wasteMINZ

GUIDELINES ON CLAIMS ABOUT RECYCLABILITY, RECYCLED CONTENT, REUSABILITY AND REPAIRABILITY

This guideline has been developed with two key aims:

To help organisations avoid making inaccurate or misleading claims about the recyclability, reusability, repairability or recycled content of their products.

To help customers and consumers make informed pre-purchase choices with regards to the properties and post-use destinations of the products they buy.

Inaccurate or misleading claims regarding the features of products risk breaching the Fair Trading Act 1986 and are detrimental to national and global efforts to reduce pollution and climate change.

This guideline provides an explanation of terms relevant to packaging and products for which Aotearoa New Zealand households are the intended or actual end-users.

Where possible follow the waste management hierarchy and choose reusable packaging over single use packaging and avoid products with excess packaging.

CONSIDERATIONS WHEN APPLYING THESE TERMS

Specifying what the claim refers to

An environmental claim should specify whether it refers to the product, the product's packaging, a service, or a portion of the product, package, or service (if it doesn't apply to all). For example, a label that claims "recycled content" should specify if this refers to the label or product itself, and this context-specific information needs to be as prominent as the claim, i.e. "This label is made from 100% recycled paper" rather than the vaguer "Made from 100% recycled material."

Third party independent certifiers

A certification indicates a product or organisation has met certain standards set by an independent third party (such as those issued by the International Standards Organisation). The certification should be relevant to the product or process being promoted. The certification should also be awarded by an independent third-party. Forest Stewardship Council (FSC) certification is a good example of credible, third party certification. A certification applied by the organisation to their own product or to that of a customer is not credible and should not be used.

SECTION 1: TERMS RELATED TO REUSE

Reusable packaging

Reusable packaging is durable/sturdy packaging that is refilled multiple times (in its existing form) with the same type of purchased product for which it was originally designed, or for the same purpose, in a system of reuse.

A **system of reuse** is the established organisational, technical and/or financial arrangements that ensure the packaging achieves a minimum number of trips or reuse cycles in practice (not just in theory).

These arrangements could include deposit return systems or other collection programmes, tracking apps, reverse logistics (which ensures goods are returned from end users back to the brand or retailer for reuse), and the necessary infrastructure to prepare packaging for reuse or to enable consumers to refill their own containers (such as, bulk dispensers or vending systems).

The minimum number of trips will vary from product to product, but should always exceed the 'breakeven' point of the packaging chosen for the system. The **breakeven point** is the number of uses at which the overall impact per use for a reusable product falls below that of a single use equivalent. Calculating this will require companies to understand the impact of the product across its life cycle.

Returnable packaging is a sub-category of reusable packaging, where individual units of packaging are pre-filled with product, and the company organises a system for collecting back or retrieving empty packages from the end-user, preparing them for reuse (e.g. through washing or reconditioning), and then refilling them with the same type of product or reusing them for the same purpose. For example, a beer crate swap system, glass bottle swap systems for milk, reusable takeaway packaging schemes, or reusable pallets for transport packaging.

Refillable packaging is a sub-category of reusable packaging where consumers own a durable container and can refill it with separately-purchased products in a smaller refill package (like a pouch or tin) or from in-store dispenser systems or refill stations (e.g. bulk bins, kegs, jerry cans, beer growlers, vending machine dispensers).

Repurpose: A common mistake is to confuse the terms **reuse** and **repurpose**. When packaging is used again for a purpose other than its original intended use, this is repurposing, not reuse. For example, a customer keeping a glass jam jar and using it as a pen-hoder or to store loose pantry items..

RECOMMENDATION FOR USING THE CLAIM REUSABLE AND THE SUB-CATEGORIES RETURNABLE AND REFILLABLE WHEN DESCRIBING PACKAGING

Reusable packaging is a system, rather than a type of package with particular physical qualities. Claims of "reusability", "reuse", "reusable" or "refillable" should only be made when the packaging is durable enough to withstand multiple reuse cycles and has an established system of reuse that means that, in practice, the package will be refilled with the same product (or a similar product), or reused for the same purpose, multiple times. For example, the brand should be able to demonstrate that they have either provided the logistics required for collecting, washing/reconditioning, and refilling the package (i.e. returnable packaging), or that they sell the product in a way that allows consumers to refill the original package (i.e. refillable packaging).

