

DRAFT

**WA Local Government Association
Submission**

on the

**Environmental Protection and Heritage
Council's**

**Draft Best Practice Guidelines for Plastic Bag Litter Management
by Public Place Managers**

and

**Draft Best Practice Guidelines for Plastic Bag Litter Management
at Landfill**

**Prepared by the
Municipal Waste Advisory Council**

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Executive Summary

Key Recommendations

The Municipal Waste Advisory Council (MWAC) calls on the EPHC to commit to the following actions:

- ▲ Deliver a well formed levy option, which builds on the existing work and research available to the EPHC that shows a levy on plastic bags to be a viable and highly effective policy alternative.
NB: This is not to say that the EPHC should implement a Levy, merely that it should deliver on its promise to develop the option.
- ▲ Analyse and document the opportunities for the EPHC to use an iconic issue like plastic bags to engender a more generalised individual ownership of waste impacts and responses; and hence
- ▲ Deliver an intelligent education strategy, which allows common themes like *cautious consumption* and *conscientious disposal* to be reiterated throughout successive education campaigns with respect to specific waste issues.
- ▲ Make the Guidelines on Managing Plastic Bag Litter more specific to plastic bag litter;
- ▲ Provide justifications for why the recommended controls represent 'best practice';
- ▲ Provide resources to facilitate the implementation of the Draft Guidelines;

Analysis Approach

In reviewing the documents, MWAC chose to consider the wider policy context. This was done in order to assess the significance of the publication of the Guidelines as an outcome of the EPHC's ongoing attention to the issues associated with plastic bags. Furthermore, MWAC decided that the Submission should consider the things which are missing from the overall package. It was felt that the omissions were just as important as the contents in assessing whether the Guidelines represent a useful offering to litter managers.

Part A – Comments on EPHC Approach

- ▲ The Draft Guidelines suggest that litter managers adopt education strategies. MWAC believes that education programs would be most appropriately delivered at a state and federal level since the messages would be almost entirely transferable. The majority of Councils will see this as another example of the transference of obligations to Local Government without committing resources.
- ▲ The humble plastic bag has acquired an iconic status among waste types which elevates its profile above other, arguably more damaging, waste types and materials. If managing plastic bags better can directly deliver only small gains in terms of avoided environmental harm, the EPHC should consider how it can use the high level of community concern and

engagement to win additional benefits. MWAC submits that the greatest opportunity for 'piggy-backing' on the plastic bag issue lies in the field of public education.

- ▲ The Draft Guidelines miss the point that the existing end-of-pipe focus on managing litter generally and plastic bag litter specifically, will always tend to be hamstrung by a resourcing shortfall.
- ▲ The 'shared responsibility' model applied by the National Packaging Covenant is being applied to the issue of plastic bags. MWAC submits that this model has not demonstrated the capacity to satisfactorily address the issues.
- ▲ The EPHC promised to develop legislative options including a Levy by mid 2003, but the EPHC has failed to deliver on this promise. In doing so the EPHC has declined to provide a powerful incentive for retailers to make a voluntary scheme as effective as possible.
- ▲ Without financial incentives, consumer behaviours will not be sufficiently reformed and without financial assistance the management of litter will not be sufficiently enhanced. However the EPHC continues to avoid acknowledging that an environment littered with substantially fewer plastic bags cannot be delivered under the present framework.
- ▲ Therefore MWAC believes it is time for the members of the EPHC to have a more forthright conversation with their communities about how important plastic bag litter really is and what constitutes an acceptable level of impact. If the community maintains that only a much reduced level of impact would be acceptable, then the EPHC must provide serious policy offerings.

Part B – Detailed Guideline Comments

- ▲ The Draft Guidelines do not demonstrate any rigour in how the 'best practice' specifications have been achieved.
- ▲ Some of the recommendations would be more use if put to other forums, particularly those accessible to planners, architects and engineers.
- ▲ Some recommendations speaking to how public place managers may approach contracting for services would be made more useful if accompanied by tools like indicative contract clauses.
- ▲ The effectiveness of enforcement mechanisms in addressing the problem of plastic bag littering needs to be researched. A prima facie case is readily apparent that plastic bag littering would not be effectively reduced by increased enforcement.
- ▲ The transition to 'best practice' infrastructure should be eligible for National Packaging Covenant funding allocations – both from industry and governments.
- ▲ The Draft Guidelines would benefit from being more finely tuned to addressing the issues specific to plastic bags rather than reiterating well understood principles for litter management in general.

Introduction

The Municipal Waste Advisory Council (MWAC) has delegated authority from the Western Australian Local Government Association (WALGA) to deal with Waste Management issues on behalf of the Association. The Council has a mandate from Local Government to facilitate, encourage and promote economically sound, environmentally safe, socially acceptable and efficient waste management practices for Western Australia. MWAC has formulated the following submission on the two Draft Guidelines on behalf of WALGA.

The scope of the EPHC's consultation in the present instance is probably intended to be limited to comments on the content of the Draft Guidelines, their wording and structure. In reviewing the documents, MWAC felt that it was necessary to take several steps back in order to reflect upon the significance of the publication of the Guidelines as an outcome of the EPHC's ongoing attention to the issues associated with plastic bags. Furthermore, MWAC also decided that the review should consider the things which are missing from the overall package to make the Guidelines a potentially useful offering to litter managers.

Part A of the Submission sets out MWAC views on higher level issues such as the appropriate focus for the Guidelines and the appropriate supporting policy infrastructure. This section also canvasses the views of MWAC in relation to the general approach taken by the EPHC on plastic bags and packaging more generally. Such reflections are timely given that the Draft Guidelines represent the most significant EPHC action on the issue of plastic bags since it outlined its intention to work for a cut in plastic bags litter by 75% by the end of 2004.¹ Part B of the Submission contains two sections entitled "Public Places" and "Landfill" which provide specific comment on the wording, structure, usefulness and appropriateness of each element of the Draft Guidelines.

