



**CONSERVATION
COUNCIL** ACT REGION

Submission to ACT Government

Single-use plastics tranche 3

December 2022

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city. Working in the ACT and region to influence governments and build widespread support within the community and business, we put forward evidence-based solutions and innovative ideas for how we can live sustainably.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

For further information please contact:

Elle Lawless, Executive Director, director@conservationcouncil.org.au.

Introduction

The Conservation Council ACT Region welcomes the opportunity to comment on the Phasing out single-use plastics: Next Steps Policy (November 2021).

The Council supports the inclusion of the following items as prohibited plastic products under section 7 of the Plastic Reduction Act 2021, to become effective from 1 July 2023:

- Plastic microbeads in rinse-off personal care, cosmetic and cleaning products
- Expanded polystyrene products and packaging (with potential exemptions for white and brown goods)
- Single-use plastic takeaway containers
- Single-use plastic plates and bowls
- Heavyweight and boutique plastic bags

Tranche 3 items

Plastic microbeads

The inclusion of microbeads is supported, without exemptions. There are viable alternatives.

Expanded polystyrene products and packaging

The inclusion of all EPS is supported, without exemptions. There are enough examples now of sturdy cardboard packaging and compostable padding alternatives that there is no reason to allow EPS for any white and brown goods. The phase-out of EPS is a great opportunity to encourage application of the circular economy principle of designing out waste and pollution by rethinking the design of packaging to eliminate excessive and unnecessary materials.

Single-use plastic takeaway containers

The inclusion of takeaway containers, including bowls and lids, is supported, provided that the alternatives will be recycled or composted (not just could be).

The regulation must be clear about what alternatives are permitted, and Government and industry must be prepared to recycle alternative materials to ensure that we are solving an environmental problem, not creating a new one. There is little point replacing recyclable plastic containers with containers that theoretically could be recycled or composted but won't be because there is no actual service for doing so.

For instance, paperboard containers laminated with either petroleum plastic or bioplastic film (eg, BioPak's "biobowls" made from paperboard and lined with "ingeo" bioplastic, suitable for hot liquids¹) may be problematic for both recycling and composting.

Government must provide clear direction to businesses and the public about disposal of alternative products. The array of bioplastics, sugarcane, bamboo, paper, mycelium and other materials is impressively inventive, but confusing for disposal – can they go into co-mingled

¹ BioPak, n.d., Paper Biobowls, <https://www.biopak.com/au/containers-lids/bowls/paper>

recycling, or streamed plastics or paper or FOGO organics recycling, or community or home composting? For instance, BioPak's fully compostable polylactic acid (PLA) containers (suitable for wet foods and cold liquids)² look like plastic but say they are compostable – so, people may mistakenly drop them into recycling or FOGO, whereas the ACT's Recyclopedica says they should go to landfill.

See further discussion below regarding behaviour change for reuse.

Single-use plastic plates and bowls

The inclusion of plates and bowls is supported, provided that the alternatives will be recycled or composted (not just could be), as for takeaway containers.

Heavyweight and boutique plastic bags

The inclusion of all plastic bags is supported.

The Conservation Council supports the Boomerang Alliance's recommendation for a reusable bag standard that requires a bag to be:

- Independently tested and certified against a 125 shopping cycles requirement
- Strong, durable, fit for purpose construction
- A minimum thickness above 100 microns
- Can carry up to 10kg
- Not contain any hazardous or harmful components that would inhibit recycling
- Have a minimum 80% recycled content, increasing to 100% where possible
- With a minimum price of \$2 to encourage multiple use
- Labelled as reusable and feature an unambiguous and verifiable Reusable Shopping bag logo
- At end of life be collected for recycling.

Manufacturers cannot be allowed to stamp the word "reusable" on a plastic bag of any weight to avoid prohibition, particularly in the absence of recycling for soft plastics.

See further discussion below regarding behaviour change for avoidance and reuse.

