



Committee Secretary

Senate Standing Committee on Environment and Communications

PO Box 6100

Parliament House

Canberra ACT 2600

22 November 2019

ec.sen@aph.gov.au

Submission: Product Stewardship Amendment (Packaging and Plastics) Bill 2019

Introduction

Out of the 907,401 tonnes of plastic packaging consumed in 2017-18, only around 32% was recycled overall, with only 14% recycled in Australia.¹

The Commonwealth and all State and Territory jurisdictions have agreed to have all packaging reusable, compostable or recyclable by 2025. The Australian Packaging Covenant Organisation (APCO) has also adopted a target of 70% of packaging actually composted or recycled by 2025.

How can we be sure these targets will be met? Only by setting legally enforceable rules to ensure this is the case. And it is essential there be such rules, as all previous reliance on voluntary measures has failed; reliance on consumer information via labelling is a weak approach with limited impact; and the nation faces a critical point in the development of a circular economy.

We point to the success of container deposit schemes achieving 80% recovery of drink containers laying the basis for much improved recycling – as the most

¹ Note: not all material exported likely to have been 'recycled'. Australian Packaging Covenant Organisation, "Packaging Material Flow Analysis 2018, prepared by the Institute of Sustainable Futures
<https://www.packagingcovenant.org.au/documents/item/2171>

significant intervention in packaging to date – and one that was strongly resisted by APCO.

A key problem for packaging right now is that there are only voluntary arrangements for packaging manufacturers and suppliers to design their products for their post-consumer reuse. That means that most plastic packaging still ends up as waste or litter, principally because it is primarily designed to sell a product, not to be reused, composted or recycled. It also means it is too easy for claims about compostability or recyclability to be used as greenwash, without any rigorous requirement to demonstrate the claim or prove that products are composted or recycled.

One of the most obvious means to implement enforceable rules is to introduce a Product Stewardship Scheme for Packaging (and other plastics) and have an upgraded Australian Packaging Covenant Organisation deliver on this.

Australia has had a voluntary scheme in place (Australian Packaging Covenant) since 1999. However, APCO have no authority to ensure manufacturers or distributors comply; and producers can easily exit the Covenant. As a result, Australia is arguably in a similar (or worse) position on most packaging than it was 20 years ago, given the ongoing proliferation of packaging types and marketing strategies.

Introducing stronger and mandatory rules for packaging will mean that excessive and unnecessary packaging will be eliminated, whilst designing reusable, compostable and recyclable packaging will be maximised. Targets for composting or recycling of packaging by 2025 will ensure packaging is actually reused, composted or recycled. Litter and waste will be minimised.

For example, in 1994 the EU introduced a Packaging Directive that set recycling targets for all packaged materials. This led to a reduction in the use of packaging materials that were not economically beneficial or technically possible to recycle and an increase in acceptable alternatives.

A product manufactured in or for the EU market often incorporates compostable packaging, whilst the same product manufactured for Australia often uses polystyrene or non-compostable packaging-because Australia does not have rules in place. Many countries in Europe have banned the disposal of recyclables into landfills.

Boomerang Alliance has been calling for a Product Stewardship Scheme (or mandated government regulations) for Packaging.

Boomerang Alliance considers avoiding/reducing excessive packaging as first preferred option. This should include requiring manufacturers to minimise packaging and any toxins, and design packaging for easy and affordable post-consumer reuse. Reusing, composting and then recycling are the next best options, in that order.

We do not support the incineration of plastic packaging for energy recovery. Incineration is not part of a circular economy approach and should not be considered as part of any packaging or single-use plastics recycling or recovery targets. It represents a single extraction of a resource and the large plants being proposed require the long term locking up of resources that should instead circulate in the economy time and time again.

We specifically support the following key measures in the Bill:

- A mandated recovery target for all packaging including requirements on recycled content
- A ban on selected single use plastic takeaway products such as straws, stirrers, cutlery, plates and including coffee cups and containers. These are the products commonly found in litter.
- A ban on polystyrene containers and individual polystyrene packaging of non-putrescible products
- Clear labelling requirements on products that mean they are either reused, composted or recycled
- Labelling requirements on other problematic products including sanitary items, cigarette filters, cotton buds and wet wipes
- Greater Industry responsibility for a range of their problematic products through contributing to collection, recovery and litter clean-up costs
- An expanded container deposit scheme in all State and Territories to include wine and spirits, more recycled content, higher return rates and inclusion of refillable bottles in collection.

