Cyswllt Amgylchedd Cymru | Wales Environment Link

WEL response to consultation on Single Use Plastics
October 2020

Background

Wales Environment Link (WEL) has responded to several inquiries or consultations in the last few years on tackling plastic. This includes responses to or papers on:

- A briefing to Senedd Members, highlighting the opportunity for a single-use plastic tax within Wales, whilst Ministers were exploring opportunities for taxes in Wales. This could have been a levy or a tax, these opportunities remain but all works on it seems to have been set aside;
- An inquiry from the Climate Change, Environment & Rural Affairs (CCERA) Committee on microplastic pollution in September 2018;
- The UK-wide consultation on Deposit Return Schemes from May 2019;
- We collaborated with our Sister Links on an Environment Links UK (ELUK) response to the HM Treasury consultation on implementing a plastic packaging tax;
- Our in-depth evidence to the CCERA Committee on the UK Environment Bill, specifically its enabling powers with regards to waste and resource efficiency in March 2020;
- Welsh Government consultation on implementing a Circular Economy Strategy from April 2020;

We highlight this to illustrate the considerable amount of suggestions, but absolute lack of progress. None of the proposals above seem to have made any headway. We are frustrated by this, which we appreciate is a lot to do with other factors, but it's never deemed as high a priority as it should be. Despite the public being seemingly wholly behind this agenda and campaigners working on this for decades – it's still been put to one side whilst we focus on the 'more urgent' work of Brexit, the Covid-19 pandemic and potential economic downturns. However, it's more urgent than ever to take forward such policies, as part of the green recovery from the Covid-19 pandemic. We need to take this forward **at the same pace, at the same time, as coping with other issues facing the public.** We can't lose sight of the bigger crises facing us.

As we embark on a green recovery, we welcome the Welsh Government recognizing this as a once-in-a-generation opportunity to reset our economy and reform is based on the principles of sustainability, wellbeing and investing in and recovering nature. Our paper on Principles & Tests for a Green Recovery in Wales sets out how we can do this and, in this response, we will outline in more detail how this should be done on the back of a **circular economy.** Sustainability encompasses many principles and we prioritise the three aspects of supporting nature; supporting wellbeing and supporting circular manufacturing and recycling. We want to ensure no waste or pollution impacts on either nature or people.

Introduction

At the time of writing, Wales is only six months into a pandemic that could last for years. We're on the brink of a second autumn lockdown period. And we're in the last 3 months of the EU Transition Period, before the EU Directives stop applying and we are left with either a significantly different trade deal from before or no deal at all.

All of this has an impact on tackling plastic. **The pandemic has create more single-use waste than we've seen for some time** with face masks (even though reusable ones are available); plastic bags no longer being charged[1] for with home deliveries (even though reusable bags can be washed and single-use plastic is still not shown to be that hygienic); and hand sanitiser and paper tissues are everywhere, creating more waste and plastic than we never needed with just soap and water.

We are paying less attention to waste reduction whilst we prioritise our health above all else. What people don't tend to realise is that **human health, animal health and the planet's health are inextricably linked.** After all, it was a virus apparently borne out from poor health and safety in a country with wildlife trade and minimal public health regulations; the health of animals directly impacts on the health of not just one country, but the whole global population. This global population is suffering from other nature-based impacts, like floods, wildfires, storms, unusual temperatures, warm winters, declines of pollinators, increases in carbon, decreases in biodiversity… **if we do not view nature's health with human health** then we cannot even hope to tackle these global problems.

It's very welcome that this consultation seeks to replicate the Single Use Plastics Directive. But it's recently even been thrown into question in Wales as to **whether we can ban or influence the selling of single-use plastic at all.** WEL found it extremely worrying when, after the Internal Market Bill was first introduced, our Counsel General, Jeremy Miles, said[2]:

> *"Parts 1 and 2 of the Bill would enforce the principles of mutual recognition and non-discrimination in the case of almost all of the goods and services that originate in, or are legally imported to, any part of the UK, defined in the case of non-discrimination as merely goods that 'pass through'. To give you an example,* ***although we could continue with our intention to ban nine types of single-use plastics in Wales if they were produced or imported into Wales, we could not prevent such products produced or imported into England or Scotland from being sold in Wales if they could be lawfully sold there.*** *It also appears that it would be illegal to insist on them being labelled in a way that highlights their damaging impact on the environment. While this doesn't specifically prevent the Senedd from exercising its powers,* ***it renders them meaningless*** *in the context that the vast majority of goods for sale in Wales come from other parts of the UK or pass through them."*

