Consultation on proposals to ban commonly littered single-use plastic items in England

February 2022

Wildlife and Countryside Link is a coalition of 65 organisations working for the protection of nature. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.

This response is supported by the following Link members:

- A Rocha UK
- British Canoeing
- British Mountaineering Council
- CPRE, the countryside charity
- Environmental Investigation Agency
- Friends of the Earth England
- Greenpeace UK
- Institute of Fisheries Management
- Keep Britain Tidy
- Marine Conservation Society
- RSPCA
- Surfers Against Sewage
- Whale and Dolphin Conservation
- The Wildlife Trusts
- WWF-UK
- Zoological Society of London

EXECUTIVE SUMMARY

We welcome the proposals in the commonly littered single use plastic items consultation and the concurrent call for evidence. If enacted, these policies will provide greater protections for nature and we applaud the possibility of further Government action which could fundamentally shift our society away from the current model of disposable, single-use consumption.

There is strong public support for acting to tackle the supply of these polluting items. Polling by City to Sea and Friends of the Earth in May 2021 found that 92% of the British public are concerned about plastic pollution[1] and a petition by City to Sea calling for a ban on these single use plastic items has over 100,000 signatures.[2]

Action on single use items is vital to tackle three major threats to the natural world:

[1] https://friendsoftheearth.uk/sustainable-living/world-refill-day-brits-demand-government-action-plastic
[2] (accessed 10.01.22.) 104,236 signatories https://you.38degrees.org.uk/petitions/the-uk-must-match-the-europe-wide-ban-on-single-use-plastic

- **Biodiversity loss:** The UN has reported that resource extraction and processing causes 90% of global biodiversity loss and water stress, as well as 50% of overall carbon emissions.[3] Research shows that the UK must reduce its global resource footprint by three quarters by 2030 to meet planetary limits.[4]
- **Greenhouse gas emissions:** 6% of global oil production is devoted to the production of plastics. Should virgin plastic derived from fossil fuels continue to be used at the current rate, it will comprise 17% of global emissions by 2050.
- **Marine and terrestrial litter:** It is estimated that 1.5–4.5% of all global plastics production ends up in the ocean every year.[5][6] These items can break down and be ingested by marine life, potentially travelling up the food chain to humans[7].

However, despite the benefits of this proposed action, there is a risk that the measures will not deliver unless designed more effectively. Taking the threats outlined above, the current proposals could fail to address all three. This is highlighted when considering the proposed ban on plastic plates and cutlery:

- Firstly, on **biodiversity loss**, because paper plates and wooden cutlery are described by the Government as the "expected alternatives" to plastic ones,[8] greater demand for wood could worsen global deforestation and destruction of the natural world.
- Secondly, on **greenhouse gas emissions**, the accompanying Impact Assessment states that the proposals may lead to modest increases in emissions as "plastic emits less carbon dioxide equivalent (CO2e) emissions when placed in landfill relative to paper and wood" and "there is also an additional fuel cost to businesses associated with transporting plates, as paper plates weigh more than plastic ones."
- Thirdly, on **litter**, while a reduction in marine plastics would be an important achievement, the Impact Assessment still notes that "wooden cutlery is estimated to take 2 years to decompose", meaning that the natural environment will continue to be polluted by up to 5.31 billion pieces[9] of wooden cutlery a year.

The solution is to move away from the current model of single use consumption, where each year the UK consumes billions of items requiring the extraction, processing, transportation and disposal of resources, generally through landfill or incineration, with all the associated emissions and other environmental impacts; all

[3] https://www.resourcepanel.org/reports/global-resources-outlook
[4] https://www.wwf.org.uk/what-we-do/uk-global-footprint
[5] https://www.science.org/content/article/here-s-how-much-plastic-enters-ocean-each-year
[6] In addition, nanoplastics have now been found at both the Earth's poles for the first time https://www.sciencedirect.com/science/article/pii/S0013935122000688
[7] https://cdn.friendsoftheearth.uk/sites/default/files/downloads/reducing-household-plastics_0.pdf
[8] P.2 https://consult.defra.gov.uk/environmental-quality/consultation-on-proposals-to-ban-commonly-littered/supporting_documents/Plates%20and%20Cutlery%20Impact%20Assessment.pdf
[9] 5.31bn figure from Impact Assessment https://consult.defra.gov.uk/environmental-quality/consultation-on-proposals-to-ban-commonly-littered/supporting_documents/Plates%20and%20Cutlery%20Impact%20Assessment.pdf

for a usage of minutes, if not seconds. Indeed, the default position should be a move away from all single use products, with exceptions justified only on the compelling necessity of their use. This 'prevention at source' approach should guide all policy making in this area, as set out in the Government's Waste Prevention Programme for England.[10]

Therefore, while we support proposals to ban single use plastic plates, including plastic bowls and trays, plastic cutlery, plastic balloon sticks and expanded polystyrene (EPS) food and beverage containers, we would like to emphasise that without additional policy support for reuse and refill, these proposals will not live up to their full potential to cut the environmental impacts of resource use.

