

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_23
Ymateb gan Cadwch Gymru'n Daclus / Evidence from Keep Wales Tidy

Keep Wales Tidy submission of evidence to the Climate Change, Environment, and Infrastructure Committee on the Single Use Plastics (Wales) Bill (2022)



In regard to the need for a Single Use Plastics Bill;

Keep Wales Tidy believes that there is a plastic pandemic which is wreaking havoc on our oceans¹, wildlife,^{2,3} and our soils.⁴ Studies are increasingly finding microplastics in the food we eat⁵ and the air we breathe⁶ and are beginning to uncover the impacts that this is also having on human health.⁷

Many of the commonly littered items found on our streets, beaches, parks and rivers are partially if not wholly composed of plastic. Many of these are 'unnecessary' plastics for which many other widely available and less harmful alternatives exist.

We recognise that banning products may not be the most favourable or sophisticated policy instrument, however, Keep Wales Tidy believe that the items covered in the Single Use Plastics Bill easily fit the criteria for which we would support complete market restrictions. We would suggest that items should be considered for market restrictions if they meet the following:

- Unnecessary items or for which many affordable and sustainable alternatives exist
- Items which are problematic for the environment
- Items which are prevalent in the environment (or may become prevalent in future)
- Items which are unable to be recycled or are hard to recycle
- The impact of a ban on these items would not unfairly impact any protected groups or lower SES groups

The Welsh Government first sought the views on a Single Use Plastics ban in 2020. At the time, Keep Wales Tidy, along with many other organisations urged the need for Welsh Government to take action and to do so with some urgency. Not only do we desperately need the Single Use Plastic Bill, we would also argue that new plastic items have already begun to emerge for which action is desperately needed. **Welsh Government risks seriously falling behind on implementing effective legislation that can keep up with consumer *and* industry trends and behaviours which are already having an impact on the ground.**

For example, whilst data shows that litter has generally decreased on our streets over the past decade, the nature of litter has changed and the proportion of food and drink 'on the go' items has

vastly increased due to changing consumer trends and new items on the market. More recently, the Covid-19 pandemic saw a sudden and significant prevalence of PPE litter such as face masks, both on land and in our oceans. There also appears to be an emerging litter trend in single-use vapes which are not only made of plastic but also contain batteries with a variety of harmful chemicals and even pose a fire risk.

We would therefore urge the Committee to examine whether the Bill has the capacity to respond to these changes and whether there is the possibility for the Bill to be reviewed periodically in order to ensure that Ministers can react in good time to new and emerging threats.

Similarly, we also note that there is no deadline or timetable for the implementation for the ban and would urge commitment to a specific date in order to ensure that there is no further delays.

The restriction on single use plastics should have been one of the first steps in our prevention-focused journey towards 'Beyond Recycling' yet this has taken two years to reach fruition as well as the National Litter & Fly-tipping Prevention Plan which could provide the local and national level indicators* to actually measure progress against our own ambitions as well as our international commitments.†

In regard to inclusions and exemptions:

The policy intention, in as far as we understand it, is 'to ban or restrict the sale of some of the most commonly littered single-use plastics in Wales'. In as far as the ambition for restrictions go, we believe the mechanism is adequate although it would be pertinent to point out that many of these items are increasingly less in terms of litter prevalence as businesses voluntarily moving away from plastics and exploring other options of potentially unregulated materials⁸ which may not be subject to EPR payments, **demonstrating how quickly waste and consumer and business trends change and underlining the point above around the powers to react to changes in a timely manner.**

In order to lay down the 'spirit' of the Act (as we understand the Welsh Government intent) and to close the potential loopholes, we would suggest the following amendments to strengthen the Bill:

- Unlike the recent act passed by Scotland, Wales only bans the supply rather than manufacture of listed items. We think that it is important that **as a 'globally responsible' nation, the legislation should prevent the manufacture and export of known pollutants to other countries.**
- The current definition of 'single use' could allow for the supply of 'multi-pack' or 'family size' products that comprise multiple individually packaged items as part of a single product. **It is particularly important to ensure that this definition is clear, without loopholes.**
- **The definition of single-use should be amended to include the word 'conceived' in reflection of the EU definition of single-use plastic product[‡].**

It is also worth noting that the exemptions should be enforced / allowed only if they can demonstrate the overall principle of reduction in the spirit of the legislation as exemptions without clarity or purpose will only serve to dilute the policy ambition. As in the previous

consultation response, we reiterate the need for the Welsh Government to adopt stringent and clear guidance for these exemptions and would recommend that these only be applicable to specific settings such as hospitals, registered care homes and registered care agencies.

