

## **Consultation on proposals to ban commonly littered single-use plastic items in England: Response from the Advisory Committee on Packaging (ACP)**

*February 12<sup>th</sup> 2022*

We support bans on economic activity if human health or safety is being harmed. We would also support bans on other economic activity if it is creating harms such as environmental harms for society providing either the volume of that activity is significantly high and mitigation over the short-term is not possible, or that industry has been given ample time and opportunity to reduce those harms and has clearly not chosen to do so. In the case of commonly littered single-use plastic items in England none of these conditions is fulfilled. In other words, we do not support a ban. However, we are not suggesting that single-use plastic items should be allowed to increase or have no regulation. We suggest a proportional approach whereby industry is tasked to reducing the negative impact (and quantity) of single-use plastic items in England by having it take on the responsibility and costs of litter and other negative externalities through schemes that are publicly monitored. In other words, we suggest that industry be allowed to run a voluntary Extended Producer Responsibility Scheme (EPR) which is publicly monitored and after five years its results are evaluated for further action.

Some progress has already happened without mandated or monitored schemes. WRAP's Plastics Pact has reported that its members are 70% of UK volume and have reduced the use of problematic plastics from 23,000T in 2018 to 13,000T in 2021. It said its members used 1.1mT of plastic, of which 70% was recyclable. The Plastic Packaging Tax will definitely have impact. Packaging Recovery Notes for plastic are likely to be more expensive as a corollary and plastic recycling should increase.

The basis of your proposal is the Keep Britain Tidy survey of litter. That showed that plastic cutlery is in the top 15 items littered but is actually just 0.4% of litter. If litter reduction is your objective, attention has to focus on the most common items by count and weight – cigarettes, plastic bottles, aluminium cans and paper.

You also say “viable alternatives” are available. We would question that for many of the items being targeted. Overall, it would be much better if Scotland's experience was monitored for its costs and benefits before you considered such serious actions.

Your impact assessments suffer from the following main points:

- (i) All say that taxes/charges, subsidies and information campaigns were considered as alternative to ban but provide no details why rejected, except to say Ireland grocery bag charge needed to be increased to have full impact.
- (ii) They assume all the cost increases on business will be absorbed by them and not passed on to the consumer. They cite the Regulatory Policy Committee but that clearly says “all business impacts are eventually passed through to consumers”. However, an annual cost estimation without considering passing on is permitted. That does not mean net impact should ignore passing on to consumers.
- (iii) Litter dis-amenity value, ie, the public are willing to pay extra to reduce litter, is the main justification. That is based on a 2002 survey which could be questioned on the basis that people say they will pay extra when asked but actually don't like it when taxed, it includes Wales and possibly is too small to be representative (900 people seem to represent all England and Wales).
- (iv) The main cost not quantified is that many people would prefer to use present material and that present manufacturing and supply chain capacity will be a net loss.

(v) Costs and benefits are as follows:

Plates, cutlery: £10.7mpa (benefit £0.6mpa)

Cartons: £50.6mpa (benefit 6.3mpa)

Sticks: £0.8mpa (benefit 0.02mpa).

Thus, in the worst case scenario, each year each person will pay an extra £1. Is this inflation justified?

Answers to your specific questions are as follows:

**6 Do you agree or disagree with the proposed definition of plastic?**

Agree

**7 Do you agree or disagree with the proposal to introduce a ban on the supply of the following single-use items in England?**

Plastic plates only: Disagree

Plastic plates, including plastic bowls: Disagree

Plastic plates, including plastic trays: Disagree

Plastic plates, including plastic bowls and plastic trays: Disagree

Plastic cutlery: Disagree

Plastic balloon sticks: Disagree

EPS food containers: Disagree

EPS beverage containers: Disagree

We support the government's initiatives to reduce littering and increase recycling rates for all packaging materials. However, it is the opinion of the ACP that simply banning certain single-use plastic items is the wrong approach. If banned, users of single-use plastic products will simply switch to alternative materials which are just as likely to be littered, why would this not be the case? Alternative materials are likely to be littered in smaller quantities only if they are much heavier to carry (to illustrate the point, steel plates instead of plastic plates from takeaway). Hence, unless litter is tackled as a subject by itself, replacing a material by another does not solve the problem.