Furthermore, momentum is building towards the adoption of a negotiations mandate for a global treaty to tackle plastic pollution at UNEA 5.2. More than 2 million people around the world have signed a WWF petition,[11] while over 100 global companies,[12] more than 900 civil society organisations,[13] over 170 leading scientists,[14] and 156 countries, making up more than ¾ of UN member states,[15] have also backed calls for a treaty.[16] Plastic pollution is a transboundary issue which requires a joined-up, global response. The UK Government's support is vital to push for the most ambitious treaty possible, one that is legally binding and covers the full lifecycle of plastics.

We hope that the consultation process can deliver proposals which avoid problematic loopholes. For example, when banning these single use items, it's important to ensure that they aren't rebranded as reusable (as has occurred with plastic carrier bags where 'bags for life' are being increasingly used in a single use manner). There must be a legitimate understanding of how reusables are actually consumed, assessing whether a product is really single use.

We call on the Government to ensure that the proposed bans can be delivered as soon as possible. Businesses will find 2023 is plenty of time for dealing with current stock and planning for the stocking of alternatives in the future (or ideally moving to greater use of reusable and refillable systems). Noting delays across other waste policy areas, such as the proposed Deposit Return Scheme (DRS) in England, we urge the Government to get this policy in place by April 2023 at the latest. These same bans were passed in Scotland in November 2021, coming into force this June. If Scotland can deliver this policy as soon as this summer, England should not delay further than April 2023.

Turning to other proposals in the Call for Evidence:

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[10] https://consult.defra.gov.uk/waste-and-recycling/waste-prevention-programme-for-england-2021/supporting_documents/Waste%20Prevention%20Programme%20for%20England%20%20consultation%20document.pdf
[11] https://wwf.panda.org/act/take_action/plastics_campaign_page/
[12] https://www.plasticpollutiontreaty.org/
[13] https://wwf.panda.org/wwf_news/press_releases/?4655466/Over-700-Groups-Call-for-an-International-Plastics-Treaty
[14] https://www.plasticstreaty.org/scientists-declaration/
[15] https://plasticnavigator.wwf.de/#/en/stories/?st=0&ch=0&layers=surface-concentration
[16] UN Treaty on Plastic Pollution (unplasticstreaty.org)

Wet wipes

We would support a ban on wet wipes containing plastic. Tackling plastics in wet wipes is a step in the right direction, particularly as it addresses the problem of microplastic pollution. Action should go further to significantly reduce the number of wet wipes entering the sewage system. Even with the Fine to Flush standard, there is still the potential for materials to break apart and pass the standard but not effectively break down completely. Furthermore, the standard assesses the physical properties of the wipe but does not assess the chemical additives used in the wipe which may still end up in the environment via overflows or sewage sludge. Government action should instead focus on promoting the disposal of wet wipes in bins, regardless of flushability.

Tobacco filters

We strongly support regulatory action to tackle littering of tobacco filters as they are the most ubiquitous items of litter. Keep Britain Tidy's 2019 litter composition survey for Defra identified cigarette stubs as the most common form of litter across the whole of the UK, accounting for 66% of the total number of litter items collected. The global picture is no different, with an estimated 4.5 trillion filters discarded annually.[17]

In addition, there is a growing litter problem relating to other smoking and vaping-related items - cartons, single-use vapes and vape juice pods etc. We would call for the Government to get on the front foot on taking measures to tackle this emerging problem area.

Single use plastic sachets

Plastic sachets become litter and are unnecessary in almost every instance. They are also generally not recyclable, undermining circular economy goals. On one estimate, 855bn sachets are used globally each year by food and home care brands, so a ban in England would show strong international leadership on plastic waste. There are ample opportunities to switch to refillable and reusable packaging to allow the distribution of sauces/dressings without the need for single use sachets. Sachets are currently mainly used in takeaways, restaurants, cafes and hotels, all of which should be able to phase these out and deliver sauces from larger containers.