¹ EPHC Communiqué, 23 December 2002, "Government Focus on Plastic Shopping Bags".

PART A: Comments on EPHC Approach

This section details the concerns of MWAC in respect of how the EPHC has approached the issue of plastic bags generally. It is hoped that this section will inform the EPHC in reviewing its objectives in developing a set of drafting instructions and more importantly in reviewing the appropriateness of other actions aimed at improving the management of plastic bags.

Appropriate activities for the EPHC

To the extent that it intends to facilitate improvements in managing plastic bag litter through voluntary approaches, the role of the EPHC should be to provide high level policy and resource support for litter managers. Yet the focus of the Draft Guidelines is to identify all of the things that litter managers should do rather than to suggest how they might go about creating the right environment to undertake them. By way of comparison, MWAC points to its own work in litter policy with the commissioning of the Nolan ITU Report *Litter Management Option in WA*.² This report sets out high level recommendations for building the right political and financial environment to take on the problem of litter.³ It is submitted that the energies of the EPHC would be more appropriately channelled into this field of activity rather than developing operational guidelines for litter managers

Public Education – Why Focus on Sites?

MWAC accepts that public education is a substantial component of improving end-of-pipe management of plastic bags. This will include public education about the about the problems caused by plastic bags and public education about the measures that individuals can take to mitigate those problems. MWAC believes that such an education program would be most appropriately delivered at a state and federal level since the messages would be almost entirely transferable. However, the Draft Guidelines (Public Places) suggest that a litter education strategy should form part of the holistic set of actions undertaken by public place managers. In the eyes of Local Government, this suggestion has no basis in notions of 'best practice'. Rather the majority of Councils will see this as merely another example of the transference of obligations to Local Government without committing resources. Indeed, even if the resources were offered to implement local education strategies, we would wish to see the

² Nolan ITU, 2002, *Litter Management Option in WA*, for the Municipal Waste Advisory Council online available http://www.wastenet.net.au/Resource_Library/Files/WA_Litter_Options_Report_Final.pdf accessed 30/08/2004

³ *ibid* p75

EPHC justify why it believes this education is most appropriately delivered locally rather than on a state or national basis.

Public Education – Harnessing Interest in Plastic Bags

The humble plastic bag has acquired an iconic status among waste types which elevates its profile above other, arguably more damaging, waste types and materials.⁴ In respect of plastic bags the EPHC is obviously driven to propose actions by the level of community concern, rather than by mounting evidence of serious environmental impacts. If managing plastic bags better can directly deliver only small gains in terms of avoided environmental harm, the EPHC should consider how it can use the high level of community concern and engagement to win additional benefits. MWAC submits that the greatest opportunity for ‘piggy-backing’ on the plastic bag issue lies in the field of public education.

The EPHC has identified many waste streams which it intends to tackle, including used tyres, waste electronic and electrical equipment and batteries. Furthermore, the EPHC has identified a strong preference to deal with waste issues through a shared responsibility approach. If it persists in side-stepping financial incentives to change consumption and disposal practices, the EPHC will need to more actively and more strategically, promote changes in attitude. Shared responsibility schemes have in common an obligation on consumers to make careful purchasing choices and an obligation on all community members to behave conscientiously when disposing of things. The EPHC should identify messages which will reinforce understanding and responsibility in relation to consumption and disposal behaviour, on the part of consumers and community members. To get real benefits out of the plastic bag issue, it is submitted that the EPHC must identify common threads between this issue and other waste issues. Then, in future campaigns, the messages will be mutually reinforcing and the prospects of changing consumer and community behaviours will improve. The EPHC’s decision to promote uncoordinated and under-funded education strategies at a local level will forfeit this opportunity.

Lack of Resources

The Draft Guidelines’ recommended controls, while they may be sensible, demand significant additional work and resources from litter managers. The Draft Guidelines essentially endorses

⁴ Conversations with government staff at both a state and federal level suggest a degree of frustration with the policy attention given to plastic bags. This frustration appears to be borne of this disproportionate level of attention.

the idea that managers of public places and landfills should commit substantial additional resources to managing plastic bag litter. In this respect, the Draft Guidelines miss the underlying point, which is that the existing end-of-pipe focus on managing litter generally and plastic bag litter specifically, will always tend to be hamstrung by a resourcing shortfall. Well financed managers will already have taken steps to address their issues, this is the case with the large urban landfills, for example. In this case, the recommendations have 'missed the boat'. On the other hand, poorly resourced managers who may not have recognised the need for all of the controls outlined in the Draft Guidelines, will lack the capacity to implement them. In the absence of resource commitments and/or significant structural reform, MWAC is drawn to ask – what is the point of making these recommendations?

Exclusivity

In the preface of both Draft Guidelines, the authors set out that “the Guidelines are not intended to replace the wider range of policies which may impact on litter.” In reading this, MWAC is reminded of need to avoid the same only-game-in-town approach to waste policy epitomised by the National Packaging Covenant. MWAC is firmly convinced that voluntary guidelines such as these will only ever deliver small changes in littering outcomes, a fact reflected in relation to various waste management issues and recognised in the DEH's report *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*. MWAC anticipates that the Draft Guidelines will need to be complemented in due course by schemes with better prospects of being effective in managing the problems associated with plastic bags, such as levies. In view of these things, MWAC would strongly contest any claim that the measures being implemented by the EPHC, the ARA and the NPCC preclude alternative approaches.

