

# Consultation on proposals to ban commonly littered single-use plastic items in England

## NOVEMBER 2021 – AVA Response

**Would you like your response to be confidential?**

- Yes
- *No*

If you answered yes to this question, please give your reason.

What is your name?

*David Llewellyn*

**What is your email address?**

*David.Llewellyn@the-ava.com*

**It would be helpful for our analysis if you could indicate which of these sectors you most align yourself/your organisation with for the purpose of this consultation (please click the one which is most applicable to you):**

- public body
- non-governmental organisation
- retail industry
- manufacturing industry
- member of the general public
- other (please state): *Trade Association*

**If you are responding on behalf of an organisation, what is its name?**

*AVA: The Vending & Automated Retail Association*

**6. Do you agree or disagree with the proposed definition of plastic?**

- Agree
- Disagree**
- Don't Know

Please give reasons and any supporting evidence (optional).

*The definition of plastic should not include the term “which can function as a main structural component of final products”. Paint is a plastic. At present, paper cups with a layer of acrylic polymer to act as the waterproofing layer are being claimed to be plastic free and recyclable through normal paper recycling. The cups are only plastic free if the definition in article 3 of Directive 2019/904 is used. In any other circumstance acrylic polymers would otherwise be considered to be plastic.*

*We wish to clarify the definition of extruded and expanded polystyrene. Vending uses rigid polystyrene, the definition of which is “extruded polystyrene which has undergone no further processing”. This is compatible with the definition elaborated in a meeting of the EU single use plastics directive waste technical adaptation committee of June 2, 2021. The forms of polystyrene which this consultation proposes to ban are both foamed, giving rise to increased fragility and a greater likelihood of breaking into nanoparticles. The rigid polystyrene used in vending has not undergone a subsequent foaming process and the only processing after extrusion is shaping. Both cups and food trays can be made from rigid polystyrene.*

**7. Do you agree or disagree with the proposal to introduce a ban on the supply of the following single-use items in England?**

	Agree	Disagree	Don't Know
Plastic plates only		X	
Plastic plates, including plastic bowls		X	
Plastic plates, including plastic trays	X		
Plastic plates, including plastic bowls and plastic trays	X		
Plastic Cutlery	X		
Plastic Balloon Sticks			X
EPS Food Containers		X	
EPS Beverage Containers		X	

Please give reasons and any supporting evidence (optional).

*THE AVA Disagrees on a blanket ban on all plastic plates where vending provision is concerned i.e. where it is used a packaging to deliver a ready meal for immediate consumption or for heating. There are no suitable alternatives either single-use or re-usable.*

**EPS Beverage containers:** *The AVA currently disagrees on the basis of the current definition of EPS. Food containers can be made from expanded polystyrene, extruded foamed polystyrene or rigid polystyrene. Very few foamed polystyrene cups or containers are used in vending. Banning articles made from expanded or foamed polystyrene will have little impact on the vending industry. However, if the intention is to ban all polystyrene items then it will ban about half the cups currently used in the industry and will cause problems where meals are provided through vending machines.*

*The AVA shares Defra’s ambition to increase recycling rates and tackle litter through a comprehensive and coherent policy framework that builds collection (on the go and kerbside collection) and recycling infrastructure for all materials, including SUP items. However, the proposed measures in England appear to be unnecessary at this stage as legislative change is already coming. All the proposed items in scope could fall under the plastics packaging tax and EPR reform, and so banning/restricting these items could limit the use of recycled content and ultimately the circularity of packaging within England.*

The takeaway food service sector operates on impulse purchases so it is difficult to see how it could continue if all single use food containers were banned. A ban on foamed polystyrene would remove one material which being low density gets blown around and is inefficient to recycle. However, in general switching from one material to another would not reduce littering or improve recycling, especially as the alternatives may be more difficult to recycle.

We would urge Defra to continue to develop and fully implement the packaging Extended Producer Responsibility (EPR) proposals that are being developed across the UK, rather than targeting specific types of food and drink packaging. We believe that a holistic and comprehensive policy approach is required for the management of packaging waste across the industry and across the UK.

