

27 August 2018

Memorandum

To:	All Local Boards
Subject:	Auckland Council draft submission on proposed mandatory phase out of single-use plastic shopping bags
From:	Parul Sood, (acting) General Manager Waste Planning

Purpose

- To:
 - outline the contents of Auckland Council's draft submission on the government's proposed mandatory phase out of single-use plastic shopping bags
 - explain the process for local boards to give feedback on this consultation.

Summary

- The Ministry for the Environment is consulting on a mandatory phase-out (ban) of single use plastic shopping bags. The consultation document outlines various options for reducing the use of the bags. These include a mandatory phase out, a levy or mandatory product stewardship.*
- Auckland Council staff are developing a draft submission which includes the following points:

 - That Auckland Council supports option one in the consultation document – a total and mandatory ban. The inappropriate consumption, use and discarding of plastic bags has significant impacts on Auckland's natural environment and our waste collection systems.*
 - The ban should apply to all retailers who distribute single-use plastic shopping bags, rather than just the larger retailers. An incomplete ban will be less effective.*
 - Support for the proposed six-month phase-out timeframe.**
- The regional Auckland Council submission will be recommended to Environment and Community Committee for their approval on 11 September 2018. The due date for submissions to the Ministry for the Environment is 14 September 2018.*
- Local boards can also provide feedback on this consultation. Any local board submissions will be attached verbatim to the Auckland Council regional submission.*
- All local board feedback needs to be received by the Environment and Community Committee before 11 September 2018 if it is to be considered within the regional submission.*
- To be included, local board feedback should be emailed to sophien.brockbank@aucklandcouncil.govt.nz by **4 pm Monday 10 September**.*
- Local board feedback should be approved through formal recommendations at a business meeting. Given the tight timeline local boards may also choose to give feedback using an urgent decision-making process which does not require a business meeting. Your local board staff can support you with this process.*

Context/Background

- 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 full consultation document is shown in appendix one to this memo.
- Auckland Council staff are currently developing a draft submission on the Ministry for the Environment's consultation document. The submission is due by 14 September 2018.
- In developing this submission staff have considered the impact on local communities of the proposal, and local board and public feedback received to date on this topic by council.

Impact on local communities

5. Reducing plastic bag use will have many positive impacts for local communities, as it will reduce the impact of littered single-use shopping plastic bags on terrestrial and marine environments. It will also have a positive impact on the amenity and aesthetics of our streets, parks and beaches
6. The collection of plastic bags as littered items also has high resource and financial costs to councils (and thus ratepayers). The contamination caused by the incorrect disposal of plastic bags by consumers in comingled recycling collection systems also has significant consequences to council.
7. Plastic bags incorrectly disposed of in kerbside comingled recycling can slow or damage recycling processor's equipment, affecting the quality of recyclables and increasing the cost of processing.
8. Any potential inconvenience to the public from this proposal will be minimal, as there are alternative, reusable options to plastic shopping bags which are easily available for use.

Public and local board feedback

9. The draft submission is informed by public and local board feedback received by council during March 2018 on the draft Waste Management and Minimisation Plan 2018 and the draft Long-term Plan 2018-2028.
10. Overall, this feedback showed that both the public and many local boards strongly support reducing plastic waste. In particular, reducing marine pollution through plastic waste was identified as an issue of concern by many members of the public and local boards.
11. In response to this feedback, Auckland Council's Waste Management and Minimisation Plan 2018 recognises plastic waste as a high priority for avoidance and has identified it as one of three priority waste streams to be addressed.
12. Reducing litter and marine pollution from plastic waste were also included as two of the nine key priorities for Auckland Council in the Waste Management and Minimisation Plan 2018.
13. As such, Auckland Council strongly supports a mandatory phase out or ban on the sale or distribution of single use plastic shopping bags. The rationale for this and the proposed content of the draft regional submission are discussed below in more detail.

