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## Submission to Portfolio Committee #7: Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021

### 1. Introduction

The Boomerang Alliance welcomes the opportunity to provide a submission on the Bill.

It is unfortunate and a dereliction of environmental responsibility that NSW is moving so slowly on comprehensive action to reduce plastic pollution. The dire situation with inadequate recovery and recycling; and pollution is well highlighted in the government's [Plastic Plan Discussion Paper](#). Recent site surveys by AUSMAP are finding big levels of microplastics around the state's coast and rivers (see [Hotspot Map](#)). Plastic pollution has been occurring for many decades leaving a legacy of long lived contamination, to which we add more every year. Many species of wildlife are ingesting plastic pieces leading to mortality; our food chain is polluted; and potential health impacts are of increasing concern.

States and countries around the world are taking action. Australia has come late to the movement, but in recent months has taken some significant steps. NSW is lagging and needs to act quickly and not adopt a lowest common denominator approach.

Peak groups have advocated a number of significant policy changes to the NSW Government.

### NEW SOUTH WALES PLASTIC PLAN -WHAT IS NEEDED

#### 1. PHASE OUT PROBLEMATIC & UNNECESSARY SINGLE-USE PLASTICS

The following single-use plastic items are a major and destructive source of ocean plastic pollution and have viable alternatives. As a priority, NSW should phase out;

- Single-use plastic bags, including barrier bags and heavy-weight plastic bags
- Plastic straws and stirrers
- Plastic utensils/cutlery

- Plastic plates and bowls
- Polystyrene foodware
- Oxo-degradable plastic products
- Plastic lined coffee cups and lids
- Plastic containers

## 2. ENACT TARGETED SOLUTIONS FOR OTHER PROBLEMATIC PLASTICS

- **Cigarette butts;** approximately 2.4 billion cigarette butts are littered in NSW each year. NSW should explore a design standard that prevents the use of single-use plastic filters in cigarettes or a product stewardship scheme that ensures producer responsibility for cigarette butt litter.
- **Balloons;** balloon pieces are one of the top plastics posing an entanglement risk to marine life. Currently the release of more than 19 helium balloons is illegal in NSW; this should be changed to the release of one or more helium balloons.
- **Other problematic packaging;** NSW should also address other plastics that contribute to litter and waste, including sauce and condiment containers, plastic food decorations, cotton buds, personal care products with microbeads, hand wipes and plastic food wrapping.

## 3. SUPPORT MANDATORY PACKAGING TARGETS

Packaging comprises the largest share of Australia's plastic consumption. However, only 18% of plastic packaging is recycled in Australia, with the majority ending up in landfill or in the environment. **The NSW Government should support mandatory 2025 National Packaging Targets.**

## 4. SUPPORT DEMAND FOR RECYCLED CONTENT

**Introduce government procurement policies and incentivise business procurement** for recycled content in products. Set a minimum 50% recycled content target for plastic packaging.

## 5. INVEST IN NEW RECOVERY INFRASTRUCTURE

**Invest in new infrastructure development** that will support full resource recovery of used plastics. This includes repair, reuse, composting of Australian certified bioplastics and recycling infrastructure.

## 6. SUPPORT A GLOBAL PLASTICS TREATY

**Support an international treaty to tackle the most significant sources of plastic litter in the ocean.** 87 countries support an international treaty to tackle the ocean plastic crisis

however Australia is seen as on the fence.

## 7. IMPROVE PACKAGING LABELS

**Mandate the Australasian Recycling Label** and ensure that it guarantees and provides consumer assurance that packaging marked reusable, compostable or recyclable is designed to be and will be recovered in practice everywhere in NSW.

## 8. STOP NURDLE POLLUTION

**Regulatory action by the EPA to stop nurdle (plastic pellet, flake and powder) pollution** by the full plastics supply chain (supplier, transporter, manufacturer, recycler). Mandate adoption of OperationClean Sweep® for the plastics supply chain.

## 9. INTRODUCE FOGO AND SOFT PLASTICS COLLECTION

**Introduce new collection and processing infrastructure** for Food Organics and Garden Organics (FOGO) collection and for soft plastics collection services across NSW.

