



WasteMINZ Product Stewardship Sector Group: Submission on ban on single use plastic items and PVC and polystyrene food and beverage packaging 2020

About WasteMINZ

WasteMINZ is the largest representative body of the waste and resource recovery sector in New Zealand. Formed in 1989 it is a membership-based organisation with over 1,000 members – from small operators through to councils and large companies.

We seek to achieve ongoing and positive development of our industry through strengthening relationships, facilitating collaboration, knowledge sharing and championing the implementation of best practice standards.

About the Product Stewardship Sector Group

The Product Stewardship Sector Group was established in 2018 to advance the member priorities established through this research, primarily advancing mandatory schemes for the priority products announced by the Minister in July 2020.

This submission was written by a working group of Product Stewardship Sector Group members: a manufacturer, a recycler, a sustainable packaging consultant and a community organisation.

Question 1. Do you agree with the description in this document of the problems with hard-to-recycle plastic packaging and single-use plastic items? If not, why?

Yes we agree. These plastics cause problems for recyclers as well as for the environment. Single-use plastic items can be convenient to use, but the impact of them at their end of life far outweighs their convenience.

Other design issues make recyclable plastics harder to recycle such as PVC shrink wrapped labels that cover more than 2/3 of the packaging.

Creating a demand for plastics can enable them to be more easily recycled. Creating such a demand would need to go alongside the development of the redesign of products to be reused or refilled, as well as alongside a business case for like-for-like recycling of plastics 2 and 5, and potentially for coloured PET. Amber coloured PET is sometimes used by manufacturers to protect a product from light. At the moment, coloured PET is most likely being landfilled. However, product stewardship for coloured PET could potentially enable the collection and recycling of amber coloured PET and ensure it can be recycled back into the same coloured PET product.

Sometimes packaging made of easy to recycle plastics like PET or HDPE have fixings, such as pumps for janitorial products, which are not easily recycled. The Government could investigate the options for these to be collected in kerbside recycling receptacles *in the future*, so long as they are made from the same plastics as the container and do not include metal springs. In Australia the small piece of plastic that cannot be recycled with the container and rest of the pump is sorted out at the chipping part of the process. If this is not an option for Materials Recovery Facilities (as is currently the case) other collection options should be encouraged such as drop off points at Mrfs and Transfer Stations.

Question 2. Have we identified the correct objectives? If not, why?

Yes.

Question 3. Do you agree that these are the correct options to consider? If not, why

We agree with the options considered and would also like to see a greater range of policy options that emphasise measures that target the top of the waste hierarchy such as re-use and refill and mandatory recyclability and compostability labelling.

Question 4. Have we identified the right criteria (including weightings) for evaluating options to shift away from PVC and polystyrene packaging, oxo-degradable plastics and some single-use items? If not, why?

More weight should be given to how well each option aligns with strategic direction. This would ensure that the highest ranking outcomes are higher up the waste hierarchy e.g. reduction and reuse solutions. We would also support criteria that assesses how well an option protects against unintended outcomes (such as for example, a switch to even harder to recycle plastics rather than those that are easy to recycle).

The alignment of strategic direction should also include legislation such as the Zero Carbon Act.

Question 5. Do you agree with our assessment of the options, and our decision to take forward only one option (a mandatory phase-out)? If not, why?

Yes, a mandatory phase-out sends a clear signal to manufacturers about expectations for packaging fast moving consumer goods and creates an even playing field.

Our reservations would be that a 'ban only' approach can sometimes lead to the swapping of one single-use material for another. Therefore, alongside the phase out approach we would recommend mandatory recyclability and compostability labelling and investigation into the feasibility of food grade wash plants so that plastics 2 and 5 can be recycled onshore back into food grade packaging. If food grade wash facilities for plastics 2 and 5 were established then procurement policies that reward a shift to using packaging made from these onshore recycled polymers would encourage a transition to a circular economy and make harder to recycle packaging a less desirable option.

Educating the public and gaining support through the labelling system needs to be done in conjunction with mandatory labelling.

