

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith /  
Climate Change, Environment and Infrastructure Committee  
Bil drafft Diogelu'r Amgylchedd (Cynhyrchion Plastig Untro) (Cymru)/  
Draft Environmental Protection (Single-use Plastic Products)(Wales) Bill  
SUP\_04  
Ymateb gan Dŵr Cymru / Evidence from Welsh Water



17<sup>th</sup> August 2022

Dear Climate Change, Environment, and Infrastructure Committee,

**Environmental Protection (Single-use Plastic Products) (Wales) Bill**

Thank you for inviting Dwr Cymru Welsh Water to contribute to the above consultation.

Dŵr Cymru Cyfyngedig (Welsh Water) is the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. We are owned by Glas Cymru, a single purpose, not-for-profit company with no shareholders. We provide essential public services to our customers by supplying their drinking water and then carrying away and dealing sustainably with their wastewater. In this way we make a major contribution to public health and to the protection of the Welsh environment. Our services are also essential to sustainable economic development in Wales.

As requested, we have structured our comments and framed our response around your requested terms of reference:

- Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items.
- The pros and cons of using a Bill rather than secondary legislation to introduce a ban.
- Whether the provisions of the draft Bill will deliver the policy intention.
- Whether there are any potential barriers to the implementation of the draft Bill's provisions.
- Whether the powers in the draft Bill for Welsh Ministers to make subordinate legislation are appropriate.
- Whether there are any unintended consequences arising from the draft Bill.
- The financial implications of the draft Bill (including for businesses and consumers).

Turning now to each of the subjects you wanted our views on:

1. Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items.

We are very much aware that single use plastic products are frequently seen littered in our streets, parks, rivers and seas. It is unsightly for our communities and has a devastating impact on our wildlife and environment. Some of these plastics are washed via the surface water drainage system into our sewers, and thence contribute to blockages which in turn cause flooding and pollution. We therefore very much welcomed the First Minister's announcement on 5 July, that Welsh Government will be bringing forward a Bill to ban or restrict the sale of some of the most littered single-use plastics in Wales. We understand that tackling unnecessary and commonly littered single-use plastic (SUP) products is a Welsh Government priority, something we very much support. We also see this matter assisting your action to address the nature and climate emergencies, which the First Minister made clear is our moral imperative.

For all the above reasons we very much support the need for legislative action to reduce the impact of single use plastics both on our sewerage services and the environment.

2. The pros and cons of using a Bill rather than secondary legislation to introduce a ban.

We support the use of a Bill rather than secondary legislation to introduce a ban as it emphasises the importance of this matter and enables Ministers to have the flexibility to rapidly move to include other single use plastics such as those we find in wet wipes and menstrual products which are disposed of through the sewer and from there pollute the environment. The draft Bill specifies an initial phase of specific SUP products, the supply of which will be either banned or restricted in Wales after the Bill comes into force. The draft Bill also includes a power which will allow Welsh Ministers to add or remove SUPs products or exemptions in the future via regulations. There is also a duty on Welsh Ministers to report on their considerations to introduce such regulations. The Bill includes sections on the offence of supplying prohibited SUP products and on enforcement. All these measures we believe are both necessary and are simpler to enact via a Bill than via secondary legislation.

3. Whether the provisions of the draft Bill will deliver the policy intention.

Yes, we believe the draft Bill will deliver the policy intention to reduce the polluting impact of such materials. We do however note with some disappointment that wet wipes which contain plastics are not included in the current Bill. We understand that while Welsh Ministers are keen to take action to address the environmental and economic impact created by the inappropriate disposal of wet wipes, and that Welsh Government believe further work is needed in this area. We stand ready to support Welsh Government in this matter and that of other menstrual products made of plastics which enter our sewers, so that Ministers can continue to take forward policy development and evidence gathering work on wet wipes as the next priority. In this way Welsh Government can move swiftly to minimise their impact on the environment.

4. Whether there are any potential barriers to the implementation of the draft Bill's provisions (including the United Kingdom Internal Market Act 2020).

We understand from our discussions with Welsh Government that the United Kingdom Internal Market Act 2020 may well be a blocker to the banning of some single use plastics products and that such bans need to be coordinated at the UK level. We believe this is an unforeseen consequence of the Market Act, and it was and is not the intention of the UK parliament to prevent devolved governments from protecting their environment. This Act may well have been a contributory factor

as to why wet wipes were not included in the draft Bill. We understand that there are three specific areas we need to support and work with Welsh Government on to facilitate the inclusion of wet wipes which contain plastics in future legislative changes which would effect a ban.