This Bill undermines this consultation in the most significant way it could; whilst Welsh Ministers could ban these nine plastics, it wouldn't have any impact at all, as supermarkets could still sell products that have originated in or been imported to other UK nations. Given that Wales and England clearly have many cross-border businesses, and supermarkets are usually UK-wide, this has serious implications for Wales' powers.

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[1] Welsh Government, 2020. Legislation: The Single Use Carrier Bags Charge (Wales) (Amendment) Regulations 2020.

[2] Welsh Parliament, 2020. Plenary: Statement by the Counsel General and Minister for European Transition: The UK Internal Market Bill, Tues 15 Sept 2020.

The whole Internal Market Bill also impacts on devolution, potential Welsh Government spending and the movement of goods. So whilst we wish to engage with this consultation as proactively as we can, we appreciate that Welsh Ministers have been put into difficulty by these proposals.

We are also very worried about the prospect of the UK Government ignoring the devolved governments' votes on consent. The House of Commons Library briefing[3] on the Bill sets out the criticism from the devolved governments:

> *"Shortly before publication of the Bill the Scottish Government said Scottish Parliament consent would be "impossible". Jeremy Miles, the Counsel General for Wales, reportedly told the Guardian that the Bill in its current form had "no prospect" of getting Welsh Parliament consent. He added: "The question is if they don't get that consent whether they will proceed regardless."*

WEL does not wish to get into a political discussion over whether and how Wales' devolved powers are being affected or removed or undermined; however, it's clear that all of this will delay any real policy progress in any of the areas we need quick action on. We hope that the Internal Market Bill will be amended to ensure that any action Wales takes on plastic will be worthwhile and effective.

We also need to see the UK Environment Bill complete its passage – as its making fairly slow progress, still in the House of Commons Committee stage[4] at time of writing – because it is necessary for Wales to be able to enact a full and comprehensive set of legislative actions to tackle plastic at every level.

1. Do you support our proposal to ban each of the single use plastic items listed above? If not, please give reasons and where possible evidence to support this view.

Yes, we think all these items are unnecessary and has sustainable alternatives. Most of these have been designed out of convenience or low cost to producer or consumer, ignoring the inconvenience of pollution and environmental cost of attempting to tackle them.

On the food containers and cups made out of polystyrene; very much so. This is a particularly difficult material and we believe all polystyrene materials should be banned.

Again, there are alternatives, such as Eco Flo, a biodegradable form of packaging made out of starch; it dissolves in water or in soil harmlessly. Companies like Lush Cosmetics Limited[5] have even made their own version in-house, so they could reduce their carbon footprint and not need to transport it from other suppliers.

2. Do you agree the potential environmental and social benefits of our proposals will outweigh the potential impacts on people in Wales? Please give reasons and where possible evidence to support this view.

[3] House of Commons Library, 2020. Briefing paper: The United Kingdom Internal Market Bill 2019-2021.
[4] UK Parliament. 2020. Bill stages – Environment Bill 2019-2021.
[5] Lush UK, 2020. Article: 'We'd rather have a box of Eco Pops'.

Yes – we need to consider 'environmental costs' as 'what would the cost be of attempting to remove this litter from our pipes, rivers and seas?' And what has the cost already been so far? These costs have been passed on to the public as statutory bodies need to deal with clean up and absorb those costs through public funds.

Much of our litter is picked up by volunteers – organised by NGOs like Keep Wales Tidy and Marine Conservation Society – or by council workers or by statutory bodies like Dŵr Cymru. All of that energy and time could have been put towards other improvements in our environment and is instead spent on cleaning up. Businesses have been benefitting from the good nature of volunteers and not paying the real environmental price of their products.

Some businesses have warned that costs of new sustainable products could be passed on to consumers; they need to be encouraged to absorb as much as possible and to see, in the long term, how savings could actually be made. The more sustainable manufactures are encouraged to be, the more sustainable alternatives will be available and the cheaper these options will become. When clean-up is undertaken by councils or water companies, consumers are already paying the price through Council Tax and their water bills.