The reduction of all single use items could be effectively met through an efficient packaging EPR system, as this would disincentivise the industry (by means of modulated fees) from putting difficult to recycle/non-recyclable packaging on the market. The impacts of modulation are anticipated to affect the amount of packaging placed on the market and subsequently its consumption by consumers, ultimately driving industry and consumers towards more sustainable (reusable and refillable) and recyclable options and delivering a reduction in SUP products.

AVA would urge Defra to implement EPR UK wide and to apportion part of the revenue to on-the-go material segregation and on the go recycling bins to tackle littering, as well as to improving the enforcement of anti-littering measures.

Polystyrene is technically highly recyclable and local authorities should be encouraged to collect and separate it at HWRCs. Once compacted, its value is one of the highest of all plastics with a market demand already in place. A RECOUP project conducted in Wales (2018), demonstrated the sustainable recyclability of EPS within the devolved nation. The project was conducted at the Welsh Airshow in Swansea and showed that polystyrene cups and trays, and drinks bottles could be separated and recycled.

During the COVID-19 pandemic, under an NHS contract, EPS has been used in larger than normal quantities to support the needs of patients & NHS staff when the avoidance of the spread of the COVID-19 infection has been of paramount importance.

There is now evidence that working from home and traveling less has helped capture more material for recycling at kerbside. This is evident in the increase in the recycling rate for packaging. However, this trend might be reversed once people start to travel more and commute to work again. This shows the need for an on-the-go recycling infrastructure and also the need for better waste management infrastructure in public places in order to capture as much as possible of the material for recycling while also providing adequate waste infrastructure in public places, beaches and natural sites.

The cost to industry, especially the hospitality industry, of different regulations coming in at once is significant, in addition to the already existing pressures caused by the pandemic, Brexit and wider taxation and energy price rises.

**8. We propose that the ban should cover all bio-based, compostable, and biodegradable plastic (such as PLA). Please tick in the table those plastics you support the ban including.**

	Bio-Based	Compostable	Biodegradable	All	None
Plastic plates					X
Plastic Cutlery				X	
Plastic Balloon Sticks				X	
EPS Food Containers				X	
EPS Beverage Containers				X	

Please give reasons and any supporting evidence (optional).

Many of the plastics defined as compostable are not compostable in normal household compost bins. The current citizen science study by University College London shows that these materials breakdown very slowly in such systems. The standard method for testing domestic compostability does not reflect the reality.

We would agree with the proposed ban on foamed polystyrene articles but not with a ban on articles made from sheet rigid polystyrene, which make up the majority of those used in vending.

As vending machines are generally sited in building and products are consumed within the building, they do not contribute to street litter.

**9. Do you agree or disagree with the proposal to exclude from the ban a) plates used as packaging or b) plates used as packaging except those used in eat-in settings?**

	Agree	Disagree	Don't Know
Exclude plates used as packaging	X		
Exclude plates used as packaging, with the exception of those used in 'eat-in' settings.		X	

Plates – The AVA agree - **only** if this includes prepared meals for Foodservice/Vending machine delivery to the consumer.

There needs to be clarity over what is meant by “eat-in” settings. Meals sold through vending machines and micromarkets must be in a plastic container if they are to be reheated. This is a different from the situation in a quick service restaurant where meal could be provided on a reusable plate if it were to be eaten on the premises.