Single use plastic cups

We support action which would place charges on single use plastic cups. This is crucial in ensuring that the full costs of single use consumption are internalised in the cost of cups at the point of purchase, better reflecting the true environmental impact of these products.

[17] Tiny but deadly: Cigarette butts are the most commonly polluted plastic - Earth Day

Current approaches aren't working, with continued failures to meet targets for recycling of coffee cups; a hardly ambitious target of 8% of cups being recycled was missed, with only 6% meeting this. It is clear that discount incentives offered by a number of coffee outlets have failed to drive change.

Any charges need to incentivise reuse first and foremost, then to drive higher material capture rates through mandatory takeback, and tackle litter. This could potentially be achieved through a deposit return scheme (DRS) takeback. The Government should explore the possibility of incorporating reusable cups into the proposed DRS. This could include hot and cold drink single use cups. The same logic which justifies a DRS for bottles (in that a monetary incentive promotes the return of the item) applies to driving up return rates for other single use cups.

Whatever approach is adopted, because recycling rates are currently so low, action must also be taken to ensure that there are recycling systems in place to deal with expected higher numbers of returned cups.

Additional items

While we welcome that the Government is seeking views on policy for additional items, we are concerned that this fits a pattern of ad hoc action on plastics. There cannot simply be a new item to ban every few years; this provides no systemic action and allows for market changes towards alternative plastic items or other, potentially equally damaging, materials. Moreover, the request for comments in the Call for Evidence is limited to 'single use plastic items', however this should have been widened to also include any single use materials. Action must not simply lead to substitutions and should seek to deliver the more meaningful goal of transitioning our society away from single use consumption.

Reuse and refill

We welcome the inclusion of reuse and refill in the Call for Evidence. Moving towards this approach would bring huge environmental benefits and offers exciting possibilities for UK leadership in sustainable consumption.[18] Consumer research has indicated that 83% of people would welcome greater access to refillable products yet only 16% currently buy refills; clearly more needs to be done to develop these schemes. We believe that Government policy with regards to reuse/refill is currently inadequate. This could be rectified with action to:

- Promote moves towards **standardisation of container design** which can aid reuse and refill. The Government should consider a requirement of standardised packaging formats for items such as bottles, takeaway containers and tubs; allowing for the same design to be reused and refilled by different brands and product lines. Packaging (Essential Requirements) Regulations should also encourage design for reuse and remanufacture.

[18] See https://www.sciencedirect.com/science/article/pii/S2352550921000956?via%3Dihub

- Ensure that reuse is **incentivised** through the design of packaging EPR and the proposed DRS. It shouldn't be more expensive for either a business or consumer to do the right thing for the environment.
- Barriers to reuse should be addressed, particularly **regulatory barriers** such as those relating to manual handling in supermarkets which hamper uptake of more reusable schemes.
- Use policy to drive change in **large retailers.** For example, in France policies have been put in place that promote, incentivise and aid the convenience of reusable containers in large retail establishments.[19]
- The Government should introduce **targets** to drive the sector towards greater reuse, using powers in the Environment Act to set requirements on reuse. Changes in shopping patterns have helped open opportunities for a shift to reuse, with the move to online shopping bringing opportunities to rethink how our goods are designed and packaged (with less need for unique packaging to appeal to the consumer in-store).

There are important social, environmental and financial benefits to tackling single use items and cutting the amount of waste we create. Burdens on the public finances from the UK's high levels of waste[20] include household waste collection costs of around £1 billion a year and litter costs estimated at £200m a year.

Policies must work together so that these proposals are complemented by the proposed DRS, EPR for packaging and Consistent Collections reforms, as well as new powers in the Environment Act on targets and charging. Indeed, all the policy mechanisms included within this consultation and call for evidence must sit within an overarching systematic policy of reduction. So, while we support these measures, we will not judge an outcome of mass substitution to non-plastic alternatives to have been a success. The Government must go further to realise the benefits of rejecting single use consumption and adopting systems which drive the circular economy through reuse and refill.

1. Do you agree or disagree with the proposed definition of plastic?

Please give reasons and provide any supporting evidence (optional).
● Agree ● Disagree ● Don't know

We support the inclusion of bio-based, biodegradable and compostable plastics and even if something falls out of scope because it's not "chemically modified" the important factor is the potential harm it might cause in the environment and not the actual technical nature of the material. Viscose and cellulose may not be chemically modified but they don't generally break down in nature.