WEL are also calling for the 'polluter pays' principle to be embedded in future legislation, as we will lose this from our frameworks when the EU Transition Period ends at the end of 2020. The polluter needs to be bear the costs of pollution and not the consumer; this principle being included in a future Environmental Governance & Principles legislation should ensure that businesses don't pass even further costs on to citizens.

3. Do you agree with our assessment of the potential benefits and impacts our proposals will have on businesses, including manufacturing, in Wales? Please give reasons and where possible evidence to support this view?

Yes, there doesn't seem to be many manufacturers in Wales and we'd encourage the Welsh Government to nurture and attract companies which create sustainable and reusable products.

4. Should oxo-degradable plastics be included on the list of items to be banned? Please provide evidence to support this view.

ECOS (European Environmental Citizen's Organisation for Standardisation) has highlighted oxo-degradable plastics as being misleadingly promoted as a sustainable biodegradable material and a statement, signed by over 150 signatories, highlights these problematic claims. The statement[6] highlights that *"a significant body of evidence indicates that oxo-degradable plastics simply fragment into small pieces, including microplastics, with the entire process of biodegradation into naturally occurring molecules requiring timescales often (far) in excess of those claimed by their manufacturers."* The European Commission rightly banned them in July 2019[7] and Wales should follow suit as quickly as possible.

When oxo-degradables are exposed to heat or UV light for an extended period, it oxidises to the point where the plastic becomes brittle and fragments[8]. Full degradation has not been recorded for any environment in

[6] ECOS, 2019.
[7] European Commission, 2019. Science for Environment Policy, November 2019.
[8] European Commission, 2016. The impact of the use of "oxo-degradable" plastic on the environment.

any length of time, including landfill situations (where little oxygen is available to accelerate the process). The evidence from the EU Commission also suggests that oxo-degradable plastic is not suitable for any form of composting or anaerobic digestion.

There are significant concerns within the recycling industry that this type of plastic negatively affects the quality of recycled plastics. The inclusion of impractical alternatives also has a negative effect on the marketability of plastic films sent for recycling. The industry is keen to eliminate oxo-degradables so as to minimise any effect on prices related to the quality and marketability of secondary materials.

This also very much emphasises the need for a clear and statutory definition of 'biodegradable'. Whether something biodegrades can be entirely different for someone's home compost to a local authority's facilities. And something could still be labelled as 'biodegradable', even if it takes 500 years to do so. Leaving decisions up to manufacturers, retailers or consumers – or relying on voluntary labelling – will make for a confusing amount of variability. The Welsh Government could simplify matters with a clear and statutory definition, with products only being labelled as 'biodegradable' if they can break down in a home composting environment (or a local authority one, but this must be clearly defined, labelled and communicate to ensure it ends up into council compost facilities and not individual ones).

5. Do you believe the COVID-19 pandemic has resulted in changes to the market that are currently not accounted for in our research? Please give reasons and where possible evidence to support this view.

As a result of the pandemic, carrier bag charges have been lifted for home deliveries of groceries, particularly early on when governments weren't sure about the main way the virus spreads. Whilst vigilance is understandable, we need to be evidence-led and not create more pollution for the sake of it. We've since learned that it is mainly spread from person-to-person[9], rather than on surfaces, and it's highly concerning to see reports[10] highlighting the Plastic Industry Association taking advantage of the situation as early as March 2020. Greenpeace commented: "*We saw the plastic industry step in really quickly and try to exploit Covid-19 fears that reusable is dirty and dangerous and push the idea that single-use plastics are the answer to keep everyone safe".* The article goes on to highlight that a study in April actually found that coronavirus droplets live longer on plastic than paper or cardboard. There is no easy answer to this but this certainly shows how the market has changed through the pandemic.

We need to be vigilant to industry with vested interests to be taking advantage of this and arguing single-use plastic is safer without independent evidence. Whilst we agree that medical environments – for medical professionals and in hospitals – should be an exception, members of the public should not have to endure scaremongering tactics and, when it comes to their personal PPE, encouraged to buy reusable face masks and wash them regularly.