**8 We propose that the ban should cover all 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 - Plastic plates: None

Bio-based, compostable, biodegradable - Plastic cutlery: None

Bio-based, compostable, biodegradable - Plastic balloon sticks: None

Bio-based, compostable, biodegradable - EPS food containers: None

Bio-based, compostable, biodegradable - EPS beverage containers: None

As stated above in the narrative accompanying Q7, we do not believe a ban is the most appropriate course of action for the government to take. Industry-led EPR schemes are more appropriate. Newer form of expanded polystyrene is recyclable and does not have the disadvantage of older expanded polystyrene.

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

Exclude packaging - Exclude plates used as packaging: Disagree

Exclude packaging - Exclude plates used as packaging, with the exception of those used in 'eat-in' settings: Disagree

As stated in our initial answer to Q7, industry-led EPR schemes are preferable to any outright bans.

Impact on alternatives to banned items

**10 Do you currently supply customers with any of the items we are proposing to ban? No**

**12 Are there any risks that alternatives to plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers will themselves have significant environmental impacts?**

Risk of alternatives having environmental impacts - Plastic plates: Yes

Risk of alternatives having environmental impacts - Plastic cutlery: Yes

Risk of alternatives having environmental impacts - Plastic balloon sticks: Yes

Risk of alternatives having environmental impacts - EPS food containers: Yes

Risk of alternatives having environmental impacts - EPS beverage containers: Yes

In the event of a ban on any of the above items, users/suppliers will switch to alternative materials, as previously stated -- these are just as likely to be littered, thus our argument that Industry-led EPR schemes are a better option. As regards to the environmental impact of alternative materials, we are not aware of any credible research that has been carried out which could provide objective evidence of increase or decrease in environmental impact.

Exemptions

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

Will any of the proposed item bans have a negative impact on certain people? - Plastic plates: Socioeconomic status, Other (please specify): Poorer workers, students and the like with lesser disposal income are more likely to be buying products using plastic plates. This is outside of parties which most socio-economic groups participate in.

Will any of the proposed item bans have a negative impact on certain people? - Plastic cutlery: Socioeconomic status, Other (please specify): As above

Will any of the proposed item bans have a negative impact on certain people? - Plastic balloon sticks: Socioeconomic status, Other (please specify): Children and parents.

Will any of the proposed item bans have a negative impact on certain people? - EPS food containers: Socioeconomic status, Other (please specify): As for plastic cutlery.

Will any of the proposed item bans have a negative impact on certain people? - EPS beverage containers: Socioeconomic status, Other (please specify): As for plastic cutlery.

Any ban will inevitably lead to users/suppliers of plastic packaging items switching to alternative materials which will inevitably be more expensive -- this is confirmed in the Impact Assessment which accompanies this consultation. These increased costs will ultimately be passed on to the consumer/citizen in the form of higher retail and product prices. In the public sector e.g. hospitals, where plastic plates and cutlery are widely used, the increased costs for non-plastic alternatives will, once again, be passed on to the citizen through taxes. Industry-led EPR schemes will be much cheaper alternatives.

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

Should there be any exemptions from any ban? - Plastic plates: Don't know

Should there be any exemptions from any ban? - Plastic cutlery: Don't know

Should there be any exemptions from any ban? - Plastic balloon sticks: Don't know

Should there be any exemptions from any ban? - EPS food containers: Don't know

Should there be any exemptions from any ban? - EPS beverage containers: Don't know

As previously stated, we believe banning certain materials is the wrong approach. Industry-led EPR schemes are a much more sensible alternative. However, if bans are applied, there should not be exemptions such as for the health and medical sectors. This is because they are overwhelmingly in the public sector and the public sector is almost 50% of the economy and not only should pay its way but can be an important trend-setter.

Timing of the ban

**15 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.**

Timing of the ban - Plastic plates: Disagree

Timing of the ban - Plastic cutlery: Disagree

Timing of the ban - Plastic balloon sticks: Disagree

Timing of the ban - EPS food containers: Disagree

Timing of the ban - EPS beverage containers: Disagree

Whilst we hope the government reconsiders its proposal for a ban, in the event that our proposals for EPR alternative schemes are not accepted, DEFRA must be aware that the above timelines will cause huge problems for industry. All packaging materials (not just plastic) are mostly part of global supply chains. The impact of Covid 19 has greatly extended delivery times, thus users have increased inventories. In the event of a ban in April 2023 probable impacts will include unused residual stocks going to waste and, for products ordered and 'in transit', customers would be required to pay for

products which could not be used/sold. Alternative material types would not probably be sourced in time to coincide with the ban.