## 10. INVEST IN FURTHER RESEARCH

**Instigate research to examine the extent and impact of plastic pollution on the environment** and wildlife and identify new innovative ideas that will avoid or reduce the need for unnecessary and problematic single-use plastics; and allow for ongoing, effective monitoring.



The following reviews the key elements of the proposed Bill.

## 2. Banning Single Use Items

The legislative approach to removing single use items from the market is being undertaken via two timescales in Australia – a first tranche for mainly away from home items and a second for at home products.

The following shows where NSW sits:

State/Territory	First Tranche Single-Use Plastic Items (2021)	Proposed Second Tranche (expected 2022-24)
<p><b>South Australia</b> (legislation passed with ban introduced in 1 March 2021)</p>	<ul style="list-style-type: none"> <li>• plastic straws, stirrers and cutlery,</li> <li>• compostable plastic items are included in the ban (for these listed products)</li> </ul>	<ul style="list-style-type: none"> <li>• Expanded polystyrene (eps) cup, bowl, plate and container, listed oxo-degradable products (2022)</li> <li>• (After further investigation) takeaway coffee cups, (thick) plastic bags and other food service items</li> </ul>
<p><b>Queensland</b> (legislation passed in March 2021 with ban introduced 1 September 2021)</p>	<ul style="list-style-type: none"> <li>• Plastic straws, stirrers, cutlery, plates, bowls, eps cups and containers, oxo-degradable products</li> <li>• Compostable plastics and other packaging items certified to the Australian standards (AS 4736/AS 5810) are allowed/exempt from the ban.</li> </ul>	<ul style="list-style-type: none"> <li>• Coffee cups/lids, other plastic items and heavyweight plastic bags (after further analysis) - expected in 2022</li> <li>• Plastic Pollution Reduction Strategy allows for further additions in future</li> </ul>
<p><b>Australian Capital Territory</b> (legislation expected to be passed in March 2021 with ban introduced on 1 July 2021)</p>	<ul style="list-style-type: none"> <li>• plastic cutlery, stirrers, expanded polystyrene food and beverage containers</li> <li>• compostable plastic items are included in the ban (for these listed products)</li> </ul>	<ul style="list-style-type: none"> <li>• Plastic fruit/vegetable produce bags, oxo-degradable products, plastic straws (expected in 2022)</li> <li>• (In longer term) coffee cups and lids, plastic dinnerware, heavyweight plastics bags and cotton ear buds</li> <li>• Enabling legislation allows for further addition in future</li> </ul>

	<b>First Tranche Single-Use Plastic Items (by 2023)</b>	<b>Proposed Second Tranche (expected 2022-24)</b>
<b>Western Australia</b> (legislation being drafted and expected to be tabled by 2023)	<ul style="list-style-type: none"> <li>plastic straws, stirrers, cutlery, plates, eps food containers, heavyweight plastic bags, helium balloon releases (by 2023)</li> <li>Currently reviewing position on compostable plastics</li> </ul>	<ul style="list-style-type: none"> <li>Plastic fruit/vegetable produce bags, microbeads, eps packaging, cotton buds with plastic shafts, oxo-degradable products (expected 2024-26)</li> <li>Plan for Plastics allows for further additions in future</li> </ul>
<b>Victoria</b> (ban to take effect in Feb 2023 after consultation)	<ul style="list-style-type: none"> <li>will include single-use plastic straws, cutlery, plates, drink stirrers, polystyrene food and drink containers, and plastic cotton bud sticks</li> <li>Govt agencies to ban by Feb 2022</li> </ul>	

NSW, Tasmania and the NT have not taken sufficient action, and we highlight NSW stands out with not even banning lightweight plastic bags. We do note that at the most recent meeting of Environment Ministers (MEM 15 April 2021), all states and territories endorsed the default position that a number of items would be banned **before** 2025 (lightweight plastic bags; plastic products misleadingly termed as ‘degradable’; plastic straws; plastic utensils and stirrers; expanded polystyrene (EPS) consumer food containers (e.g. cups and clamshells); EPS consumer goods packaging (loose fill and moulded); and microbeads in personal health care products.).