Shared Responsibility

Experience with the National Packaging Covenant, which we note the ARA's Code of Practice draws on heavily, leaves MWAC with the impression that the EPHC is highly amenable to waste policy proposals from industry which entrench the responsibility of Local Authorities to manage the end-of-pipe. The Draft Guidelines and the context in which they are presented, appear to confirm that the same 'shared responsibility' model is being applied to the issue of plastic bags. MWAC submits that this model will never satisfactorily address the issues. The issues in this case are inadequate resourcing and an inability to affect product design or marketing practice.

Where is the EPHC's promised work on a Plastic Bag Levy Scheme?

Hand in glove with the shared responsibility approach has been the philosophy of voluntarism which underpins many of the recent schemes for producer involvement in managing waste impacts. This philosophy is clearly articulated by the proponents of the current framework for managing plastic bags.⁵ MWAC offers no objection to the principle of voluntarism as a means to an end, but notes the comments made by the Plastic Bags Working Group in their report to the NPCC in 2002. In particular MWAC notes their remark that "the real possibility of a levy in the future could also prove to be an effective measure."⁶ In other words, voluntary schemes are strengthened by the pressure created by developing a credible and proximate, regulatory alternative.

The Working Group recommended that this 'threat' be developed by mid 2003. However, now this work has been deferred in favour of the development of a generic regulatory safety net in the mould of the NEPM for Used Packaging Materials. MWAC has already outlined the weaknesses inherent in this mechanism in submissions on the National Packaging Covenant.⁷ It is therefore submitted that the EPHC has not only shied away from implementing an effective Levy scheme, it has balked at creating the right environment to make a voluntary scheme as effective as possible.

Scale of Required Change

Plastic bags are a low volume item in the litter stream. However, it appears that the community considers that they have a disproportionately high environmental impact – perhaps crystallised by the thought of marine animals ingesting plastic bags. If these impacts are small in frequency but remain individually significant, then modest reductions in frequency can be expected to fail to diminish community concerns. A sincere attempt to address this concern would recognise that a radical change was required in order to stamp out the problem to the point where plastic bag litter impacts become negligible.

⁵ See for example the ARA's website <http://www.ara.com.au/ARA.787022:LISTRIGHT:1056401152:pp=ARAISHID,pc=BAGCODE01> accessed 30/08/2004

⁶ Plastic Bags Working Group, December 2002, *Report to the National Packaging Covenant Council*, online available http://www.ephc.gov.au/pdf/Plastic_Bags/Plastic_Bags_WG_Report.pdf accessed 30/08/2004 p31

⁷ See for example: MWAC, 2003, *Review of the National Packaging Covenant Mark 1 and Examination of Issues for Future Covenants*, online available, http://www.wastenet.com.au/Resource_Library/Files/National_Packaging_Covenant_Report_Dec_2003.pdf

At the top-of-pipe, big reductions in plastic bag issuances will be required. Yet the retail industry can't even commit to even halve the number of plastic bags issued, only to try.⁸ Whereas industry agrees to work towards a 50% reduction in plastic bag issuance it appears to MWAC that far more significant reductions would be necessary. At the end-of-pipe, big increases in the allocation of resources to managing plastic bag litter will be required. Yet the EPHC can offer only a list of areas in which litter managers should consider outlaying additional resources. These additional resources are simply not available and thus won't be allocated.

The Business as Usual Approach

Without financial incentives, consumer behaviours will not be sufficiently reformed and without financial assistance the management of litter will not be sufficiently enhanced. However the EPHC continues to avoid acknowledging that an environment littered with substantially fewer plastic bags cannot be delivered under the present framework. The polluter pays principle and the waste hierarchy can be found in the policy declarations and environmental protection legislation of most of the jurisdictions represented on the EPHC. Yet these concepts are steadfastly ignored by EPHC packaging waste policies in the face of continued pressure from the retail and packaging industries.⁹ With EPHC packaging waste policies the core objective appears to be the maintenance of business as usual. The strategy – jointly implemented by industry and government – appears to be to tinker with the existing system in highly visible ways to reduce community concerns.

An Honest Discussion

The EPHC is ignoring the option to substantially modify the approach to managing plastic bags. As set out above, only a fundamentally different approach will deliver changes on the scale the community expects. MWAC must conclude that it is not the objective of the EPHC to render the impacts of plastic bags negligible. Therefore MWAC believes it is time for the members of the EPHC to have a more forthright conversation with their communities about how important plastic bag litter really is and what constitutes an acceptable level of impact. If the community maintains that only a much reduced level of impact would be acceptable, then the EPHC must

⁸ Undertaking in the *Australian Retailers' Association Code of Practice for the Management of Plastic Bags*, online available http://www.ara.com.au/govt_affairs_codes/arabagcode.pdf accessed 31/08/2004

⁹ For an illustration of the extent to which the EPHC allows industry interests to define the limits of the debate, consider its endorsement of the ARA Code of Practice. The Code redefines the waste hierarchy by inserting a hitherto unheard of element at the top of the hierarchy: the first principle is to 'refuse' – to encourage consumers to minimise their acceptance of plastic bags. This retains the obligatory focus on consumer responsibility rather than on the objective – to reduce plastic bag issuance.

provide serious policy offerings. Local Government does not consider it acceptable for the EPHC to present minor sideline projects like these Guidelines as evidence of a bona fide commitment to the problem.

PART B: Detailed Guideline Comments

This Section details specific concerns with the wording, structure, usefulness and appropriateness of each element of the Draft Guidelines themselves.

Public Places

Best Practice Guidelines for Plastic Bag Litter Management by Public Place Managers

Outcomes

The Draft Guidelines set out five outcomes. The outcomes – which are probably better read as objectives – provide a good coverage of the basic aspects of public place litter management.

The objectives may be loosely grouped as prevention objectives and remediation type objectives and are acceptable to MWAC as a reasonable representation of what Local Government public place litter management practices seek to achieve.

