

STATES OF JERSEY



BANNING THE SALE OF SINGLE-USE CARRIER BAGS

Lodged au Greffe on 19th May 2020
by Deputy I. Gardiner of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) that the supply and distribution of plastic bags (as defined in section 3.1 of the Appendix to the accompanying report) by all retailers to consumers at the point of sale of goods or products in Jersey should be prohibited, subject to the exemptions specified in section 3.2 of the Appendix to the accompanying report;
- (b) that the supply and distribution of paper carrier bags (as defined in section 3.1 of the Appendix to the accompanying report) by all retailers to consumers at the point of sale of goods or products in Jersey should be prohibited, subject to the exemptions specified in section 3.2 of the Appendix to the accompanying report;
- (c) that a minimum price should be set for the sale of ‘bags for life’ (as defined in section 3.2 of the Appendix to the accompanying report) by the Minister for the Environment, following a consultation with stakeholders;
- (d) that the effect of Ministerial Decision MD-PE-2008-0055 should be replaced with legislation to ensure that all retailers are required to gift any profits raised through sales of plastic carrier bags to local environmental charities, with such legislation to include effective monitoring and enforcement tools, and that the implementation of such legislation should be accompanied by an education and engagement programme; and
- (e) that the Council of Ministers should bring forward draft legislation by February 2021 to give effect to this proposition, including provision for an implementation period of up to 6 months before the prohibition and minimum price come into force.

DEPUTY I. GARDINER OF ST. HELIER

REPORT

Executive Summary

This proposition was prompted by my attendance at a Commonwealth Parliamentary Association workshop for Small Branches Sustainable Economic Development and concentrated on how we can tackle climate change, where I learned that Jersey is behind other small jurisdictions, such as the Northern Australian territory, the Seychelles and most of the Caribbean, where bag bans are already in place.

It also follows some of the recommendations set out in the 2019 report [“Reducing use of plastic in Jersey”](#).

This proposition is based upon engagement I have had with several stakeholders, including Parishes, retailers, a group behind the petition to ban plastic bags, and others.

After my initial proposition, I came together with the Recycling Manager at Growth, Housing and Environment to create a more in-depth technical report to support my proposition, which has been developed specifically for Jersey based upon international information and ideas on banning single-use bags. It is found in the **Appendix** to this report.

As an Island community, we have a collective responsibility to look after our surrounding waters and marine life. We must also grasp the opportunity to shift away from the habits of a “throwaway” culture, and instead make positive steps towards waste reduction and re-use that can continue to develop into the future.

Banning both single-use plastic carrier bags and paper carrier bags will encourage a “bring your own bag” culture, which is to be supported by delivering clear guidance to retailers and consumers alike through an education and engagement programme, to ensure that the bag ban is understood, sustainable, and measurable.

Facts about plastic bags

- Worldwide, a trillion single-use plastic bags are used each year, nearly 2 million each minute.
- The amount of energy required to make 12 plastic shopping bags could drive a car for a mile.
- The oldest existing plastic bag tax is in Denmark, passed in 1993. Danes use very few lightweight single-use plastic bags: about 4 per person each year.
- Bangladesh was the first country banning plastic bags countrywide in 2002.
- As of July 2018, one hundred and twenty-seven (127) out of 192 countries reviewed (about 66%) have adopted some form of legislation to regulate plastic bags. Twenty-seven (27) countries have enacted legislation banning either specific products (e.g. plates, cups, straws, packaging), materials (e.g. polystyrene) or production levels [as per UN report](#).

Facts about paper bags

- A 2011 [research paper](#) for the Northern Ireland Assembly identified that it takes 4 times as much energy to manufacture a paper bag as a plastic bag.
- The Danish Environmental Agency produced a [report](#) in 2018 that demonstrates that paper bags are not environmentally better than plastic carrier bags.
- Paper bags are not as durable as ‘bags for life’; they are more likely to tear or split, particularly when wet.
- Paper bags are bulky to store (both before use and as waste) and use more energy to transport.
- It takes 91% less energy to recycle a pound of plastic than it takes to recycle a pound of paper.
- An [Environment Agency report](#) from 2006 found that a paper carrier bag would have to be re-used at least 3 times to be as environmentally-friendly as a single-use plastic carrier bag.

Why ban plastic bags?

Plastic in the Ocean

- Plastic is the most common type of marine litter worldwide.
- Plastic bags are problematic in the litter-stream because they float easily in the air and water, traveling long distances and never fully breaking down in water. The most commonly used plastics, when exposed to the elements, release methane and ethylene – 2 powerful greenhouse gases that can exacerbate climate change.

Marine Impacts: Up to 80% of marine litter is plastic

- Plastics do not biodegrade in our lifetime, but instead break up into small particles that persist in the ocean, absorb toxins, and enter the food-chain through fish, seabirds and other marine life.
- Plastic bags can entangle or choke.
- Sea-turtles mistake plastic bags for jellyfish, 34% of dead leatherback sea turtles have ingested plastic, mainly plastic bags.

