

Response to Welsh Government consultation on Reducing Single Use Plastics

Our role

Natural Resources Wales (NRW) is a Welsh Government Sponsored Body. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

NRW welcomes this opportunity to contribute to the consultation. We give our views from our perspective as a regulator and advisor on recycling and waste and resource management in Wales.

Our Response

There are no direct roles or duties expected of Natural Resources Wales in implementing or enforcing these bans in Wales. However, we recognise that the ban may impact the plastic waste sector in Wales which does have links to our roles and the regulations and legislation under the remit of NRW, such as, producer responsibility for packaging and Marine Litter Action Plans,

Our response will focus on these links to our role and remit and give our views from our perspective as a regulator and advisor on circular economy, recycling, waste and resource management, and the marine environment, in Wales.

Question 1 - Do you support our proposal to ban each of the single use plastic items listed above? If not, please give reasons and where possible evidence to support this view.

Yes, we support including each of the 9 items.

The consultation presents a clear justification for inclusion of the items listed, aligning them with Single Use Plastics Directive, the EC research that underpinned it, and beach clean data from across Wales.

According to a Marine Conservation Society (MSC) submission to NRW, including the [2019 Beach Clean report](#), for SoNaRR 2020;

- the most commonly occurring type of litter found on beaches is plastic / polystyrene pieces between 0-50cm (34% of average count of items per 100 metres of beach)

- Cotton bud sticks, plastic/polystyrene cutlery, trays, straws, food containers and cups account for 3.8% of beach litter by item count.
- In the 26-year period that the Beach Watch programme has been running, there has been a 13% increase in all plastic litter recorded and an 11% increase in cotton buds.

Question 2 - Do you agree the potential environmental and social benefits of our proposals will outweigh the potential impacts on people in Wales? Please give reasons and where possible evidence to support this view.

Yes, we agree.

The research commissioned by Welsh Government provides useful insight into the visual dis-amenity costs of single use plastics and potential reductions that could be achieved through the ban.

When the full net costs of the management and impacts of single use items are factored in the true costs of the plastic single use, items would be much higher than the financial value/costs currently applied to them.

Behaviour change and consumer opinion following the single use carrier bag charge may provide insight into how willing consumers are to absorb additional costs to achieve environmental gain and identify potential perverse consequences such as some customers just switching to buying bags for life each time they shop.

The expansion of initiatives like Plastic Free communities in Wales has demonstrated that that communities, businesses and individuals in Wales are already choosing to avoid the single use plastics included in the ban.

Question 3 - Do you agree with our assessment of the potential benefits and impacts our proposals will have on businesses, including manufacturing, in Wales? Please give reasons and where possible evidence to support this view.

Yes, we agree with the findings of the preliminary research commissioned by WG published in May this year and the conclusion that the small extra costs for businesses would be outweighed by the environmental and social benefits.

The research may need to be re-considered in light of the Covid-19 pandemic, more information is included in the answer to Question 5 below.

Question 4 – Should oxo-degradable plastics be included on the list of items to be banned? Please provide evidence to support this view.

Yes, we agree with the inclusion of oxy-degradable plastics and this is consistent with the Single Use Plastics Directive.

Oxy-degradable plastics pose many of the impacts and risks of harm to the environment as plastics produced from petrochemicals, in particular the production of micro-plastics, so it is right they are included in the scope of these proposals.

As oxy-degradable plastics can appear identical to conventional plastics it is very hard to differentiate between the different materials. These types of plastics are not suitable for long-term reuse or recycling with conventional plastics. If present in the plastic recycling process oxy-degradable plastics can contaminate and impact the quality and uses of recycled plastic outputs.

There are currently no clear definitions or standards for bio-degradable, oxy-degradable, compostable and bio-plastics and therefore we believe this ban should apply to all types of petrochemical and bio-based plastics. We recommend that any mention of the different types of plastics in this ban is accompanied by clear definitions and standards which could link to the most appropriate treatment, recycling, or recovery options for each material.

Including oxy-degradable plastics would be another important step to reducing micro-plastics in the marine environment and build on the steps taken in the Environmental Protection (Microbeads) (Wales) Regulations 2018.