Recommended Controls

Comments on the recommended controls for managing plastic bag litter in public places are offered below. The recommendation is reproduced in italics, the comment is provided beneath each recommendation in plain text:

- a) *Analysis of the littering behaviour and locations in the area to inform decisions about waste and cleaning contracting, selection¹⁰ and location of litter and recycling infrastructure, and to indicate public areas that may need to be redesigned or made more attractive and clean for litter prevention purposes.*

Conduct of site-specific litter behaviour analyses would be a great advantage and may be conducted by a small number of public place managers with few financial constraints. This limited target audience will be likely to employ professional consultants who will be likely to provide the same advice. There is no harm in repeating the message, but neither will there be

¹⁰ Note that an Australian Standard for mobile waste containers up to 1700 litres is currently being developed. The standard will include colours for mobile bin bodies and lids. Standardised recycling and garbage bins has the potential to reduce public confusion and facilitate broader based education initiatives for litter management and prevention.

significant benefit if the message is not accompanied by resources to assist with implementing this best practice management.

- b) *A litter education strategy to promote responsible disposal. This can include on-site and off-site elements as appropriate. For some target audiences or locations, on-site education and litter management need not be associated with bins.*

For example, managers of some non-urban park/recreation reserves purposely do not provide bins and successfully promote the taking of waste home for responsible disposal/recycling. Money saved may be put towards other services and infrastructure. The strategy should provide for the upgrade of landscape design in areas prone to high levels of litter as well as more frequent cleaning. People generally respond positively to attractive, clean areas by reducing their own littering behaviour, whereas areas of high litter encourage people to consider the area uncared for and unsafe.

See comments in relation to (a). The point that litter encourages littering is well taken, but once again the limiting factor in acting on this principle will be cost.

- c) *Guidelines for the siting of bins for each type of public place that specify appropriate coverage and spacing. Priority should be given to high volume sources and consumption points such as take-away shops, canteens at sports ovals, public BBQs, bus stops, areas of public seating etc. Bin siting, however, will need to be tailored to the specific area and not solely determined by a fixed formula.*

See comments in relation to (a). Site specific appraisals can be time consuming and hence consume resources, while the 'science' of bin placement is imperfect. The need for a trial and error approach may be acknowledged and this would further underscore the need for significant, additional resources to be allocated.

- d) *Where possible, bins should not be placed in areas prone to high winds and urban design principles should be applied to ameliorate wind impacts in new developments.*

Our member feedback suggests that areas prone to high winds, which are frequently situated along the WA coastline, are also likely to be popular picnic and recreational destinations. To not provide bins at these sites is impractical, yet designing receptacles to prevent plastic bags being entrained by the wind has proved difficult.

The recommendation regarding urban design principles for new developments is poorly targeted, since these guidelines for litter managers will not be readily integrated with Local

Government planning guidelines. Suggest the EPHC inject this recommendation into other forums.

- e) *Where feasible, water sensitive urban design concepts should be incorporated into urban design to prevent litter from entering waterways. Such concepts would include planting of vegetation to trap litter, and design of drains so that litter does not have direct access to the waterway.*

Improving the management of waterways is an important priority for many riparian and coastal land managers. The recommendations here are well taken, but once again, the forum appears to be poorly selected. The measures suggested are likely to already be employed by best practice waterway managers because they are already recommended for controlling nutrient inputs and controlling stream flows. Suggest the EPHC inject this recommendation into other forums.

- f) *Local guidelines for the design of bins should address prevention of entry by animals, loss of windblown material, minimise vandalism, and provide for recycling infrastructure, cigarette butt disposal and ease of collection. Designs need to take account of the setting. For example:*
- *A heavy receptacle with a latched lid may be appropriate in an area frequented by possums.*
 - *Outside a takeaway shop, it may be a wheelie bin locked to a stand featuring a mechanism that allows only a slight opening of the lid.*
 - *Where a more aesthetically pleasing design is required bins may be locked inside aesthetic housings featuring openings of an appropriate size and shape for the intended materials.*
 - *Bins in snow-prone areas should be designed to allow full accessibility for litter disposal and maintenance in all seasons. Wherever possible bin signage and recycling options should be similar to that used in homes in the area so that it is familiar and understandable.*

In the main, public place managers must be recognised as having responded to design weaknesses in their public bins. Whether better design has been achieved through trial and error or through documented standards and systems seems to MWAC to be irrelevant. Litter is a visible waste management issue and when problems arise, community expectations ensure that remedial action is taken. If the EPHC finds reason to believe that better bin design would substantially address the plastic bag litter problem, it is suggested that a program of

infrastructure improvement would be an appropriate target for the allocation of funding National Packaging Covenant transitional assistance.

- g) *Local guidelines for the emptying of bins and cleaning of sites should be developed. Ideally these two functions take place at the same time so that litter resulting from bin emptying is immediately addressed. In any event, contracts for bin emptying should require a litter-wise approach and immediate attention to inadvertent litter. Public place cleaning and bin emptying contracts, or their management, should be combined to ensure that the most effective overall approaches are taken. This cooperation could also be extended to those in the local government who are responsible for parks and gardens. Specifications for collection frequency should be based on best available information, with the flexibility to make adjustments so as to avoid overflowing bins. Site cleaning should be regular and frequent enough that the most users encounter a litter-free site, with frequency adjusted at high usage times eg weekends and summer time at beach locations. This is because the level of litter already at a site is a significant determinant of littering behaviour.*

Part of this recommendation may have merit, namely the suggestion for improved waste management contracting practices. MWAC suggests that this part of the recommendation be expanded and further details provided, along with indicative contract clauses, to assist public place managers to improve their contracting practices.