**10. Do you currently supply customers with any of the items we are proposing to ban?**

- Yes
- No

(Required)

*Not directly but through AVA members*

**11. In the event of a ban on the proposed items, which product(s) would you provide to customers as an alternative? Please tick all that apply.**

	Paper/card (single-use)	Wood (single-use)	Reusable alternative	Other alternative	Will not supply any alternative
Plastic plates					X
Plastic Cutlery		X			
Plastic Balloon Sticks					
EPS Food Containers	X			X	
EPS Beverage Containers	X			X	

**12. Are there any risks that alternatives to plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers will themselves have significant environmental impacts?**

	Yes	No	Don't Know
Plastic plates	X		
Plastic Cutlery	X		
Plastic Balloon Sticks			X
EPS Food Containers		X	
EPS Beverage Containers		X	

- If you think an alternative will have a significant environmental impact, please specify the alternative.
- Please provide supporting evidence.
- If so, how could these risks be avoided, minimised, or mitigated? Please supply any evidence to support your answer.

*In the event of a ban on expanded polystyrene the vending industry would continue to supply items made of rigid sheet polystyrene or from polypropylene. Aluminium alternatives obviously should not be used in microwaves and china/crockery is too heavy for current vending solutions.*

*If the bans are restricted to foamed polystyrene and rigid polystyrene is permitted there will be no adverse environmental impact from the ban. However, Defra should be aware of the growing concern about polyfluorinated alkyl substances, one of which is used as a waterproof coating on paper used for plates. Single use plates will need to be coated with something in order to make them waterproof and this may have an undesirable environmental or human health impact.*

*It is important to note that a ban on one material will not necessarily lead to a reduction in litter nor to an increase in the use of reusable containers.*

*Rather than attempt to move forward on a number of legislative proposals we would encourage Defra to make progress with those proposals, EPR and harmonised waste collection, which are already in train but with challenging deadlines*

*The reduction of all single use items could be effectively met through an efficient packaging EPR system, as it will disincentivise the industry (by means of modulated fees) from putting difficult to recycle/non-recyclable packaging on the market. The impacts of the modulation are expected to affect the amount of packaging placed on the market and subsequently its consumption by consumers.*

*We also believe that packaging EPR will be more effective in ensuring that packaging materials are collected for recycling. There needs to be a focus on increasing recycling and ensuring the UK has the infrastructure to handle more of its waste itself.*

**13. Which of the proposed item bans have a negative impact on certain people? If yes, why. Please tick all boxes that apply.**

	Geographical Location	Socioeconomic Status	Type of Job	Protected Characteristics	Other (please specify)	No	Don't Know
Plastic plates							X
Plastic Cutlery							X
Plastic Balloon Sticks							X
EPS Food Containers							X
EPS Beverage Containers							X

Please provide details and any supporting evidence (optional).

*We wish to emphasise that banning foamed polystyrene as defined will have no disadvantages, but any Regulation needs to be clear about the difference between foamed and rigid sheet polystyrene.*

**14. Should there be any exemptions from any ban for the following items e.g., in certain locations or for particular purposes?**

	Yes	No	Don't Know
Plastic plates	X		
Plastic Cutlery			
Plastic Balloon Sticks			
EPS Food Containers		X	
EPS Beverage Containers		X	

Please give reasons and any supporting evidence (optional).

*Products made from rigid sheet polystyrene should be excluded from any ban. Vending takes place in buildings so that vended products do not end up as litter and the closed site nature of vending facilitates recycling.*

*The AVA believes that the policy proposals should not apply in settings such as medical, prisons, aviation and train travel where alternatives might pose a risk or have higher environmental impacts.*

*We would also argue that all single use cups served in closed loop vending locations be excluded since single use cups served in these locations are disposed of at the point of service and can be collected, consolidated and returned for recycling. For example there is sufficient recycling resource within the UK to recycle all the paper single use cups served through vending machines. These single use cups do not contribute to or cause littering issues in the wider environment.*

**15. Our proposed date for the ban on single-use plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers is April 2023. We think this will allow sufficient time for industry to use up existing stock and source alternatives where needed. Do you agree or disagree that this date will give industry sufficient time to prepare for the ban? E.g., sourcing alternative products, using up existing stock.**

	Yes	No	Don't Know
Plastic plates	X		
Plastic Cutlery	X		
Plastic Balloon Sticks			X
EPS Food Containers	X		
EPS Beverage Containers	X		

*The AVA would urge Defra to continue to develop and fully implement the packaging Extended Producer Responsibility (EPR) proposals that are being developed across the UK, rather than targeting specific types of food and drink packaging. We believe that a holistic and comprehensive policy approach is required for the management of packaging waste across the industry and across the UK to a common timetable.*

*The timetable of proposed restrictions is inadequate to provide for the supply of alternative materials at the scale required, and inadequate for individual business and operators to adapt to the changed supply chains.*

## IMPACT ASSESSMENT

This section should be read alongside the accompanying impact assessments.

