

STATES OF JERSEY



BAN ON THE SALE OF PLASTIC BAGS

Lodged au Greffe on 12th February 2020
by Deputy I. Gardiner of St. Helier

STATES GREFFE

PROPOSITION

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

to agree –

- (a) that the sale and distribution of plastic bags in Jersey should be prohibited;
- (b) that a minimum price should be set for the sale of other forms of disposable bag; and
- (c) to request the Council of Ministers to bring forward draft legislation by November 2020 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

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 light-weight 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](#)

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

Recycling 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. I couldn't find figures for the results of the introduction of the charge for plastic bags in Jersey, but I assume, that it was successful as in the UK –

- Drop in plastic bags littering British seas linked to introduction of 5p charge: Scientists have found an estimated 30% drop in plastic bags on the seabed in the same timeframe as charges were introduced in European countries.
- A UK levy of 5p per bag introduced in 2015, has already reduced single-use plastic bags given out by major retailers by 85% – 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.

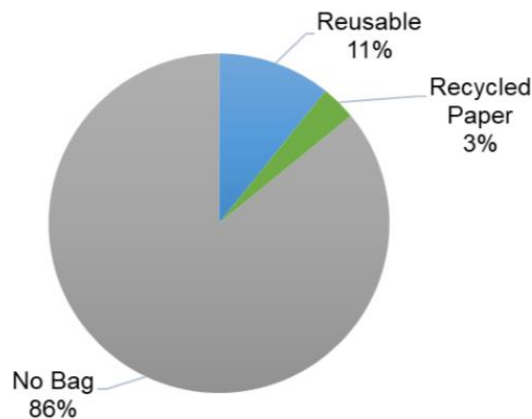
The new Ban/Fee Hybrid ordinances that replaced the straight bans, kept the ban on thin plastic in place and added a 10-cent charge to all other carryout bags including paper and reusable bags of any kind.

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 went into effect in California, in 86 percent of transactions, customers brought their own bag and didn't purchase a paper or reusable bag. As a result, there was an 85 percent reduction in the number of plastic bags and a 61 percent reduction in the number of paper bags provided to customers.

Bag use at checkout from survey results 6 months after SB 270 went 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 of 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. If this proposition is adopted in March 2020, a ban on plastic bags could take effect from mid-2021. 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 to 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 and the drafting of legislation. No extra funds are required.

For the public who already take their own bags, this will not make any difference.

Re-issue Note

This Projet is re-issued because the financial and manpower implications statement was inadvertently omitted when it was originally published.