Question 6. Do you agree with the proposed phase-out of PVC and polystyrene packaging as set out in two stages (by 2023 and by 2025)? If not, why?

Yes

Question 7. Have we identified the right packaging items that would be covered by a phase-out of PVC and polystyrene packaging? If not, what would you include or leave out, and why?

We think the phase out of PVC packaging should apply to all consumer facing packaging not just food and beverage (i.e packaging used for hardware goods etc).

Question 8. Do you think we should include all PVC and hard polystyrene packaging in stage 2 of the phase-out (eg, not just food and beverage and EPS packaging)? Please explain your answer.

Yes, the scope should be all consumer PVC packaging (not limited to food and beverage) to be phased out as alternatives exist for all applications.

EPS packaging used for medical purposes should not be phased out as we believe it is useful for insulation, keeping organs cool for transplants and can be recycled onshore.

We would like to see regulated product stewardship used to address the environmental impact of EPS used in non-packaging applications, such as in the construction industry (along with the polyethylene wrap used around buildings when they are being painted or renovated) or for fillers in products like beanbags.

We also think there should be a penalty (such as a fine) for anyone found releasing EPS beads or otherwise into the environment during storage, transportation or recycling process (whether intentionally or unintentionally). This could include someone taking a load of rubbish on a trailer to landfill and accidentally releasing polystyrene packaging or beads along the way.

Question 9. What would be the likely costs or benefits of phasing out all PVC and polystyrene packaging (hard polystyrene and EPS) by 2025?

Post-consumer PVC needs to be sent offshore for recycling. As this is becoming an increasingly rare practice, in reality it is often landfilled. Whether used for food and beverage packaging or other types of packaging it is a contaminant in the recycling stream as it is easily mistaken for PET and can ruin a batch of PET recycling. Phasing it out for all packaging applications will assist in the ongoing drive to provide high quality recycling materials to onshore reprocessors.

EPS, which becomes litter in the environment, creates lasting damage to our soil, waterways and marine environment. Phasing out EPS for all consumer packaging would therefore better protect ecosystems than limiting the phase-out to food and beverage packaging only.

A small quantity of higher quality EPS is being collected for recycling - and is reprocessed either overseas or onshore into insulation. However, due to the harmful properties of plastic in the environment, we would support it being replaced as a packaging material.

Hard polystyrene (6) packaging cannot be recycled as there is no market for it. Phasing it out as a packaging material in all contexts would allow for its replacement with a recyclable material, or ideally a reusable packaging option, which would shift us closer to a circular economy.

Question 10. Do you believe there are practical alternatives to replace hard-to-recycle packaging (PVC, polystyrene and EPS)? If not, why?

Yes. We fully support the vision on P40 of “more reusable or refilling alternatives to single-use plastics. There is an opportunity for New Zealand to rethink the use of some plastic packaging altogether, and to design innovative reuse models.” We also support the statement that “packaging with recycled content is preferable to new plastic (where feasible)”.

We would like to see additional policy to explicitly support the scale and uptake of reusable alternatives, mandatory recycled content and sustainable product design where designing out waste is top priority.

There are alternatives to these materials and if no one is able to use them then it provides an even playing field where one company does not benefit from the cheaper price of these materials over another company who uses more sustainable packaging.

Question 11. Do you agree with a mandatory phase-out of all oxo-degradable plastics by January 2023? If not, why?

We think the phase out should be sooner (January 2022) as this type of plastic serves no benefit and the advertising and labelling of them causes confusion through false claims that they are better for the environment than traditional plastics. This phase out should include any plastic with any type of pro-degradant, e.g. those labelled photo degradant (which can include paper made from rock that includes HDPE and a degradant), oxo-biodegradable and degradable in landfill etc.

Question 12. If you manufacture, import or sell oxo-degradable plastics, which items would a phase-out affect? Are there practical alternatives for these items? Please provide details.

NA

Question 13. Have we identified the right costs and benefits of a mandatory phase-out of the targeted plastics? If not, why not? Please provide evidence to support your answer.

We would think it would be of high benefit (not medium) to councils not just medium as they are responsible for reducing household waste to landfill. It will also be of high benefit (not medium) to the public as it will reduce confusion.

