

Written Submission

for the New Zealand Government

on the

**Proposed mandatory phase out of single-use plastic shopping  
bags**

**14 September 2018**

DRAFT

## MIHI MIHI

*Ka mihi ake ai ki ngā maunga here kōrero,  
ki ngā pari whakarongo tai,  
ki ngā awa tuku kiri o ōna manawhenua,  
ōna mana ā-iwi taketake mai, tauiwi atu.*

*Tāmaki – makau a te rau, murau a te tini, wenerau a te mano.*

*Kāhore tō rite i te ao.*

*I greet the mountains, repository of all that has been said of this place,  
there I greet the cliffs that have heard the ebb and flow of the tides of time,*

*and the rivers that cleansed the forebears of all who came those born of this land  
and the newcomers among us all.*

*Auckland – beloved of hundreds, famed among the multitude, envy of thousands.*

*You are unique in the world.*

## **INTRODUCTION**

1. The New Zealand Government is seeking feedback on a proposed mandatory phase out of the sale or distribution of single-use plastic shopping bags. The consultation document proposes a number of options, including a mandatory phase out through regulation under the Waste Minimisation Act 2008.
2. Auckland Council commends the Minister and Ministry for the Environment for enacting powers within the Waste Minimisation Act 2008 and for fulfilling the potential of the Act to proactively address environmental harms, aspects of the Act that are yet to be used.
3. Aucklanders care deeply about the issue of plastic waste and, in particular, marine plastic. They expressed these concerns in considerable numbers through Auckland Council's recent consultation process on the Long-term Plan 2018-2028, the Auckland Plan 2050 and the Waste Management and Minimisation Plan 2018.
4. The Waste Management and Minimisation Plan 2018 recognises these concerns and has identified plastic as one of three priority waste streams to be addressed.
5. In the Auckland Plan 2050, Auckland Council supports a shift from a linear to a circular economy.
6. The recognition by the Ministry for the Environment that over the longer term, plastic waste needs to be designed out of the system is encouraging for zero waste. This recognition reinforces that Aotearoa New Zealand can be prosperous and still create an economy that is not reliant on externalising environmental harms, such as plastic waste, in our streams and oceans.
7. Reducing litter is a high priority for Auckland Council and is outlined as one of the nine key priorities of Auckland's Waste Management and Minimisation Plan. Managing plastic bags as littered items has a high resource and financial cost to councils as well as the natural environment.
8. Equally, the contamination caused by the incorrect disposal of plastic bags by consumers in comingled recycling collection systems has significant consequences. Plastic bags incorrectly disposed of in kerbside comingled recycling can slow or damage recycling processor's equipment, affecting the quality of recyclate and increasing the cost of processing. Auckland Council prioritises education and enforcement around recycling contamination to avoid the knock on effect of incorrect plastic bag disposal in kerbside recycling bins and a mandatory phase-out will reduce these impacts.
9. As such Auckland Council strongly supports a mandatory phase out or ban on the sale or distribution of single use plastic bags; this submission outlines the rationale for why Auckland Council supports Plastic Bag Intervention Option 1 – a total and mandatory ban.
10. Should there be an opportunity to present this submission and be heard as part of this consultation process, Auckland Council would like to talk to this submission.

## **MANDATORY PHASE OUT**

11. The available options for managing plastic bags as outlined in the Ministry for the Environment's consultation document include:
  - i. a mandatory phase out,
  - ii. a levy, tax or charge,
  - iii. a deposit refund,
  - iv. a formal agreement with government and industry, or
  - v. mandatory product stewardship.

12. As there are alternative, reusable options easily available for use by the general public, the best way to prevent harm from plastic bags is to prevent them from being issued in the first place.
13. On this specific waste issue, Auckland Council does not support a voluntary programme or an agreement between industry and government. This approach would create an inequitable approach to the problem as some businesses or organisations will choose not to participate in a voluntary scheme.
14. Of the potential options presented by the Ministry for the Environment, Auckland Council considers *Option 1 - mandatory phase out of the sale or distribution of single-use plastic shopping bags* to be the most effective and wide-reaching mechanism for addressing plastic bag issues.
15. To be most effective, the ban should apply to all retailers who distribute plastic bags, rather than just the larger retailers. Small retailers should not be exempt as they contribute significant numbers of bags to the waste stream. A ban should also apply to those importing single use bags. An incomplete ban will dilute the effectiveness of the behaviour change effect of this ban on consumers.