<b>State/Territory</b>	<b>Current Policy Position</b>	
<b>New South Wales</b> (NSW Plastic Plan expected in 2021)	<ul style="list-style-type: none"> <li>No ban on lightweight plastic bags</li> <li>No bans on identified single-use plastics</li> <li>MEM before 2025</li> </ul>	

<p><b>Tasmania</b> (future intentions Unknown)</p>	<ul style="list-style-type: none"> <li>• No bans on identified single use plastics (Hobart City Council has introduced a ban on certain items that includes compostable plastics that meet Australian, US or EU standards)</li> <li>• MEM before 2025</li> </ul>	
<p><b>Northern Territory</b> (future intentions unknown)</p>	<ul style="list-style-type: none"> <li>• No bans on identified single-use plastics</li> <li>• MEM before 2025</li> </ul>	

The Bill seeks to end plastic pollution by 2025 and consequently ban items before 2025 (see below). In relation to items where action has already been taken by other states, and thus industry is already prepared – we recommend the Bill insert an actual date of no later than the end of 2021, rather than wait for the proposed Plastic Reduction Commission to be established and undertake investigations. This would reduce the initial workload for the Commission and the need for additional regulatory drafting.

In addition there is convincing evidence that businesses can adjust quickly on key products. The Boomerang Alliance [Plastic Free Places](#) program (and other similar programs around the country) show that consumers and business are able to switch away from single-use non-compostable takeaway plastics – with little difficulty given some transitional advice about procurement and timing.

In regard to washing machine filters which target a large source of polluting plastic fibres (microplastics), the Commonwealth National Plastic Plan has set a target of all new machines to have filters by 2030. **This is too long a timeframe and we support the requirement being implemented by producers by 2024.**

**Items that need adjusted timeframes marked with \***

- \* Single-use plastic bags
- \* Oxo-degradable plastic
- \* Cosmetics, personal hygiene products or household detergents containing microbeads
- Plastic waste prescribed by the regulations under section 48E - 3 months after the date on which the regulations commence
- \* Plastic drinking straws
- \* Plastic drink stirrers
- Balloons containing plastic - 6 months after the date on which this

- Part commences<sup>1</sup>
- Plastic ring carriers for beverage containers - 6 months after the date on which this Part commences
  - Confection sticks - 6 months after the date on which this Part commences
  - Reusable plastic bags - 6 months after the date on which this Part commences
    - \* Single-use expanded polystyrene food and beverage containers
    - \* Plastic cotton buds
  - Plastic takeaway sauce containers - 6 months after the date on which this Part commences
  - Plastic fruit and vegetable packaging - 6 months after the date on which this Part commences
  - Plastic newspaper and magazine packaging - 6 months after the date on which this Part commences
  - Single-use plastic tablecloths - 6 months after the date on which this Part commences
  - \* Single-use plastic cutlery
  - Non-compostable cigarettes - 18 months after the date on which this Part commences
  - \* Polystyrene packaging
  - Plastic takeaway food containers, other than plastic takeaway sauce containers
  - Polystyrene waffle pods used in construction - 18 months after the date on which this Part commences
  - Non-recyclable and non-compostable beverage containers - 3 year after the date on which this Part commences
  - All petroleum-based single-use plastics - 3 years after the date on which this Part commences

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<sup>1</sup> NSW has had a ban on a certain number of balloon releases for some years, but it has never been enforced (and arguably it is difficult to monitor the exact number post each situation). We support a ban on all releases and the sale of helium kits for individual events. Commercial balloon event suppliers for events should be obliged to retain them and inform attendees of the no-release requirement.

### 3. Broader Action on Plastic Packaging

The Bill proposes a number of other important targets, in particular:

**Proposed section 48D** requires the Commission to liaise with industry and government to develop strategies to achieve each of the following plastics elimination targets—

(iv) ensuring that, by the end of 2024, all packaging used in the State is recyclable, compostable or reusable,

(v) ensuring that, by the end of 2024, all packaging used in the State is comprised of at least 30% recycled plastic,

There has been a long standing and serious problem with the traditional voluntary approach by the packaging sector and our strong view is that only by setting legally enforceable rules will targets be met. Previous reliance on voluntary measures has failed; reliance on consumer information via labelling is a weak approach with limited impact; and the nation faces a critical juncture in the development of the circular economy.