Please note that this section contains questions that are expected to be of greater interest to businesses involved in the manufacture or provision of single-use plastic plates, cutlery, balloon sticks, and expanded polystyrene food and beverage containers as well as other more specialised questions. Consequently, if you are unsure of the answer to a question, you can click the 'Don't know' box or skip the question.

**16. Do you agree or disagree with our estimations that in 2018, 20 single-use plates, 75 pieces of single-use cutlery, 3 EPS boxes, 8 EPS cups, 6 EPS pots and 3 EPS trays and cones were consumed per person in England?**

	Yes	No	Don't Know
Plastic plates		X	
Plastic Cutlery		X	
Plastic Balloon Sticks			X
EPS Food Containers		X	
EPS Beverage Containers		X	

If possible, please provide reasons and any supporting evidence, including modelling (optional).

*The figures are based on FPA discussions with converters and distributors. Estimate for England:*

- 5 EPS cups / head
- 0.3 EPS boxes per head
- 0.3 EPS pots per head
  - EPS cones per head

*The figures provided in the consultation document give the impression the numbers quoted are used in the open environment. Distributors inform us that well over half of cups for example are used in closed environments such as hospitals, prisons and in factory / warehouse catering.*

*We believe the figures for plates and cutlery are also overstated and with over half are used in closed institutions and environments. This is also supported by the non-appearance of these items in most tables on litter composition i.e. they are not found as much in litter as other items because they are less frequently used in the open environment.*

**17. Under our baseline scenario where there is no ban of single-use plastic plates and cutlery, we have forecast a 10% reduction per annum in the market share of the products to reflect a shift away from single-use plastics. Do you agree or disagree with this assumption?**

- Agree
- Disagree
- *Don't Know*

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**18. Under our baseline scenario where there is no ban of EPS items, we have forecast a 5% reduction per annum in EPS market share to reflect a shift away from single-use plastics. Do you agree or disagree with this assumption?**

- Agree
- Disagree
- *Don't Know*

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**19. Do you agree or disagree with our assumption that in 2018 50% of single-use plates and 90% of single-use cutlery in England were made from plastic?**

	Agree	Disagree	Don't Know
Plates			X
Cutlery			X

If possible, please provide reasons and any supporting evidence, including modelling (optional).

If applicable, please provide evidence on the proportion of single-use plates and cutlery that you sell/use that are made from plastic.

**20. Do you agree or disagree with our assumption that in 2020, 80% of all food and beverage boxes, cups, pots and trays and cones in England were made from EPS?**

	Agree	Disagree	Don't Know
Box			
Cup		X	
Pot			
Tray			
Cone			

If possible, please provide reasons and any supporting evidence, including modelling (optional).

*Within the UK Vending sector 6.5 billion hot drinks are vended each year (AVA 2020 Census). The cups used for these drinks were either paper or rigid extruded polystyrene (see the AVA definition in Question 1), with about 50% paper.*

**21. We have assumed that 10% of single-use plastic plates and cutlery are produced in the UK. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't Know
Plastic Plates			
Plastic Cutlery			

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**22. We have assumed that 95% of EPS food and beverage containers are produced in the UK. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't Know
EPS food containers			
EPS beverage containers		X	

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**23. If applicable, if a ban on single-use plastic plates and cutlery was to be implemented, how would your business respond?**

- Seek to buy single-use plates and cutlery made of alternative material domestically
- Seek to import single-use plates and cutlery made of alternative material
- Don't know
- Stop using single-use plates and cutlery in your business