## SCOPE AND DEFINITIONS

16. Auckland Council agrees with the current proposed definition that a single use plastic bag is one that includes handles, and is sold or distributed to the public for the purposes of carrying sold goods.
17. The Ministry for the Environment consultation document proposes a definition of single-use plastic bags as:

*“a new plastic bag (including one made of degradable plastic) which has handles and is below a particular level of thickness. The term ‘plastic’ and degradable’ (including biodegradable, compostable or oxo-degradable) would be defined in regulations with reference to international standards. The proposed phase out would apply to these bags when they are sold or distributed for the purpose of carrying sold goods.”*
18. In general Auckland Council agrees with the proposal to include degradable, bio-degradable, oxo-degradable and compostable bags in the proposed definition.
19. As per evidence cited in the discussion document, there is value in the inclusion of heavier weighted bags. There is concern that including a thickness threshold may result in an opportunity for evasion of the legislation by companies adjusting their bag thickness to avoid the defined limits. Auckland Council is cautious about applying a weighting threshold and the implications would need to be carefully considered and market tested.
20. Auckland Council is keen to continue working with the Government to address other sources of marine plastic in the future and the work happening in other jurisdictions. For example the EU has proposed from 28 May 2018 new rules covering 10 single-use plastic products and fishing gear that together account for 70% of the marine litter in Europe. [http://europa.eu/rapid/press-release\\_IP-18-3927\\_en.htm](http://europa.eu/rapid/press-release_IP-18-3927_en.htm)

## TIMEFRAME

21. Auckland Council agrees with the proposal for a six-month phase-out timeframe as the minimum timeframe that allows New Zealand to meet its World Trade Organisation Technical Barriers to Trade Agreement commitments.

22. Given the established public and industry interest in the use of plastic bags, six months is considered sufficient time to allow retailers and consumers to prepare and adapt, provided the program of behaviour change interventions is comprehensive.

## **EDUCATION AND ENFORCEMENT**

23. Auckland Council has been engaging with community, environmental and business organisations since 2014 to seek voluntary measures that will reduce the harm associated with plastic bag issuance. This has resulted in broad consensus among these groups that in order to be effective and fair, any actions to reduce plastic bag issuance need to be at a national rather than a regional level.
24. Auckland Council supports the description of offences, and the strength of the penalties for those offences outlined under Option 1. Following up consumer reports with investigations could be resource-intensive depending on the level of evidence required to issue penalties. If, as suggested, the New Zealand Environmental Protection Authority (EPA) is the delegated enforcement agency for this proposed legislation, assurances would be needed that the EPA will be sufficiently resourced to investigate and enforce compliance across the entire country.
25. Auckland Council has some concerns around the knock on education and enforcement effect on council resources as a result of this introduced legislation. The submission welcomes the opportunity to participate in further discussions around the best approaches to education and enforcement.

## **OTHER: EQUITY AND OPPORTUNITY**

26. Auckland Council recognises that concerns have been raised regarding the need for a just transition for workers relying on plastic bag manufacture. Auckland Council notes evidence in the discussion paper that the majority of single-use bags affected by this ban are manufactured off-shore. In this case, local job loss is likely to be minimal. In fact, the broader move towards a circular economy has the potential to increase job creation, through direct remanufacturing of products, logistics, innovation and entrepreneurship (Ellen MacArthur Foundation, 2015).
27. The mandatory ban on plastic bags has the potential to reduce litter clean-up costs and volunteer hours. An Auckland Council survey of Sustainable Coastlines, SeaCleaners and the Harbour Clean Up Trust estimated volunteer hours if paid at the living wage in 2016 to have a value of \$987,703. In the same survey, Auckland Transport and the NZTA each reported spending in excess of \$1million a year on street cleaning contractors to clean up litter. Although plastic bags are not the only waste stream collected in litter clean-ups, they are frequently found in collected waste. A reduction in expenditure on clean-ups could free up this money to be invested in other services.
28. The consultation document notes the need for assistance for lower income consumers during the transition. Auckland Council notes that there are a number of community groups across the Auckland region that have received Waste Minimisation and Innovation funding, who create and distribute alternative bags to their local communities. Auckland Council would advocate that the community groups be taken into consideration as a provider when engaging with retailers on practical options for alternatives.

## **OTHER: MĀORI RESPONSIVENESS**

29. Through development of the Waste Management and Minimisation Plan 2018 Auckland Council have engaged in extensive consultation with mana whenua and mataawaka on resource use and waste management.
30. The proposed ban is consistent with many priority actions and values identified through this process. These include priorities such as ensuring that resource use and waste management occurs in a manner consistent with Te Ao Māori and protection of waterways and ecology which receive waste and wastewater. It also aligns with values

such as kaitiakitanga and manaakitanga (nurturing relationships, looking after both people and taonga and taiao and fostering mutual respect)

31. The ban is aligned with Te Ao Māori as it recognises the traditional system in which nothing was wasted – everything was able to be returned back to Papatūānuku without detriment to the whenua, awa or moana. By reducing the prevalence of single-use plastic bags, this ban will support a move towards para kore (zero waste).
32. Auckland Council recommends that mātauranga and tikanga Māori be incorporated into solutions and decision-making by working with mana whenua, enabling Māori participation in decision-making as per Te Tiriti o Waitangi obligations. This will ensure that the implementation of a phase-out occurs in a way that works well for Māori.

DRAFT