

Commonwealth Department of Agriculture, Water and Environment
Canberra, ACT 2600

17 December 2021

By email: ministers.stewardship.list@awe.gov.au

RE: Nominations for Ministers Priority List 2022-23 - Product Stewardship

Thank you for the opportunity to provide our views on the next nominated products for the Ministers Priority list for a product stewardship scheme.

In Brief

The Boomerang Alliance and our allied groups, urge the establishment of a mandatory Product Stewardship (PS) Scheme for Problematic and Unnecessary Plastics as a priority for 2022-23. This PS Scheme should also have mandatory targets consistent with National Waste Plan 2025 goals.

To make the scheme manageable, achievable, and transparent, we have outlined a PS Scheme for Plastics that includes:

- Current and existing plastic items under PS arrangements
- A program to ban problematic plastics
- A PS scheme for cigarette butts

For over 25 years (or longer) our organisations and the broader community have observed the promises and the failures of voluntary product schemes. It is time to put in place a regulatory framework that will be effective in delivering 2025 targets.

Product Stewardship

The Boomerang Alliance would like to note that any products listed under Product Stewardship arrangements have been nominated because they are recognised as problem wastes that have not been properly addressed by the manufacturer or manufacturing sector.

Continuing to then maintain voluntary arrangements on that product or its designated recovery target, does not make those arrangements any more certain. It simply perpetuates an existing situation and undermines government desired and scheduled outcomes. The manufacturer or the manufacturing sector has a responsibility to manage the post-consumer fate of products. When it fails product stewardship arrangements are the interventions to fix the problem. As a result, any nominated products must be subject to mandatory performance targets.

Packaging Standards

Achieving outcomes on identified plastics (as outlined below) that avoid or reduce problematic packaging and food ware requires the adoption of national, binding standards for those items. Three standards are required, one for reusable, one for compostable and one for recyclable. These standards must ensure that all products when discarded are either reused, composted or recycled in practice and at scale.

Nomination for Priority list 2022-23

The Boomerang Alliance wants to see an expansion to the current Product Stewardship arrangements relating to problem and unnecessary single use plastics. For the period 2022-23, this plastic list should have mandatory requirements to meet any declared or milestone targets within this period.

For the purposes of a 2022-23 list our view is that the list of problem and unnecessary plastics should include:

- All existing plastic products under the current PS list. These are expanded polystyrene packaging for transportation (deadline June 2022), *all compostable packaging to be certified to required standards (June 2022), a ban on all expanded polystyrene containers (December 2022), and no PVC labels being allowed (December 2022). The prohibition powers in the legislation should set these targets in place.
- A mandatory PS Scheme for other single use plastics. All these single use products should be avoided, replaced with reusable items, composted* or recycled, in practice and at scale.

We note that many State and Territory jurisdictions are already initiating bans on many takeaway plastics. The PS scheme should recognise these complementary policy initiatives and ensure uptake across Australia continues to a best practice level.

- A mandatory scheme (2022-23) to phase out the supply and use of plastic cotton bud and balloons sticks, and plastic microbeads in personal care and cleaning products by 2023.

- A mandatory scheme designed to reduce littering of cigarette butts by 50% by 2025. By 2023 requirements should be in place to achieve this 2025 goal, including industry accountability for costs associated with deploying programs and operating clean-ups. Investigation of using cigarette butt filters as a composite material in recycled content products. Feasibility studies to be undertaken into the removal of cigarette butt filters.
- Mandate the adoption of Operation Clean Sweep by all factories that produce plastic products, under an industry-wide stewardship scheme.

*Only Australian certified compostable standards should be accepted (AS 5810/4736). Other standards are not generally accepted by the composting industry.

Guidance Notes

Targets

Declared targets that that can be achieved within the 2022-23 period.

1. **In the case of current products**, the Commonwealth Government has already set phase-out targets for 2022.
2. **For other problem plastic packaging** not currently listed, the Commonwealth and other State/Territory jurisdictions have already agreed to a goal to have ‘all plastic packaging either reusable, compostable or recyclable by 2025’ with an industry-agreed goal of 70% being composted or recycled and a minimum 20% recycled content (plastics).

The National Waste Plan sets a target to have all unnecessary and problematic plastic packaging phased out by 2025.

To achieve this, a priority list for other single use plastics needs to be identified, with mandatory targets set to meet 2025 targets.

Please Note: In 2018, the Commonwealth (and on behalf of all State/Territory Environment Ministers) wrote to APCO stating that, *‘market pull from Australian industry is absolutely fundamental...and ministers expect APCO and the industry generally to increase performance in this area. Ministers are prepared to further consider mandatory targets in this regard.’*

To prepare and meet 2025 targets for other plastic packaging, industry must have established milestone targets by 2022. The Boomerang Alliance have outlined these in our

Plan B for Plastics. That is that all manufacturers (by June 2022) have publicly endorsed the targets and released plans on how they will meet the 2025 targets.

Agreed and binding standards for reusable, compostable and recyclable packaging and food ware must be adopted by the end of 2022. These standards must be designed to ensure that all products are reused, composted, or recycled in practices and at scale. These standards will require manufacturers to both design for post-consumer recovery and ensure recovery is achieved.

