

Submission on DWER Lets Not Draw the Short Straw Single Use Plastics Issues Paper



June 2019

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

This Submission was considered and endorsed by the Municipal Waste Advisory Council on Wednesday 26 June.

1. Introduction

The Association appreciates the opportunity to comment on the State Government Issues Paper *Let's not draw the short straw reduce single-use plastics* and commends the Government for engaging in public discussion and debate on this issue. Local Government has a strong interest in single use plastics from a number of perspectives, as a community representative, service provider and regulator. Single-use refers to products – often plastic – that are 'made to be used once only' before disposal¹.

As a community representative, Local Government has supported the ban on single use plastic bags. Some Councils have also adopted policies to ban the release of helium balloons on Local Government land and the use of single use plastics at Local Government events, in Local Government operations along with smoking on public beaches. As a service provider, Local Government frequently has to deal with the impacts of single use plastic in its operations. As identified in the Issues Paper, this includes impacts at landfill facilities, Material Recovery Facilities, compost facilities and waste water treatment facilities. In addressing single use plastics, Local Government also has a role as a regulator and can issue infringements for litter.

This Submission provides comment on the scope of plastics and priorities for action identified in the Issues Paper, as well as the various approaches that can be taken to reduce single use plastics.

2. Scope of Plastics and Priorities for Action

There are a variety of ways that products can be selected and prioritised for action. Tonnage or volume is frequently used in Waste Management as a way of measuring outcomes. However, this may not be an appropriate measure for single use plastics, as they can be low in tonnage and/or small in volume. Data from the National Litter Index and the Tangaroa Blue Foundation indicates that cigarette butts are a frequently littered item, but only contribute a small amount to overall tonnages of litter. If a tonnage based approach is used, then the highest priority is likely to be packaged products, as these items are consumed at high rates. The information collected by Tangaroa Blue through the Indian Ocean Territories Marine Debris Project (which includes the Shires of Cocos (Keeling) and Christmas Islands) indicates that there is strong need to focus not only on material which is generated in Australia and becomes marine debris, but also material that is generated in other countries. The

¹ 'Single-use': Term used to refer to throw away plastic named Collins word of the year 2018 (2018). Available online <https://www.thejournal.ie/single-use-plastic-4327219-Nov2018/>.

information collected through the Marine Debris Project indicates much of the material washed up on the beaches of the Shires of Cocos (Keeling) and Christmas Islands originates in Indonesia. To address this issues, international action will be needed. The impact of marine debris has also been identified in the Northern Territory where direct engagement with the Indonesian Consulate has occurred².

Recommendation: That the State Government works with other State and Territory Governments and the Federal Government to influence plastic reduction and avoidance initiatives in other countries.

A Circular Economy based approach could also be used to determine priorities for action. This would involve focusing on whether a product is made from renewable materials and is readily recyclable. In this context, recyclability is defined as having an effective collection system in place (that is easy and convenient for consumers), with viable end markets for any collected material. Where products do not meet the criteria for recyclability and are not renewable, they should be phased out using a combination of the approaches identified in Section 3 of this Submission.

Additional research is required to determine if the range of products that are currently collected through the kerbside recycling system are recyclable. Plastic can contaminate the glass and paper streams processed by Material Recovery Facilities. As a material in its own right, there are currently limited viable markets outlets for mixed plastics, given the implications of China's National Sword Program. It is suggested that the DWER funds an audit of the mixed plastic stream processed by Material Recovery Facilities to identify materials that are problematic to recycle.

Recommendation: DWER funds an audit of the mixed plastic stream processed by Material Recovery Facilities to identify materials that are problematic to recycle.

In addition to the products listed in the Issues Paper, the Association would also like to suggest that nappies are included. These products frequently contaminate the material collected through the kerbside recycling system, contain non-renewable resources (plastic) and produce methane if landfilled. Additional research is required to determine why nappies are placed in recycling bins and what effective interventions could be used to reduce the generation of nappies (for example, encouraging the use of reusable options).

Recommendation: Nappies are included on the list of single use plastic items, with options to reduce the generation of this product prioritised.

