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Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Llyr Gruffydd MS  
Chair of the Climate Change, Environment  
and Infrastructure Committee  
Senedd  
Cardiff Bay  
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25<sup>th</sup> October 2022

## The Environmental Protection (Single-use Plastic Products) (Wales) Bill

Dear Llyr

Thank you for the Climate Change, Environment and Infrastructure Committee report which was published on 10 October 2022 in relation to the Environmental Protection (Single-use Plastic Products) (Wales) Bill (“the Bill”).

Please see my response below to the set of recommendations within the report which I could not fully address during the Stage 1 General Principles Debate on 11 October 2022.

I have also written today to the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Finance Committee to set out my response to their recommendations.

### Recommendation 1

The Welsh Government should bring forward a strategy setting out the suite of initiatives it plans to bring forward to reduce plastic pollution. This will give clarity to stakeholders and certainty to businesses, which will need to plan investment in alternative products.

### Response

I resist this recommendation. The Bill fits into our comprehensive, wider suite of measures aimed at protecting and enhancing our environment. Our strategic direction for tackling plastics is already set out in our Circular Economy Strategy ([Beyond recycling | GOV.WALES](#)) and our draft Litter and Fly-tipping Prevention Plan ([Litter and fly-tipping prevention plan for Wales | GOV.WALES](#)). These note that our aim is to move to a circular economy in Wales, where plastic pollution together with all other forms of waste is avoided and resources are kept in use as long as possible. This is a key part of the action needed on climate change and also brings considerable economic opportunities as part of the transition to a low carbon economy.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As a Government, we agree the challenge of plastic pollution is a crucial part of our efforts and a comprehensive and ambitious approach will be needed. However, the issues associated with plastic pollution also apply to other materials, as fundamentally using an item only once or not disposing of materials correctly cause environmental pollution and waste valuable resources. A strategic approach, therefore, needs to not only address this issue for plastic, but also for other materials, recognising that the single-use nature of our consumption is a core part of the problem.

We have introduced a proposal in the Bill to ensure we are transparent about any single-use plastic products we plan to add or remove in the future. This is being achieved under section 79(2) of the Government of Wales Act 2006, in which the Welsh Ministers will be required to report on the considerations as to whether they plan to add or remove a product. This consideration will be informed by expert advice and discussions with stakeholders.

We will provide communications and guidance to support any future policy to restrict or ban single-use products. In addition, we are establishing an independent advisory panel for single-use products. It will regularly review progress of our policy and legislative proposals, through monitoring product-specific projects. We also intend to table amendments at Stage 2 which will place a duty on Welsh Ministers to produce guidance and to consult with relevant stakeholders on any future proposals to ban or restrict a product.

### **Recommendation 2**

The Minister should bring forward amendments at Stage 2 to set out on the face of the Bill the various pieces of guidance that will be issued by the Welsh Government, either as a result of commitments given by the Minister or arising from recommendations by Senedd Committees.

### **Response**

I accept this recommendation in principle. During the committee scrutiny sessions I confirmed, subject to approval of the Bill by the Senedd, that we will be working with businesses, consumers and local authorities to understand the changes brought in by this legislation. I have also agreed to table an amendment to the Bill at Stage 2 to confer a duty on the Welsh Ministers to publish guidance about the single-use plastic products that are prohibited under the Bill and exemptions listed in column 2 of the Table in the Schedule.

### **Recommendation 3**

The Minister should develop an ongoing programme of education and publicity to raise awareness amongst the public about the principles underpinning the Bill and the need to reduce plastic pollution.

### **Response**

I accept this recommendation. Subject to approval of the Bill by the Senedd, we will be working with a range of groups and organisation to develop guidance and communications to support the Bill's implementation. This will include providing information to help clarify the products being banned and highlight what might be suitable alternatives.

We will continue to work closely with businesses, manufacturers, public sector groups, communities, and others to raise awareness around the need to reuse rather than rely on single-use products. This will include wider messaging around litter prevention and encouraging people to either bin their waste or to take it home with them if a bin is not available.

**Recommendation 4**

The Minister should ensure that efforts to raise awareness of the public, suppliers, and retailers also address the risk of alternative products that are not banned but are nonetheless damaging to the environment.

**Response**

I accept this recommendation. I agree that, as part of our wider communication and awareness raising for the Bill, we need to encourage people to consider whether a particular single-use product is needed regardless of the material. As part of our ongoing work we will highlight any potential risks or unintended consequences of non-plastic alternatives.

Any messaging around environmental impacts associated with products we are banning or restricting will be considered carefully and developed collaboratively with partners.