Question 14. How likely is it that phasing out the targeted plastics will have greater costs or benefits than those discussed here? Please provide details to explain your answer

As above – higher benefit to councils.

One benefit currently missing is the opportunity for businesses and community enterprises to develop reuse schemes and reusable packaging systems to replace the targeted plastics. This would have a positive job creation impact, as well as reducing waste. Preliminary studies indicate that reuse systems produce far more jobs than systems based on disposal or recycling.¹

The growth of reuse schemes and shifting social norms will also lead to a reduction in other single-use packaging (not just targeted plastic), which will further reduce costs for local authorities and ratepayers.

Question 15. What would help to make it easier for you and your family, or your business/organisation to move away from hard-to-recycle plastic packaging and use higher value materials or reusable/refillable alternatives?

If it was easier to refill a range of everyday essentials at supermarkets rather than needing to go to specialty shops to do so. Pharmacies could also include cosmetic refill options – a lot of cosmetics come in hard to recycle packaging, eg creams, foundations, all come in packaging that is often hard to clean for recycling.

¹ https://www.epa.gov/sites/production/files/2017-05/documents/final_2016_rei_report.pdf

However, phasing out these difficult to recycle plastics would definitely make it easier to recycle, as would mandatory labelling. Government policy designed to incentivise retailers and businesses to opt for reusable and refillable packaging options would help to level the playing field between single-use and reuse and therefore lead to more accessible and affordable reuse and refill options in more mainstream locations.

The standardisation of materials collected at kerbside recycling collections would also send a signal to manufacturers and producers about which packaging types are best to use for recyclability, and this in turn would help the public move away from hard-to-recycle packaging and use higher value materials.

Question 16. What do you think about the proposed mandatory phase-out of some single-use plastic items (see table 7)? Please specify any items you would leave out or add, and explain why.

It's a great start and we think it should also include lollipop sticks made from plastic. These present a similar hazard to plastic cotton buds and can easily be replaced by cardboard sticks.

It is not clear if plastic produce bags over 70 microns would be able to be used. No plastic produce bags would be the preference.

We would also like to see future work investigated around small packets of condiments (ie tomato sauce, soy sauce, spreads, butter) and toiletries in hotels. The Fox River incident highlighted the pervasiveness of these and the environmental impact if they are released from a landfill or don't make it into one in the first place.

Would there be some criteria for what makes plastic tableware reusable? As a potential danger could be that people remarket their disposable plastic tableware (that doesn't last very long, is not designed for more than single use) as reusable.

Single-use disposable coffee cups and their lids should also be included in the proposed phase-out list as the proposed timeframe for implementation could stretch as far as 2025. A single-use coffee cup ban can certainly be achieved within that timeframe as businesses and consumers will have plenty of preparatory time to transition to reusable alternatives.

Question 17. Do the proposed definitions in table 7 make sense? If not, what would you change?

It needs to be clear that this includes all biodegradable / degradable plastics that are not certified compostable.

We also suggest altering the proposed definition to include paper bowls and containers with plastic or wax linings (similar to the plastic cups and lids definition).

We also suggest that single-use plastic produce bags include plastic net bags that fruit and vegetables are commonly pre-packed into (which as far as we know cannot be included in the soft plastic collection bins).

We also query whether lids for disposable cups made of plastics 1, 2 and 5 are included within the scope of the exemptions? We propose they not be exempt from a ban as their size effectively makes them 'hard-to-recycle' items in most kerbside systems that rely on automated MRFs for sorting. Furthermore, they are detachable so can easily be lost to the environment.

Question 18. What would be an appropriate phase-out period for single-use items? Please consider the impact of a shorter timeframe, versus a longer timeframe, and provide details where

possible. a) 12 months? b) 18 months? c) 2 years? d) 3 years? e) Other? If you think some items may need different timeframes, please specify.

It might depend on how much is in stock. It might be preferred that all remaining stock is used up before phaseout so that unused items doesn't just go straight to landfill? Unless a takeback scheme is offered for unused stock?