The second part of the recommendation relating to the frequency of bin emptying and site clean-up adds little value. It provides no indication as to how the manager can achieve this level of responsiveness to litter pressures. It appears to assume that inappropriate and inadequate bin emptying is a significant contributor to public place littering, but provides no evidence to support the assumption.

- h) *Public place managers should regularly inspect sites to monitor cleaning and collection services, initiate the replacement of damaged bins, and to recommend further improvements for litter prevention.*

This recommendation perhaps offers the mechanism by the second part of recommendation (g) can be achieved. See comments in relation to (a). The point that regular monitoring will improve the quality of management is well taken, but once again the limiting factor will be cost.

- i) *An approval system for holders of public events should require the provision of specified levels of waste management infrastructure and services. The aim would be to cater for all waste materials generated in a manner that minimises litter and maximises recycling. Site*

cleaning services should aim to minimise litter generated during the event and return the site to a litter-free state.

Litter management plans are already a common feature of the procedures for approval of large public events. See comments in relation to (a). It is acknowledged that improving clarity of expectations and readiness of response will tend to improve the management of litter, but once again the limiting factor will be cost. Those public place managers who can afford to operate well documented and comprehensively assessed event approval processes probably already do. Those that cannot, probably already have this on their list of 'nice-to-haves'.

- j) *Appropriate litter law enforcement. This requires training of enforcement staff and setting of effective penalties. Penalties could involve community service (litter clean up) work orders or public naming of offenders and/or fines.*

MWAC submits that the EPHC will need to make a case to show that increased litter law enforcement can have a meaningful impact on the quantity of plastic bags entering the environment as litter.

Litter collection data from Clean Up Australia indicates that plastic bags make up 2.02% of the litter stream by item.¹¹ It is noted that cigarette butts are estimated to represent in the order of 50% of the litter stream by item.¹² Studies by litter specialists Community Change Pty Ltd indicate that Cigarette butt littering is strongly indicative of an attitudinal problem whereas for other waste types, the evidence points away from an attitudinal problem. For instance their research has found that people were three times as likely to litter a cigarette butt as they were to put one in a bin, whereas they were seven times as likely to put beverage containers into bins as they were to litter them.¹³ There is at least reason to inquire whether plastic bags are disposed of thoughtfully in the same manner as containers. It may be that plastic bag litter arises more frequently through accidental escape due to wind entrainment.

Thus plastic bags are relatively infrequently littered (and thus difficult to observe and report) and may be more commonly littered by accident than consciously. In view of these facts MWAC is inclined to the view that this recommendation has been poorly targeted or at the very least, poorly justified as a measure to reduce plastic bag littering.

¹¹ Clean Up Australia (2002), *Rubbish Report – A Snapshot*, 2002.

¹² KESAB Environmental Solutions, 2002, online available

http://www.environment.sa.gov.au/reporting/human/waste/litter_table.html accessed 31/08/2004

¹³ Williams E., Curnow R. & Streker P., 1997, *Understanding Littering Behaviour in Australia*, for BIEC, Sydney.

k) *The public should be provided with a phone number for reporting litter matters.*

Local communities can ring their local council or the police to report litter matters, it is not clear what this recommendation contemplates over and above this service. The recommendation should clarify what is being suggested. See also comments in relation to recommendation (j).

Summary

The Draft Guideline sets out some reasonable objectives under the title 'outcomes', but offers relatively little value in terms of the measures specified to achieve the objectives. The recommendations provide a utopian roadmap which public place managers would no doubt follow where money was no object. At each step in the management process, the recommendations suggest actions for which resource allocation, rather than manager awareness is likely to be the limiting factor. Some of the recommendations are poorly directed, such as those which speak to planning considerations. Some of the more useful recommendations are those which speak to how public place managers may approach contracting for services, but they would be far more useful if accompanied by tools like indicative contract clauses. The recommendations regarding enforcement, (j) and (k) will need to be supported by some evidence to suggest that enforcement is indeed relevant to the problem of plastic bag littering, since a prima facie case to the contrary is readily apparent. Finally, with the possible exception of recommendations (d), (e) and (f), the Draft Guideline fails to address the specifics of managing plastic bag litter. It is a collation of general measures for managing litter and MWAC would be disappointed to see it passed off as a specific EPHC contribution to managing the problem plastic bag litter.

Landfill

Best Practice Guidelines for Plastic Bag Litter Management at Landfill

Attended Sites

Outcomes

The Draft Guidelines set out five outcomes for litter management at attended landfill sites. The outcomes – which are probably better read as objectives – provide a good coverage of the basic aspects of landfill site litter management. The objectives may be loosely grouped as prevention objectives and remediation type objectives and are acceptable to MWAC as a reasonable representation of what Local Government landfill litter management practices seek to achieve.

Recommended Controls

Comments on the recommended controls for managing plastic bag litter at attended landfill sites are offered below:

- a) *Mobile litter screens that are easily erected, at least 4 metres high, highly portable and able to withstand local wind conditions whilst loaded with litter.*

A litter screen is an existing condition of most landfill licences in WA. The specified height is generally below 4m. See for example, Appendix 1, an excerpt from a rural landfill licence, which prescribes installation of a litter fence of at least 1.8m. It would be useful to know how the Draft Guideline has arrived at the minimum height specification of 4m. It appears to have erred on the side of caution in prescribing this generous height specification, in line with the reality that the drafting agency is not the agency responsible for funding the construction of the infrastructure. While over-specifying buildings and bridges is probably a reasonable exercise of caution, it is not justifiable to suggest that landfill managers go to significant additional expense for what is likely to be a very modest improvement in the performance of the litter capture mechanism. If this recommendation is to be retained, some hard supporting evidence will be necessary to convince most Local Government landfill operators of the merit of implementing it.