About the Bill

The proposed Bill sets mandatory targets for the post-consumer fate of packaging. All jurisdictions in Australia have already agreed that all packaging should be reusable, compostable or recyclable by 2025. All jurisdictions have

also supported, under the National Waste Action Plan, requirements on recycled content of products. The Bill supports these targets.

To achieve them, the Bill requires packaging manufacturers, importers and distributors to design packaging with their post-consumer recovery in mind; to label products accordingly; and to contribute to packaging recovery costs.

The proposed Bill also includes a phase-out of single use plastic products (usually takeaway products) that have an existing alternative or preferred option. This includes plastic straws, stirrers, cutlery, plates and products made from expanded polystyrene and oxo-degradable materials.

Consumption targets for plastic food containers and beverage cups are included. The proposed Bill seeks labelling of specific plastic products such as plastic containers, cigarette filters, sanitary products and wipes.

Manufacturers would also be required to take greater responsibility for the costs of disposal, litter clean-ups and public awareness about their packaging products.

Boomerang Alliance's View

The Boomerang Alliance supports this proposed Bill as an essential action to ensure that all jurisdictions and business in Australia can meet the agreed 2025 goals on packaging and meet waste and litter reduction goals. Targets for recycled content of products are also included. We note that the recent Meeting of Environment Ministers (November 2019) proffered an 80% recovery target for all waste streams.

Key Elements an Effective Product Stewardship/Other Plastics Bill should include:

- Mandated requirements that manufacturers and distributors of packaging and including associated plastic products (eg plastic straws, cutlery and stirrers) entering the Australian market, must comply with eco-design standards so that their products can be readily and economically reused or recycled. Eco-design standards include minimising material use, eliminating toxins, the use of recycled content, where required by Australian regulations, as well as energy and water efficiencies and pollution controls during production.

- Voluntary accreditation schemes on packaging/associated plastic products should be removed and replaced with mandatory ones. This places a legal obligation on manufacturers and suppliers and to meet basic and stated requirements.
- No product should be permitted to display a reusable, compostable or recyclable symbol until it can be shown that: (1) the product meets Australian standards for that post-consumer recovery; (2) it can be shown that the product is recovered in practice and at scale across multiple regions on Australia; and (3) recovery rates meet established targets for that product.
- Manufacturers and suppliers bear a responsibility for the performance and post-consumer recovery of their products. In addition to meeting eco-design and post-consumer product standards, manufacturers should financially contribute to the collection, recovery and processing of their products. This contribution should continue until it can be demonstrated that their product is being recovered as part of a self-sustainable, circular economy system.
- A packaging/other plastics product stewardship scheme should be fully supported by government policies on procurement and agreed investments that support effective collection and create new opportunities and markets for those post-consumer products.
- A published plan and investment strategy should be produced and designed to meet 2025 packaging targets and goals, with progress monitored by the Commonwealth.
- The Act should require the use of environmental accounting in benefit cost assessments of proposed schemes so that the full environmental, social and employment benefits of a scheme are assessed.
- Incineration and energy from waste should be specifically excluded as an option to achieve product stewardship goals. Acceptable options are avoidance and reduction, reuse, composting and recycling - with a continuous improvement approach to ensure that post-consumer performance improves based upon the principles of the waste hierarchy.

A Broad View on Packaging

The legislation should take a broad and comprehensive view on packaging and single use plastics. It must be recognised that the packaging and the single use plastics problem is not simply about takeaway packaging. It affects, and is a problem for, all sectors of our society - households, retailers, business and agriculture and marine.

When it comes to addressing packaging/plastics targets we recognise the different circumstances in which packaging and problematic single use plastics are provided and include all of these circumstances. In our view, an inclusive and comprehensive list would include:

- **At Home** - packaging and single use/problematic plastics provided for goods and services delivered or received into the home
- **Away from home** - packaging and single use/problematic plastics provided by takeaway services by food outlets, and at events and festivals
- **In Agriculture** - packaging and single use/problematic plastics provided and used in primary production
- **In Industry and Business** - packaging and single use/problematic plastics both received by and provided by these sectors
- **In the Marine Environment** - packaging and single use/problematic plastics used and discarded by fishers, recreational users or commercial/recreational vessels.

Single Use Plastics Phase-Out

Included in the Bill is a ban on certain single use plastics that are problematic (principally used in takeaway) as both litter and waste. Notably it is virtually impossible to construct a comprehensive collection system for such products.