[19] https://eeb.org/wp-content/uploads/2020/05/No-time-to-waste_Europes-new-waste-prevent_web.pdf
[20] https://www.edie.net/library/In-charts--How-big-is-the-UK-s-waste-mountain---and-what-are-we-recycling-/7046

2. Do you agree or disagree with the proposal to introduce a ban on the supply of the following single use items in England? Please give reasons and any supporting evidence (optional).

	Agree	Disagree	Don't Know
Plastic plates only			
Plastic plates, including plastic bowls			
Plastic plates, including plastic trays			
Plastic plates, including plastic bowls and plastic trays	**X**		
Plastic cutlery	**X**		
Plastic balloon sticks	**X**		
EPS food containers	**X**		
EPS beverage containers	**X**		

We support proposals to ban plastic plates, including plastic bowls and trays, plastic cutlery, plastic balloon sticks and EPS food and beverage containers. Indeed, anything considered plastic tableware should be considered for targeted bans as there cannot be loopholes and opt-outs. The spirit should be as important as the terminology in order to drive maximum ambition.

While we support a ban on these items, it is concerning that the consultation is asking for suggestions on more "sustainable" alternatives. Rather, we support targeting unnecessary single-use items of any material. While plastic pollution remains an extremely pressing issue, other materials also have impacts throughout their supply

chains.[21] It is no longer an either/or situation with regards to single-use plastics and single-use alternatives, it is a case of tackling single-use plastics and driving down the consumption of single-use products overall. The case for enabling wider adoption of reusable, refillable alternatives increases by the day.

3. We propose the ban should cover all single use bio-based, compostable, and biodegradable plastic (such as PLA). Please tick in the table those plastics you support the ban including.

	Bio-based	Compostable	Biodegradable	All	None
Plastic plates				**X**	
Plastic cutlery				**X**	
Plastic balloon sticks				**X**	
EPS food containers				**X**	
EPS beverage containers				**X**	

We believe that the ban should be as comprehensive as possible. Compostable, bio-based and biodegradable are all poorly defined terms and, without a clear agreed upon meaning, there is potential for confusion and loopholes. We are not aware of any universally agreed standards covering the range of terrestrial, marine or freshwater environments in which they can be found, while the EN13432 standard relating to compostability relates to industrial composting, not home composting. There should be a precautionary ban covering all of these categories.

Bio-based packaging causes public confusion and could lead to incorrect disposal behaviours such as littering or attempts at home composting[22], when in fact bio-based plastics often have the same properties, and therefore persist as pollution similar to oil based plastic polymers. If bio-based plastics become established in mainstream manufacturing, there is a risk that the land required for growing bio-

[21] https://www.wwf.org.uk/sites/default/files/2021-12/UK_Global_Packaging_Materials_Footprint.pdf
[22] See https://www.mdpi.com/2071-1050/12/6/2192

based plastic crops will begin to edge out land required for food crops or other competing claims for land, such as afforestation or fibre.[23]

Assumptions around bio-based plastic crops leading to a reduction in carbon emissions are also not universally valid, as variations can occur because of farming practises, technologies used, energy and raw material differences, therefore requiring careful scrutiny.[24] In addition, there is increasing interest in the use of agricultural wastes to produce bio-polymers. We don't believe this is a sustainable option, given the urgent need to manage soil more sustainably and return crop residues back to land. What's more, seasonal variations could require multiple sources for year-round supply and alternatives like forestry residues have much lower yields than dedicated energy crops and can require energy intensive pre-treatment.[25]

BEIS's Summary of Responses to the Call for Evidence on standards for bio-based, biodegradable, and compostable plastics acknowledged that repeated and strong concerns were raised regarding the extent to which plastics marketed as biodegradable actually biodegrade in the open environment, and whether the use of plastic labelled as biodegradable could encourage littering if citizens consider them to be in some way environmentally-friendly.[26]

Regardless of how different materials are perceived by policymakers, businesses and citizens, policies should actively encourage reusable alternatives and avoid incentives which encourage switching from one material to another.

4. Do you agree or disagree with the proposal to exclude from the ban a) single-use plates used as packaging or b) single-use plates used as packaging except those used in eat-in settings?

	Agree	Disagree	Don't know
Exclude plates used as packaging		X	
Exclude plates used as packaging, with the exception of those used in		X	

[23] https://news.climate.columbia.edu/2017/12/13/the-truth-about-bioplastics/
[24] https://green-alliance.org.uk/resources/Fixing_the_system.pdf
[25] https://green-alliance.org.uk/resources/Fixing_the_system.pdf
[26] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/976912/standards-biobased-biodegradable-compostable-plastics.pdf

'eatin' settings			

Reforms to the UK's packaging producer responsibility system (EPR) cannot be used as an excuse for avoiding strong action on the worst offending items. EPR seeks to recover the costs to local authorities of managing packaging waste including plastic items. However, as set out in the Government's Waste Prevention Programme, prevention should be a higher priority than either recycling, recovery or disposal according to the principles of the waste hierarchy.