In the case of plastic packaging the current situation with the National waste Plan goals is:

- 2025 target for 70% of plastic packaging being recycled or composted – currently 18% (2018-19, APC) or 13% in National Plastic Plan (2021). At approximately 449,000 tonnes, soft plastics represent about a third of all plastic packaging placed on the market. Approximately 29,000 tonnes (6%) were recycled in 2017-2018
- 2025 target of 20% of average recycled content in plastic packaging included - currently 4%

We point to the success of legislated container deposit schemes laying the basis for much improved recycling – as the most significant intervention in packaging to date – and one that was strongly resisted by the Packaging Covenant.

**We endorse the 2024 date** and the sooner industry is given this certainty, the quicker they will adjust. Too often the public are expected to take comfort from “case studies” and “pilots” – circular economy action needs to be mainstreamed.

**A critical move is to require recycled content in procurement by government.**

Invariably this becomes a “consideration” (as in the Commonwealth’s recent Sustainable Procurement Guide) and there is minimal growth in such content. The new Commission should be charged with leading an inter-agency group to adopt new procurement rules by the end of 2021.

**We also recommend the addition of sub-targets for reusability and compostability, be developed by the Commission.** Otherwise, the packaging sector will seek only minimal goals.

A key problem for packaging is that the voluntary arrangements for packaging manufacturers and suppliers do not oblige them to design their products for their post-consumer reuse. That means that most plastic packaging ends up as waste or litter, principally because it is primarily designed to sell a product, not to be reused, composted or recycled. It also means it is too easy for claims about compostability or recyclability to be used as greenwash, without any rigorous requirement to demonstrate the claim or prove that products are composted or recycled.

One of the most obvious means to implement enforceable rules is to introduce a Product Stewardship Scheme for Packaging (and other plastics) under state law. In the absence of concerted action by Australia's Environment Ministers, NSW should lead the way.

Introducing stronger and mandatory rules for plastic (and other) packaging will mean that excessive and unnecessary packaging will be eliminated, whilst designing reusable, compostable and recyclable packaging will be maximised. Targets for composting or recycling of packaging by 2025 will ensure packaging is actually reused, composted or recycled.

For example, in 1994 the EU introduced a Packaging Directive that set recycling targets for all packaged materials. This led to a reduction in the use of packaging materials that were not economically beneficial or technically possible to recycle and an increase in acceptable alternatives.

A product manufactured in or for the EU market often incorporates compostable packaging, whilst the same product manufactured for Australia often uses polystyrene or non-compostable packaging-because Australia doesnot have rules in place. Many countries in Europe have banned the disposal ofrecyclables into landfills.

Boomerang Alliance also considers avoiding/reducing excessive packaging as first preferred option. This should include requiring manufacturers to minimise packaging and any toxins, and design packaging for easy and affordable post-consumer reuse. Reusing, composting and then recycling are the next best options, in that order.

**We do not support the incineration of plastic packaging for energy recovery as a legitimate pathway to the goals.** Incineration is not part of a circular economy approach and should not be considered as part of any packaging or single-use plastics recycling or recoverytargets. It represents a single extraction of a resource and the large plants being proposed require the long term locking up of resources that should instead circulate in the economy time and time again.

#### 4. A Plastic Reduction Commission

**We support the creation of the Commission** as action has been too slow emanating from the established bureaucracies (for example, the NSW EPA was resistant to a CDS for some years).

However, we not want Commission processes to slow down progress when there are already proven (mandated) pathways that can be taken by packaging and industry sectors, for instance on product bans. Similarly in regard to 48D (b) "eliminating plastic resin pellets used in industrial processes from matter that is discharged or deposited into the environment by the end of 2022" – this does not need investigation, but simply **the Bill should mandate "Operation Cleansweep" at all plastic processing facilities, as an inclusion in their EPA environment protection licence (or where a licence does not exist due to the smaller size of the facility).**

**The use of threat abatement plans can be best used for the next tranche of problems that need addressing, for example fishing tackle and agricultural waste.**

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3 May 2021