

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\_17  
Ymateb gan Cyfoeth Naturiol Cymru / Evidence from Natural Resources Wales



## Response to the CCEI

# Committee on the draft Bill to Reduce Single Use Plastics

### Our role

Natural Resources Wales (NRW) is a Welsh Government Sponsored Body. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

NRW welcomes this opportunity to contribute to the Senedd's Climate Change,

Environment and Infrastructure Committee request for comments on the draft Bill. We give our views from our perspective as a regulator and advisor on recycling and waste and resource management in Wales.

### Our Response

This builds on our [response to the Reducing Single Use Plastics consultation](#) in 2020.

There are no direct roles or duties expected of Natural Resources Wales in implementing or enforcing these bans in Wales. However, we recognise that the ban may impact the plastic waste sector in Wales which does have links to our roles and the regulations and legislation under the remit of NRW, such as, producer responsibility for packaging and Marine Litter Action Plans.

Our response will focus on these links to our role and remit and give our views from our perspective as a regulator and advisor on circular economy, recycling, waste and resource management, and the marine environment, in Wales.

We are able to provide answers to the following questions:

- Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items
- Whether the provisions of the draft Bill will deliver the policy intention
- Whether there are any unintended consequences arising from the draft Bill

### **Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items?**

We support the introduction of a ban on the supply and use of these target single use plastic items in Wales. The ban will help eradicate unnecessary plastic single use items and support moving Wales towards a Circular Economy.

The Bill will hopefully reduce the amount of plastic waste that is produced and littered but a perverse outcome may be that more non-plastic items are used instead and littering issues continue.

This Bill will work alongside other Regulations such as HMRC's Plastic Tax, planned reforms including Extended Producer Responsibility for Packaging, a Deposit Return Scheme for drinks containers and Business and Public Sector Recycling Requirements.

To be truly ambitious, speed up the move towards a circular economy, and tackle 'throw away' behaviour, legislation in Wales could be developed further to introduce bans and restrictions on the supply and use of unnecessary single use, disposable items, regardless of material. For example single use disposable 'vapes' (e-cigarettes).

As well as being a legal requirement, measures like this should aim to encourage manufacturers and businesses to make responsible decisions or choices around eradicating all unnecessary single use items.

### **Whether the provisions of the draft Bill will deliver the policy intention?**

We believe these bans can play a role in achieving the aims outlined by Welsh Government in the Beyond Recycling strategy to move Wales towards a circular economy, including to:

- Become the world leader in recycling
- Phase out single use plastic
- Create the conditions for business to seize the opportunities
- Take full responsibility for our waste

We support the inclusion of oxo-degradable plastics, and this reflects that they can pose many of the impacts and risks of harm to the environment as plastics produced from petrochemicals, in particular the production of micro-plastics, so it is right they are included in the Draft Bill.

We support the inclusion of lids for cups and food containers made from polystyrene and this would have the same benefit as the ban on polystyrene cups and food containers.

We agree that where there is clear evidence that for medical reasons a single use item is the most appropriate and safest option then exemptions are appropriate.

### **Whether there are any unintended consequences arising from the draft Bill?**

We cannot foresee any unintended consequences for banning these items in relation to extended producer responsibility for packaging (including coffee cup take-back requirements), a Deposit Return Scheme for drinks containers or Business and Public Sector Recycling requirements.

Focusing on only plastic items may have the unintended consequence of these items just being made of different materials and not the change in behaviour that is needed. All products and materials have an impact and any way this can be prevented should be a priority to moving towards a circular economy in Wales. To be as ambitious as possible legislation should cover all unnecessary single use items, regardless of material.

Differences in the definition of types of plastic items across different pieces of legislation that cover plastic, including Plastic Tax and extended responsibility for packaging, may cause confusion for businesses and challenges for regulators.

This is particularly the case for 'degradable' types of plastic where industry use a wide range of terms (bio-degradable, oxy-degradable, compostable etc) so it needs to be clear what is in scope of the legalisation and that this aligns with other legislation.

Using a definition of plastic in the Bill that aligns with the Plastic Tax Regulations could be considered. *"Plastic" means a material consisting of a polymer, other than a cellulosebased polymer that has not been chemically modified, to which additives or other substances may have been added*".

Clear advice and guidance for manufacturers, business and regulators determining if the products are in scope, and where exemptions apply, will assist business in complying, may reduce the opportunity to abuse of the exemptions, and assist Local Authorities in regulating these requirements in Wales.

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