So, given that the intentions of this consultation are a welcome step in preventing waste at source, the logic of exemptions for packaging appears to run contrary to this approach. Indeed, bans are more effective as they remove the environmental impact of a harmful product, rather than simply internalising the externality for producers and dealing with environmental harm when it has already occurred.

In addition, EPR modulated fees will be primarily based on recyclability and many items excluded here are, though technically recyclable, not recycled. This is due to the nature of the products (smaller items often with high contamination from food) as well as the location they are consumed (often on the go, meaning consumers may not have access to recycling bins). This complicates the impact of modulated fees and shows why, if they were to be introduced, they should be based on actual recycling rates rather than technical notional rates.

Impact on alternatives to banned items

5. -

6. -

7. Are there any risks that alternatives to single-use plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers will themselves have significant environmental impacts?

	Yes	No	Don't know
Plastic plates	**X**		
Plastic cutlery	**X**		
Plastic balloon	**X**		

sticks			
EPS food containers	**X**		
EPS beverage containers	**X**		

There has been a welcome recognition by Ministers that tackling plastic waste can risk shifts to alternative materials which carry their own environmental harms. Indeed, discussing the adoption of an expanded single use charge in the Environment Act to cover items made of any material, Minister Pow noted that it would be a "powerful tool to incentivise the right shifts towards more reusable alternatives to single use items and towards a circular economy."[27]

We are therefore concerned that the impact assessment for the current proposals notes that paper plates and wooden cutlery are "the expected alternatives", stating that this is expected to lead to 107 tonnes CO2e in emissions over a 10 year period and additional landfill emissions with a present value of -£1.3 m over the 10-year appraisal period. Particularly for eat-in settings, reusables should be noted as the "expected alternatives".

Whatever the material, single use products will almost always have impacts on litter, resource use, biodiversity loss and carbon emissions. Alternatives such as paper still have chemicals and additives which will cause harm to the natural environment if improperly disposed of. In addition, moving these items away from plastic to paper and wood will increase pressure on timber supply chains. This comes at a moment when supply chain issues for timber have already been well-documented.[28] We would be concerned that much greater use of wood and paper risks increasing unsustainable forestry around the world. Furthermore, as is the case with existing items, many of the alternatives are sourced from Asia where sourcing standards may not be as stringent as those in the UK. There is ongoing high awareness of the risk of deforestation in this region.[29]

The solution is a reduction in the amount of single use products we consume. The promotion of greater reuse and refill is essential for achieving these reductions. We have expanded on this point in our response to the separate Call for Evidence on commonly littered items.

[27] https://www.letsrecycle.com/news/any-single-use-items-could-face-charges/
[28] https://www.bbc.co.uk/news/science-environment-57920510
[29] Forests in south-east Asia (europa.eu)

Exemptions

8. Will any of the proposed item bans have a negative impact on certain people? If yes, why.

We appreciate that a blanket ban is a blunt tool and that certain individuals will have particular needs. Where there are groups and individuals with specific needs we defer to their responses to this consultation to articulate these. Exemptions for people with specific needs or particular sectors are understandable, but system change is the important overarching priority.

We shouldn't be designing and placing products on the market which are likely to be problematic and potentially cause harm to people and the planet - this aligns with the "prevention at source" environmental legal principle. And this needs to be balanced against the needs of specific groups. The Government should strive to deal with system wide issues so that the resource use principles of circularity - reuse, repair, and remanufacture - are embedded in policy.

9. Should there be any exemptions from any ban for the following items e.g., in certain locations or for particular purposes?

	Yes	No	Don't know
Plastic plates		**X**	
Plastic cutlery		**X**	
Plastic balloon sticks		**X**	
EPS food containers		**X**	
EPS beverage containers		**X**	

No, unless there are compelling reasons for extremely limited events e.g. controlled closed loop environments where there is compelling evidence that reusable alternatives are not viable and there is little to no risk of items leaking into the environment.

Timing of the ban

10.Our proposed date for the ban on single-use plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers is April 2023. We think this will allow sufficient time for industry to use up existing stock and source alternatives where needed. Do you agree or disagree that this date will give industry sufficient time to prepare for the ban? E.g., sourcing alternative products, using up existing stock.

