

ENVIRONMENT PROTECTION AMENDMENT (Banning Plastic Bags, Packaging and Microbeads) Bill 2016



The Greens are introducing a private member's bill into the Victorian Parliament that will ban plastic bags and microbeads, and prohibit supermarkets from selling fresh fruit and vegetables in unnecessary plastic and foam packaging.

WHAT'S THE PLASTIC POLLUTION PROBLEM?

Since "soft plastic" – the kind that plastic bags, cling-wrap and other plastic wrapping is made of – was first introduced in the 1970s, plastic has proliferated at an astonishing rate.¹ Every year, Australians consume an additional 3 million tonnes of plastic. That includes an incredible 3.92 *billion* new plastic bags.²

Very little of this plastic is recycled. Boomerang Alliance estimates that Australia's plastic recycling rate is about 29%.³ The rest of it – including almost all plastic bags – ends up in landfill, or worse, in litter streams, where it eventually makes its way into waterways and oceans.

Most plastic takes hundreds of years to degrade. Meanwhile, it causes the death of countless turtles, penguins, dolphins, fish, seabirds and other marine animals, through strangulation, suffocation and ingestion. When fish ingest plastic, so do humans: people who eat average amounts of seafood may be ingesting up to 11,000 particles of plastic every year.⁴

The recent Senate report on marine plastic pollution, *Toxic Tide*, recommended that the Australian government support the states – including Victoria – to ban plastic bags.⁵

HOW WILL THIS LEGISLATION ADDRESS THE PROBLEM OF PLASTIC POLLUTION?

Our bill recognises that the only effective way to prevent plastic pollution is to prevent the consumption of plastic in the first place. Recycling and consumer education is great, but the fact remains that Australia is recycling only about 29 percent of the plastic it consumes. And most "soft plastics" – bags and packaging – don't get recycled at all. They can't go into the councils' kerbside recycling bins (even though they often do, where they end up contaminating everything else in them). And often the only recycling point for soft plastics in an entire neighbourhood is a single bin in a supermarket.⁶

This bill will do a number of things to begin to address the plastic pollution problem in Victoria:

The bill will impose a blanket ban on the sale or supply of *all* bags that are made (in whole or in part) of plastic, *except* bags that are specifically designed for medical or health-related purposes, or for police or security purposes. The ban would include so-called "biodegradable" bags (unless the Minister exempts them). The evidence shows that when they break down, they break down first into smaller pieces of plastic⁷ – which can then be ingested.

DEFINITIONS

Prohibited Plastic Bag

Any bag that is made in whole or in part of polyethylene, not including a bag that's manufactured, supplied and used for medical, health-related, policing or security purposes, or a bag that's been exempted by the Minister.

Prohibited Plastic Microbead

A manufactured plastic particle of less than 5mm that is contained in or added to cosmetics, personal hygiene products (including toothpaste) or household detergents.

Restricted Packaging

Packaging that is made in whole or in part of polyethylene or polystyrene. (This bill only makes it unlawful to sell perishable fruit or vegetables that is wrapped, sealed or contained in restricted packaging.)

The bill will then give the Environment Minister the power to exempt other kinds of plastic bags from the blanket ban. But if the Minister does that, they must publish reasons for each exemption, and the Environment Protection Authority (EPA) must report annually on the environmental effects of those exemptions. Importantly, either House of Parliament would have the power to *overturn* any exemption the Minister makes.

- The bill will make it unlawful for retailers to sell perishable fruit or vegetables that are wrapped, sealed or otherwise contained in plastic or polystyrene packaging. It is totally unnecessary for, say, cucumbers to be wrapped in plastic, or for capsicums or apples to be sealed in plastic and polystyrene packaging.
- The bill will make it unlawful for retailers to sell cosmetics, personal hygiene products (like toothpastes) or household detergents which contain plastic microbeads. Microbeads are tiny, sometimes microscopic, particles of plastic that are often added as exfoliation agents. But they're totally unnecessary, and they end up getting ingested by marine animals.⁸
- The bill will make it unlawful for anyone who makes, sells, supplies, distributes or imports plastic bags or packaging to mislead anyone else as to the amount of plastic in any particular bag or packaging.
- Finally, the bill will require much better reporting of the environmental harm caused by plastic pollution than is done now.

HOW WILL THE LEGISLATION WORK IN PRACTICE?

If the bill passes in its current form, it would become law on 1 March 2017. On that date, it would become immediately unlawful for retailers to sell products containing microbeads. It would also become unlawful for retailers, manufacturers, suppliers, distributors and importers to make false or misleading statements about plastic bags or packaging.

Then there would be a *transitional period* of 6 months to give everyone time to adjust to the additional restrictions. On 1 September 2017, it would become unlawful for retailers to sell or supply plastic bags (unless they've been exempted by the Minister) and perishable fruit & vegetables that's unnecessarily sealed, wrapped or otherwise contained in plastic or polystyrene packaging.