Impact assessment

**16. Do you agree or disagree with our estimations that in 2018, 20 single-use plates, 75 pieces of single-use cutlery, 3 EPS boxes, 8 EPS cups, 6 EPS pots and 3 EPS trays and cones were consumed per person in England?**

	Agree	Disagree	Don't know
Plastic plates	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
Plastic cutlery	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
Plastic balloon sticks	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
EPS food containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
EPS beverage containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know

We are not aware of any studies which have been undertaken during the last 3 years. The Covid 19 pandemic has altered consumer habits with increased working from home, thus any earlier studies (even if they exist) will no longer be relevant.

**17. 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 the market share of the products to reflect a shift away from single-use plastics. Do you agree or disagree with this assumption?**

Agree  Disagree  Don't know

Key players in both the retail and 'on the go' sectors are already enacting environmental initiatives which includes the elimination or reduction of use of single-use plastics (SUP). For example, retail front of store collection schemes plus on the go (OTG) coffee cup collection schemes are demonstrating industry can establish EPR schemes which are successful. In other areas material substitution is taking place at a rapid pace. For example, polystyrene (PS) that is much mentioned in the Impact Assessment has virtually been eliminated as a packaging material by many major retailers and brands. However, contemporaneous statistics are not available to cover the last two years, thus your assessment is academic.

**18. 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

Once again, figures showing usage for brands and retailers are not available. However, one of the biggest UK retailers (member of ACP) advises a total elimination of EPS packaging will be achieved in all its stores by the end of 2022.

Industry-led EPR schemes will accelerate this trend. We believe many industries are rapidly moving out of EPS. In addition, consumer pressure has resulted in brands and retailers reducing their

consumption of certain plastics including EPS. A combination of this and industry led EPR schemes would mean a ban is not necessary.

**19. Do you agree or disagree with our assumption that in 2018 50% of single-use plates and 90% of single-use cutlery in England were made from plastic?**

	Agree	Disagree	Don't know
Plates	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
Cutlery	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know

We are not aware of any independent market surveys which would support or disagree with the assumption, especially for the period 2019 to 2021.

**20. Do you agree or disagree with our assumption that in 2020, 80% of all food and beverage boxes, cups, pots and trays and cones in England were made from EPS?**

	Agree	Disagree	Don't know
Box	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Cup	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Pot	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Tray	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Cone	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know

See answer to Q18

**21. We have assumed that 10% of single-use plastic plates and cutlery are produced in the UK. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't know
Plastic plates	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
Plastic cutlery	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know

**22. We have assumed that 95% of EPS food and beverage containers are produced in the UK. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't know
EPS food containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
EPS beverage containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know

**27. 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?**

	Agree	Disagree - overestimated	Disagree - underestimated	Don't know
Plate (plastic)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cutlery (plastic)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Plate (alternative)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cutlery (alternative)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know

We assume your data is based on 2018 estimates. Since then prices of all packaging materials have increased. If you intend to use data of this type, it should be updated to reflect current industry prices. DEFRA must also understand that the inevitable cost increases, which industry will incur as the result of moving from plastic to other materials, would inevitably be passed on 100% to the citizen. It is simply unrealistic to expect industry to absorb any price increases.

**28. 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?**

	Agree	Disagree - overestimated	Disagree - underestimated	Don't know
Box (EPS)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cup (EPS)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Pot (EPS)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Trays (EPS)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cones (EPS)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Box (Paper)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cup (Paper)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Pot (Paper)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Trays (Paper)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know
Cones (Paper)	<input type="radio"/> Agree	<input type="radio"/> Disagree - overestimated	<input checked="" type="radio"/> Disagree - underestimated	<input type="radio"/> Don't know

See answer to Q27

**29. 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?**

	Agree	Disagree	Don't know
Plastic plates	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Plastic cutlery	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Plastic balloon sticks	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
EPS food containers	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
EPS beverage containers	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know

In the current economic climate it is not possible to predict forward prices. What is certain is that material prices, eg, paper and carton board, have increased in the past 12 months and show no sign of abating.