	Agree	Disagree	Don't know
Plastic plates	**X**		
Plastic cutlery	**X**		
Plastic balloon sticks	**X**		
EPS food containers	**X**		
EPS beverage containers	**X**		

As a lot of the transition is already underway, businesses will find this is plenty of time for dealing with current stock and planning for the stocking of alternatives in the future (or ideally moving to greater use of reusable and refillable systems). Noting delays across other waste policy areas such as the proposed DRS in England, we urge the Government to get this policy over the line and deliver in April 2023 at the latest.

These bans were passed in Scotland in November 2021 and will come into force this June. If Scotland is going to be delivering this policy as soon as this summer, England should not delay further than April 2023.

Impact assessments - plates and cutlery, balloon sticks, EPS containers

11. -

12.Under our baseline scenario where there is no ban of single-use plastic plates and cutlery, we have forecast a 10% reduction per annum in market share to reflect a shift away from single-use plastics. Do you agree or disagree with this assumption? • Agree • Disagree • Don't know

Disagree as this seems too ambitious a prediction for the projected rate of change. Alternatives are already available on the market so businesses that perceive a market

advantage (e.g. reputational) from switching away from plastic have likely already done so.

13.Under our baseline scenario where there is no ban of EPS items, we have forecast a 5% reduction per annum in EPS market share to reflect a shift away from single-use plastics. Do you agree or disagree with this assumption?

Agree • Disagree • Don't know

Of the items under consideration, EPS food containers have the greatest price difference with their alternatives (i.e. much cheaper), and so it is overly optimistic to expect ongoing significant drops without additional intervention. We note that the Scottish BRIA for a potential ban projects a 1% per annum fall in market share for EPS items under the baseline assumptions rather than 5%.[30]

14. -

15.-

16. -

17-21. -

22.Our estimations of the costs of single-use plastic plates and cutlery compared with alternatives are shown in the below table. Do you agree or disagree with our estimations?

	Plastic	Alternative
Plate	**£0.005**	**£0.01**
Cutlery	**£0.0085**	**£0.017**

[30] https://www.gov.scot/binaries/content/documents/govscot/publications/impact-assessment/2021/11/environmental-protection-single-use-plastic-products-scotland-regulations-2021-final-business-regulatory-impact-assessment/documents/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/govscot%3Adocument/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria.pdf

	Agree	Disagree - overestimated	Disagree - underestimated	Don't know
Plate (plastic)				**x**
Cutlery (plastic)				**x**
Plate (alternative)				**x**
Cutlery (alternative)				**x**

We note the assumptions in the Scottish BRIA for similar bans which used different average catering industry prices of single use plastic items and non plastic alternatives. This document calculates the cost of a plastic plate as £0.06 compared to a paper alternative of £0.07 and plastic cutlery as £0.04 compared to wood priced at £0.04.[31] The Scottish analysis therefore results in a much smaller price benefit for the utilisation of plastic items over alternatives.

23. Our estimations of the costs of EPS compared with paper alternatives are shown in the below table. Do you agree or disagree with our estimations?

We note that the expected alternative to EPS is paper, however the Scottish BRIA notes that "engagement with stakeholders (manufacturers, wholesalers and takeaway outlets) indicated that the most likely alternatives to EPS food containers were fibre-based containers (such as bagasse), which have very similar heat retention, grease and liquid resistant properties".[32]

[31] https://www.gov.scot/binaries/content/documents/govscot/publications/impact-assessment/2021/11/environmental-protection-single-use-plastic-products-scotland-regulations-2021-final-business-regulatory-impact-assessment/documents/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/govscot%3Adocument/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria.pdf

[32] p.27 https://www.gov.scot/binaries/content/documents/govscot/publications/impact-assessment/2021/11/environmental-protection-single-use-plastic-products-scotland-regulations-2021-final-business-regulatory-impact-assessment/documents/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria/govscot%3Adocument/introducing-market-restrictions-problematic-single-use-plastic-items-scotland-final-business-regulatory-impact-assessment-bria.pdf

24. Do you agree or disagree with our assumption (outlined in the accompanying impact assessments) that the additional costs from alternative materials will remain the same for the appraisal period?

Disagree - market forces are likely to drive down cost of alternatives if a ban comes in.

25. At end of life, we have assumed the below outcomes for plastic and wooden cutlery. Do you agree or disagree with these assumptions?

	Plastic	Wooden
Recycled	10%	0%
Energy from waste	63%	56%
Landfill	26%	23%
Commercial composting	0%	20%
Terrestrial litter	1%	1%
Beach litter	0.01%	0.0012%

Note: figures are rounded so do not sum to 100%.