Some items could potentially be phased out sooner than 2025 such as drink stirrers, for example.

Question 19. What options could we consider for reducing the use of single-use coffee cups (with any type of plastic lining) and wet wipes that contain plastic? You may wish to consider some of the options discussed in this consultation document or suggest other options.

In some areas small cafes without ability to have a commercial dishwasher can only sell coffee in disposable cups. This is to do with local government bylaws. However, work could be done to make it difficult to sell coffee if reusable / washable cups are not an option, along with a sinking lid policy on licenses for cafes and eateries without washing facilities. Moving to no single use coffee cups for coffee unless they are plastic free (including planted based plastics) *and* are home and industrially compostable certified could be an option. Alternative ways of tackling the issue of single use coffee cups could include:

- Mandatory reusables for dine-in customers
- Updating food safety legislation to require outlets to accept clean BYO cups.
- A levy on disposable coffee cups and or producer fees under s 23(1)(d) to cover the estimated costs associated with disposal or clean-up.
- Inclusion of disposable coffee cups in the proposed mandatory phase-out list as this will stimulate solutions.

Local community engagement and collaborative solutions are more impactful in terms of creating lasting behaviour change than high level national education. A good example is SUC Free Wānaka's flaxroot campaign. Funding support to NGOs and community groups already working to educate and engage on the ground would be the most efficient way to invest in behaviour change.

Wet wipes

Wet wipes are a significant issue for councils, who spend thousands of dollars undoing blockages in wastewater systems.

We support investment in community engagement around reusable alternatives and the problems associated with wet wipes and **compulsory labelling requirements** to inform users of how to dispose of them correctly and to **prohibit use of the word "flushable"** on the product packaging (these labelling requirements should be mandated through regulation under s 23(1)(f) of the WMA).

Before a ban is phased in, we would also **support fees being attached to wet wipes to cover the clean-up costs** (which can be considerable when they block pipes and form fatbergs).

Question 20. If you are a business involved with the manufacture, supply, or use of single-use plastic coffee cups or wet wipes (that contain plastic), what would enable you to transition away from plastic based materials in the future?

NA

Question 21. What do you consider an appropriate timeframe for working toward a future phase out of plastic lined disposable coffee cups and wet wipes containing plastic?

Coffee cups

With formal Government support for reuse systems and community engagement, we believe individual towns can meet their goal of being single-use cup (SUC) free by 2022. Replicating the successes of those towns could lead to a SUC free Aotearoa by 2025.

Wet wipes

We would support transitioning from wet wipes containing plastic to those not containing plastic (and that will not block sewers and form ‘fat bergs’) as soon as practicable.

Question 22. Have we identified the right costs and benefits of a mandatory phase-out of single-use plastic items? If not, why? Please provide evidence to support your answer and clarify whether your answer applies to a particular item, or all items.

As well as the recognition of the potential cost savings for retailers if more reusables are used, and the cost savings for the wider community from reduced waste and litter, we believe there are additional benefits. For example, the opportunity for businesses and communities to develop reuse schemes and reusable alternative products to replace the items that have been phased out.

Reuse schemes reduce waste, costs for local government and ratepayers, and create more jobs than recycling or landfilling packaging. These jobs are also dispersed across the country, which meets provincial development goals.

Question 23. How should the proposals in this document be monitored for compliance?

The community will assist in monitoring if they are able to report breaches of the mandatory phase-out to MfE, similar to the plastic bag ban. A hotline could be set up to report breaches – however, the public needs to be sure that these complaints are followed up and businesses fined if found to be in breach. Reporting breaches would deter other businesses from making similar breaches.

In light of the wide scope of this particular phase-out proposal and the breadth of actors in our economy and within our communities who are likely to be affected, we support MfE creating a compliance, monitoring and enforcement strategy. We also believe that appointment of enforcement officers under s 76 would be appropriate in this case.

Manufacturers, retailers, importers etc could be required to publish their plastic “footprint” by eg end of 2021 with a roll out plan to showing how they plan to reduce this and minimise unintended consequences by replacing with alternatives.