Discussion

14. The consultation document outlines various options for managing and reducing the environmental impacts of plastic shopping bags including:
 - i. a mandatory phase out (under the Waste Minimisation Act 2008),
 - ii. a levy, tax or charge,
 - iii. a deposit refund system which puts a new cost onto a product, which is refunded to the consumer when they bring the material back for recycling,
 - iv. a formal agreement with government and industry, in which retailers are required to charge for bags,
 - v. mandatory product stewardship scheme, in which producers that put certain goods on the market are required to be responsible for end-of-life management of the product.
15. The Ministry is consulting on option 1, the mandatory phase out of sale or distribution of single-use plastic bags through regulations under the Waste Minimisation Act 2008, as they believe this will be the most effective.
16. Auckland Council supports this conclusion. 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.

17. On this specific waste issue, Auckland Council does not support a voluntary programme or a formal 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.

Scope and timeframe for ban

18. To be most effective, the ban should apply to all retailers who distribute plastic shopping bags, rather than just the larger retailers. Small retailers should not be exempt as they contribute significant numbers of shopping 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.
19. Given the established public and industry interest in the use of plastic bags, the proposal for a six-month phase-out timeframe is considered sufficient time to allow retailers and consumers to prepare and adapt, provided the program of behaviour change interventions is comprehensive.

Definition of plastic bag

20. The Ministry for the Environment consultation document proposes a definition of single-use plastic shopping 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.”

21. Auckland Council agrees with that a single use plastic bag should be defined as one that includes handles, and is sold or distributed to the public for the purposes of carrying sold goods.
22. In general, Auckland Council also agrees with the proposal to include degradable, bio-degradable, oxo-degradable and compostable bags in the proposed definition.
23. As per evidence cited in the discussion document, there is value in the inclusion of heavier weighted bags. However, 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. The draft submission will, therefore, support broadening the definition to apply to single-use plastic bags of all thickness.

Education and enforcement

24. 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 bags. 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 enacted at a national rather than a regional level.
25. Auckland Council supports the description of offences, and the strength of the penalties for those offences outlined under Option 1. However, Auckland Council has some concerns around the knock-on education and enforcement effect on council resources as a result of this introduced legislation.
26. The draft submission will welcome the opportunity to participate in further discussions around the best approaches to education and enforcement.

Equity and opportunity

27. Auckland Council recognises that concerns have been raised regarding the need for a just transition for workers relying on plastic bag manufacture and the impact on low income communities of purchasing reusable bags.
28. Auckland Council notes evidence in the discussion paper that the majority of single-use bags are manufactured off-shore. Local job loss is likely to be minimal and the broader move towards

a circular economy has the potential to increase job creation, through direct remanufacturing of products, logistics, innovation and entrepreneurship.

29. In Auckland some community groups have received funding through the Waste Minimisation and Innovation Fund to develop alternatives to plastic bags. Our submission will advocate these groups be taken into consideration by the Ministry when engaging with retailers on alternatives.
30. In addition to mitigation of job loss via the move towards a circular economy, Auckland Council estimates that savings will be made through avoided cost of litter clean ups and volunteer hours.

Next steps / Process for local board feedback

31. Local boards can also provide formal feedback on this consultation. Any local board submissions will be attached verbatim to the Auckland Council regional submission.
32. Local board feedback should be approved through formal recommendations at a business meeting. Local boards can either approve their feedback at the business meeting or choose to delegate the task of preparing feedback to one or more board members.
33. Given the tight timeline local boards may also choose to give feedback using an urgent decision-making process, which does not require a business meeting. Your local board staff can support you with this process.
34. Local board feedback should be received by Environment and Community Committee in order to be considered for the regional submission. To be included, local board feedback should be emailed to sophien.brockbank@aucklandcouncil.govt.nz by **4 pm Monday 10 September**.

More information

35. If you have any questions about the consultation document or the draft regional submission which staff are developing please contact Sophien Brockbank on sophien.brockbank@aucklandcouncil.govt.nz or 021 866 913.
36. If you have any questions around the process for local boards giving feedback on the consultation, please contact Rachel Wilson on rachel.wilson@aucklandcouncil.govt.nz or 021 807 885.

Attachments

Appendix A: Consultation document. Proposed mandatory phase out of single-use plastic shopping bags