**24. If you manufacture single-use plates and cutlery domestically, how would you expect a ban on these items to affect your activity?**

- Would likely continue to produce food and beverage containers using alternative materials domestically.
- Would likely switch from manufacturing food and beverage containers to importing these items
- Would likely shift production from food and beverage containers to other types of items
- Would likely cease all activity
- Don't know
- Other (please specify)

**25. If applicable, if a ban on EPS food and beverage containers was to be implemented, how would your business respond?**

- Seek to buy containers made of alternative material domestically
- Seek to import containers made of alternative material
- Don't know
- Stop using containers in your business

**26. If you manufacture EPS food and beverage containers domestically, how would you expect a ban on these items to affect your activity?**

- Would likely continue to produce food and beverage containers using alternative materials domestically
- Would likely switch from manufacturing food and beverage containers to importing these items
- Would likely shift production from food and beverage containers to other types of items
- Would likely cease all activity**
- Don't know
- Other (please specify)

**27. Our estimations of the costs of single-use plastic plates and cutlery compared with alternatives are shown in the below table. Do you agree or disagree with our estimations?**

	Plastic	Alternative
Plate	£0.005	£0.01
Cutlery	£0.0085	£0.017

	Agree	Disagree – Overestimate	Disagree – Underestimate	Don't Know
Plate (plastic)				
Cutlery (plastic)				
Plate (Alternative)				
Cutlery (Alternative)				

If possible, please provide reasons and any supporting evidence, including modelling (optional). We welcome evidence to suggest how the price per unit of items made from alternative materials will change as the scale of production increases.

28. Our estimations of the costs of EPS compared with paper alternatives are shown in the below table.

	EPS	Paper
<b>Box</b>	£0.04	£0.14
<b>Cup</b>	£0.03	£0.04
<b>Pot</b>	£0.02	£0.08
<b>Trays &amp; Cones</b>	£0.03	£0.07

Do you agree or disagree with our estimations?

	Agree	Disagree - overestimated	Disagree - underestimated	Don't know
Box (EPS)				
Cup (EPS)		X		
Pot (EPS)				
Trays (EPS)				
Cones (EPS)				
Box (Paper)				
Cup (Paper)			X	
Pot (Paper)				
Trays (Paper)				
Cones (Paper)				

If possible, please provide reasons and any supporting evidence, including modelling (optional). We welcome evidence to suggest how the price per unit of items made from alternative materials will change as the scale of production increases.

29. Do you agree or disagree with our assumption (outlined in the accompanying impact assessments) that the additional costs from alternative materials will remain the same for the appraisal period?

	Agree	Disagree	Don't Know
Plastic plates			
Plastic Cutlery			
Plastic Balloon Sticks			
EPS Food Containers			
EPS Beverage Containers			

If possible, please provide reasons and any supporting evidence, including modelling (optional).

30. At end of life, we have assumed the below outcomes for plastic and wooden cutlery. Do you agree or disagree with these assumptions?

	Plastic	Wooden
Recycled	10%	0%
Energy from Waste	63%	56%

Landfill	26%	23%
Commercial Composting	0%	20%
Terrestrial Litter	1%	1%
Beach Litter	0.01%	0.0012%

- Agree
- Disagree
- Don't know

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**31. At end of life, we have assumed the below outcomes for plastic and paper plates.**

	Plastic	Paper
Recycled	10%	10%
Energy from Waste	64%	57%
Landfill	26%	23%
Commercial Composting	0%	10%
Terrestrial Litter	0.5%	0.5%
Beach Litter	0.0005%	0.000005%

**Do you agree or disagree with these assumptions?**

- Agree
- Disagree
- Don't know

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**32. At end of life, we have assumed the below outcomes for EPS and paper alternative products. Do you agree or disagree with these assumptions?**

	EPS	Paper
Recycled	0%	0%
Energy from Waste	77%	71%
Landfill	23%	28%
Commercial Composting	0%	10%
Terrestrial Litter	0.5%	0.5%
Beach Litter	0.0005%	0.000005%

- Agree
- Disagree
- Don't know

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**33. Do you agree or disagree with our assumption that litter disamenity values remain the same for the appraisal period?**

- Agree
- Disagree
- Don't know

If possible, please provide reasons and any supporting evidence, including modelling (optional).