Anyone who acts unlawfully would be subject to a fine. The maximum fine for individuals would be about \$3,000 per offence. For corporations, the maximum fine would increase to about \$15,000 per offence. The agency responsible for enforcing this legislation would be the EPA, and the bill gives the EPA the powers it would need to do so.

ARE PLASTICS BANNED OR RESTRICTED IN OTHER PLACES?

Yes. South Australia, Tasmania, the Northern Territory and the ACT have already imposed bans on what they call "single-use" plastic shopping bags. Those states and territories still allow thick and heavy-duty plastic bags, as well as plastic garbage bin liners and "barrier bags" (those little plastic bags in the fruit-and-veg section of supermarkets). The theory was that thicker plastic bags could be re-used, and so they didn't present as much of a threat to the environment as the thinner bags did.

However, the experience in those states and territories is that often, consumers simply substitute thicker plastic bags and garbage bags for the thin bags which are no longer available.⁹ Thicker plastic bags can do less damage to the environment, but only if they're re-used about 10 times. Most of us don't re-use them anywhere near that often before we throw them away. Those so-called "green" bags are actually made of plastic too, and to be better than "single-use" bags they need to be re-used about 23 times.¹⁰ The recent Senate report recommended that governments ensure that alternatives to so-called "single-use" plastic bags don't result in other pollutants entering the environment.

That's why we've gone further than the other states and territories: we're imposing a *blanket ban* on *all* plastic bags, *and* then leaving it up to the Minister to make (and justify) the decision to exempt particular bags if that's what she wants to do. At the same time, we're giving either House of Parliament the power to overturn any Ministerial exemption. We're also banning microbeads, and putting a stop to the increasingly common supermarket practice of unnecessarily wrapping or sealing perishable fruit & veg in plastic and polystyrene.

We don't need these plastics: they didn't even exist until the 1970s!

Other places around the world that have imposed bans on plastic bags include Bangladesh, India, China, Mexico, Brazil, Somalia, Uganda, Kenya, South Africa, Botswana and Rwanda. A number of states in the USA have also banned bags. Victoria is well behind the rest of Australia, and well behind the rest of the world.

AREN'T PLASTIC BAGS NECESSARY FOR SOME THINGS?

We realise that some use of plastic bags is probably unavoidable, which is why we've allowed exemptions for plastic bags that used for health, medical, security or policing purposes (for instance, evidence bags). But pretty much every other use of plastic bags is avoidable:

- We can carry our shopping in reusable bags made of cotton, calico, hemp or paper, or even in cardboard boxes or foldable shopping trolleys.
- We can use paper bags to contain our household rubbish before putting it in the council bin. The 6-month transitional period will allow time for consumers, councils, retailers and everyone else to work out what alternatives to plastic bags are needed, and to make sure they're readily available.
- We can use paper bags for fruit and vegetables, instead of using those small plastic "barrier bags" most supermarkets currently provide.

It's true that we've become far too reliant on plastic bags. That's why our bill provides for a 6-month transitional period, so that everyone has time to get themselves ready! There's a range of alternatives that are in everyday use in other states and countries, so there's no reason we can't Ban the Bag in Victoria as well.

WHY IS THIS BILL LIMITED TO ONLY BAGS, MICROBEADS AND SOME PACKAGING?

We want to give this bill the best opportunity to get through the Victorian parliament. There are many other types of plastic and other packaging that presents a problem to the marine environment, including drink and food containers, microfibres, balloons, plastic straws and cutlery, coffee cups, plastic cling-wrap, six-pack rings and a range of other plastic packaging (as can be found in pretty much every product sold in supermarkets!). This bill is just the *first step* toward a Plastic Free Sea.

REFERENCES

- 1 The Atlantic: <http://www.theatlantic.com/technology/archive/2014/10/how-the-plastic-bag-became-so-popular/381065/>
- 2 Clean Up Australia: <http://www.cleanup.org.au/au/Campaigns/plastic-bag-facts.html>
- 3 Boomerang Alliance Media Backgrounder, 11 February 2016.
- 4 Truth-out.org: <http://www.truth-out.org/news/item/35291-not-a-fish-tale-humans-are-ingesting-plastic-thanks-to-ocean-pollution>
- 5 Senate Environment and Communications References Committee: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Marine_plastics/Report
- 6 REDcycle locator: <http://redcycle.net.au/redcycle/locator>
- 7 Fred Pearce, The Guardian: <http://www.theguardian.com/environment/cif-green/2009/jun/18/greenwash-biodegradable-plastic-bags>
- 8 The Conversation: <http://theconversation.com/tiny-beads-big-problem-easy-fix-why-scientific-evidence-supports-a-ban-on-microbeads-42511>
- 9 See for example the review of the SA ban on lightweight plastic bags: http://www.zerowaste.sa.gov.au/upload/resource-centre/publications/plastic-bag-phase-out/PBActReview_maspin_Nov2012_2%20-%20final.pdf
- 10 Choice.com.au: <https://www.choice.com.au/shopping/everyday-shopping/supermarkets/articles/sustainable-shopping-bags>
- 11 Senate Environment and Communications References Committee: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Marine_plastics/Report