'throwaway' culture will be matched only with an inability to address this issue at its most fundamental level. As Bauman argues, 'you are on the one hand made responsible for yourself, but on the other hand are "dependent on conditions which completely elude your grasp"'.¹¹

¹⁰ M. Boyle, 'Cleaning Up **After the** Celtic Tiger: **The** Politics of Waste Management in the Irish Republic', *Journal of the Scottish Association of Geography Teachers*, vol. 30, 2001, pp. 71–91, p. 89.

¹¹ Z. Bauman, *The Individualized Society*, Cambridge: Polity Press, 2001, p. 5.