**34. In determining the number of businesses that will be affected by a ban on EPS food and drink containers and single-use plastic plates and cutlery, we used Standard Industrialisation Codes (SICs) to identify categories of businesses likely to be affected. However, we have assumed that fast-food restaurants are more likely to use EPS food and beverage containers and single-use plastic plates and cutlery than restaurants and therefore estimated the number of fast-food restaurants in England rather than using all the businesses in the “restaurants and mobile food service activities” SIC. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't Know
Plastic plates			
Plastic Cutlery			
Plastic Balloon Sticks			
EPS Food Containers			
EPS Beverage Containers			

If possible, please give reasons and any supporting evidence (optional).

**35. Do you agree or disagree with our estimation that 131,722 businesses will be affected by familiarisation costs for a ban on EPS containers?**

- Agree
- Disagree
- Don't know

If possible, please give reasons and any supporting evidence (optional).

**36. Do you agree or disagree with our estimation that 141,680 businesses will be affected by familiarisation costs for a ban on single-use plastic plates and cutlery?**

- Agree
- Disagree
- Don't know

If possible, please give reasons and any supporting evidence (optional).

**37. We have assumed that, on average, it would take 30 minutes of a full-time employee's time for businesses to familiarise themselves with the ban. Do you agree or disagree with this assumption?**

- Agree
- Disagree
- Don't know

Please provide reasons and any supporting evidence. If applicable, please provide evidence on whether small and micro-sized businesses experience differing familiarisation time. Please elaborate on the rationale for expecting an impact of a varying magnitude.

**38. In calculating additional fuel costs to businesses from transporting heavier paper items, we have assumed a mean distance travelled of 100km. Do you agree or disagree with this assumption?**

- Agree
- Disagree

○ Don't know

**39. For our central scenario for costs being passed from businesses to consumers, we have assumed that 60% of the costs businesses incur as a result of a greater unit price of alternative items will be passed to consumers. Do you agree or disagree with this assumption?**

	Agree	Disagree	Don't Know
Plastic plates b& Cutlery			
EPS Containers			
Plastic Balloon Sticks			

If possible, please give reasons and any supporting evidence (optional).

**40. Do you anticipate any additional costs and/or constraints to a) industry and b) consumers from this proposed ban on single-use plastic plates, plastic cutlery, plastic balloon sticks, EPS food containers, and EPS beverage containers?**

	Industry			Consumers		
	Yes	No	Don't Know	Yes	No	Don't Know
Plastic plates						
Plastic Cutlery						
Plastic Balloon Sticks						
EPS Food Containers						
EPS Beverage Containers						

If possible, please elaborate on these costs and/or constraints, including supplying any evidence you may have.

We welcome evidence on whether any impacts on industry would differ according to business size i.e., whether small and micro businesses are likely to be disproportionately affected.

**41. Apart from a ban, are there any other approaches that Government should consider? Please provide any evidence in support of your recommended approach.**

*The AVA would urge Defra to continue to develop and fully implement the packaging Extended Producer Responsibility (EPR) proposals that are being developed across the UK, rather than targeting specific types of food and drink packaging. Also being a co-ordinated approach in line with proposed legislation on Deposit Return Schemes and consistent waste. We believe that a holistic and comprehensive policy approach is required for the management of packaging waste across the industry and across the UK to a common timetable.*

**42. Is there anything else you would like to tell us relating to the proposed ban on the supply of single-use plastic plates, cutlery, balloon sticks and food and beverage containers made out of EPS?**

*The AVA has no objection to an EPS ban – but only EPS within our definition as outlined in Question 1*