To be claimed as 'reusable', a significant amount of the packaging must be proven to have been reused in practice. This could be measured by an average reuse rate or number of reuse cycles per package. The proposed Reuse Rose certification standard recommends at least 10 use cycles per container on a timescale that is appropriate for the average cycle lengths of the packaging, along with an average return rate of at least 90%.

Avoid using the words "reuse", "reusable" or "refillable" to describe the recycling, composting or repurposing of packaging. Reuse is distinct from all these processes because it puts products to use, multiple times, in their existing form, for their original purpose. In contrast, repurposing keeps a product in its existing form, but puts it to a different purpose, while recycling, downcycling and composting both change a product into a different form through reprocessing or biodegradation.

An international reuse standard PR3 is in development by a collaborative group called Resolve. Their website contains the standards expected for all aspects of a reuse system, as well as additional guidance.

Repairable and related terms

Refurbish is when a product is returned to good working order through the repair or replacement of components, updating of specifications, and improvement of cosmetic appearance. It involves partial rather than total disassembly.

Remanufacture is when a product is rebuilt from reused, repaired and new parts to match or exceed the level of performance of a newly manufactured one. It involves a complete disassembly and rebuild of the product.

Repairable refers to the ease with which a product or component can be repaired.

Repaired means a faulty or broken product or component is returned back to a usable state to fulfil its intended use.

RECOMMENDATION: The terms **repairable** and **repairability** should only be used when the manufacturer has designed the product to be easily repaired by, for example:

- ensuring the design allows parts of products to be removed to be repaired or replaced,
- making repair manuals available free of charge to repairers and consumers,
- making spare parts available to all repairers (and in many cases consumers) at a reasonable price. For example, consumers are generally prepared to pay 20% of replacement cost to get an item repaired so spare parts and labour costs would need to reflect this expectation, and
- ensuring common household tools can be used to make the repairs. For example, a repairable item would use flat head or Phillips screws rather than screws that need specially designed screwdrivers to access the item.

SECTION 2. **TERMS AND SYMBOLS CLAIMING OR INFERRING AN ITEM IS RECYCLABLE**

The following terms may be found on packaging or a product to infer recyclability.

Recyclable: A product or material is recyclable when collection and processing services are available to divert it from the waste stream and reprocess it into the original or new products. The generic term "recyclable" and the recycling mobius (see image below) should only be used if an item can be accepted at all kerbside collections across Aotearoa New Zealand. In addition, if the whole item is not recyclable, then it should be made clear on the packaging and/or product which parts of the item are recyclable.

Refer to the Ministry for the Environment's website for what is recyclable in kerbside collections across Aotearoa New Zealand as a result of standardisation.

The recycling "mobius" is widely used to indicate something can be recycled. A recycling mobius with a number from 1-7 inside it is a plastic resin code and does not always indicate that an item is recyclable. See plastic resin number to the right.

Return to store: If an item can only be recycled via participating collection points (as opposed to in kerbside recycling), this needs to be made clear on the packaging and/or product. The Australasian Recycling Label, for example, uses "return to store" to indicate that this is the case for that product. For collection points that are not

at a retailer, "return to collection points" could be used instead. Good practice would include a URL or a QR code so the participating stores can be found.

Plastic resin or identification codes: The Plastic Identification Code does not equal recyclability. The plastic coding system identifies the six most common plastics, grade or type 1 to 6, and has an "other" category, the number 7, for all other resins. "Other" includes combinations of resins, multi materials (e.g. laminates), biodegradable and degradable plastics. For more information on the plastic codes see Plastics NZ.

Currently in Aotearoa New Zealand, plastics 1, 2 and 5 are widely accepted for recycling at kerbside.

SECTION 3. **TERMS AND SYMBOLS CLAIMING OR INFERRING AN ENVIRONMENTAL BENEFIT ALONGSIDE OR OTHER THAN RECYCLABILITY**

The following terms can be found on packaging or a product to infer an environmental benefit alongside or other than recyclability.

Biodegradable/compostable: These terms do not refer to an item being able to be recycled but refer to a biological process that takes place under certain conditions. These terms are covered in WasteMINZ's guidelines on compostable and biodegradable packaging which are available from the WasteMINZ website.