Agree • Disagree • Don't know If possible, please provide reasons and any supporting evidence, including modelling (optional).

It seems unrealistic to assume that 10% of plastic cutlery is recycled. Even when sent for recycling, much waste is exported to countries unable to effectively process this material (for example, Greenpeace found UK waste dumped and burned in Turkey[33]).

We would also question the figure that 20% of wooden cutlery will be industrially composted. When used for on-the-go food (or even for takeaways eaten at home) it is very unlikely that these items are going into compost bins; and for the smaller percentage that do end up in food waste bins, it's unclear that Anaerobic Digestion plants would accept bags with wooden cutlery in - this would need to be checked with plant operators.

We would also note that plastic in the marine environment is generally under-reported.

[33] https://www.greenpeace.org/international/press-release/47759/investigation-finds-plastic-from-the-uk-and-germany-illegally-dumped-in-turkey/

26.At end of life, we have assumed the below outcomes for plastic and paper plates.

	Plastic	Paper
Recycled	10%	10%
Energy from waste	64%	57%
Landfill	26%	23%
Commercial composting	0%	10%
Terrestrial litter	0.5%	0.5%
Beach litter	0.0005%	0.000005%

Note: figures are rounded so do not sum to 100%.

Do you agree or disagree with these assumptions? • Agree • Disagree • Don't know
If possible, please provide reasons and any supporting evidence, including modelling (optional).

Disagree. The estimates for recycling rates, though low, are both still too high. To be recycled plates need to be acceptably clean for the given method. People typically do not wash their disposable plastic plates (they're often used to avoid washing up) and paper plates can't easily be cleaned.

27.At end of life, we have assumed the below outcomes for EPS and paper alternative products. Do you agree or disagree with these assumptions?

	EPS	Paper
Recycled	0%	0%
Energy from waste	77%	71%
Landfill	23%	28%
Commercial composting	0%	0%
Terrestrial litter	0.5%	0.5%
Beach litter	0.0005%	0.000005%

Note: figures are rounded so do not sum to 100%.

Agree • Disagree • Don't know If possible, please provide reasons and any supporting evidence, including modelling (optional)

Agree, though we note that the assumed outcome of this alternative to EPS (0% of paper containers recycled) is different to the percentage for the plastic plate alternative above (10% paper plates recycled).

We would also note that plastic in the marine environment is generally under-reported.

28-33.-

34. For our central scenario we have assumed that 60% of the costs businesses incur as a result of a greater unit price of alternative items will be passed to consumers. Do you agree or disagree with this assumption?

	Agree	Disagree	Don't know
Plastic plates and cutlery		**x**	
EPS containers		**x**	
Plastic balloon sticks		**x**	

Disagree. It is not possible to make blanket assumptions about cost pass through. Research conducted for the Scottish BRIA found that the extent to which businesses will pass on cost depends on factors including profit margins and market positioning of the business, and also that it is possible in some cases to avoid cost pass through by reducing the amount of disposable items provided and switching to alternative service models, including more use of reusables.

35.-

Additional questions

36. Apart from a ban, are there any other approaches that government should consider? Please provide any evidence in support of your recommended approach.

We would highlight our response to the separate Call for Evidence on commonly littered items where we outline proposals for achieving greater reuse and refill. In addition, we would suggest the following Government actions in addition to bans on these commonly littered items:

- Promote moves towards standardisation of container design which can aid reuse and refill.
- Ensure that reuse is incentivised through the design of packaging EPR and the proposed DRS.
- Essential regs should encourage design for reuse and remanufacture.
- Barriers to reuse should be addressed, particularly regulatory barriers such as those relating to manual handling in supermarkets which hamper uptake of more reusable schemes.
- Learn from policy in other countries where greater action has already been taken. For example, in France measures have been put in place that promote, incentivise and aid the convenience of reusable containers in large retail establishments.[34]
- Given that the restrictions on single use plastic items are likely to lead to material substitution, as businesses switch to non-plastic single use items, additional measures are needed to promote reuse. The single use charging power under the Environment Act could be used to introduce charges on single use cutlery, plates, food containers and cups of any material. This would limit material substitution.

[34] https://eeb.org/wp-content/uploads/2020/05/No-time-to-waste_Europes-new-waste-prevent_web.pdf

37.Is there anything else you would like to tell us relating to the proposed ban on the supply of single-use plastic plates, cutlery, balloon sticks and food and beverage containers made out of EPS?