**Recommendation 5**

The Minister should bring forward guidance on acceptable alternatives to the single-use plastic items that are prohibited. The Minister should commit to reviewing the list regularly.

**Response**

I accept this recommendation in principle. Subject to approval of the Bill by the Senedd, we will be publishing comprehensive guidance to help businesses, consumers and local authorities which will include advice on suitable alternatives. This guidance will be reviewed regularly to ensure it is fit for purpose.

To support this, we are establishing an independent advisory panel for single-use products. It will regularly review progress of our policy and legislative proposals, through monitoring product-specific projects. It will also be able to provide expert advice on the suitability of alternative products. We will establish appropriate mechanisms to collaborate with and involve stakeholders in developing and delivering our proposals.

**Recommendation 6**

Given that the Minister has said it is her intention that the ban should apply as soon as possible after the six-month standstill period, the Minister should explain in writing the steps that are in place to help businesses, suppliers, and local authorities prepare.

**Response**

I accept this recommendation. We are working collaboratively with businesses and local authorities in developing our guidance over the coming months. While we are not considering a specific support package for this Bill, the Welsh Government's Business Wales service offers a wide variety of support that will help businesses with financial pressures over the coming months. Resource Efficiency Advisers are also available to support businesses to adopt or improve environmental strategies, and work with businesses towards creating a resource efficient and resilient business.

### **Recommendation 7**

The Minister should update the Senedd on any assessment she has made of the availability of alternative products in the short term.

### **Response**

I accept this recommendation in principle. As part of the Regulatory Impact Assessment process our research examined the availability and cost of alternatives. This work identified that many businesses had already started to move away from single-use plastic products voluntarily (for example via WRAP's UK Plastic Pact) or as a result of bans elsewhere in the UK or globally. Examples include major manufacturers and supermarket chains shifting to paper-stemmed cotton buds and local cafes and take-away businesses across Wales using wooden cutlery and stirrers.

We are working collaboratively with stakeholders to develop advice and guidance on alternative products. This Bill will provide an opportunity for people to think differently about how they go about their daily lives, choosing reusable products and only use single-use items where necessary.

### **Recommendation 8**

The Minister should give a commitment that the post-implementation review will take place during this Senedd term. If she cannot do so, the Minister should bring forward amendments at Stage 2 to include a requirement for a post-implementation review on the face of the Bill, to ensure that it will be conducted by the next Welsh Government.

### **Response**

I accept this recommendation in principle. I have already committed the Welsh Government to undertake a post-implementation review of the Bill. However, this may require a longer timeframe to allow the legislation to bed in. I would recommend a review is undertaken no later than five years after the bans and restrictions have come into force. This will potentially examine the impact of supporting action to tackle the climate and nature emergency, by reducing the littering of single-use plastic products, reducing the wasteful use of resources and adapting consumer behaviour to use more sustainable alternatives.

### **Recommendation 9**

The Minister should explain why the Bill does not ban manufacturing single-use plastics in Wales.

### **Response**

I accept this recommendation. To provide consistency and clarity for businesses, a ban on manufacture of these items was not included in our proposals, in line with the position taken by the European Union and England. Most products contained in the Bill are manufactured outside Wales. A ban on manufacturing in Wales therefore would have limited effect on the use of single-use plastics day-to-day in Wales. Focusing on supply to consumers in Wales aims to have a real and important impact on the amount of waste created from littered single-use plastic items. The ban on the supply of these items in Wales, and other countries, may result in a reduction in manufacture of these products, both here in Wales and elsewhere, as manufacturers switch to producing alternative products.

### **Recommendation 10**

The Minister should explain her intentions for oxo-degradable plastics in relation to the Bill.

### **Response**

I accept this recommendation. I confirm we intend to bring in the ban on oxo-degradable plastics by the end of this Senedd term following support for their inclusion in our 2020 consultation. However, this is a complex area and research continues. We are currently considering the evidence provided through the Committee stage and Committee report findings on this matter.

### **Recommendation 11**

As part of its consideration of whether to include wet wipes on the list, the Welsh Government should consider how it can encourage or educate the public about the problems for the sewerage system arising from people flushing products that should not be flushed. This would apply to non-plastic wet wipes. It should also consider the impact on certain settings where wet wipes are used for the prevention of infection.

### **Response**

I accept this recommendation. We continue to work with water companies, manufacturers, academia and retailers on the issue of incorrect disposal. We aim to determine what actions would be effective in reducing the harms they cause. The Bill as a whole is key to encouraging positive environmental behaviour change and moving away from the wider throwaway culture.