Chain of custody: This term refers to a verification process that ensures every step of the supply chain of a material or product has met rigorous standards (for an example of this, see the Forest Stewardship Council chain-of-custody certification). In the context of recycling, it is a process that tracks, using blockchain or other technologies, exactly where an item is during all stages of recycling such as collection, sorting, transport and reprocessing. It provides a way of ensuring that recovered items do end up being recycled and not disposed of to landfill. It can also be used to verify recycled content.

'Free of' claims: Terms that claim or imply an item is free of an undesirable material or property should be used with care and be backed up with evidence. Such claims may include phrasing such as 'plastic-free' or 'free of plastic'. There are cases where these terms are misapplied and are misleading, for example, when an item has never been made of a particular material but a new claim is added, such as an unlined cardboard box with a new 'plastic free' claim.

If an item traditionally contains a material and is now being claimed not to contain it, there would be the expectation that this material has not been intentionally added to the product in any form including by being substituted with a similar material. For example, coffee cups that have no plastic lining but have a coating that contains synthetic latex (which is made from petroleum compounds) could be seen as misleading for the customer if they are advertised as 'plastic free'. Conversely if the same cups have a claim that they are '100% paper' this could also be deemed misleading.

'Toxic-free' claims imply that a product, packaging, or service is non-toxic both for humans and for the environment generally, so any claims need to have credible scientific evidence to back them up and specifically mention the toxins the product is free of.

RECOMMENDATION: Avoid use of general "free of" and "toxic-free" claims.

Plastic neutral: This term refers to a system where, to achieve "plastic neutrality" certification, organisations:

- calculate the impact of their plastic use
- set targets to reduce the use of virgin plastic and increase recycled plastic use, and
- support recycling or clean-up initiatives.

The organisation will still use plastic in their packaging or product but might use more recycled plastic than previously. This term is similar to the term 'carbon neutral' in that it may be interpreted in a variety of ways by consumers, and mislead the consumer into believing that using this product will not have an impact on the environment.

RECOMMENDATION: Avoid use of vague and confusing terms such as "plastic neutral".

SECTION 4. TERMS REGARDING RECYCLED CONTENT

The following terms are used on packaging or a product to infer that it contains recycled (as opposed to virgin) material.

Ocean bound: This term is defined as post-consumer plastic that is "at risk of ending up in the ocean" because it is located at an informal or uncontrolled dump site within 50km of the ocean, in a country where waste management is inexistent or inefficient. Any claim of "ocean bound" should be backed up with certification or a tracking number so you can see where the plastic waste came from. This term differs from 'recovered ocean plastic' which is when plastics removed from the ocean are turned into, for example, shoes or clothing.

RECOMMENDATION: Any claim of "ocean bound" should make it clear that the plastic used has not been recovered from the ocean and backed up with certification and tracking that shows where the plastic used was derived from.

Recovered material: This term refers to waste material that would have been disposed of but instead has been recovered for reuse or to serve as a new input to a manufacturing or recycling process. An example of this is when rejected cullet (glass) from a glass bottle manufacturing plant is used in roading.

Recycled content: This term is used to describe the proportion by mass of recycled material in a product or packaging (for example "contains 20% recycled plastic"). Just stating "recycled content" or making a claim such as "now containing 100% more recycled material" is not acceptable under the Fair Trading Act. The ISO14021 standard states that both **pre-consumer** and **post-consumer** materials can be considered as recycled content.

Pre-consumer material is material diverted from the waste stream during the manufacturing process, for example plastic left over from injection moulding or thermoforming or redundant stock or paper offcuts from a paper packaging manufacturer that is then recycled into a new product. It does not include rework, regrind, or scrap generated in a process and reutilised within the same process that generated it, such as scrap from a paper mill that is added back into the pulper. Pre-consumer material is sometimes also referred to as post-industrial or post production material.

Post-consumer material is scrap or waste material produced by the householder or other end-user (such as a business) from a product that can no longer be used for its original purpose. For example, a plastic bottle after the drink has been consumed is recycled into meat trays, or used office paper is recycled into card, newspapers and magazines. It can often be recycled back into the same product.

