

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_18
Ymateb gan / Evidence from Benders Paper Cups

Benders Paper Cups Response to Draft Environmental Protection (Single-use Plastic Products) (Wales) Bill

Benders Paper Cups are a leading UK based manufacturer of paper hot supplying across the UK and continental Europe for the workplace, on-the-go and retail market channels. The company is privately owned and employs circa 140 staff at its Wrexham facility in North Wales.

Benders is nearly 120 years old, incorporated in 1899, and has always been a manufacturing business converting paper supplied in a range of table-top products to the UK and European catering markets.

Benders was originally based in North London, and moved to North Wales in 1984. Benders began manufacture of cups in 1985; and is now dedicated to the manufacture of paper hot cups. Benders are the number three paper cup manufacture in Europe, and the number one paper vending cup manufacturer.

Benders Paper Cups are a founding member of the Paper Cup Recovery and Recycling Group. A leading contributor to the Food Service Packaging Association Environment Programme, the Automatic Vending Association, and founding support of Simply Cups collection services.

We are grateful for the opportunity to comment on the draft Welsh Single Use Plastics Products Bill as below:-

Benders Paper Cups has followed the guidance in the 'Purpose of the consultation' document and sectioned our response by the requested headings:

- **Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items**
- Benders Paper Cups supports all initiatives to reduce littering however many of the items included in the list of those to be banned do not feature in litter survey data while those most featured are not included. No explanation was given for this. As an example cigarette / e - cigarette related litter according to Keep Britain account for over half of litter by count.
- If further bans are to be introduced then we rather this is implemented in the form of a bill following consultation rather than providing powers to Ministers to introduce and modify current bans without consultation in the form of secondary legislation.
- **The advantages and disadvantages of using a Bill rather than secondary legislation to introduce a ban.**

Each item is unique and, if banned, result in a unique set of implication for retailers and for consumers. A Bill (primary legislation) brings with it a consultation process. This process is needed to avoid:

- Safety and hygiene consequences as a result of an item such as polystyrene lids for hot drinks being banned where there is no suitable alternative
- Economic issues particularly among independent retailers, foodservice and vending operators who struggle to afford more expensive alternatives
- Environmental damage resulting from alternatives with higher carbon footprints to the items banned
- The potential to increase litter
- The unintentional banning of a material due to a misunderstanding of the technology. An example is the misunderstanding of the difference between expanded, expanded and extruded, and sheet or crystal polystyrene

This also applies to amending items currently banned which may take place as a result of political pressures rather than taking into account evidence and science.

We see no disadvantages of using a Bill to bring a ban into being for appropriate products.

- **Whether the provisions of the draft Bill will deliver the policy intention.**
This bill will contribute little towards the policy intention of reducing litter and will result in significantly increased costs and challenges to the sustainability of their businesses for many vending operators.

Those who litter will not change their behaviour because of a change in material. The Bill would simply replace one type of litter with another. The policy objective will only be achieved by enforcement and issuing fixed penalty notices to those who litter and to car owners from whose vehicles litter is thrown.

- **Whether there are any potential barriers to the implementation of the draft Bill's provisions (including the United Kingdom Internal Market Act 2020).**
Benders Pape Cups is concerned that adequate time to use up stocks will not be provided within the Bill. This has been a problem with the Single Use Plastics legislation in Scotland and has resulted in scrapping to land fill of a quantity of packaging. A further six months from the bill coming into force should be given to use up stocks including exporting stocks to England and other countries where banned items are legally traded. The Bill includes the prospect of retailers being fined because officers exercising the powers to enter premises and homes might identify leftover stock which has not been scrapped and is not even being used. This could include banned items left in store cupboards and in warehouses that has not been scrapped.

As a matter of principle, no packaging should be scrapped as this represents a waste of resources. It should also be possible to donate banned packaging to good causes during the six-month period we propose to use up stocks. Retailers and distributors may each be left with small amounts but added together this represents significant amounts of packaging that can be put to good use.

It should not be assumed that all retailers will be aware of the ban. This will depend on publicity provided by the Welsh Government. Not all retailers are members of trade associations providing them with regular information and nor, do we suspect, they look at government websites. The evidence for the registration of businesses in connection with the Single Use Plastics Tax suggests that smaller retailers are unlikely to be aware of any restrictions.

We support the intention of the UK Internal Market Act to enable the four nations to trade without barriers. Seeking exemptions even when other nations are developing similar policies represents a major challenge the IMA and we fear further exemptions will be made making it difficult to trade freely with all four nations. Suspension of the IMA in Scotland has not only restricted current sale, donation, or removal of the allocated products within Scotland, but also the production and export of products. Welsh legislators may wish to consider how the framing of the legislation would affect the ability of the companies currently manufacturing in Wales to sell their product legitimately to markets where they are permitted. Such restrictions would negatively impact employment opportunities within the principality.

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

Welsh Ministers should not be able to make subordinate legislation without the requirement of evidence or consultation with industry experts. To do so would have unintended consequences and may create confusion.

Many plastics are complex and defining one incorrectly can lead to materials or items not considered for banning being restricted unintentionally.

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

3: There is no mandated requirement for Ministers to seek expert advice when adding to or removing a product from column 1 of table 1.

4.2: Requires Ministers to set out information regarding their consideration however no reference is made to seeking expert advice.

5: Requires reference to left over banned packaging in storerooms and warehouses would not be deemed an offence provided it is not being used or traded. A six months' period from the date the Bill comes into force should be provided to use up stocks from warehouses and storerooms of items purchased before the bans come into force. This clause should be added to section 5 or section 22.

22: A fourth section to be added allowing for a period of 6 months to use up stocks purchased prior to the ban coming into force or if not added to this section, then added to section 5.

Plastic Cup Lids - Polystyrene has particular properties that enable a polystyrene lid to grip the rim of the cup so that it is secure. The evidence presented in the case of Sam Bogle and others vs McDonald's Restaurants (case number HQ0005713) demonstrates the issues involved in selling hot coffee for drinking on the go and the lengths that suppliers of cup lids go to in order to ensure that the lid stays on the cup even when it is tipped over. There is current research on developing a lid made from fibre but so far examples do not have the same grip of the cup rim as polystyrene. An unintended consequence is the lack of alternatives available in bulk to a PS lid for hot drinks. Banning polystyrene lids at present would mean that it is more likely that more people will be scalded with hot coffee and that premises selling coffee to go will be faced with more claims for both injury and damaged clothes.

Straws: the wording in the exemptions places an onus on serving teams to decide if a customer is deserving of a plastic straw and determining if they have a disability. This is indicated in the use of the term 'need' in exemption 3 for straws. We suggest 'need' is replaced by 'want' and that it is made clear that anyone may request a plastic straw and that a plastic straw may be presented to them without any reference to medical need. This will eliminate potential verbal abuse of serving staff. Plastic straws not to be on public display.

Plates: An unintended consequence is that workplaces providing meals after hours for their staff will not be able to do so. These meals are vended on plates and are reheated in microwaves. No other material will work in this context while employers are duty bound to supply their afterhours staff with a hot meal. This is especially the case in satellite offices and facilities without catering facilities and are separate from the main premises where the business's catering facility.

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

The bans on some items will have a negative financial impact for foodservice and vending companies. For example, while there are suitable alternatives to cups made from expanded polystyrene, preliminary costings suggest replacement lids would be significantly more expensive.

Any additional cost will have to be passed on to the consumer, at a time of increasing consumer cost pressures across the economy, already impacting turnover and the sustainability of vending and automated retail businesses.