- 3. For cotton bud sticks, balloons sticks and microbeads**, relevant industries are already switching to non-plastic alternatives and are in a position to meet a 2022 target.

There has been a voluntary arrangement for microbeads in place since 2018. Most of industry has complied, a mandatory scheme will require those who have ignored voluntary arrangements to comply. The original voluntary arrangement focused on personal care items. Cleaning products, very likely to be discharged down a drain must be added.

- 4. For cigarette butts**, a 2025 target has been outlined with a 50% reduction in litter. We consider that a ban on filters on cigarettes would be a preferred option. There is no evidence that concludes that filters provide any positive health impacts.

With toxic chemicals absorbed into the filters, harmful chemicals can leach into the environment, impacting soil and water quality. If filtered cigarettes continue to be sold, initiatives must be implemented to research and deploy the use of plastic filters in recycled content programs.

There has been a voluntary, industry only scheme in place for several years, that has made no advancement into the reduction of cigarette butt litter.

- 5. Operation Clean Sweep** is a voluntary program for nurdle and plastic resin control from industry to prevent leakage into the environment. It now needs to be mandated to ensure compliance by all relevant industries that produce and use these products.

Impacts, Adoption and Actions

All of these items represent problem litter and wastes. All have preferred alternatives. Avoiding, reusing, or switching to non-plastic or certified compostable (AS) standards is achievable and realistic. This practice shift is already occurring. However, it is not being achieved in a consistent and timely manner. A national PS Scheme can resolve this and support best practice changes.

As indicated, Product Stewardship Schemes are invoked due to a waste problem not resolved by a particular industry sector. Any products included in a PS scheme should be subject to mandatory targets and actions as required through an action plan. Where required, funding should be identified and allocated from the relevant industry sector.

As a result of both international and national policy intentions, manufacturers have innovated and now produce preferred alternatives. They are available as fit-for-purpose and cost-comparable replacements. Non-plastic and certified compostable alternatives represent an opportunity for more local manufacturing and job creation. This is a new market for a growing domestic recycling industry. Currently most disposable plastics are manufactured overseas.

A significant new and essential trend is on avoidance and reusability. This supports a circular economy approach by reducing material use, whilst reducing waste and litter and associated emissions. Avoidance and reusability also contribute to cost savings by retail providers and consumers.

Overwhelmingly, community views support change. An IPSOS 2019 poll found that 80% of Australians supported manufacturer responsibility for products and 69% supported bans on problem single use plastics. Manufacturers and retail providers have recognised these trends and support the transition away from single use and non-compostable plastics.

All these items have become problems because manufacturers have not taken sufficient responsibility for their use and disposal and left it the others to manage. All have adverse impacts that could be avoided through better management and manufacturer responsibility.

These products all have an appropriate association or industry who can be enlisted to manage and report on each scheme performance. In many cases, many though not all manufacturers, are already redesigning and changing product practices. This is welcomed but creates an unfair playing field for those more progressive manufacturers.

All of these products are sold and used across Australia.

Measuring the performance of the scheme should be achieved by stopping the importation and supply of these products to the public and the supply chain.

Action Elsewhere

Many other jurisdictions are taking similar action, often way ahead of any arrangements in this country. The EU have a PS Scheme for Single Use Plastics consistent with most Australian jurisdictional policies. However, the EU framework also includes manufacturer obligations to cover the cost of collection, transport, treatment, clean up and education for food containers, packets, wrappers, cups, and containers up to 3 litres, plastic bags, and fishing gear by 2024.

Since July 2021, the EU has mandated sales of cigarettes come with a “filter contains plastic” label on the cigarette packet and in California, initiatives such as litter abatement taxes and producer responsibilities are in place.

The Plastic Pact initiative, initiated by the Ellen Macarthur Foundation (EMF), has been endorsed by over 400 global companies, representing most of the leading manufacturing and packaging suppliers and packaging user corporations. The Pact endorses a global goal of having *all plastic packaging reusable, compostable or recyclable by 2025*. However, it warns that this should mean that all packaging should be recovered in practice, something that does not occur at a satisfactory level.

In Australia, there are no figures on reusable or compostable practices or recovery rates. The Commonwealth estimates the plastic recycling rates at 13%. According to the APC it was 20% in 1999.

The Plastic Pact supports packaging standards that ensure all packaging is reused, composted, and recycled in practice and at scale. It recognises manufacturer responsibility to make this happen, and that government is essential in providing an enabling regulatory and policy landscape

An ANZPAC Plastic Pact has been established as a voluntary scheme to deliver the same agenda outcomes. It is failing to get sufficient industry commitments and, as recently reported by APCO, will fail to meet its 2025 targets on plastics. In its 2021 Progress Report, APCO admitted that it will miss the 70% recovery goal by a large amount and that the plastic recycled content target will not be reached.

This situation will only be resolved through mandatory requirements on industry. As the Plastic Pact (EMF) outlines, the solution rests with an effective framework that sets targets, standards and relies upon industry responsibility and essential government regulation. Something this country has not had to date.