² BioPak, n.d., What is PLA?, <https://www.biopak.com/au/resources/what-is-pla>

Further discussion

The Council has written previous submissions and participated in the ACT Government's Plastic Reduction Taskforce, in which we acknowledged both the usefulness and environmental harm of plastics.³ Common themes in all of the Council's submissions – which continue to be relevant – are:

- Urging greater ambition both in the scope of plastics to be prohibited and the timeframes for doing so
- The need to engage with affected businesses and organisations to smooth the transition and ensure compliance
- Education for the general public with the emphasis on avoidance through reusable products rather than substituting disposable plastics for disposable alternatives
- Support for small businesses to adapt
- Support for people with disabilities or particular needs to adapt
- Government procurement and own operations to drive market demand and set the example for cultural shift
- The need for advocacy for regulation and harmonisation at the national level.

The need for greater ambition and national advocacy

The recent “pause” of soft plastic recycling by REDcycle in the middle of National Recycling Week⁴ highlighted the vulnerability of recycling services and the lack of market demand for recycled materials due to policy failures, lack of regulatory targets, and inadequacy of voluntary action by industry, despite clear demand by the public to solve plastic pollution. Much more needs to be done at the national level to address these failures.

The ACT Government should advocate strongly to implement mandatory product stewardship or extended producer responsibility schemes. Container Deposit Schemes for drink bottles and cans are excellent models which should be replicated across as many categories of goods as possible. Such schemes ensure that producers are bearing the costs of the impacts of their goods, but also enable industry collaboration to develop solutions at scale. Paying people for unwanted materials incentivises their return. If industry contributions to the scheme are high enough and tied to the quantity of eligible product they produce, they are incentivised to minimise their waste.

³ Conservation Council ACT Region, 2019, Submission: Phasing out single-use plastics – Discussion paper,

<https://conservationcouncil.org.au/wp-content/uploads/Submission-on-single-use-plastic-FINAL-1.pdf>

Ibid, 2020, Submission: Exposure Draft Plastic Reduction Bill 2020,

<https://conservationcouncil.org.au/wp-content/uploads/Submission-on-Exposure-Draft-for-Plastic-Reduction-Bill-2020.pdf>

Ibid, 2022, Submission to Waste Policy, Transport and City Services: Single-use plastics - Tranche 2,

<https://conservationcouncil.org.au/wp-content/uploads/SUBMISSION-Single-Use-Plastics-Tranche-2-Jan2022.pdf>

⁴ Conservation Council ACT Region, 2022, 'REDcycle “pause” indicative of lack of circularity in plastics', 9 November,

<https://conservationcouncil.org.au/blog/2022/11/09/redcycle-pause-indicative-of-lack-of-circularity-in-plastics/>

We need to explicitly turn language about ‘waste avoidance’ into discussion about ending virgin production. Legislate targets for incorporating recycled materials into new products. This is the most efficient and cost-effective way to drive demand for recovered materials, investment in recovery and recycling infrastructure, and innovation in product design to minimise waste and maximise efficiency. When ambitious targets are legislated, investment follows because the direction is clear. Providing targeted grant funding engages the research community. Businesses innovate and adapt.

Continue to advocate for other actions to strengthen the National Waste Policy Action Plan 2019 target well beyond the current target to “reduce total waste generated in Australia by 10% per person by 2030”.⁵

Creating a market and demonstrating leadership through procurement

The ACT Government could play a significant role in reducing single-use plastics in its own facilities across the Territory, putting in place policies to guide usage and procurement, but also undertake systematic reviews within specific sectors, such as education or health. For example, hospitals⁶ are responsible for large quantities of single-use plastics that end up in landfill, and there is now the additional challenge of managing PPE including face masks. The Canberra Hospitals Waste Management Plan 2017 could be updated and practices could be reviewed with a view to reducing single-use plastic consumption in such a way as not to impact on patient care. Schools, the prison, government departments and other healthcare facilities could also start to challenge the use of plastics in everyday contexts. Taking action within the Government could also drive non-government and industry sectors to review their practices.

Adaptation and ensuring compliance

Set the rules and businesses will adapt – discussion about phasing out plastics has been ongoing for many years and alternatives exist for almost all applications of plastics, so businesses can no longer plead that they have not been consulted or given enough time to adapt.