Wind Blowing litter

- Even if disposed of properly, plastic bags get caught in the wind.
- Visible in the environment as litter (often caught in trees).
- Litter clean-up costs taxpayers.

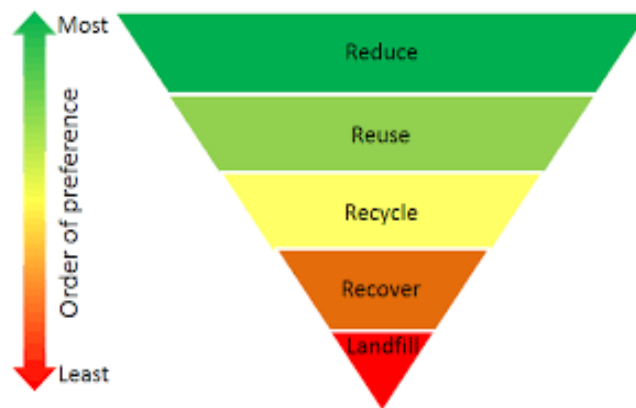
Waste Management

- Recycling is a commodities market: some materials are more valuable than others and dirty plastic bags don't have a viable market.
- Clog recycling machinery.
- Contaminate other recyclables.

More Facts: [http://www.beachapedia.org/Plastic Pollution Facts and Figures](http://www.beachapedia.org/Plastic%20Pollution%20Facts%20and%20Figures)

Recycling single-use plastic bags is not an answer

Instead of take-back recycling programmes aimed at retailers, the focus should be on customers bringing their own bags (BYOBag). Bag reduction laws (bans and fees) encourage BYOBag behaviour.



Reducing plastic bag use through a retail charge

Jersey led the way when in March 2008 the first charge was introduced by [Ministerial Decision](#), compared to England which was the last UK nation to introduce the charge only in October 2015. Following the introduction of a 5 pence charge for plastic carrier bags in the UK –

- Scientists have found an estimated 30% drop in plastic bags on the seabed in the same timeframe as charges were introduced in European countries.
- There has been an 85% reduction in single-use plastic bags given out by major retailers – down from 140 to 25 bags for the average person each year.

The dilemma: “Ban” or “Ban/Fee Hybrid” models

U.S. cities that pioneered the original plastic bag ban laws created Ban/Fee Hybrid laws (a.k.a. “second generation bans”) after straight bans failed to result in the desired consumer behavioural change.

These cities didn't see a significant increase in customers bringing their own bags to stores.

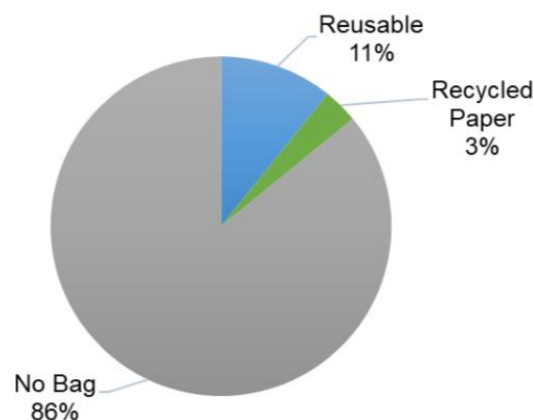
The new Ban/Fee Hybrid ordinances that replaced the straight bans, kept the ban on thin plastic in place and added a 10-cent charge to all other carryout bags, including paper and reusable bags of any kind.

To be clear, the reusable bags subject to the 10-cent fee are reusable bags provided by the retailer: customers are not charged for bringing their own bags. When customers are suddenly presented with the question “Would you like to purchase a bag for that?” the evidence shows that bag consumption drops dramatically.



The study found that in the 6 months after the bag ban came into effect in California, in 86% of transactions, customers brought their own bag and didn't purchase a paper or reusable bag. As a result, there was an 85% reduction in the number of plastic bags and a 61% reduction in the number of paper bags provided to customers.

Pie chart showing bag use at checkout from survey results 6 months after Senate Bill 270 (Solid Waste: single-use carryout bags) came into effect:



The Australian Capital Territory (“ACT”) has adopted the “Plastic Shopping Bags Ban Act 2010” which came into effect in 2011.

The ACT’s plastic bag ban was reviewed in 2014, including through community surveys.

The 2014 survey found that –

- 90% of people surveyed reported taking their own shopping bags more frequently as a result of the bag ban;
- more than 70% of people surveyed did not want the ban overturned.

Following the Commonwealth Parliamentary Association workshop in Malta, I realised that most of the small states in the Caribbean region and Seychelles have also introduced a plastic bag ban recently.

Best practice around the World covers what type of plastic bag to ban and which bags are exempt: every country has adopted different specifications.

We can lead the way in our region.

I had just been elected and joined the Environment, Housing and Infrastructure Scrutiny Panel when the review for [Reducing use of plastic in Jersey](#) (S.R.5/2019) was released on 8th March 2019.