Hand sanitiser can also presumed to be better than other products, even though the CDC recommends[11] soap and water as the best way of washing hands, and only using alcohol-based sanitiser (in plastic bottles) if this

[9] Centers for Disease Control & Prevention, September 2020. How Covid-19 Spreads.
[10] The Guardian, 2020. 'It's all on hold': how Covid-19 derailed the fight against plastic waste.
[11] FDA, 2020. Q&A for Consumers – Hand Sanitisers and Covid-19.

isn't available. There's also no evidence that *"consumer antiseptic wash products (also known as antibacterial soaps) are any more effective at preventing illness than washing with plain soap and water. In fact, some data suggests that antibacterial ingredients could do more harm than good in the long-term and more research is needed."*

6. Do you agree with the exemptions we are proposing and how can we make them as clear and practicable as possible to apply? Please give reasons and where possible evidence to support this view.

Any exemptions for bans are problematic as it doesn't not promote a clear message. A good example of this was the varying exemptions for the Single Use Carrier Bag (SUCB) charge when it was introduced in England. The result was confusing and difficult to communicate, enforce and evaluate.

However, we understand the concerns that some members of the disabled community have with the proposed ban on plastic straws and recognise the reliance that some people with mobility issues have on the use of these items. Whilst supporting the exemption, we would also not want this to be used as a 'loophole' for manufacturers and retailers.

We therefore propose that the Welsh Government adopt stringent and clear guidance for these exemptions and would recommend that these only be applicable to hospitals, registered care homes and registered care agencies. However, we would also strongly urge that the guidance in all settings is expected to be followed in accordance with the principle of the ban wherever possible, , that is to commit to using suitable alternatives and reduce the use of single use plastics, so as to avoid any loopholes or confusion. .

This proposal should ensure that those with moderate to severe mobility issues will not be adversely affected but that the use of plastic straws is limited which should, in turn, see their prevalence in the environment significantly reduced. We would also urge Welsh Government to facilitate relevant groups and stakeholders to engage with manufacturers of alternatives to support the design of more sustainable products for wider use in the future.

7. Are there other exemptions we should consider in relation to all of the single use plastic items in our proposal? If so, please provide evidence to support this view.

No, we agree with exemptions for medical settings and for disabled people.

8. Do you agree the proposed timescale for the implementation of the bans provides sufficient time for businesses of all types to adapt? Please give reasons and where possible evidence to support this view.

Yes, as outlined in our 'Background' section, there has already been many delays in tackling plastic and this should give businesses enough time to adapt, if they haven't already.

9. Do you agree with the proposed use of Civil Sanctions?

Yes.

10. Do you agree Local Authorities should enforce the bans?

Yes, but they have had many extra duties put on them amongst cumulative pressures, so enforcement may not be well resourced if reliant on local authorities alone. We would recommend that Trading Standards also be charged with enforcing the bans, in partnership with local authorities.

A lead adviser within Welsh Government, who could work with manufacturers and help local authorities in enforcing it, would be welcome. It was also show leadership and have someone who can keep on top of potential loopholes or new products which aren't covered, but are problematic in different ways.

11. Should wet wipes be included in future proposals for further bans or are there other measures which should be introduced to address them, for example Extended Producer Responsibility? Please give reasons and where possible evidence to support this view.

Yes – these are extremely damaging and we wholeheartedly support Dŵr Cymru and others who are calling to ban all wet wipes containing plastic.

In their response to the CCERA Committee's inquiry on microplastics[12], the water company highlighted[13] that wipes are the cause of the majority of sewer blockages and they've led initiatives to educate on this through their 'Let's Stop the Block' campaign; citizen education is helpful but, **ultimately, this area needs regulatory intervention**. There is currently nothing to stop companies putting 'flushable' on wipes which cause severe damage to our water systems and with no standard definition of 'biodegradable', this causes confusion to the public who will assume they've chosen an environmentally friendly alternative. These sorts of products should be banned, ideally, or at least (as Dŵr Cymru suggested) have clear labelling for any wipes that do not pass the 'flushable test'. Water UK can test and pass products which meet this standard to use the 'Fine to Flush' labelling[14]. WEL would ideally want them to be banned with other single-use products, but otherwise there should be levies for those which aren't flushable and clear labelling telling citizens not to pollute the water system with them.