3. Approaches to Reducing Single Use Plastics

The Waste Avoidance and Resource Recovery Strategy 2030 uses a combination of approaches to address the various issues identified in the Strategy, including:

- Knowledge
- Enabling infrastructure
- Incentives.

Based on the social practice theory, this approach provides an effective way to address complex issues. Appendix 1 of this Submission provides some management options that could be used to address the products listed in the Issues Paper, including:

- Legislation
- Engagement
- Infrastructure
- Operational
- Policy.

² ABC News (2019) Northern Territory luxury retreat at risk of being swamped by tides of toxic trash. Available online <https://www.abc.net.au/news/2019-06-16/bremer-island-plastic-pollution-worsens-turtles-tourism-issues/11178050>.

Recommendation: That the DWER uses a combination of approaches to address the issue of single use plastics.

The Issues Paper identifies a range of options that could be used to take action on single use plastics, along with the positive outcomes and examples of limitations of each option. Table 1 provides some commentary on these options and the situations in which they can be used.

Table 1: Policy interventions for reducing single use plastics.

Options to reduce single use plastics		Comment
Voluntary Reduction Strategies	Sustainable product design	<p>The approach of ensuring that products are designed for recyclability and minimize the use of non-renewable resources is strongly supported. As an entirely voluntary approach is not likely to be effective, the use of legislation to deliver sustainable product design is supported.</p> <p>WALGA has previously expressed concerns about the voluntary approach used by the Australian Packaging Covenant. A recent Submission on the APCO Towards 2025 Discussion Paper highlighted: <i>Limited improvement and impact on Packaging Design - The Covenant aims to have an impact on packaging design, to make packaging more sustainable. However, aside from a few case studies, there is no clear sector wide data to demonstrate that this is the case. Feedback from a number of companies, gathered from responses to complaints lodged by WALGA, indicated that the main driver in designing packaging, was to make packaging attractive to consumers. Research undertaken by the Covenant indicates packaging is moving towards lighter weight plastics and composite packaging – both of which are difficult to recycle in many areas. There is no consistent labelling as to the general recyclability of packaging and attempts to introduce this through the Covenant have failed.</i></p>
	Voluntary agreements with business and industry	<p>WALGA has concerns with how voluntary agreements (such as certain Product Stewardship Schemes) have been progressed. These concerns were documented most recently in the Association’s Submission on the Review of the Product Stewardship Act. Any approach where the agreement of multiple parties is required to move forward can be difficult to manage and deliver undesirable outcomes.</p>
	Procurement procedures	<p>When the Government sets an example on how to practically avoid and reduce the use of single use plastics, a positive message is delivered to both the community and Local Government. However, this must be complemented by the provision of clear guidance for Government agencies on acceptable alternatives.</p>
Community education and behaviour change	Education campaigns	<p>Education campaigns are essential to ensure the community is aware of the need to act on single use plastics. Behaviour change strategies such as Plastic Free July, assist the community with making change at an individual level. However, education campaigns should not be used in isolation. In many cases, Government intervention is required to change systems and influence what products are put onto the market.</p>
	Behaviour change strategies	
Regulatory Tools	State-wide ban on the sale or supply of single use plastics	<p>A ban on the sale of certain single use plastic items could assist with a reduction in the use of these products. The Association and Local Government supported the ban on single use plastic bags. However, the Submission on the Single Use Plastic Bag Ban highlighted the need for the Government to monitor what products were used by retailers in place of light weight plastic bags and to intervene if there was a shift to heavier weight plastic bags. As retailers have shifted to</p>

