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By email: plasticsconsultation@epa.nsw.gov.au

Re: NSW Plastics: The Way Forward Consultation paper September 2024

The Boomerang Alliance and our 55 allied organisations thank you for the opportunity to provide our views and feedback on the NSW Plastics: The Way Forward Consultation Paper.

Our submission recommends that NSW policies should be specifically framed around a circular economy approach to plastics, and the needed regulations required to make this a reality. We do not accept that this is the case in this paper.

In addition, we have focused on the headline policy measures outlined in page 5 of the consultation paper.

In summary, whilst we welcome this paper, we are disappointed in its ambition. Our previous interactions with the EPA and its plastic policy proposals had led us to believe that the NSW Government intended to be a jurisdictional leader on addressing plastic waste and pollution and, importantly, setting an agenda for the future. A future that sought to establish a circular economy for problem plastics.

This paper should have been the opportunity to frame plastics policy around a circular economy (CE) approach. As such it needed to consider the full set of effective policy interventions to achieve a circular economy for plastics, and the relevant regulations to implement these.

When considering any plastic policy options, the Government needs to include the design, use, collection, recovery, and how discarded products will be retained in the economy. A laissez-faire approach of leaving it up to industry (and or individuals) to introduce best practices to achieve those outcomes has not worked.

Packaging reform has been largely left to the packaging industry for most of the last 30 years. As a result, and with the exception of the container deposit scheme and some plastic bans, insufficient progress has been made to eliminate packaging wastes. The lesson in this, is that government need to set an agenda and then regulate practices, if it wishes to see progress.

The paper contains a number of positive measures that are welcomed. Banning certain problematic plastic products, as many other States have done, is appropriate in this context.

Introducing a reusable shopping bag standard also makes sense, within that CE approach. In both these instances, the Government is proposing the introduction of specific regulations.

However, simply setting policies to require cup and containers to be recyclable, and to improve recyclable labelling, entrenches already failed public place practices, and ignores preferred alternatives. These products are habitually wasted or littered. Designing them to be recyclable does little to change that situation. A whole of lifecycle policy setting needs to be applied.

The three key principles of a Circular economy are:

- the elimination of waste and pollution
- the circulation of products and materials through the economy, according to their highest resource value
- the regeneration of nature

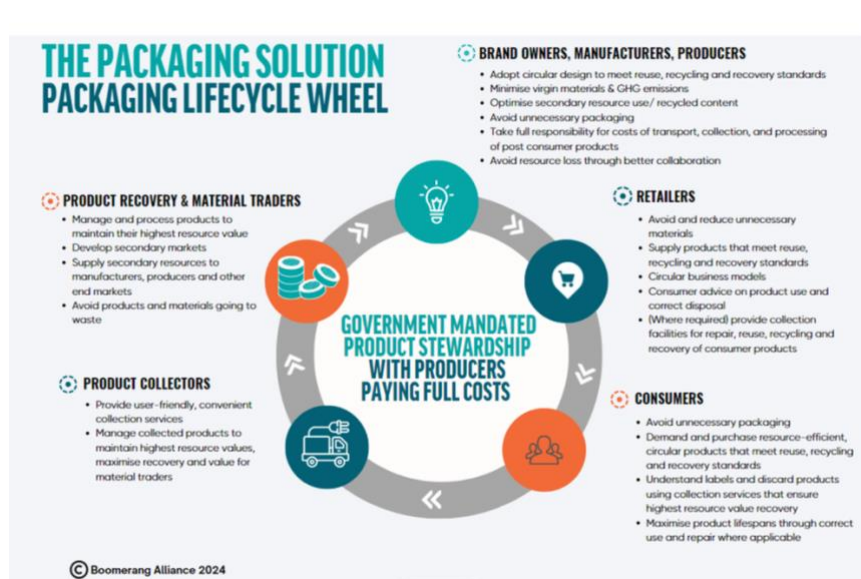
Using this guidance, we would expect that any measures should reflect these principles and seek to put relevant policies and practices into place. For instance, when considering the principle that *products and materials circulate in the economy, to their highest resource value*, this paper should require the most effective practices be adopted to ensure products actually circulate to their highest resource value.

In the case of plastic and disposable hot and cold cups and food containers, particularly used in the public place, recycling is not necessarily their highest resource value. Under CE conditions, the use of some of these products could be avoided/reduced and, where they are used, options should include reuse, composting or recycling. The reuse, composting or recycling of any items is also dependent upon a collection and recovery system that keeps the products in the economy.

Collection, recovery and return to the economy regulations are as important as setting design and labelling requirements. Recovery must also mean that harmful or unwanted chemical contaminants are only permitted within acceptable limits.

In the context of this paper, if the government requires a product to be labelled as recyclable, it must also require associated collection and recovery services to also be available. Similarly, if reuse is the best option, associated services need to be in place. In short, if its designed and labelled as such, it must be recovered in practice. We are disappointed that this paper does not propose regulations that would make that difference

The Boomerang Alliance has produced this template as a guidance tool to assist any consideration of CE policy interventions. It relies on the understanding that all practices are inter-dependent towards achieving CE outcomes.