Again, this emphasises the need for the a clear and statutory definition of 'biodegradable' to ensure that the only wipes on the market are those than can truly degrade and are flushable without causing issues to water pipes.

Although all kinds of people use wet wipes, new parents are the key demographic here and they may not be able to afford reusable alternatives or may not be aware of their availability or how to use them.

[12] National Assembly for Wales, 2018. Responses to Inquiry on Microplastics.
[13] Dŵr Cymru, 2018. Submission to Microplastic Inquiry.
[14] Water UK, 2020. Policy: Managing Sewage & Drainage – 'Fine to Flush'.

Unfortunately, reusable items usually have a higher upfront price (even though savings are made over the long-term) which poorer families cannot afford. This needs to be tackled to ensure reusable items are available to all Welsh citizens, not just those that can afford it.

There's a very good opportunity to tackle this with the Welsh Government's 'baby bundles pilot'[15]. This has just started to be rolled out in Swansea and some include reusable nappies[16]. We fully support this and would like to see reusable wipes as well as nappies in all boxes, and guidance on how to use them. It's also great to see they are working with charities to develop a means of recycling and reusing products from them once a family is finished with them.

We would also like to see some thought given to **how these reusable products could be made more affordable;** perhaps the Welsh Government could provide a way of making them available on an interest-free loan basis, where reusable products are paid in monthly instalments over a year so it doesn't have the unaffordable upfront price that makes it inaccessible to poorer families. We would like to see this explored for reusable menstrual products in particular, such as absorbent underwear, period cups and reusable, washable sanitary towels. Sex education should also recommend these above single-use alternatives which cause a tremendous amount of unnecessary waste, but such is their proliferation, girls and women will need a lot of education and support, as well as financial access, to ensure they are taken up.

12. Are there any other items that should be included in any future proposals to tackle single use plastics? Please give reasons and where possible evidence to support this view.

As mentioned above, any single-use sanitising product that could be replaced with biodegradable or reusable alternatives should be reviewed. We are completely supportive of the set of proposals set out by Keep Wales Tidy in their response to this consultation, which we repeat below, but their paper should be referred to for more detailed appendices on the suggestions.

This set of proposals outline how we can stay in line with EU Directives as well as set out a holistic circular economy in Wales. The first set should be considered as the first stage and represents immediate, short term action. The second stage should be developed for some of the more prevalent issues and could include a suite of mechanisms which will be available to Welsh Government as a result of the UK Environment Bill which is expected (at the time of writing) to be finalised in 2021.

We propose that as series of considerations should form part of the next stages for short / medium / long term actions to further promote reduction reuse and repair. Some suggestions for considerations and priorities have been outlined below. Some of these idea are expanded upon in Keep Wales Tidy's paper's appendices which also include links to further information and evidence reports.

Stage 1 – Prevention and reduction (2020 – 2021)

- Passing the ban on Single Use Plastics
- Banning Single Use Carrier Bags and extending the charge to 'Bags for Life' ♦

[15] Welsh Government, 2019. Written Statement: Update on baby bundles pilot.
[16] Welsh Government, 2020. Written Statement: Baby bundle pilot begins in Wales.

- ‘Beyond Recycling’ Strategy *
- Litter Prevention (Wales) Plan *
- Development of a prevention focused fly-tipping strategy

Stage 2 – Reuse and promotion (2021 – 2023)

- Restricting / regulating the sale of wet wipes
- Mandating for Refill stations
- Implementation of levy for Single Use Cups ♦
- Implementing a Deposit Return Scheme for the benefit of Wales ♦
- Taking action on sanitary products and promoting reusable products
- Incentivising markets for secondary materials as part of Green Recovery Economic plan
- Invest in Repair apprenticeships
- Mandating for ‘repair’ and white goods / WEE recycling

Stage 3 – Legislating for sustainability (2021 – 2025)

- Regulation of biodegradables and compostables and policy recognition of single use nature of these alternatives.
- Consideration and implementation of penalty mechanisms for <u>all</u> single use materials.

Note:

*Pending

♦ *Fully or partially dependent on Environment (UK) Bill and Internal Markets (UK) Bill*

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is a respected intermediary body connecting the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.



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