There is strong public support for taking action on the supply of these polluting items. Polling by City to Sea and Friends of the Earth in May 2021 found that 92% of the British public are concerned about plastic pollution.[35] A petition by City to Sea calling for a ban on these single use plastic items has over 100,000 signatures.[36]

Other issues which must be considered by Government include:

- **Food containers:** policy must be designed in a manner which prevents a switch to plastic-lined cardboard food containers.
- **Multiple materials:** we need to tackle things made out of multiple materials, need to tackle those items which are hard to recycle/reuse.
- **Resource consumption:** we must reduce resource consumption, not just switching out these items for others.
- **Internet retailers:** action must include internet retailers, it's important to ensure that claims being made online are truthful.
- **Loopholes:** we hope that the consultation process can help deliver proposals which avoid problematic loopholes. For example, when banning single use items, it's important to ensure that these aren't rebranded as reusable (as has occurred with plastic carrier bags where 'bags for life' are being increasingly used in a single use manner[37]). There must be a legitimate understanding of how reusables are actually consumed, assessing whether a product is really single use. This should be a functional specification.
- **Financial incentives:** Government must determine how charges and costs can help reduce consumption of materials and drive reuse.
- **Loose definition of 'single use':** *"A single use plastic product is a product made wholly or partly from plastic, not conceived, designed, or placed on the market to accomplish multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived*." There is a looseness in this definition which could lead to creative interpretation by businesses. Many products are currently branded as reusable even when it is highly unlikely they will be reused in practice and this trend will likely continue once bans come into force. We have identified multiple examples of this trend including

[35] https://friendsoftheearth.uk/sustainable-living/world-refill-day-brits-demand-government-action-plastic
[36] (accessed 10.01.22.) 104,236 signatories https://you.38degrees.org.uk/petitions/the-uk-must-match-the-europe-wide-ban-on-single-use-plastic
[37] https://www.theguardian.com/environment/2021/apr/18/supermarket-bags-for-life-must-cost-more-to-cut-plastic-use-urge-campaigners

'reusable' plastic cutlery[38], 'reusable' plastic plates[39], and 'reusable' plastic cake stands[40]. While it is right that these products should be reused by consumers, we would consider this positioning as "repurposing" by a consumer and simply branding a product as reusable cannot serve as a get out from bans on single use items. We note the UK Plastics Pact definition of reuse:

> *"Reuse is the operation by which packaging is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market, enabling the packaging to be refilled. Reusable packaging: Packaging or packaging component which has been designed to accomplish or proves its ability to accomplish a minimum number of trips or rotations in a system for reuse."*

Greater clarity is required on the difference between reusable and repurposable. Additionally, monitoring and evaluation must determine whether products are actually reused, including the number of reuse cycles achieved to ensure optimum resource efficiency. This can also be linked to measuring whether a business' overall material consumption is reduced through the elimination of single use products. Data will therefore be of critical importance over the coming years once the ban has come into force.

- **Monitoring and enforcement:** Government must ensure that there is monitoring of the effectiveness of future bans and any potential enforcement must provide a credible deterrent.

For questions or further information please contact Matthew Dawson, Resources and Waste Policy Officer, Wildlife and Countryside Link E: matthew@wcl.org.uk

[38] ebay.co.uk

[39] https://www.amazon.co.uk/Large-Crystal-Clear-Plastic-Plates/dp/B076HWD3M1/ref=sxin_15_ac_d_rm?ac_md=1-1-cmV1c2FibGUgcGxhdGVz-ac_d_rm_rm_rm&crid=804361LJG6C6&cv_ct_cx=reusable+plastic+plates&keywords=reusable+plastic+plates&pd_rd_i=B076HWD3M1&pd_rd_r=57c8e663-d1f2-40f1-aaf5-a5cbf854f659&pd_rd_w=pxXRW&pd_rd_wg=QlfGt&pf_rd_p=73573abc-9548-43f0-87cb-a185286cee4c&pf_rd_r=V9N5T0Y346WKJ2K0AQHT&psc=1&qid=1641987508&sprefix=reusable+plastic+plate%2Caps%2C123&sr=1-2-fe323411-17bb-433b-b2f8-c44f2e1370d4

[40] https://www.amazon.co.uk/Hemoton-Plastic-Reusable-Birthday-Supplies/dp/B08QYMY5B4/ref=sr_1_5?crid=2QJP8RQE4KHUL&keywords=reusable+plastic+cake+board&qid=1641987445&sprefix=reusable+plasticake+board%2Caps%2C327&sr=8-5