The review concentrates on all single-use plastics, including shopping bags, food packaging, bottles, straws, containers, cups and cutlery. We have had several conversations about recycling and, as I mentioned earlier with plastic bags, recycling is not an answer.

“Recommendation 9: The Panel recommends that the Minister for the Environment and the Minister for Infrastructure work in collaboration to produce a clear, joined up strategy on single-use plastics by Q3 2019.”

I understand that we have a Climate Emergency and Sustainable Transport policy which was adopted later in 2019 and they took priority.

Even though the target is to develop a Waste Management Strategy and a Strategy on single-use plastics by the end of 2020, this proposition asks for the States Members to demonstrate their commitment to the environment. Legislation can be brought forward at the same time as the Waste Management strategy is released. I believe if this proposition is adopted in June 2020, a ban on plastic bags could take effect from mid to late 2021, subject to legislative drafting. Importantly, and as experience from the U.S. has shown, a ban on certain plastic bags must come alongside a charge for other types of disposable bag to ensure significant behaviour change.

This proposition doesn't mean that only certain plastic bags can be banned in Jersey. If Growth, Housing and Environment (“GHE”) identify other types of plastic to be included in the same draft legislation, I am sure that we as an Assembly will welcome it.

In Recommendation 12 of the Environment, Housing and Infrastructure Scrutiny Panel review (S.R.5/2019): “The Panel recommends that following the introduction of any new policy initiatives, whether levies, bans, or other, that sufficient monitoring practices are put in place from the outset to enable their impact to be measured appropriately.”

There are different ways to introduce this type of law, and I am inviting the Council of Ministers to consult with businesses and adopt best practice from around the world, identifying which will be suitable for Jersey.

Financial and manpower implications

The direct financial implications of this proposition relate to research and consultation drafting, which can be absorbed from departmental budgets, as a waste management strategy is under development in 2020.

The education and engagement programme that is planned to be delivered to retailers and customers, through raising public awareness, will take time and resource to develop, as will the drafting of legislation.

Single use bag ban:
Technical Information to support
the development of Proposition
 Developed with the Recycling Manager, GHE



1.0 Overview

This report aims to provide technical details to Proposition.

2.0 Proposition rationale and aims

The aims of the Proposition are to reduce waste and increase reuse by focusing on single use bags.

A pragmatic approach has been taken to proposing the scope of the ban so that it is achievable both in terms of implementation and positive behaviour change.

This allows for further expansion in the future.

The Proposition compliments the internationally recognised Waste Hierarchy by supporting the management of waste upwards through Reduce > Reuse > Recycle > Recovery solutions:

Reduce	The aim of the Proposition is to reduce the use of single use bags and reduce the waste they become
Reuse	The Proposition encourages reuse through the repeated use of ‘bags for life’ and alternatives
Recycle	The Proposition includes a specification for plastic carrier bags (‘bags for life’) to be recyclable and a requirement for retailers to recycle them. Single use very lightweight plastic carrier bags (‘barrier bags’ i.e. for perishable foods) must meet a specification that allows them to be home composted
Recovery	With recycling mechanisms part of the Proposition, less bags will be processed as waste for energy recovery

The specification and mechanisms referred to above are explained in the sections below.

Research has been taken from a number of sources and a key finding is that a best practice strategy to reduce the use of avoidable single use plastic bags would cover each stage of the plastic bag lifecycle from production to disposal. Not all of the steps of the life cycle take place in Jersey, but the recommendations included do address each stage of the life cycle as follows:

Production	<p>Jersey does not produce plastic bags and so a ban on production is not appropriate.</p> <p>Jersey retailers procure plastic bags for local use and so a ban on lightweight plastic bags will remove these items from Jersey’s supply chain and setting a restriction on what carrier bags can be used will define the permitted procurement.</p>
Introduction into domestic market	<p>Defining what carrier bags can be provided by retailers will determine what carrier bags customers receive.</p>
Use	<p>The provided specification of plastic carrier bags ensures they are suitable for reuse, the charge for permitted plastic carrier bags will influence usage patterns and ongoing education and engagement tools will reinforce and encourage positive behaviour.</p>
Post-consumer use	<p>All retailers will be required to have a process in place so customers can return plastic carrier bags and these will be sent on for recycling. Bags not received for recycling will be disposed of as general waste and processed for local energy recovery.</p> <p>The specification of very lightweight plastic carrier bags allows them to be home composted and provides an opportunity for future off island composting to be considered in the long term.</p>

3.0 Definitions

It is recommended that we follow the definitions set out by the United Nations Environment Programme in 2018 and Directive (EU) 2015/720.

The table below provides an overview of the items included in the proposed ban and those that are excluded.