		heavier weight plastic bags, it is suggested that any future state-wide ban on the sale of single use plastics should include a waste avoidance component, rather than simply encouraging product substitution.
	Levies	The Association agrees that a Levy which marginally increases the price of a product is unlikely to change behaviour in the long term as people will factor in additional costs. However, a Levy that is structured to preference certain approaches may be more effective. For example, the Sugar Tax in the UK was structured to tax drinks with a high sugar content at a higher rate. This encouraged companies to voluntarily reduce the amount of sugar in all but their 'iconic' products – reducing the overall amount of sugar in the majority of beverages. If a packaging levy similar to that of the Green Dot scheme in Germany was introduced, products that are not renewable and/or difficult to recycle would be charged at a higher rate. This would provide companies with a financial incentive to change packaging over time. In addition, the Levy would generate a revenue stream that could be used to fund recycling initiatives.
	Extended producer responsibility schemes/ Product Stewardship	<p>The Association would like to highlight that the section on 'Levies and extended producer responsibility schemes' should be amended/enhanced and the definition of extended producer responsibility amended. Product Stewardship and Extended Producer Responsibility are specifically included in the Waste Avoidance and Resource Recovery Act. Both approaches require the producer of a product to take responsibility for their product (physical or financial) at end-of-life. The Issues Paper does not fully explore the range of options that are available using EPR or Product Stewardship approaches.</p> <p>The limitations section on 'levies and extended producer responsibility schemes' contains a comment that there can be large administrative overheads for government to manage the implementation and ongoing effectiveness of a levy. This assumes that Government will be managing a levy. However, it is worth noting that most Product Stewardship Schemes in Australia (with the exception of Used Oil) are managed by the industry and are not a responsibility of Government.</p>
	Labelling requirements	A voluntary labelling approach is currently being pursued nationally through the Australasian Packaging Label. Any labelling scheme needs to be compulsory to encourage all producers to participate within a reasonable timeframe.
	Sustainable product design	WALGA has previously expressed concern through the Submission on the APCO Towards 2025 Discussion Paper that product substitution must be carefully managed. This is a particularly relevant concern for biodegradable / compostable plastics, as it is difficult for existing processors to distinguish between these materials and traditional plastics. If disposed of through the kerbside recycling system, would these materials would be classed as contaminants. In landfill, these materials will break down and produce greenhouse gases. For product substitution to be effective, a system needs to be in place to collect, process and utilise any material that is produced (e.g. Food Organic Garden Organic (FOGO)).
Additional Regulatory Tools	Increasing fines / enforcement activities	Additional regulatory tools are available to Government, and should be utilised as part of a collective approach to reduce the impact of single use plastics. Adopting a whole of Government approach to this issue could include encouraging Police Officers to issue fines for littering – as has occurred previously.

Recommendation: That the DWER:

- **Further explore the options for Extended Producer Responsibility and Product Stewardship under the WARR Act**
- **Ensure increased fines and enforcement activities are included as a strategy to reduce the impact of single use plastic.**

4. Conclusion

The Association commends the Government for progressing initiatives to reduce single use plastics. In developing interventions for these materials, a range of approaches will be needed that encompasses voluntary measures, community engagement and is underpinned by regulatory action. The example provided in the Issues Paper where microbeads were successfully phased out in personal care products provides a good example of how a voluntary approach that is backed by a commitment to regulate can deliver change.

To achieve a Circular Economy, there is a need to change how we approach consumption and ensure that no product is placed onto the market unless it comes from a renewable source and there is a clear and easy pathway for that product to be recycled or recovered. Effective Product Stewardship / Extended Producer Responsibility Schemes are one way to achieve this outcome, ensuring producers take either physical or financial responsibility for their products at end-of-life.