One of the biggest sources of litter is packaging, much of which is made up of plastic. In the last All Wales Litter Survey report, packaging was found to be present on 64.2% of our streets. Whilst UK EPR regulations in regard to packaging are pending and the Welsh (and Scottish) Government commitment to litter payments is encouraging, we have also seen the introduction of these regulations delayed across the UK, similarly, with the aligned and long-committed to Deposit Return Scheme. These are mentioned here as plastic packaging (both food packaging and beverage

* Keep Wales Tidy has done extensive work in regard to national indicators for the Plan and are currently working with Keep Scotland Beautiful and the Alan Turing Institute to refine litter data collection and explore technological opportunities.

† For example; the Marine Strategic Framework, Global Plastics Pact, UN SD Goals and Net Zero ambitions. ‡ EU definition: ‘single-use plastic product’ means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived; For instance, a plastic fork would be conceived by its user to be a single use item, but it is not clear if the legislation would permit such cutlery if the packet was relabelled with the instructions to the consumer to wash and reuse. However, the consumer would perceive on viewing the item that this is a single use product.

containers) represent the biggest volume of litter in Wales and beyond and has by far the greatest impact. The SUP Consultation responses demonstrate the confusion and frustration that these items have not been addressed at a national level.

In regard to the potential for unintended consequences;

Ultimately, without the required infrastructure and regulatory clarity, many alternatives are still single use. The Plastic Recycling Charity RECOUP have recently warned against ‘material switching’ and the validity of some of the industry’s sustainability claims.⁹ Whilst this is a concern, it is not a rationale for inaction or delay. Rather, an indication of the need for further regulation and clarity which supports our efforts to become a Circular Economy nation.

The need for a definition of ‘biodegradable’ and ‘compostable’ materials, which has been mentioned by the UK EPR regulations recently introduced but has so far not been forthcoming. Biodegradable materials currently have no legal definition and commonly do not degrade under naturally occurring conditions. In addition, there is some evidence that these items may be more prone to being discarded as litter (in Keep Wales Tidy’s 2021-22 LEAMS surveys, the biodegradable alternatives for drinks stirrers, straws and cotton buds were found on a higher percentage of Wales’ streets than the non-biodegradable alternatives⁸)¹⁰ and as they are still potentially harmful and local councils do not have waste infrastructure to reuse these materials, this is an issue which needs urgent regulation.

In regard to the financial implications;

We note that businesses have warned that the costs ‘may be passed on the consumer’. This consultation has come about as a result of the SUP Directive and related EU Plastics Strategy. In this document, market restrictions (eg; bans) are undoubtedly a form of EPR and therefore should be borne by the Producer. This is in alignment with the ‘Polluter Pays’ principle which underpins national and international regulations on reducing and mitigating polluting materials and practices.

We would urge that this principle is made more explicit in this legislation and all further environmental legislation in Wales to ensure that polluting practices are borne by the polluter, not the consumer. Currently, the consumer is already bearing costs for the pollution removal through council taxes and / or water bills.

We note other initiatives that are part of plastic reduction efforts such as Extended Producer Responsibility and the consideration of future taxes may also pass costs on to the consumer unless Governments explicitly direct that the costs must be paid by the producer.

Taxpayers already pay the cost of littering in the UK and should not have to bear the costs of Producer pollution in addition. Although small in this instance, the costs for pollution should not fall twice on the taxpayers and effective and long-term change within industry and retail will only occur if they have to bear the costs.

Indirectly, this will also have an impact on how the public view this and future environmental policies from Government and policy needs to ensure that moving towards a more sustainable waste society and circular economy, is not perceived as policy for the privileged.