SECTION 5. OFF PACK (SUCH AS A WEBSITE OR IN PROMOTIONAL MATERIAL) CLAIMING RECYCLABILITY, RECYCLED CONTENT OR ANOTHER ENVIRONMENTAL BENEFIT

The following terms may be used on a website or promotional material, but generally not on packaging or a product itself, to infer recyclability, recycled content or other environmental benefit.

Beneficial use of recycled material: This term refers to materials from packaging or products being recycled into the same or other

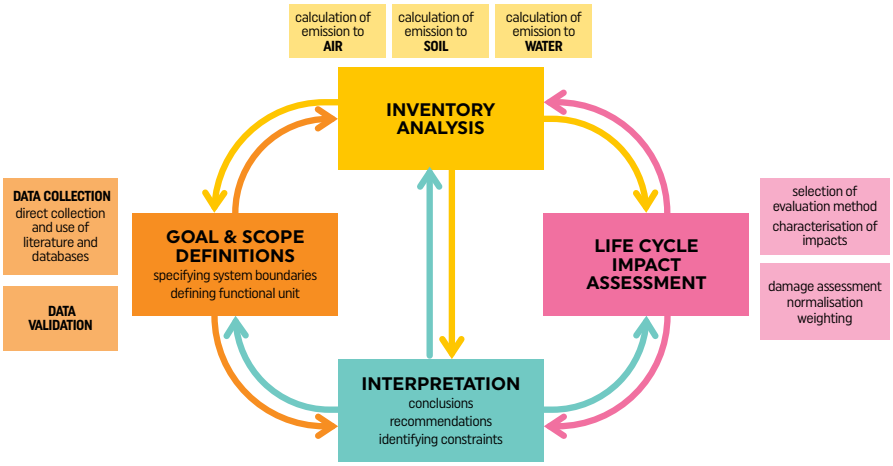
materials for which there is a market demand. It does not apply to materials that are collected and stockpiled as there is no current market demand for them.

Chain of custody: This term can be understood as per the definition provided above in section 3, but relating specifically to a process that ensures the packaging or product is made from genuinely recycled content due to the ability to track the source of it.

Circular: This term is derived from the concept of a circular economy. The Ellen McArthur Foundation notes that reusable packaging and "packaging materials re-entering the economy in packaging applications" are examples of circular packaging, while reprocessing packaging materials into roads, posts or building material is not, as virgin materials will still be needed for the original packaging.

LCA (Life Cycle Assessment): This term describes the compilation and evaluation of the inputs, outputs and the potential environmental impacts of a product system throughout its life cycle. Each LCA process determines the relevant inputs and outputs of a material (for example, this could include extraction, energy, processing, filling, transport, emissions generated and disposal of a packaging type), then evaluates the potential environmental impacts associated with them and interprets the results in relation to the objectives of the study. The ISO 14044 standard for Life Cycle Assessment states that uncertainty (model, scenario and parameter) should be determined where feasible, but is not mandatory. This means one LCA study may leave out impacts or processes that another study has included, which can impact on the final outcomes.

EXAMPLE OF A LIFE CYCLE ANALYSIS



Lightweighted: This term refers to the removal or substitution of material from a product or packaging with the aim of lowering the weight and therefore the environmental impact while not compromising its function, by reducing the:

- material needed
- emissions produced (including during transportation)
- cost

This focus can result in a perverse outcome where the lightweighted packaging has no circular end of life solution. An example of this is when a glass bottle that was previously recycled back into a glass bottle is replaced with a plastic pouch that cannot be recycled or is downcycled. A life cycle analysis is necessary to determine the full impact of lightweighting material which would include the costs and emissions created in getting the product back to market via reprocessing.

Like-for-like: This term refers to a material being recycled back into the same product it came from. For example, glass bottles back into glass bottles.

Locally recyclable: This term is difficult to define as just because an item can be recycled in New Zealand it does not mean it actually is. The product may still be sent to an overseas market due to a better price or a glut on the local market. It could be used in cases where a product is only recycled in New Zealand if it includes a QR code with information on how to get it back to the local recycler.

RECOMMENDATION: Avoid using 'locally recyclable' without providing information on how to return it to the recycler.