Banned bags		
		
<p>Lightweight plastic carrier bags – designed for single use</p>		<p>Paper bags used as a plastic carrier bag & lightweight plastic carrier bag substitute - impractical for reuse (50gsm and above)</p>
Allowed bags		
		
<p>'Bag for life' reusable plastic carrier bags (recyclable) (50 microns and above)</p>	<p>Very lightweight plastic carrier bags known as a 'barrier bag' to contain & protect perishables (home compostable) (15 microns or less)</p>	<p>Integral product packaging (sealed prior to sale)</p>

 <p>Paper 'counter bags' (thin paper, less than 50gsm)</p>	 <p>Gift bags</p>	 <p>Bin liners, dog poo bags and nappy sacks</p>
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3.1 Included in the ban

Bag type	Definition
<p>Lightweight plastic carrier bags</p>	<p>Plastic bags, with or without a handle, made of plastic, with a wall thickness below 50 microns and above 15 microns which are supplied to consumers at the point of sale of goods or products. This includes the majority of plastic bags used but excludes bags for life.</p>
<p>Paper bags It is important that single use paper bags that are alternatives to plastic carrier bags and lightweight plastic carrier bags are included as they are a) single use and do not support the behaviour shift intended by the Proposition and b) they could be used as an alternative to plastic bags which would undermine the aim of the Proposition.</p>	<p>Paper bags, with or without a handle, made to a measure of 50gsm and above which are provided to consumers at the point of purchase of sale of goods or products as an alternative to a plastic carrier bag or a lightweight plastic carrier bag.</p>

3.2 Excluded from the ban (with specification requirements)

Bag type	Definition
A ‘bag for life’. These bags would fall under the ‘Plastic Carrier Bag’ definition.	Carrier bags, with or without handle, are made of plastic, which are supplied to consumers at the point of sale of goods or products. All bags must have a minimum thickness of 50 microns. Must be made from a plastic that can be recycled.
Bin-liners, nappy bags, and 'dog poo' bags	This means the use of purchased dog poo, nappy bags and bin liners can continue but they cannot be used for another purpose, such as a shopping bag. If they were used for another purpose, they would not be exempt from the ban.
Very lightweight plastic carrier bags	Plastic bags, with or without a handle, made of plastic, with a wall thickness below 15 microns which are required as primary packaging for fresh, perishable and loose foodstuffs - prevents food wastage and pharmaceutical products. All bags must be OK compost HOME certified or equivalent 
“Counter” paper bags	Paper bags which are less than 50gsm
Gift bags	To be sold as currently

To set any local ban in a global context, below is an extract from a UN study of plastic bag legislation (2018). It lists countries that specify a thickness threshold in their plastic bag legislation. This shows that the use of microns to define plastic bags either as banned or permitted is a common practice.

Table 2: Countries with Thickness Thresholds for Plastic Bags

15 microne	20-25 microne	30 microne	35-40 microne	50 microne	60 microne	100 microne & above
Uzbekistan	Bangladesh	Albania	Tunisia (10m)	France	Cameroon	Eritrea (100m)
Republic of Moldova*	Botswana	Cambodia	Vanuatu (35m)	India	Yemen	Jordan (200m)
	China	Ethiopia		Italy	Malawi	Saudi Arabia (250m)
*1 exempted from ban	Mongolia	Mozambique		Madagascar		
	South Africa	Nepal		Pakistan		
	Sri Lanka (20m)	Senegal		Romania		
		Uganda		Morocco		
		Zimbabwe		Poland		
		Vietnam		UK		
		United Republic of Tanzania		Andorra		
				Portugal		
				Cyprus		

As marked above, the 50-micron threshold has been adopted by Jersey’s neighbours in France and the UK.

For detailed information please see Appendix 1

3.3 Retailers

The Proposition will require a change in retailer working practices as a result of the ban.

The intention of the Proposition is to impact the use of all plastic bags in Jersey and not just the supermarkets and large retailers.

The Australian Government specified the following in their public engagement programme:

‘The ban applies to all retailers - defined as any person who sells goods in trade or commerce. This includes supermarkets, department stores, convenience stores, pharmacies, fast food outlets, markets, mine catering companies, charity shops and many other businesses’.

It is proposed that the Proposition refers to ‘all retailers’ and that this is defined as ‘any person who sells goods in trade or commerce’ unless a suitable local definition is already established in legislation.

4.0 Retailer and supply chain requirements

Implementation of the ban will require some changes, which are outlined below.

4.1 Retailers

The responsibility for retailers can be summarised as:

- Ensure only permitted bags are used
- If plastic bags are used, ensure they meet the required specification
- If plastic carrier bags are provided, ensure they are sold at the specified minimum price
- If plastic carrier bags are provided, ensure a process is in place so plastic carrier bags can be returned by customers and transferred for recycling

More detail explaining the changes required is provided below:

Item reference	Current practice	New practice
A	Retailer provides lightweight plastic carrier bags	<p>Lightweight plastic carrier bags are banned.</p> <p>If the retailer wishes to still provide bags, they will need to sell customers a plastic carrier bag that meets the required specification and have a process in place to accept old/broken/unwanted bags back from customers and send them on for recycling.</p> <p>The price of a plastic carrier bag charged to a customer must meet the specified minimum price.</p> <p>It is envisaged that larger retailers will have established processes in place to send bags up their supply chain for recycling and instead of smaller retailers putting their own systems in place, the local suppliers of plastic carrier bags will implement a 'take back' scheme and send the bags for recycling.</p>
	Retailer provides paper bags as an alternative to	Paper bags provided for this purpose are banned.