- b) *Litter screens must be constructed in such a way to retain litter onsite even during variable wind conditions. Use of suitable material for screens that allows litter to be retained against the screen should be considered, particularly in areas of strong and variable winds.*

This recommendation adds little value since it does not assist the landfill manager to identify suitable materials. Clearly, if a litter screen is not proving effective, the landfill manager will take steps to redesign the screen. If the drafter doubted the manager's interest in doing this, the appended licence excerpt shows that the manager would, in the absence of remedial action, be in breach of the condition to "contain windblown waste within the boundaries of the premises".

To the extent that litter screens require substantial redesign and re-engineering, there is a strong case for funding this through the National Packaging Covenant and/or the Waste Management and Recycling Fund (WA only).

- c) *Mobile litter screens should be located downwind of the working face and relocated as necessary in accordance with wind changes.*

Fine but unnecessary. If the EPHC considers that the recommendation really does add value, it is not clear why it has been omitted from the recommendations for unattended landfill sites.

- d) *All site fencing, gates and litter screens should be regularly cleared of litter. Fences in close proximity to the tipping area and in prevailing wind directions may require more frequent attention.*

Fine

- e) *Establishment of a contingency plan to deal with extreme events that could cause gross litter problems.*

While not all Local Government landfill operators will necessarily have a documented contingency plan, it is clear that managing litter from their landfills is a high priority, especially after extreme events causing substantial litter impacts. Since the key response is to have staff available at short notice to undertake a clean-up and repair operation, the limiting factor will be the labour resources available to the landfill manager. If plastic bags are over-represented in such events, perhaps it would be appropriate for the Australian Retailers Association to offer emergency assistance to affected areas, in accordance with the same logic which obliges the

Beverage Industry Environment Council's assistance to manage beverage container litter during the Australia Day Sky Show on Perth's foreshore.

- f) *Regular inspection of the disposal site and surrounding areas should be conducted to identify any litter for manual removal. Such inspection may be conducted by the landfill operator or by a regulator. Litter outside the tipping area should be regularly collected and action taken to prevent its recurrence.*

Fine

- g) *Landfill operators should incorporate into their maintenance work program regular retrieval of litter that has escaped the site.*

Fine but already a standard licence condition.

- h) *Litter must not be deposited or allowed to accumulate in waters or leachate dams.*

Fine

- i) *It is preferable that landfill tip face management:*
- *be managed to minimise wind dispersal of litter (for example through orientation that minimises the effect of prevailing wind conditions) and landfill operations managed to ensure that, as far as practicable, litter is retained on site.*
 - *use high performance waste compaction equipment to tightly consolidate the surface of the working area where operational activities allow this.*
 - *involve progressive application of cover material during the course of the day of operations to ensure that the minimum surface area of waste is exposed at any one time.*

With respect to the first point, the design and orientation of landfill will be dependant upon a range of financial and operation limitations. The prevention of wind entrainment of lightweight litter will often be of secondary importance to other considerations such as safety, convenience and cost.

With respect to the second point, where economies of scale permit, landfill managers use high performance landfill compaction equipment because it helps to preserve valuable airspace. It is simply naïve to expect that litter prevention will ever provide the primary rationale for purchasing and using such equipment.

With respect to the final point, it is unlikely to be viable for most landfill operators to operate in this way.

- j) *Should minimise the size of the working tipface.*
- *Independent audits of the litter control system on site should be conducted to ensure effectiveness of the litter management programs in place.*
 - *An appropriate communication strategy should be implemented to ensure that all users of the landfill site understand the necessity for the covering of loads.*

This recommendation should be redrafted since it is unclear how the dot points relate to the primary recommendation regarding minimising the working tip-face.

- k) *The public should be provided with a phone number for reporting litter matters to the landfill manager or another appropriate authority.*

Fine.

Unattended Sites

Outcomes

The Draft Guidelines set out three outcomes for litter management at unattended landfill sites. The outcomes – which are probably better read at objectives – provide a good coverage of the basic aspects of landfill site litter management. MWAC is pleased to see a measure of responsiveness to the constraints imposed by being unable to keep an attendant at a landfill site. It is likely that Local Governments which operate unattended landfills have to accept a certain amount of litter accumulation on-site and at adjacent sites.

Recommended Controls

Comments on the recommended controls for managing plastic bag litter at unattended landfill sites are offered below:

- l) *Appropriate regulations that require the covering of all loads delivered to landfill should be implemented, communicated and enforced to minimise the number of vehicles transporting uncovered loads of waste to the landfill. Enforcement of such regulations needs to be undertaken frequently enough to ensure appropriate levels of compliance.*

The covering of loads is a sensible practice which landfill managers should encourage. However, this recommendation ignores the underlying reason for leaving landfill sites unattended, namely cost. Enforcing regulations to ensure compliance requires the dedication of resources to unattended landfill which are simply not available.

- m) *Transportable litter fences should be installed at all sites. Such fences should be at least 4 m high, be easily portable (i.e. able to be re-sited when the tipping area is relocated) and able to withstand local wind conditions whilst loaded with litter. Perimeter fences and on-site litter screens should be constructed so as to retain litter onsite even during strong and variable wind conditions.*

See comments in relation to attended landfill sites recommendations (a) and (b)

- n) *Use of litter nets above and around the tipping area should be considered to prevent litter generation from uncovered material.*

Unclear what the recommendation is suggesting. For example what is meant by "litter nets above...the tipping area?" Does the recommendation mean that a 3 dimensional netting enclosure should be considered for the landfill site? If this is the case, the recommendation will be of limited use to the landfill manager. If something different is intended, this should be made clear along with the distinction between "litter fences", "litter screens" and "litter nets".