We recommend any definitions of oxy-degradable plastics in these Regulations is consistent with any definitions used in the other new Regulations including the reformed Packaging Regulations and Plastic Tax.

Question 5 – Do you believe the COVID-19 pandemic has resulted in changes to the market that are currently not accounted for in our research? Please give reasons and where possible evidence to support this view.

The impacts and changes on markets and consumer behaviour is still evolving and changing which may impact on research carried out before, or in the early stages of the pandemic.

Many manufacturers across the U.K. and the world have re-focused or moved to producing personal protective equipment (PPE) and medical equipment for use in the pandemic. Further research would be needed to determine the extent of this shift in Wales and the impacts on producing other products.

Studies have shown that the Covid-19 virus survives on plastic for similar lengths of time as other hard surfaces and this can be longer than other soft surfaces such as cardboard and wood. We recommend that any decisions for the continued use of plastic as a result of Covid-19 are fully assessed and evaluated.

The impacts on the hospitality and service sectors have been widely seen and reported in the media, particularly in relation to how businesses can and do operate. Restrictions have resulted in many food businesses starting or expanding their take-away services that will have resulted in an increase in amount and range of take-away containers and utensils supplied.

Behavioural research could be considered to explore if the public and businesses see single use items as cleaner and safer options and if they believe customers having their own reusable items is the safest option for the public and members of staff.

Question 6 – Do you agree with the exemptions we are proposing and how can we make them as clear and practicable as possible to apply? Please give reasons and where possible evidence to support this view.

We agree that where there is clear evidence that for medical reasons a single use item is the most appropriate and safest option then an exemption is appropriate.

Any exemption introduces the opportunity for abuse, or excuse, to not comply with these bans and make monitoring compliance with the restrictions harder for the regulator checking compliance.

Including an exemption for ‘people with a disability’ may pose a challenge for any retailer assessing if their customers fall within scope of this exemption. A clear position would assist in this and would need to include which disabilities fall within scope and which don’t and what assessment the retailer/provider can reasonably be expected to make.

Clear definitions of exemptions and guidance for both manufacturers, business and regulators determining if the products are in scope of any exemptions will reduce these challenges and risks of abuse or non-compliance.

Further analysis could be considered to see if where re-usable items are not suitable for medical reasons if any other materials could be suitable, for example paper straws.

Question 7 – Are there other exemptions we should consider in relation to all of the single use plastic items in our proposal? If so, please provide evidence to support this view.

To be as robust, ambitious and effective as possible we believe exemptions should be kept to a minimum.

Annex 1 states that cotton buds are used in medical settings for taking microbiological cultures and DNA samples etc, this will also apply to Covid-19 testing. It is unclear whether single use cotton buds would be exempt in a medical setting, and if not, the reasoning for this, e.g. availability of suitable non-plastic alternatives.

Question 8 – Do you agree the proposed timescale for the implementation of the bans provides sufficient time for businesses of all types to adapt? Please give reasons and where possible evidence to support this view.

From experience as a regulator these timescales may prove a challenge to be able to resource and train members of staff to inspect, monitor and enforce these new restrictions and bans from the implementation date.

Question 9 - Do you agree with the proposed use of Civil Sanctions?

As a regulator we find Civil Sanctions a beneficial tool in carrying out our regulatory activities. We believe that Civil Sanctions could provide a proportionate and practical response to breaches of the ban.

Civil sanctions provide the opportunity to achieve positive outcomes from non-compliance whilst reducing the burden on both the regulator, the alleged offender and the Court system.

Civil sanctions also provide the opportunity for regulators to directly apply the costs of enforcement to the offender.

Further consideration will be needed into which specific Civil sanctions, e.g. Fixed Penalty Notices, are appropriate for any offences. If these are new powers or sanctions for the regulator, they will need time to establish new processes and governance to apply them.

Question 10 - Do you agree Local Authorities should enforce the bans?

We believe that if appropriately resourced, and with sufficient time to implement, Local Authorities would be able to enforce these bans.