[§] Last year’s LEAMS survey found biodegradable straws were found on 5.1% of streets, this was 188 biodegradable stirrers total and equivalent to 3133 on all Wales’ streets. Plastic straws were found on 3.1% of streets, this was 127 biodegradable stirrers total and equivalent to 2117 on all Wales’ streets.

Furthermore;

We welcome the addition of single use carrier bags to the Bill and believe this is another demonstration of Wales leading the way in this area in the UK. However, as mentioned above, plastics trends are pervasive and can change quickly. Given what we now know about scale and the urgency of the plastics crisis and emerging research findings of its impacts on human health and environmental health, **we would urge the committee to consider the process of how quickly they can respond to harmful trends and / or producer loopholes (particularly given the absence of legal definitions for ‘alternative’ plastics).**

The list of unnecessary plastic that end up disposed of incorrectly or inadequately which could be subject to further restrictions is too long to list. **However, we do feel that there are urgent areas of exploration given what we know about their prevalence and their impacts, most notably we would like to see wet wipes and sanitary items earmarked for further action within this Government term.**

We would also urge the Committee to consider what the process and data requirements would be for adding items to the Bill in the future and provide clarity as to how this could be supported by, for example, any data collection requirements which could fit into existing surveys currently carried out by ENGO's.

Finally, whilst we hope that the pending EPR regulation will support the shift from plastic packaging in the long term but other policy mechanisms such as the long-promised Deposit Return Scheme for Wales should not be delayed further.

¹ Keep Wales Tidy. (2016). Land-based Sources of Marine Litter. Available: <https://keepwalestidy.cymru/carucymru/wp-content/uploads/sites/3/2021/09/Tackling-Land-based-Sources-of-Marine-Litter-min.pdf>. Accessed 18th August 2022.

² Wallace, N. (1985) Debris entanglement in the marine environment, a review. In: R. S. Shomura, H. O. Yoshida (eds.) Proceedings of the Workshop on the Fate and Impact of Marine Debris. NOAA Technical Memorandum. NMFS, NOAA-TM-NMFS-SWFC-54. Available: <https://www.nrc.gov/docs/ML1409/ML14094A566.pdf>. Accessed 20th July 2022.

³ Laist, D. W. (1997) as cited by Scottish Government. (2012). 3 Review of the Impacts Associated with Marine Litter. In: Marine litter issues, impacts and actions. Available: <https://www.gov.scot/publications/marine-litterissues-impacts-actions/pages/4/>. Accessed 20th July 2022.

⁴ Wanner, P. (2021). Plastic in agricultural soils – A global risk for groundwater systems and drinking water supplies? – A review. *Chemosphere*, 264(1). Available: <https://doi.org/10.1016/j.chemosphere.2020.128453>. Accessed 18th August 2022.

⁵ McInturf, A. & Savoca, M. (2021). Hundreds of fish species, including many that humans eat, are consuming plastic. Available: <https://theconversation.com/hundreds-of-fish-species-including-many-that-humans-eat-areconsuming-plastic-154634>. Accessed 21st July 2022.

⁶ Allen, D. et al. (2022). Microplastics and nanoplastics in the marine-atmosphere environment. *Nature Reviews Earth and Environment*. 3, pp.393–405. Available: <https://doi.org/10.1038/s43017-022-00292-x>. Accessed 18th August 2022.

⁷ Danopoulos, E. et al. (2022). A rapid review and meta-regression analyses of the toxicological impacts of microplastic exposure in human cells. *Journal of Hazardous Materials*. 427(127861). DOI: <https://doi.org/10.1016/j.jhazmat.2021.127861>. Accessed 21st July 2022.

⁸ Circular Online (17th August 2022). ' RECOUP issues warning over “material switching” trend under the guise of plastics reduction' Available: <https://www.circularonline.co.uk/news/recoup-issues-warning-over-materialswitching-trend-under-the-guise-of-plastics-reduction/> Accessed 2/9/22 ⁹ Circular Online (17th August 2022). *Ibid*.

¹⁰ Keep Wales Tidy. (2022). *How Clean Are Our Streets? 2021-22 Full Report*. Available: <https://keepwalestidy.cymru/carucymru/wp-content/uploads/sites/3/2022/03/How-Clean-Are-Our-Streets2021-22.pdf>. Accessed 22nd August 2022.