Product stewardship: Product stewardship is a system for fairly allocating the responsibility for, and cost of, managing a product across its lifecycle. This system aims to incentivise and finance environmentally preferable practices of production, consumption and resource recovery or safe and appropriate end-of-life disposal. Ideally, the costs and responsibility are distributed between manufacturers, brand owners, importers, retailers, and the resource recovery sector (collectively known as 'the producers') in a way that reflects each 'producer's' level of responsibility and influence over factors such as product design and effective resource recovery infrastructure. A product stewardship scheme should ensure that the full cost of collecting a product for efficient reuse or recycling are met by the producers. For example, if a

product is collected by a council or community group without the full cost being met by the producers, then this is not product stewardship. In addition, well-designed product stewardship schemes should include incentives to improve product design to encourage and enable activity at top of the waste hierarchy, for example such as product durability, and design for repair and reuse.

Product stewardship schemes can be voluntary or mandatory. A mandatory scheme is initiated by central government regulation and requires universal producer participation. Mandatory approaches applied on a sector-wide level are the most economically efficient way to transition to a circular economy. Making whole of lifecycle product stewardship mandatory and therefore business as usual results in good environmental practices becoming normalised and more cost effective.

The Minister for the Environment accredits product stewardship organisations (PSOs) that run schemes (both voluntary and mandatory), which ensures the scheme is likely to promote waste minimisation, or will reduce the environmental harm from disposing of the product and does not cause greater environmental harm throughout the product life cycle.

RECOMMENDATION: To claim a system is a product stewardship scheme, whether voluntary or regulated, it should be accredited by the Minister for the Environment and meet all the gazetted guidelines as a minimum.

Recovery rate: This term refers to the proportion of a product or material stream that is returned, captured or diverted from the waste stream for reuse or recycling. The recovery rate is usually expressed as a percentage and can be calculated as a proportion of the product returned out of all the product put on the market, or as a proportion of waste recovered out of the total amount of waste generated.

A recovery rate is distinct from a reuse rate or a recycling rate because it does not, on its own, explain what happens to the recovered/diverted product or material. Some or all of the recovered material might be prepared for reuse (such as, repairing, sanitising, reconditioning), while some may be reprocessed through recycling. A proportion of recovered material might be neither reusable nor recyclable, and will be disposed of. For example, a recovery rate of 85% in a beverage deposit return scheme means that 85% of beverage containers put on the market were returned, but more detail is needed to understand what proportion was reused and what proportion was recycled. Similarly, a council may "recover", via kerbside recycling, 50% of all waste put out by the householder. However, as that recycling may include contamination, the recycling rate may only be 30%.

Regenerative: This term is a vague and could have multiple meanings. It is similar to terms included in the Commerce Commission's Environmental Claims Guidelines, such as "eco friendly" or "sustainably sourced" and would be difficult to back up if the Commerce Commission required the brand to do so.

Upcycled: This term refers to a material that is not able to be recycled, but is instead recreated into a new product with higher values and/or qualities than the original product. This can be done by:

- converting, turning, transforming, or repurposing, or
- reusing it in a new way without degrading the material

The term is often used in relation to furniture or clothing. This term is sometimes misapplied to a product that has been downcycled, such as packaging that is reprocessed into a building material rather than back into packaging. Downcycling does not eliminate the need for virgin material being needed for the original packaging and in Ellen MacArthur Foundation terms, is not circular.

RECOMMENDATION: With regard to packaging, upcycling should be avoided as it causes confusion and it is difficult to quantify the 'higher value' of the new product.

SECTION 6. **FURTHER READING**

Australasian Recycling Label
https://apco.org.au/the-australasian-recycling-label

Guidelines on compostable and biodegradable packaging and products
https://www.wasteminz.org.nz/guidelines-on-compostable-and-biodegradable-packaging

Commerce Commission's Environmental Claims Guidelines
https://comcom.govt.nz/business/dealing-with-typical-situations/environmental-claims

Resolve PR3 Standard for Reusable Systems
https://www.resolve.ngo/

USA Federal Trade Commission's Guides for the Use of Environmental Marketing Claims
https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguides.pdf

MfE's kerbside standardisation
https://environment.govt.nz/what-government-is-doing/areas-of-work/waste/improving-household-recycling-and-food-scrap-collections/