We do not believe that NRW is the most appropriate body to regulate these bans because we currently have limited regulatory interactions with the businesses affected by these bans.

There will be challenges for whoever enforces these bans due to the large number and range of businesses currently selling the items to be banned and these challenges will differ depending on the size, demographics and geography of the area, e.g. urban or rural areas.

Robust and proportionate enforcement is vital for bans and restrictions to be effective and achieve the desired outcomes. In order to be effective compliance monitoring and enforcement must be adequately funded. As these Regulations do not apply any charges or fees to businesses then consideration is needed into how this work will be appropriately funded.

Local Authorities experience of enforcing the Plastic Bag charges in Wales should assist them in enforcing these bans.

Question 11 – Should wet wipes be included in future proposals for further bans or are there other measures which should be introduced to address them, for example Extended Producer Responsibility? Please give reasons and where possible evidence to support this view.

Wet wipes have been shown to be a persistent issue on beaches and wastewater systems. In their 2017 [2017 Beach Watch Report](#), MCS reported a 94% increase in wet wipes found on UK beaches compared to the previous year, with wet wipes found on average 27.4 times per 100 metres of beach cleaned. MCS data submitted to NRW for SoNaRR 2020 reports that the average count of wet wipes recorded during cleans on Welsh beaches has increased by 361% between 2005 and 2019.

Consumer behaviour and responsible marketing are also key factors in this issue. Products misleadingly labelled as 'flushable' that do not meet the ['Fine to Flush'](#) UK water industry standard should be a priority.

Wet wipes containing plastic do not break down in the sewer like toilet paper, they block pipes which causes flooding to homes and business and sewage, including plastic

items, to enter watercourses and land. Banning wet wipes containing plastic would not only reduce littering but also help protect homes, businesses, communities and the environment from the impacts of flooding.

Any initiative should occur in parallel with increased public campaigns to encourage responsible use of wipes and raise awareness as to their composition and impacts on the environment and wastewater systems.

Extended Producer Responsibility could be applied to wet wipes. NRW can support WG is further consideration of this with our experience of applying this to the packaging, waste electrical and electronic equipment.

Question 12 – Are there any other items that should be included in any future proposals to tackle single use plastics? Please give reasons and where possible evidence to support this view.

To be as ambitious as possible future proposals should look at all unnecessary single use items, regardless of material. All products and materials have an impact and any way this can be prevented should be a priority to moving towards a circular economy in Wales.

The initial focus could be on materials that are currently difficult, or have limited options, to be recycled such as laminated and composite products and packaging.

Significant amounts of single use items, particularly plastic, are used for food packaging. Any future considerations for food packaging must take into full life impacts for both the packaging and food item to ensure that unintended consequences are not caused, for example increases in food waste caused by damage or reduction in shelf-life of food.

We support Welsh Government's work to understand commercial fishing gear use and disposal needs in Wales. This could be developed further through Extended Producer Responsibility obligations.

The Covid-19 pandemic has led to significant increase in single use items, particularly disposal facemasks and gloves. Consideration on how this can be tackled, and re-usable and durable items encouraged is urgently needed to ensure the Covid-19 pandemic does not also become a plastic pandemic.

Our Key Points;

We support the introduction of a ban on the supply and use of these nine single use plastic items in Wales. The ban will help eradicating unnecessary single use items and support moving Wales towards a Circular Economy. To be truly ambitious these restrictions can be developed further to introduce bans and restrictions on the supply and use of unnecessary single use, disposable items, regardless of material.

As well as being a legal requirement measures like this should aim to encourage manufacturers and businesses to make responsible decisions or choices around eradicating all unnecessary single use items.

Other policy drivers, such as reform of the Packaging Regulations, DRS and Plastic tax can support these bans.

We believe these bans can play a role in achieving the aims outlined by Welsh Government in the recent Beyond Recycling consultation to move Wales towards a circular economy. The more ambitious the bans the greater impact it will have on the ambitions for Wales, in particular to;

- Become the world leader in recycling
- Phase out single use plastic
- Create the conditions for business to seize the opportunities
- Take full responsibility for our waste

We are content to be contacted by Welsh Government in relation to this consultation.