Implement a Reusable Food Ware Strategy

A reuse strategy could be directly included into this policy statement. A properly constructed reuse strategy that takes account of best practice and the need for a whole of lifecycle approach, would help deliver a CE for plastics and packaging.

For instance, as a first step, the paper should propose a requirement that reuse in stadiums and major events should take place. As ‘controlled environments’ managers have the capacity to procure reusable products and establish return systems for those products.

At the Euro Football Championships (Germany) and at the Paris Olympics (France), reusable cups and containers were provided to spectators. Both countries and both organising organisations have regulations and conditions that require reuse practices. Collected reusables were washed and returned for next use. NSW should follow suit. The next Rugby World Cup will be held in Australia in 2028 and should offer reusables, something that the NSW Government should support.

The Boomerang Alliance has proposed that a strategic policy agenda to achieve a switch to reusable cups and containers all takeaway, disposable cup and food containers be phased out by 2027. To prepare for this we have proposed a roadmap (that could be adopted in this policy statement) that requires:

- all food outlets selling disposable, takeaway cups also offer reusable cups to customers
- a ban on disposable cups /containers for dine-in customers
- a levy (25 cents or higher) on all disposable cups supplied ahead of any disposables ban

Funding from a levy should provide incentives for controlled environments* to switch to reusable cups (and containers)

All single use coffee cups and lids would be replaced by reusable alternative products. BYO cups, mug libraries, cup share networks/public place collections would provide any required services to achieve this change.

*Controlled environments include offices, food courts and precincts, university campuses, events and stadiums and public transport services (trains, planes, and ferries etc).

All the above policy options have been implemented in the EU and other places.

Our Comments on the Headline Policies Presented

Require food service venues to accept reusable cups (2027)

At the moment this is voluntary for cafes, but more can be done. A better idea is to require all food outlets to also offer their customers reusable cups and containers and reduce disposable products. This will promote reusable uptake. Dine-in customers should never be served disposable food ware. An associated collection service(s) are required.

Require single use cups, lids and containers (and condiment packages) to be recyclable and display recycling and anti-litter labels (2027)

Virtually all cups and containers are either recyclable or compostable now. Most still go to waste, not because of a label, but because there are no adequate collection services. Even the public place bins don't work effectively. In another move, the Government wants all government offices and premises to have reusable cups and containers - a good idea we support. If you think that's good for government because it will reduce plastic, ghg emissions and waste - then it should be encouraging reuse everywhere and not rely on labels for recycling that will only lead to very limited results.

Expand Return and Earn to accept single use cups and containers (2030)

This is tokenistic and impractical. To make it worthwhile a decent deposit would be required. We need a system to collect recyclable coffee cups and food containers, so why not make them reusable? There are plenty of examples of reusable cup return systems that collect, wash and return that could be used now. These will reduce plastic, cut ghg emissions and eliminate waste. They will also be cheaper as single use cups won't have to be purchased again and again.

Require tethered caps on bottles (end of 2030)

This is a good idea and one already in place in Europe. So why wait until 2030? They should be introduced by 2026.

Work with other States on a national approach to reduce cigarette butt litter (end of 2027)

The best thing to do is to get rid of cigarette filters altogether. According to the World Health Organisation, they don't make cigarettes less harmful, and their only use seems to be to hold the cigarette, something a reusable holder could do.

Eliminate harmful chemicals in food packaging (end of 2027)

Another good idea, for chemicals on their proposed 'red list'. If a chemical is harmful to human health, wildlife or the environment, we need to prevent it being used in the first place. Mandatory labelling of other chemicals will depend on a 'green list' which is not supplied.

Reduce microplastics from the environment (end of 2025)

We agree - phase out microplastics and fragmenting additives, and microbeads in all cleaning products that are likely to get littered and where they could enter the environment or the sewage system. Stronger action needs to be taken by the government to ensure filters on washing machines to catch the hundreds of thousands of microfibrils, rather than the proposed 'rating' system (by 2027).

Adopt a reusable standard for all shopping bags (end 2025)

We agree. The Boomerang Alliance and the National Retailers Association have been promoting this for five years. A reusable bag must be designed to achieve a minimum 125 shopping cycles with up to 10kg of contents, have a minimum thickness and recycled content and be recycled at the end of its useful life

Phase out plastic barrier bags, pizza savers, plastic food tags, non-compostable stickers on fresh produce (end 2027)

We agree.

Stop the release of lighter than air balloons and their balloon sticks, clips and ties (end 2025)

This could be done now, why wait until the end of 2025?

Phase out the supply of food trays, loose-fill packaging, and moulded or cut packaging, made of expanded and foamed plastic (end 2025)

We agree.

Other items

We support the proposed actions on plastic food tags, unnecessary plastic barrier bags and compostable food and veg stickers

A final word on the Australian Recycling Label (ARL)

The ARL is used on so-called recyclable packaging for hundreds of items but that does not mean the package gets recycled. In the case of soft plastics virtually none gets recovered and all goes to waste. The NSW Government is seeking to promote the ARL on packaging. That should mean that if a packaging is marked reusable, compostable or recyclable then there is proof it will be reused, composted or recycled, in practice and at scale. If that does not happen, it's just more greenwash.



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