The economic cost of environmentally sustainable alternative materials may currently be somewhat higher, but economies of scale should result in efficiencies and reduce the costs of production as uptake increases. Businesses have always adjusted their prices to cover their costs, and regulating the required standard levels the playing field between businesses. One of the fundamental root causes of the mass proliferation of plastic pollution has been that the producers of plastics and businesses in general have not been required to incorporate the costs of the environmental impacts of production. Responsibility towards the environment must become embedded in the cost of doing business. See further discussion below about extended producer responsibility.

Conservation Council staff have observed that some retailers are still using products banned in previous tranches such as oxodegradable bags in fruit shops. Notwithstanding the phase-out conditions of being able to use up existing stock, the Government should physically visit

⁵ Australian Government Department of the Environment and Energy, 2019, [National Waste Policy Action Plan 2019](#)

⁶ <https://www.abc.net.au/news/2019-07-13/war-on-waste-hospital-waste-australia-recycling/11306376>

businesses to check for compliance and provide education about prohibited products. Confusion particularly arises in businesses that operate in multiple States where central management may still be supplying materials legal in other jurisdictions and local store managers do not seek ACT Government information.

Supporting behaviour change towards reusable alternatives

The Conservation Council applauds the efforts of governments and businesses in the steps taken thus far to phase out single-use plastics. However, there is still a prevalent culture of disposability and throw-away convenience. Being “less bad” is not best practice.

For example: hopefully, we will see a decline in the number of plastic drinking straws polluting oceans and beaches in coming years. However, single-use drinking straws are still just as common, albeit made from biodegradable paper instead of plastic. Most people do not need a straw to drink from a glass, cup, bottle or can: straws should remain available for people with disabilities or particular needs, but drink servers should flip the default and not put straws into drinks unless they are asked for.

Reusing containers

Customers must be permitted – indeed, encouraged – to bring their own containers to take food away from food outlets, including supermarket deli counters. Businesses need to be protected from liability (for burns, spills, food poisoning) if customers provide their own cups/containers/bags, including the right to refuse to use customer items that appear unhygienic.

Bring-your-own reusable coffee cups are making a comeback after the health precautions during the Covid-19 pandemic forced the reversion to disposable cups. But more could be done to encourage people to bring their own cup and takeaway container on their routine coffee and lunch runs. Expand the Green Caffeine scheme that already operates in the ACT for reusable takeaway coffee cups.

The Council's previous submission suggested that the ACT Government give consideration to the implementation of a swap-and-go takeaway food container system based on the Green Caffeine scheme. Takeaway food containers are generally of a standard size, and users could “subscribe” to the scheme, borrowing and returning containers as required. This would be particularly useful for the burgeoning home-delivery food industry – perhaps there could be collection points at supermarkets and food courts, or customers could hand back containers from the previous delivery when they receive their next order of food. RePlated is an example of such an initiative.⁷ Similar systems can be implemented for public events to replace disposable plates, cups and bowls.

Reusing bags

With regard to bags, there is a long history of debate about the relative lifecycle impacts and ecological footprint of cloth vs paper vs plastic vs “green” supermarket grocery bags. The general consensus is that a decent quality cloth bag (preferably made from recycled textiles)

⁷ Australian Circular Economy Hub, n.d., RePlated: A food packaging solution with reuse and recycling at its core, <https://acehub.org.au/knowledge-hub/case-studies/replated>

reused for as long as possible (and repaired for even longer use) is the winner. So, even assuming we eliminate plastic versions, best practice is to reuse each bag hundreds of times.

Yet it is still the norm for shops to hand out bags with purchases, and many shoppers are happy to absorb a small extra cost for a new bag with each purchase in exchange for the convenience of being handed one at point of purchase. Shoppers' cupboards become stuffed with dozens of bags that may never be used again, or the nominally reusable bags are disposed of after a single use because the consumer places no value on it.

Like with BYO coffee cups and food containers, Canberrans need to be encouraged to think ahead about their need for bags. Most shopping outings, whether it be a browse for clothing, picking up groceries or a run to the hardware store, are preceded by the intention to shop. It needs to become second nature that the intention is accompanied by the action of taking a bag or three with you to the shops. Bags come in such an incredible variety of sizes, fabrics, colours, and styles, including lightweight nylon bags that fold into tiny pouches, that there is something to suit everyone's needs.