Firstly, as wet wipes are made of many different plastics, a broad definition encompassing all these materials would need to be defined in the legislation. We believe such a definition exists through our 'Fine to Flush' work which is centred on research and development undertaken by the Water Research Centre (WRc). A legal definition of plastic is defined as part of this and has been successfully applied now to over 100 wipe type products which have received accreditation as 'Fine to Flush'.

Secondly, some thought needs to be given as to how any such ban could and should be enforced, and what sanctions would exist to ensure the ban was effective.

Lastly, Welsh Government would need to be able to articulate how the labelling of such wet wipes (and indeed for menstrual products more generally) would work, what would be required to make it clear that such products were plastic free, and or their suitability to be flushed into sewers or not.

Once these three largely legal matters have been solved, we do not foresee any reason why wet wipes could and should not be included in any future updates to the legislation, and so be banned.

5. Whether the powers in the draft Bill for Welsh Ministers to make subordinate legislation are appropriate.

Yes, the powers in the draft Bill are both appropriate and we see them as a pre-requisite to enabling future changes in an efficient and effective manner.

6. Whether there are any unintended consequences arising from the draft Bill.

No, we do not foresee any unintended consequences of the draft Bill.

7. The financial implications of the draft Bill (including for businesses and consumers).

There is no doubt that having fewer macro plastics washed into our sewers will provide some financial benefits as well as environmental pollution benefits to the business, our customers, and the environment.

These benefits though are comparatively small when compared to the benefits which will arise from a ban on wet wipes which contain plastics, and or menstrual products which also contain plastic – all of which are flushed into our sewers. All our research as a company and as a UK water sector confirms that wet wipes are the principal cause and contributor to the formation of blockages in our sewers. We invest on behalf of our customer almost £10m a year on flushing our sewers and removing blockages, and vast majority of which contain or are exacerbated by wet wipes. The wet wipes themselves also can break down in the sewer and from there pollute the environment as microplastics (plastics less than 5mm is size). Banning the sale of such products would we believe

significantly reduce the flushing / sewer management needs and costs associated with sewer blockages and the pollution they cause.

As well as cost to clear blockages, there are a number of hidden costs associated with plastics and in particular wet wipes in our sewers. For example, a blockage or partial blockage in a wastewater pump will cause the pump to use more energy, increasing our energy bills. This is also true for maintenance, as blockages in our pumps will accelerate wear. Blockages can also cause damage to customer's homes due to flooding, as well as damage to wastewater assets. For example, one of our UV disinfection systems recently became flooded due to a build-up of wet wipes, not only were parts damaged but this could have led to a compliance issue which comes with financial penalties all of their own.

The other material matters we wished to bring to the attention of the committee are associated with how the new Environment principles in the Environment Act 2021 also support the measures being proposed within this Bill and to extend the reach of the Bill to include wet wipes and or menstrual products which contain plastics.

There are several environment principles which form the cornerstone to much of the best international environmental legislation, including that we used to be subjected to from Europe.

The first of which is the polluter pays principle, which demands those who pollute should fund the environmental clean-up and we would argue social consequences of their actions. If we are not to ban such polluting substances such as wet wipes which contain plastics, then those companies profiting from their production should fund the environmental clean-up associated with the pollution they cause. This would then incentivise more companies to produce and market wipes which do not contain plastics and or are suitable to be flushed into the sewer system. Either a ban on the sale of such products or a suitable levy to incentivise change would be acceptable, doing neither remains unsustainable and would breach the requirements we believe of our Wellbeing of Future Generations Act. The draft Bill therefore particularly if extended to include other single use plastic products should be seen as one of the tools needed to support the Wellbeing Act.

The producer responsibility and control at source principles also lend support to the need for such a Bill as they too support changes which ultimately will enable us to live in a more sustainable manner and support the needs of future generations.

In summary, we are very much in support of the draft Bill and would hope that it will be swiftly extended beyond its current remit so that other single use plastics which harm our environment can also be banned or dealt with through charging incentive approaches - all with the view to eradicating the harm caused by their sale, use and disposal.