This ban represents a reasonable extension to a product stewardship scheme by proposing to eliminate products that are already identified as problematic wastes and litter, and products that have available and preferred alternatives. Such a ban has the advantage of systematically and immediately removing those problem plastic products by a specific date, and preventing unscrupulous or poorly-informed businesses undermining product stewardship goals by continuing to supply them.

Boomerang Alliance supports this approach but sees no reason why a more ambitious phase-out, that includes plastic food containers and beverage cups, cannot be applied at the same time.

A phase-out of these products excludes reusable or 100% compostable foodware. Importantly we note it essential that valid standards are used as the benchmark – the Australian standards AS4736/AS 5810) - in order to avoid greenwash. In the away from home situation, we do not support recyclable plastic foodware. Recyclable plastic foodware is made from non-compostable plastics, derived from fossil fuels; makes public collection more complicated; and is significantly more harmful to the environment and wildlife when littered. In the away from home situation, these are the products most likely to end up as litter.

The Boomerang Alliance *Plastic Free Places* program (and other similar programs around the country) show that consumers and business are able to switch away from single-use non-compostable takeaway plastics – with little difficulty given some transitional advice about procurement and timing. See – www.boomerang alliance.org.au/plastic_free_places

A Strategic Pathway Forward

Excessive and problematic packaging and plastics are ubiquitous. As a result, Boomerang Alliance, supports a strategic and staged approach to addressing these products. It is clear that there are certain self-evident steps and low hanging fruit that can be addressed first, with a process of continuous improvement applied to more difficult items.

An outcome of this legislation, and the associated 2025 targets should be a strategic plan to meet targets and establish a pathway to those outcomes by 2025. The most obvious option being to task APCO to deliver on mandated outcomes, where they primarily concern the packaging industry and other agencies and industry sectors where they have primary responsibility and opportunity.

The strategic plan should be monitored by the Commonwealth, with penalties applied for non-performance.

The most obvious first steps are:

- Manufacturers changing practices and avoiding and minimising the use of excessive packaging speaking to the importance of eco-design
- The phase out of identified away from home takeaway plastics
- The banning of the use of polystyrene containers and polystyrene packaging for individual non-putrescible products imported or distributed in Australia
- A reduction in the use of soft plastic packaging (particularly for fresh produce) by supermarkets, accompanied by expanded collection services for soft plastics
- Rules on labelling that require products marked reusable, compostable or recyclable to meet designated Australian standards and a requirement they meet identified post-consumer recovery targets
- Install collection bin services for discarded fishing tackle at all recreational fishing spots
- Commitments by manufacturers and distributors of packaging and identified plastics to financially support product collection and recovery, until their products can demonstrate they meet standards and required practices, and will continue to do so
- The expansion of the Container Deposit (Refund) Schemes to include other beverage containers such as wine and spirits, support more recycled content of eligible containers, increase recovery rates and support the collection of refillable/reusable containers.

Further actions should be included in a strategic plan (as referenced above) with timelines designed to meet 2025 goals.

A National Plastics Plan

The National Waste Policy Action Plan identifies a National Plastics Plan to increase recycling rates and reduce pollution. This is a start but assumes that recycling is the priority and that increasing recycling is the most effective means of reducing pollution. In reality, the most effective means of reducing pollution is to avoid the waste in the first place. Any National Plastic Plan should broaden its scope, place plastic pollution reductions as its goal and invest in the most effective solutions to achieve this. It should also engage with all sectors of society to participate in those solutions.

Excessive plastic packaging and single use plastics are a problem for all business, recyclers and the community.

A National Plastic Pollution Reduction Strategy (PPRS) would review, investigate and set policy for single use plastics, not directly covered by other initiatives. The PPRS, with a broader remit and less focus on post-consumer packaging and plastics, would set a future-focused agenda on avoidance, innovation, practice change and public awareness.

Conclusions

Boomerang Alliance supports this proposed legislation. After 20 years of stalled progress by a voluntary scheme for packaging, Australia needs Commonwealth legislation that sets clear rules on packaging and single use plastics and ensures that agreed and endorsed packaging targets for 2025 can be achieved.

These targets are consistent with the global agenda to reduce plastic pollution. It is difficult to see how Australia can meet these targets without regulation, in the short time available.

Through our Plastic Free Places programs, we are consistently observing packaging coming into our market claiming compostability but without any certification. These products tend to be refused by composters and end up as waste in landfill or as litter in the environment.

Strong rules on packaging will stop these practices and set Australia on the road to effective and efficient recovery of all packaging by 2025.

Signed

Jeff Angel
Director

Toby Hutcheon
Campaign Manager