Retailers could shift the onus to shoppers by flipping the language at the point of sale: rather than providing or offering a bag, the sales assistant could prompt the desirable behaviour with "do you have your own bag these items can go into?". Government could collaborate with the retail sector to encourage this, by distributing counter-top signs or stickers with the message "BYO bags welcome here" or "Did you remember to bring your own bag?", plus providing educational materials to store managers to train their staff to not offer bags.

Government could also collaborate with shopping centres, malls, local shops to host bag libraries in a central location. Like little neighbourhood book libraries, a rack set up in a shopping centre for people to donate bags would make bags available for shoppers who have forgotten their bags. Stores could then direct shoppers without bags to borrow one from the library. The set-up could include a nominal charge to borrow a bag and a credit/refund for returning or donating a bag in good condition.

Additional products

The Council's previous submission⁸ detailed the following items that should be phased out in the next tranche:

- balloons
- plastic water bottles
- wrapping for fruit and vegetable portions
- plastic net bags
- newspaper wrapping
- table cloths
- individual condiment containers, and
- composite products.

⁸ Conservation Council ACT Region, 2022, Submission to Waste Policy, Transport and City Services: Single-use plastics - Tranche 2, <https://conservationcouncil.org.au/wp-content/uploads/SUBMISSION-Single-Use-Plastics-Tranche-2-Jan2022.pdf>

The Government should also now be looking to soft plastic products highlighted by the collapse of REDcycle, such as bread bags, food wrappers, bubble wrap, anything individually wrapped such as dishwasher tablets. Government should contract for industry scale soft plastic collection and recycling within the Territory. This needs to be addressed urgently – appalled Canberrans are stockpiling soft plastic at home, awaiting a solution other than landfill.

A few more plastic items that need recycling solutions are:

- Polyvinyl chloride (PVC) and vinyl, eg pipes, pool floats, air mattresses, clothing, music records
- Toys and plastic musical instruments
- Baskets eg shopping baskets, laundry baskets, waste bins
- Bioplastics – this is particularly important if they are to replace petroleum plastics
- Nylon netting eg bird netting
- CDs, DVDs, audio tapes, VHS cassettes and their cases
- Christmas trees, baubles, tinsel
- Coffee packaging and pods/capsules
- Corflute
- Credit cards
- Large containers, tubs, drums, furniture, crates
- Garden hoses
- Hot water bottles, sports balls
- Foams
- Laminates
- Lids
- Lunch boxes, mixing bowls and other food storage & serving containers
- Flexible magnets
- Medicine blister packs
- Perspex, acrylic sheets
- Plant pots and other plastic containers and small household items
- Razors, pens and other small plastic items

Recommendations

1. Define standards for non-plastic disposable products that take into account recycling and waste processing options that are available to the community and business.
2. Provide clear guidance on how plastic alternatives should be recycled.
3. Invest in ongoing community and business education about avoidance of single-use items and reuse of cups, containers, cutlery and bags (etc) until widespread behaviour changes are noted.
4. Develop a time-line to phase out all of the additional items identified above giving consideration to the environmental impact, any inadvertent consequences of regulation, community understanding, behaviour and expectation, and the availability of alternative products or behavioural changes that render the items unnecessary.

5. Advocate for strengthening the National Waste Policy Action Plan 2019 target to reduce total waste generated by more than 10% per person by 2030, and for mandatory national product stewardship/extended producer responsibility schemes across a range of product categories.
6. Where reusable alternatives are not available, require products to meet the Australian home composting standard (AS5810).
7. Remove the exemption for compostable plastic bags given alternative reusable products are available and littering concerns are ongoing.
8. Address the phase-out of composite products that prevent easy recycling.
9. Update ACT Government procurement guidelines.
10. Support the needs of members of the community impacted by these changes.
11. Develop collection and recycling of soft plastics within the ACT.
12. Start researching recycling solutions for plastic products not yet under consideration.