- o) *Landfill managers should incorporate regular (e.g. weekly, or in conditions of high winds, daily) retrieval of all litter, from all site fencing, gates and litter screens as well as removal of litter transported offsite, into a regular maintenance work program.*

Fine

- p) *The tipping face and disposal operations should be orientated to minimise the effects of prevailing weather conditions and minimise wind dispersal of litter.*

See comments in relation to attended landfill sites recommendation (i), point one.

- q) *The size of the working tipface should be reduced to the minimum size possible.*

Fine, but already a standard licence condition.

- r) *Maintenance programs should include regular compaction and covering of waste material.*

Fine

- s) *The public should be provided with a phone number for reporting litter matters to the landfill manager or another appropriate authority.*

Fine.

Summary

The Draft Guideline lists some reasonable objectives but does not offer much to assist with achieving the objectives. The recommendations over-estimate the extent to which landfill managers can afford to make the capture and recovery of plastic bag litter a priority for landfill design and operation. Insufficient support is offered to justify some of the specifications, like 4m minimum height for litter screens. Poor drafting has obscured the intent of some of the recommendations and clearer definition of terms is required. As in the case of public place managers, most Local Government landfill managers will wonder what these Draft Guidelines add by way of practical guidance to improving their management of plastic bag litter.

Conclusion

Notwithstanding its preference for a very different approach to the one being pursued, MWAC has offered the EPHC a number of specific comments on the Draft Guidelines. A number of drafting issues have been identified as has the need to demonstrate some rigour in how the 'best practice' specifications have been achieved. Furthermore, MWAC has pointed out that some of the recommendations could be more usefully put to other forums, particularly those accessible to planners, architects and engineers. The suggestion has been made that the transition to 'best practice' infrastructure should be eligible for National Packaging Covenant funding allocations – both from industry and governments. MWAC has also pointed out that the Draft Guidelines would benefit from being more finely tuned to addressing the issues specific to plastic bags rather than reiterating well understood principles for litter management in general.

MWAC presumes that these Draft Guidelines were considered to be an appropriate counterpart to the ARA's Code of Practice, reflecting the principle of shared responsibility. MWAC believes that most Local Governments accept that they have an important role to play in managing litter, including plastic bags. However, it is submitted that the Draft Guidelines will have little practical impact on the capacity of litter managers to manage the litter issues caused by plastic bags. If the EPHC has determined that these issues are sufficiently important to warrant action, then their efforts should be directed towards measures with real prospects for effecting change. In view of this, MWAC is extremely disappointed to receive these Draft Guidelines rather than the model for a Levy scheme, which the EPHC resolved to develop back in late 2002. Given the EPHC's determination to pursue 'shared responsibility' approaches on waste issues, MWAC strongly recommends that the EPHC dedicate resources to public education to reinforce the responsibility of individuals within this framework. The focus should be on delivering a consistent message of responsibility across all relevant waste types, at a state and or federal level.

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Protection Act 1986

LICENCE NUMBER: 7007/8

FILE NUMBER: L194/97

- G2(c) The licensee shall dispose of material containing asbestos and/or biomedical waste under the personal supervision of the licensee, or the personal supervision of a person nominated by the licensee.
- G2(d) The licensee shall keep an accurate and up to date register of material containing asbestos and/or biomedical waste disposed of at the premises and include the following information in the register within **two** hours of supervising the covering of waste;
- (i) the date;
 - (ii) the person's name that disposed of the waste;
 - (iii) that the waste has been covered in accordance with condition G2(b).
- G2(e) The licensee shall maintain a plan showing the current position of material containing asbestos and/or biomedical waste disposed of at the premises.

MANAGEMENT OF LANDFILL ACTIVITIES

- G3 The licensee shall:
- (i) dispose of waste on the premises at least 35 metres from the premises boundary;
 - (ii) place waste within a defined trench or within an area enclosed by earthen or other bunds;
 - (iii) restrict the non-greenwaste tipping area to a maximum linear length of 30 metres;
 - (iv) cover the horizontal face of the waste with at least 150mm of cover material by the end of each day the site accepts waste;
 - (v) cover municipal waste within 24 hours of delivery;
 - (vi) stockpile sufficient cover material to allow waste to be covered in accordance with part (iv) of this condition and to cover waste in the event of a fire;
 - (vii) shall initially spread waste in layers not more than 500mm thickness prior to being compacted with a minimum of five (5) passes with the dedicated machine;
 - (viii) shall manage the active landfill area such that at no time does landfilling result in an exposed face exceeding two (2) metres in vertical height; and
 - (ix) shall cover waste with a final soil cover of at least one (1) metre.

WIND-BLOWN WASTE

- G4 The licensee shall maintain a security mesh fence, at least 1.8 metres high, along the Ralston Road boundary of the premises and a wire stock fence around the remaining perimeter of the premises. The licensee shall ensure that any entrance to the premises is securely locked when the premises is unattended.
- G5(a) The licensee shall contain wind-blown waste within the boundaries of the premises.
- G5(b) The licensee shall collect and return any waste that has been washed or blown away from the tipping area to the tipping area on a weekly basis.

Appendix 2 – EPHC and Plastic Bags

(Quasi) Governmental Statements on Plastic Bags

December 2002

[NPCC Working Group 6/12/2002](#)

Prior to the EPHC mapping out its package for dealing with plastic bags, the NPCC established an expert working group to provide a range of options for the NPCC and governments for reducing the environmental impact of plastic carry bags. Among the recommendations from the Report was this one: "Further investigate legislative options by July 2003 and scope a preferred legislative approach, including:

- Identify the impacts associated with the introduction of the levy;
- Survey attitudes to implementation of a national levy;
- Identifying the appropriate body to administer the levy together with the administration and funding allocation processes.

The Working Group recommended that work to develop an appropriate model for a Levy scheme be undertaken within a three to six month period, in parallel with the definition of [ARA] Code of Practice targets by retailers.