Item reference	Current practice	New practice
	plastic carrier bags and/or lightweight plastic carrier bags	Instructions to the retailer are the same as Item Reference A.
C	Retailer provides plastic carrier bags	<p>Retailers should check and ensure the bag specification meets the requirements (50 microns minimum and recyclable).</p> <p>Retailers must charge customers for each bag and the price must meet the specified minimum price.</p> <p>Retailers must have a process in place so they can receive old/broken/unwanted bags back from customers and send them on for recycling.</p> <p>It is envisaged that larger retailers will have established processes in place to send bags up their supply chain for recycling and instead of smaller retailers putting their own systems in place, the local suppliers of plastic carrier bags will implement a 'take back' scheme and send the bags for recycling.</p>
D	Retailer provides very lightweight plastic carrier bags	<p>Retailer should check and ensure they only use very lightweight plastic carrier bags for the specified purposes.</p> <p>Retailers must ensure the bag specification meets the requirements (below 15 microns and OK compost HOME certified or equivalent).</p>
E	Retailers sell plastic bin-liners, nappy bags, and 'dog poo' bags	No change. These items are exempt if they are used for their intended purpose.
F	Retailers use paper 'counter' bags	No change but the bags must be less than 50gsm

4.2 Local bag suppliers

The responsibility for bag suppliers can be summarised as:

- Ensure only the permitted bags are sold to local retailers
- Ensure plastic bags meet the required specification
- Establish a ‘take back’ scheme to collect old/broken/unwanted bags from customers and send them for onward recycling

5.0 Required mechanisms

In addition to the ban itself, a number of supporting mechanisms are also required:

5.1 Minimum price for plastic carrier bags

The Proposition includes that a minimum price is set for plastic carrier bags.

It is essential that these bags become charged for items, as is already commonplace in supermarkets. This is to ensure that a ‘user pays’ approach is adopted to discourage purchase and encourage consumers to reuse bags already in their ownership.

Not setting a minimum level risks ‘plastic bag wars’ with some retailers charging a nominal amount i.e. 1p which will not impact behaviour change and would undermine any legislation that is put in place.

In the UK, a minimum 5p charge has been set for single use plastic bags (with exemptions) and this has been credited with an 83% reduction in single use bags by the largest retailers but a EIA/Greenpeace Report found that this was accompanied by a huge rise in bags for life ‘demonstrating the inadequacy of the current policy which is clearly not providing a strong enough incentive for people to stop using ‘bags for life’ as a single-use option.’

This study estimated each household to have approximately 54 bags for life and that ‘many people are simply swapping ‘single-use’ plastic bags for these plastic bags for ‘life’.’

The study documented how larger supermarkets were taking steps to address this with examples of Lidl charging 38p for a 'heavy duty bag' and Morrison's increasing their bag for life charge to 30p.

A Business Waste Survey (2017) included the finding that '58% of customers were willing to pay at least 20p for a supermarket carrier bag, 14% would pay as much as 50p and 6% as much as £1.' This market research has not been carried out locally and so there is an opportunity to carry out some consultation to understand what the best option for Jersey is.

The recommendation from the EIA/Greenpeace report was 'EIA and Greenpeace recommend a price increase to at least 70p – or ideally to remove them altogether, enforced by a Government ban.'

A minimum price is not specified here, rather it is recommended that consultation is carried out to better understand what this should be, taking into account numerous factors including the cost of recycling bags at the end of their useful life and the opportunity to support the Climate Emergency Fund.

It is also recommended that in order to reduce the use of bags for life over time and so encourage consumers to find alternative, longer life means of carrying goods, that a 5 year plan is established with the minimum price increasing each year and the annual prices are set following consultation.

At present, as per Ministerial Decision MD-PE-2008-0055, the two major supermarket operators must charge a minimum of 5p for disposable plastic bags and that money raised through sales of disposable plastic carrier bags shall be gifted by each operator to charities (preferably, local environmental charities) of each operator's choice.

As it is proposed that disposable plastic bags (lightweight plastic carrier bags) are banned, it is essential that this funding stream for local charities which has become significant is not lost.

It is therefore proposed that this Proposition replaces the MD so that all money raised through the sales of plastic carrier bags (bags for life) is gifted to charities (preferably, local environmental charities).

As the sales of these items reduce, it is recommended that the cost to the consumer will increase and so this will protect against a loss of income.

It is also proposed that this Proposition widens the scope from 2 major supermarket operators to all retailers. Ideally all retailers who provide plastic carrier bags should be included but this may be impractical to monitor. Instead all retailers who provide plastic carrier bags should be encouraged to donate money raised and those of a defined size should be required.