We recognise that regulatory intervention, such as banning certain products, is only one element in a wider toolkit that can bring about positive environmental benefits and behavioural change. Behavioural change is a key to achieving long term sustainability and the significant reduction of single-use products.

### **Recommendation 12**

The Minister should prepare guidance explaining how suppliers should apply the exemptions for straws arising from health conditions or disabilities. People with health conditions or disabilities should not be placed under scrutiny as a result of this provision. In particular, the guidance should answer the question of how it is expected that a supplier can come to "reasonably believe" that a person needs the straw for disability reasons.

### **Response**

I accept this recommendation. I can confirm our guidance will specifically address these concerns raised in relation to the provision of single-use plastic straws.

Throughout the Bill's development we have engaged proactively with protected characteristic groups, providing them opportunities to comment on our proposals, as we progressed this work. We have listened to the concerns they have raised and included exemptions accordingly. We have had similar engagement with businesses. This engagement has assisted us in developing a first draft of the guidance to support the bans. We will continue to engage with protected characteristic groups and businesses as we further develop the guidance in the coming months.

As well as providing clarity for individuals and businesses on the products to be banned and the actions they need to take to prepare for these bans, the guidance will set out information on how exempted products should remain available. This includes how individuals who rely on single-use plastic straws to eat and drink safely and independently, can still access them and what businesses should do to ensure those who need these products can still access them. This will ensure single-use plastic straws remain available to those who rely on them,

and will support independent living, social inclusion and equal participation for people in protected characteristic groups.

We know that disabled people care about the environment and want to play their part, but they do not want to suffer discrimination and negative attitudes for continuing to use products they rely on, for caring for themselves or to stay safe. We will ensure the guidance gives the right messaging for this. We understand the delivery of the guidance is equally as important as what is written in it. Through engagement with protected characteristic groups and businesses, we will establish the formats and languages the guidance should be delivered, as individuals will have a range of different communication needs and given the multi-national nature of the hospitality and catering sectors.

### **Recommendation 13**

The Minister should bring forward amendments at Stage 2 to require a full and public consultation before regulations are brought forward to amend the Schedule.

### **Response**

I accept this recommendation. As noted during the Committee stages and at Plenary, I will establish a robust and transparent process when considering potential products to be included in the Bill's Schedule in future. I will table an amendment which will place a duty on Welsh Ministers to consult on any proposed future regulations.

### **Recommendation 14**

The Minister must explain what engagement she has had with local authorities about their capacity to deliver "engagement and education" to suppliers.

### **Response**

I accept this recommendation. My officials will work with the Welsh Local Government Association and local authorities individually to ensure appropriate guidance is co-produced and to establish whether additional training is needed to deliver the requirements of the Bill. In the first instance, the focus will be on education and engagement with retailers and business representatives, before enforcement action is taken.

### **Recommendation 15**

The Minister must explain what support, financial or otherwise, the Welsh Government will give to local authorities to deliver the "engagement and education" of suppliers.

### **Response**

I accept this recommendation. My officials will work with the Welsh Local Government Association and local authorities individually to ensure appropriate guidance is co-produced and to establish whether additional training is needed to deliver the requirements of the Bill. In the first instance, the focus will be on education and engagement with retailers and business representatives, before enforcement action is taken.

### **Recommendation 16**

The Minister must explain what support, financial or otherwise, will be made available to local authorities for enforcement action, particularly in the first year.

### **Response**

I accept this recommendation. The enforcement duties under the Bill are closely related to existing environmental responsibilities that local authorities have in respect of their areas. It is therefore appropriate for them to take enforcement action in respect of the offences under the Bill.

Local authorities are already responsible for the management and disposal of litter in their areas. They also have responsibilities in respect of health and safety, and trading standards. In addition, local authorities have existing statutory duties to inspect premises relevant to the provisions of the Bill.

We are working with the Welsh Local Government Association and local authorities individually to develop appropriate guidance and training. We will also work closely with businesses to support the transition away from single-use products listed in the Bill. By adopting this approach, we anticipate enforcement of the Bill will present a minimal additional burden on local authorities.

### **Recommendation 17**

The Minister must explain how she will ensure that suppliers outside Wales are aware that they will be committing an offence if they supply a person in Wales with a banned single-use plastic item.

### **Response**

I accept this recommendation. My officials have already started to publicise the Bill and its requirements via trade newsletters. They will continue to use social and other media with the appropriate audience reach to ensure that suppliers inside and outside Wales are aware of the new offence.

Yours sincerely



**Julie James AS/MS**

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