[EPHC Communique 23/12/2002](#)

The Environment Protection and Heritage Council agreed to a package of measures to reduce environmental impacts of plastic bags. The communiqué of 23 December 2002 outlined key areas of agreement between the ministers.

- To ask industry and community to cut plastic bags litter by 75% by the end of 2004
- Four Key short term actions
 - a) Govt to develop legislative options (eg Levy)
 - b) Retailer code of practice with targets of 50% recycling rate for HDPE bags and 50% reduction in number of HDPE plastic bags used.
 - c) Education campaign
 - d) Study into degradable bags
- To receive a report from the NPCC in Dec 2003 on the effectiveness of the measures

Aug 2003

[EPHC Communique 1/08/2003](#)

The EPHC agreed to accept the Australian Retailers' Association (ARA) Code of Practice if they revised it to include auditing, baseline data, regular reporting and consumer alternatives to single use bags. The Ministers indicated they would "again look at implementing mandatory measures". The Ministers also indicated their support for phasing out single use carry bags containing HDPE within 5 years. It would be left to the ARA to develop a strategy to achieve this objective.

October 2003

[EPHC Communique 2/10/2003](#)

The EPHC formally accepted the ARA code

November 2003

[Senate Committee on Plastic Bag Levy Bill](#)

The Senate Committee rejected the Greens Bill to introduce a Levy on Plastic Bags – advising that a Levy would be more effective than existing measures but should only be used as a last resort.

Outcomes from Policy Attention to Plastic Bags

Plastic Shopping Bags – Analysis of Levies and Environmental Impacts (Dec 2002)

[Bag Levies Report](#)

The Report appears to be a key source of data quoted in EPHC and other publications. It includes reviews of overseas practice – including the Irish PB Levy, in respect of which it finds that the Levy has been effective and cheap.¹ The Report also states that “it is expected that a reliance on the [ARA] Code, if not combined with a levy, would produce only minor change to plastic shopping bag consumption and associated impacts.”²

However, the Report does consider the relative importance of plastic bags within the scheme of environmental impacts. For instance, in respect of solid waste representation, the Report notes that the total weight of plastic shopping bags used is not that significant when compared to total household waste (0.7%); total plastics consumption (2.5%) or total packaging consumption (1.0%). The Report also found that if a Levy scheme were to be adopted, that it would be best implemented at a national level – placing the issue at the feet of the EPHC.

The Impacts of Degradable Plastic Bags in Australia – Report (Sept 2003)

[Degradable Plastic Bags - Report](#)

The Report is a fairly technical document which speaks to the physical and chemical properties of degradable plastic bags in the waste stream. Perhaps the most useful conclusion from the Report is as follows:

“The choice for retailers and bag manufacturers appears to be either to pursue a recycling strategy or a composting strategy for the bags – not both. Degradable bags have potential to reduce the quality of recyclate from plastic bags and to therefore undermine plastics recycling programs.”³

The Report also makes recommendations for an Australian Standard for degradable plastics. The Report is not endorsed by the EPHC, they merely published it for the purpose of encouraging public comment.

Australian Retailers’ Association Code of Practice (Oct 2003)

[ARA - Code of Practice](#)

- 25 percent reduction in plastic bags issued by the end of 2004 and then ‘try’ to achieve a reduction of 50% by the end of 2005
- An increase in the recycling rate of plastic bags to 15 percent (in store) and to target a 30 percent (combined in store and via kerbside) increase by the end of 2005.
- Support the EPHC target of an audited 75 percent reduction in bag litter by December
- Ensure availability in stores of multiple use bags and customer information on these bags.
- recycling stations in major supermarkets and in shopping centres.

¹ Noland ITU, RMIT Centre for Design and Eonomia Research and Consulting Ltd, *Plastic Shopping Bags – Analysis of Levies and Environmental Impacts*, Department of Environment and Heritage, December 2003, p7 online available <http://www.deh.gov.au/industry/waste/plastic-bags/pubs/analysis-final.pdf> accessed 30/08/2004

² *ibid* p8

³ ExcelPlas Australia, Centre for Design at RMIT and Nolan-ITU, *The Impacts of Degradable Plastic Bags in Australia*, Environment Protection and Heritage Council, September 2003, online available http://www.ephc.gov.au/pdf/Plastic_Bags/ReptDEH_PlasticBags.pdf accessed 30/08/2004

- Objectively auditing the effectiveness of the Code.
- Target a participation rate of 90 percent of the ARA's supermarket and chain members Dec 2003.

The Code of Practice strongly reflects the approach of the National Packaging Covenant and even invokes a number of its principles and elements. For example the Code is signed in expectation of retailer immunity from regulatory measures. Several of the most important areas of undertaking are couched in terms of agreeing to 'support' or to 'target'. The Code also introduces a new term at the top of the waste minimisation hierarchy: "Refuse – signatories will implement initiatives that encourage customers to minimise their acceptance of current lightweight HDPE bags". In other words, the primary strategy for avoiding the impacts of plastic bags is to get consumers (not retailers) to take responsibility for declining the bag.

ARA Code of Practice Mid-2004 Interim Progress Report

The interim report describes the progress of Group One (supermarket) retailers in implementing the Code for the period of January to June 2004. On present indications, the Code's targeted 25 percent reduction in the number of bags issued by the end of calendar year 2004 will be achieved. The recycling rate for HDPE bags returned in store as a percentage of total HDPE bags issued for the period January to June 2004 was five percent. The targeted participation rate of 90 percent of the ARA's Group One members by 31 December 2003 has been achieved.

Draft EPHC Best Practice Guidelines for Waste Managers (August 2004)

"This revised draft has now been sent to all state and territory Local Government Associations for forwarding to their members and for comment." – [Margaret Nicholson](#) email 30/08/2004