In the UK, large retailers defined as 250 employees or more are required to report on the proceeds from the single use plastic bag charge. Small and medium businesses are provided with an opportunity to voluntarily submit records.

It is recommended that as a first step the Proposition replaces the MD so that all supermarket operators (Waitrose, Co-op, Iceland, Tesco Alliance, Morrison's Daily, M&S and any not listed) are included.

A time frame will be specified for this so that practices can be updated, for example a 6-month lead time was provided to retailers in advance of their ban coming into force.

It is also recommended that a consultation exercise runs in parallel to define the broader scope and definition of retailers that should gift proceeds of plastic carrier bags to charities. The aim of this exercise is to expand the source of charity funding from the supermarket retailers to all retailers that supply plastic carrier bags. This would be delivered through a range of mandatory and voluntary mechanisms.

5.2 Recycling plastic carrier bags

The Proposition takes into account how bags can be managed at the end of their useful life.

This requires all retailers that sell plastic carrier bags to have a process in place to ensure returned plastic carrier bags are recycled.

Initial desktop research suggests that larger retailers have established processes in place to receive and export plastic bags back up their supply chain for recycling and so this would continue.

Smaller retailers would not be expected to export bags for recycling independently, but rather have access to a take back service provided by their local bag supplier.

This means that bag wholesalers (approximately 3 local providers) that provide bags to the retailers would need to establish a system, either independently or collectively, to receive bags back from their customers and export them for recycling. Support in terms of advice can be provided directly to this small number of service providers to ensure recycling processes follow best practice.

The Government of Jersey does not currently receive plastic bags for recycling and so there is no existing central recycling scheme that retailers could utilise. This proposal invites the supply chain to become involved in managing the plastic carrier bags they put into the local marketplace when they reach the end of their useful life.

6.0 Supporting tools

To ensure the ban achieves its aim, the following will be required:

6.1 Monitoring and enforcement

New legislation will be required to enforce the plastic bag ban and exemptions

Items that will require development are:

- Type and level of penalties for non-compliance
- Reporting mechanisms, for example is it possible to record the number of plastic carrier bags sold and the number returned for recycling?
- Other – to be identified during policy development

Ministerial Decision MD-PE-2008-0055 requested that the supermarket operators ‘provide the Minister with an annual report that specifies: (1) the total amount (denominated in £) of disposable plastic carrier bag sales for the previous year; (2) the charity or charities that received donation(s) from the operator from the money collected from the sale of disposable plastic carrier bags; (3) the date(s) of any such donation(s); and (4) the amount(s), denominated in £, of such donations.’

This reporting mechanism should be extended to include the number of plastic carrier bags sold so that the annual total can be monitored and analysed by retailer and by industry sector. Following the consultation outlined in section 5.1, this reporting mechanism can be made available to the wider retail sector.

Larger retailers and bag suppliers will receive bags back from customers for recycling. This should be encouraged and data regarding the weight of bags returned for recycling should be included in the annual reporting.

The data collected can then be reported annually and help to influence ongoing action plans.

6.2 Education and engagement

Supporting tools will be required to engage all stakeholders, notably retailers and consumers.

A resources pack would be developed for retailers so that they understand the ban, the changes they need to make and how they can communicate the changes to customers. Examples of tools are signage, fact sheets, a short information video and drop in sessions but these would be developed after discussion with the retail sector.

In addition to the initial support required, the engagement should encourage retailers to become 'plastic bag free' which means that they do not provide any type of plastic bag, including those exempt from the ban. The programme should encourage this in some way and celebrate achievements through shop signage and online promotion.

Communications with consumers would include the use of graphics and video to clearly explain the changes and aims, a roadshow of community engagement events, static displays in shops and engagement with the local media.

Examples please see at Appendix 2

7. Timescale

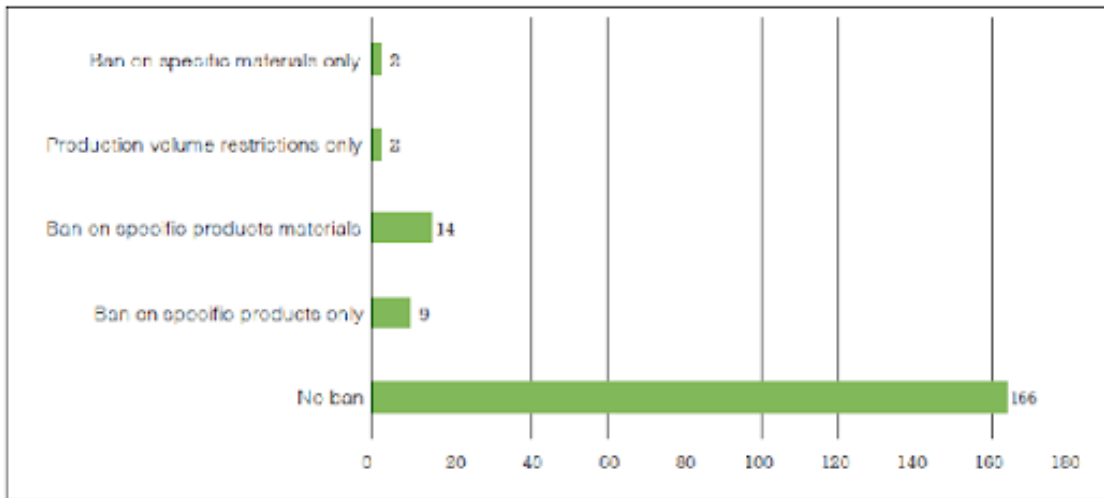
Once the legislation is passed, it seems common practice for a lead time of 6 months to be given before the ban is implemented. This gives time for an education and engagement programme to be rolled out with retailers and consumers. Resources would be required from the date the Law is passed so that stakeholders have a maximum lead in time.