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

Agree  Disagree  Don't know

We do not believe that data is available to support or disprove the assumptions in Q30.

**31. At end of life, we have assumed the below outcomes for plastic and paper plates. Do you agree or disagree with these assumptions?**

Agree  Disagree  Don't know

See answer to Q30.

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

Agree  Disagree  Don't know

See answer to Q31.

**33. Do you agree or disagree with our assumption that litter dis-amenity values remain the same for the appraisal period?**

Agree  Disagree  Don't know

The survey used for dis-amenity value included the Welsh and is unlikely to have been representative of all English people given its small size. Its significance and confidence levels should be explored. Additionally, it is unclear if the small size of litter reduction probable from these measures could be attached to the dis-amenity value claimed. Lastly, people are likely to always overstate in a survey what they are happy to pay for a benefit; when the actual charge applies they are much less happy. See that just a 5p charge on grocery bags almost eliminated them.

**34. In determining the number of businesses that will be affected by a ban on EPS food and drink containers and single-use plastic plates and cutlery, we used Standard Industrialisation Codes (SICs) to identify categories of businesses likely to be affected. However, we have assumed that fast-food restaurants are more likely to use EPS food and beverage containers and single-use plastic plates and cutlery than restaurants and therefore estimated the number of fast-food restaurants in England rather than using all the businesses in the restaurants and mobile food service activities SIC. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't know
Plastic plates	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
Plastic cutlery	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
EPS food containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know
EPS beverage containers	<input type="radio"/> Agree	<input type="radio"/> Disagree	<input checked="" type="radio"/> Don't know

**35. Do you agree or disagree with our estimation that 144,342 businesses will be affected by familiarisation costs for a ban on EPS containers?**

Agree  Disagree  Don't know

**36. Do you agree or disagree with our estimation that 90,650 businesses will be affected by familiarisation costs for a ban on single-use plastic plates and cutlery?**

Agree  Disagree  Don't know

It must be clearly understood that businesses are not in a position to absorb any increased costs which would result from a ban. Thus these costs will have to be passed on to the consumer via higher prices.

**37. We have assumed that, on average, it would take 30 minutes of a full-time employee's time for businesses to familiarise themselves with the ban. Do you agree or disagree with this assumption?**

Agree  Disagree  Don't know

See answer to Q36.

**38. In calculating additional fuel costs to businesses from transporting heavier paper items, we have assumed a mean distance travelled of 100km. Do you agree or disagree with this assumption?**

Agree  Disagree  Don't know

Paper is an internationally traded product. Increased transportation costs will come on top of increased individual (paper) product costs, from where ever the paper mill is located and the finishing/conversion business. The same is true for packaging wholesalers many of whom are based in mainland Europe.

**39. For our central scenario for costs being passed from businesses to consumers, 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?**

	<b>Agree</b>	<b>Disagree</b>	<b>Don't know</b>
Plastic plates and cutlery	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
EPS containers	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know
Plastic balloon sticks	<input type="radio"/> Agree	<input checked="" type="radio"/> Disagree	<input type="radio"/> Don't know

Businesses will not absorb any increased costs in the medium term. Industry-led EPR schemes will be a far cheaper option.

**40. Do you anticipate any additional costs and/or constraints to a) industry and b) consumers from this proposed ban on single-use plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers?**

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Plastic plates (industry)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
Plastic cutlery (industry)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
Plastic balloon sticks (industry)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
EPS food containers (industry)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
EPS beverage containers (industry)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
Plastic plates (consumers)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
Plastic cutlery (consumers)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
Plastic balloon sticks (consumers)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
EPS food containers (consumers)	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Don't know
EPS beverage containers (consumers)	<input checked="" type="radio"/> Yes		

Many consumers who like the present materials will be negatively affected and they will have adjustment costs. Present supply chains and manufacturing capacities will be disrupted and there will be sunk costs which will not be recovered.

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

- (i) Litter reduction schemes, specifically targeted
- (ii) EPR scheme with manufacturers and retailers charged with litter collection and its costs
- (iii) EPR scheme with manufacturers and retailers charged with material reduction and substitution by more environmentally-friendly material
- (iv) Public information campaigns and incentives and disincentives through charging.