Appendix 1: Material Type, Issue and Management Options

Material	Issue	Management options
Balloons	Litter issue	<p>Legislation - Ban mass release of helium balloons, as per NSW legislation.</p> <p>Engagement - Engage the party industry and other users of balloons to discuss alternative options. For example http://www.theballooncouncil.org/.</p> <p>Comment: some Local Governments have already banned the release of helium balloons on Local Government land. A statewide ban would be a more efficient approach. WALGA developed a Paper on Helium Balloon Litter which includes some options that Local Government can take to avoid the release of Helium Balloons.</p>
Fishing gear	Litter issue	<p>Infrastructure - Managed through the provision of bins in key locations.</p> <p>Engagement - Engage fishing groups/through outlets selling the material, promote responsible fishing programs.</p> <p>Enforcement - Fines for those littering material.</p> <p>Comment – there are existing programs in place such as Keep Australia Beautiful Clean Marine which could be enhanced. The remote nature of some fishing locations may make enforcement more difficult.</p>
Barrier bags Lightweight plastic bags Thicker plastic bags	Landfill - these materials have the potential to become windblown litter	Infrastructure/Operational - Install litter fences and undertake regular 'emu picks' of windblown material.
	Recycling - flexible plastics contaminate the mixed fibre stream and impact end markets. Recycling tied up in plastic bags is a frequent contamination issue	<p>Operational - MRF's currently address this issue by reducing the speed of processing to allow plastics and other contaminants to be removed by hand. This approach requires additional staff and increases the amount of residual waste produced.</p> <p>Engagement - Distribute consistent messages that flexible plastics are not to be placed in the recycling bin.</p> <p>Infrastructure - To remove plastic from the paper stream at MRF's, optical sorters are required (\$4-5M). There is also an option to install additional drop off locations for the community.</p>
	Compost – contamination issue	<p>Operational - Processors currently address this issue by installing pre-sort infrastructure and reducing the speed of processing to allow contaminants to be removed by hand. This approach requires additional staff and increases the amount of residual waste produced.</p> <p>Engagement - Distribute consistent messages that flexible plastics are not to be placed in the FOGO/GO bin.</p>
Bunting for elections	Litter issue	<p>Comment – As found in various High Court rulings there cannot be restrictions placed on implied Constitutional freedom of political communication. Suggested approach is that the scope be changed to the material type to plastic bunting used for any purpose.</p> <p>Legislation: Ban the use of plastic bunting for advertising.</p>

Cutlery, plates, stirrers Drinking Straws	Recycling - smaller items end up as contamination in the glass stream	Infrastructure - Undertake further sorting of the material. Policy - Ban materials and require products to be recyclable, reusable or compostable.
	Compost - contamination issue	
Prepacked fruit and vegetable Plastic packaging (non-food)	Recycling - material can be contaminated with food and the items may not be recyclable.	Policy - Composite packaging affects product quality. All packaging should be designed for recycling. Large scale uptake of the Australasian Recycling Label is also required to ensure the community knows what is / is not recyclable through the kerbside system. Engagement - Distribute consistent messages regarding correct disposal/recycling.
Lightweight food containers Plastic beverage containers	Recycling - material can be contaminated with food / drinks.	Infrastructure - Currently there are viable market for PET and HDPE. However, current market realities present an urgent case for the development of processing facilities in WA/Australia. Engagement - Distribute consistent messages regarding correct disposal/recycling.
Polystyrene	Landfill / Recycling – becomes windblown litter at landfills, and is a contaminant in the recycling system	Policy - Phase out polystyrene in packaging. Infrastructure - Polystyrene is problematic as it is a large volume but light weight material. Some Local Governments have established separate collection systems for this material at landfill sites that is sent for recycling. Engagement - Encourage residents/business to source separate polystyrene and take it to dedicated collection sites.
Cigarette butts/ filters	Litter issue	Infrastructure - A number of Gamification options can be used to reduce cigarette butt litter. Research from Terracycle also indicates that people are less likely to litter their cigarette butts if the butts are being recycled (i.e. if bins indicate 'recycle your butts here'). Engagement - Continue to deliver anti-smoking initiatives.
Cotton buds / sticks	Compost - contamination issue	Policy - If FOGO systems are established on a broad scale, there is an option to substitute this product with a compostable product. However, there must be prior engagement with processors, to determine if processing systems would still classify this material as a contaminant.
Sanitary wipes/ towels	Compost - significant contamination issue	Policy - If FOGO systems are established on a broad scale, there is an option to substitute this product with a compostable product. However, there must be prior engagement with processors, to determine if processing systems would still classify this material as a contaminant.
Takeaway coffee cups / lids.	Recycling - contaminant in the paper/cardboard recycling stream – also the shape is difficult for existing processing equipment to separate	Policy - If FOGO systems are established on a broad scale, there is an option to substitute this product with a compostable product. However, there must be prior engagement with processors, to determine if processing systems would still classify this material as a contaminant.
Microbeads	Litter issue and issue for Waste water treatment facilities	Policy - Significant progress has been made at a national level to voluntarily phase out microbeads in personal care products. This was backed by a commitment to regulate. This approach could be replicated for other products containing microbeads.