8. The Future

France banned plastic bags in July 2016 and earlier this year disposable plastic plates, cups, cutlery, drinking straws and cotton buds used for cleaning and hygiene were also banned.

The UN report looked at 127 countries and found as of July 2018, twenty-seven countries had enacted legislation banning either specific products (e.g. plates, cups, straws, packaging), materials (e.g. Polystyrene) or production levels as shown below:

Figure 8 | Number of bans by type



This indicates that a local ban of plastic bags may be followed by a call to ban other single use plastic products.

This proposition doesn't include other single use plastics at this time as by implementing a focused ban on single use plastic bags, much will be learnt through stakeholder engagement and the implementation process and this can be applied to improve future activity.

A specification that all very lightweight plastic carrier bags must be OK compost HOME certified or equivalent is included to encourage home composting as a way of recycling and reducing waste and it also prepares the way for future product bans as this specification could be extended to other plastic packaging, for example single use plastic cups may be banned but those meeting the OK compost HOME certification could be exempt.

This specification makes clear the intention to minimise the risk posed by these items entering the environment as litter.

Despite a compostable standard being recommended, this material cannot be composted in Jersey and there are no plans to be able to process this material on island. Exporting this material for off island processing could be explored in the future if this waste stream was prioritised and given the required resources.

References

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- Phillips, J (2019) quoted in <https://news.sky.com/story/supermarket-plastic-use-rises-above-900-000-tonnes-despite-pledges-11872128>
- United Nations Environment Programme (2018) *Legal Limits on Single-Use Plastics and Microplastics: A Global review of National Laws and Regulation*

Appendix 1

1. Bag for life - Plastic carrier bag (50 microns plus)

The recommendation is to not include this type of bag in the ban as this type of plastic carrier bag is designed to be reused multiple times.

Reducing waste and increasing reuse is at the heart of the Proposition and so the use of reusable bags is to be encouraged but this does need to be managed so that behaviour doesn't simply switch from lightweight plastic carrier bags to thicker bags.

Tools:

- **Develop a technical specification**

A technical definition should be included in any legislation to ensure that these bags are of the type intended, i.e. suitable for multiple reuse.

From the UN definitions, this type of bag is a minimum of 50 microns.

The UN definition of reusable packaging is:

Reusable packaging – packaging, including plastic bags, that are conceived and designed to accomplish within its life cycle a minimum number of uses for the same purpose for which it was conceived

An Environment Agency report found that 'a Low-density polyethylene (LDPE) bag commonly known as a bag for life should be reused at least 4 times to ensure that they have lower global warming potential than conventional HDPE* carrier bags that are not reused' (*High-density polyethylene (HDPE) refers to single use plastic bag.)

Combining these definitions would result in the following overall definition: A carrier bag, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods or products. The bag must have a minimum thickness of 50 microns and be conceived and designed to accomplish within its life cycle a minimum number of 4 uses for the same purpose for which it was conceived. Must be made from a plastic that can be recycled.

This definition should provide a technical specification to support retailers with their procurement.

2. Lightweight plastic carrier bags (15-49 microns)

- **Develop a technical specification**

A technical definition should be included in any legislation so that all stakeholders are clear on what is prohibited.

The recommended definition is as follows:

‘Plastic bags, with or without a handle, with a wall thickness below 50 microns and above 15 microns.’

Some product packaging will fall into this category i.e. bread bags and so it is recommended that an exemption is included. Australia has adopted this approach and uses the following wording: ‘a bag that is an integral part of the packaging in which goods are sealed prior to sale’.

This exemption is open to some abuse, for example bags that cover dry cleaning could be deemed integral as the plastic protects the clean clothes during transport and so the emphasis on businesses becoming ‘plastic bag free’ (see Appendix 2) in the accompanying education and engagement programme will have an important role to play.

3. Very lightweight plastic carrier bags (below 15 microns)

- **Develop a technical specification**

Plastic bags, with or without a handle, made of plastic, with a wall thickness below 15 microns which are required as primary packaging for fresh, perishable foodstuffs and pharmaceutical products. All bags must be OK compost HOME certified or equivalent.

A technical definition should be included in any legislation to ensure that these bags are of the type intended, i.e. required for hygiene purposes and to

minimise the risk of these bags if they are released into the environment as litter.

Australia has adopted this approach and refers to these bags as ‘barrier bags for perishable unpackaged foodstuffs (typically used for meat and vegetables)’. France also excluded these bags from the initial ban put in place on 1 July 2016 but banned the use from 1 January 2017.

The UN report cited the following exemption as the most commonly used in plastic bag ban legislation: ‘Primary packaging for fresh, perishable or other loose food and pharmaceutical products.’

Excluding this type of bag from the ban is sensible when considering their use for protecting perishable foods such as meat and fish but is open to abuse and unnecessary use, for example the use in holding fruit and vegetables may be considered unnecessary and wasteful.

To reduce the potential environmental risk of these bags if they become litter and to support islanders recycle and reduce their waste, the OK compost HOME certification or equivalent has been included in the exemption specification.

The OK compost HOME certification is well known in the UK and Europe and approval by TÜV AUSTRIA (certification body) means that the packaging is suitable for home composting. Home composting is very different to industrial composting which operates at much higher temperatures to provide a faster composting process under more controlled conditions. It is essential that the OK compost HOME certification be specifically included in the definition. A number of country specific standards have been introduced based on the OK compost HOME certification and so the definition has allowed for bags that meet ‘equivalent’ certifications. The OK compost HOME certification label is as follows:



It is important to note that OK compost HOME accredited packaging cannot be received for industrial composting at the Government of Jersey’s green waste composting facility. The Department for Growth, Housing and Environment provides subsidised home composting kits for sale through local garden centres but it is acknowledged that this waste management tool is not used by the majority of householders. Despite this, the OK compost HOME certification will help to reduce the environmental risk posed by the bags if they are

released into the environment as litter, as all compostable plastics are also biodegradable.

It is also recommended that steps are taken to reduce the use of these single use bags over time. This may be consultation to understand where and why these bags are used and how this usage could reduce so future targets can be developed.

This should also be incorporated into the supporting engagement programme with an incentive for business to become 'plastic bag free' which means that the retailer does not use any form of plastic bag, even those excluded from the ban.

3. Bin-liners, nappy bags, and 'dog poo' bags

The recommendations follow the practice of the Australian Government which is:

'Bin-liners, nappy bags, and 'dog poo' bags are not included in the ban when used for their intended purpose but cannot be used as a substitute for a shopping bag.'

4. Paper bags acting as alternatives to a plastic carrier bag or a lightweight plastic carrier bag

By banning plastic bags, there is a risk that behaviour simply shifts to another form of disposable bag such as paper.

Research by the UK Environment Agency found that paper bag production requires more raw materials and energy, and produces more waste than plastic bag production. The study also found that a paper bag has to be used at least three times to decrease its impact on the environment to match that of a plastic bag used just once. Reuse of a paper bag is less common than reuse of a single use plastic bag as it is unsuitable for containing wet material such as household waste containing food waste and can be more easily damaged due to moisture and ripping.

It is therefore recommended that the Proposition also bans the use of paper bags which are of a design to replace a plastic carrier bag or a lightweight plastic carrier bag. Their use as an alternative to a very lightweight plastic bag i.e. in a bakery to contain a fresh loaf of bread and in a pharmacy would not be targeted.

Desktop research shows that a ‘counter bag’ i.e. in use in a bakery and chemist is typically made of 37gsm (grams per square meter) paper whereas paper ‘carrier bags’ (including small sandwich bags) are typically 70gsm.

As the threshold for acceptable plastic bags is 50 microns, the same numeric value could be applied to paper bags so that the use and supply of any paper bags of 50 gsm and above is not permitted. By setting the threshold lower than 70gsm, this would prevent retailers from finding thinner paper bags to use as permitted alternatives, for example a bag of 60gsm may still be functional but a bag of 49gsm would not.

This is a bold step as research has not identified any other country that has yet banned the use of paper carrier bags, although this is included in work being undertaken by the Welsh Government which regards paper bags as single use and a waste of resource.

This step is recommended for the environmental reasons outlined above and to ensure this Proposition aligns retailer and consumer behaviour with a shift away from single use as per the following quote: "We need to address our throwaway culture at root through systems change, not materials change - substituting one single-use material for another is not the solution." (Juliet Phillips (EIA spokesperson), 2019).

Appendix 2 Examples for education and engagement

An example of one of the posters provided to retailers in Western Australia is shown below:



In addition to the initial support required, the engagement should encourage retailers to become ‘plastic bag free’ which means that they do not provide any type of plastic bag, including those exempt from the ban. The programme should encourage this in some way and celebrate achievements through shop signage and online promotion. An example of a posters provided to plastic bag free retailers in Western Australia is shown below:

