

## BRC RESPONSE TO THE DEFRA CONSUTATION ON BANNING THE SUPPLY OF COMMONLY LITTERED SINGLE-USE PLASTIC ITEMS IN ENGLAND

DEADLINE: 12/02/2022

<https://consult.defra.gov.uk/environmental-quality/consultation-on-proposals-to-ban-commonly-littered/>

**1. Do you agree or disagree with the proposed definition of plastic? Please give reasons and provide any supporting evidence (optional).**

- Agree  
 **Disagree**  
 Don't know

*In relation to expanded and extruded polystyrene (EPS), the industry would welcome a clearer definition of what is understood by extruded and expanded PS and what packaging formats would fall in scope of the proposed measure.*

*It is unclear whether the measures are intended for all polystyrene or just foamed polystyrene. The reference to extruded PS would bring in scope rigid PS format used for example in the vending sector (ex: rigid PS cups).*

*We would encourage Defra to prevent any confusion by clearly indicating what packaging items are under consideration, especially as the current description has implications for grocery products and many producers of which will not be aware their packaging could fall within the scope of the ban.*

*More generally, it is important that Defra ensures that there is a wide understanding of extruded/expanded EPS by the consumers so that they are able to understand the changes.*

**2. Do you agree or disagree with the proposal to introduce a ban on the supply of the following single-use items in England? Please give reasons and any supporting evidence (optional).**

	AGREE	DISAGREE	DON'T KNOW
Plastic plates only		x	
Plastic plates, incl. plastic bowls		x	
Plastic plates, incl. plastic trays		x	
Plastic plates, incl. plastic bowls and plastic trays		x	
Plastic cutlery		x	
Plastic balloon sticks			x

EPS food containers		x	
EPS beverage containers		x	

The BRC shares the Government's ambition to increase recycling rates and tackle litter through a comprehensive and coherent policy framework that builds collection (on the go and curbside) and recycling infrastructure for all materials, including SUP items.

Our members believe that at the moment, introducing a ban on single-use plastic plates, plastic cutlery, EPS food containers, and EPS beverage containers is not the most appropriate measure in the light of the changing framework on packaging, which will lead to substantial changes in terms of packaging and materials placed on the market.

Furthermore, there is already great progress happening on an industry-led voluntary basis under the WRAP's Plastics Pact, which the BRC is a supporter of. Some of our members are signatories of the Pact's targets by 2025, one of them being the elimination of problematic and unnecessary plastic items. The latest [annual report](#) indicates that Pact members are already required to act on 8 problematic/unnecessary items, including plastic cutlery, plastic plates and bowls (page 4) and have achieved a 46% reduction in problematic and unnecessary plastic items since 2018. With this in mind, we believe that if the industry is to intensify its voluntary industry-led reduction and elimination efforts, substantial outcomes could be achieved without further policy intervention.

It is important to underline that the following COVID-related lockdowns, high levels of littering in parks and beaches were reported with a greater incidence of picnics. This litter can only be attributed to irresponsible and uncaring behaviour of the wider public which should be matched by better enforcement of the Fixed Penalty Notices for litter on land, in cars or on sea. The propensity to litter does not depend on the product material – but rather on behavioural attitudes.

**3. We propose the ban should cover all single-use bio-based, compostable, and biodegradable plastic (such as PLA). Please tick in the table those plastics you support the ban including. Please give reasons and provide any supporting evidence (optional).**

	Bio-based	Compostable	Biodegradable	ALL	NONE
Plastic plates				x	
Plastic cutlery				x	
Plastic balloon sticks				x	
EPS food containers				x	
EPS beverage containers				x	

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

Please give reasons and provide any supporting evidence (optional). We would welcome

evidence on the volumes of single-use plastic plates used in England that are classed as packaging.

	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	

### IMPACT ON ALTERNATIVES TO BANNED ITEMS

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

Yes

No

6. 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.

*No comment from the BRC - we encourage members to respond to this question individually*

	Paper/card (single-use)	Wood (single-use)	Reusable alternative	Other alternative (please specify)	Will not supply any alternative
Plastic plates					
Plastic cutlery					
Plastic balloon sticks					
EPS food containers					
EPS beverage containers					

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

- 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.

	YES	NO	DON'T KNOW

Plastic plates	X		
Plastic cutlery	X		
Plastic balloon sticks	X		
EPS food containers	X		
EPS beverage containers	X		

*It should not be assumed that the propensity to litter alternatives to the above listed items will have no or less significant environmental impact. Littering of any materials has huge environmental implications.*

### Exemptions

**8. Will any of the proposed item bans have a negative impact on certain people? If yes, why. Please tick all boxes that apply. Please give reasons and any supporting evidence (optional).**

Yes

No

	GEOGRAPHIC LOCATION	SOCIO-ECONOMIC STATUS	TYPE OF JOB	PROTECTED CHARACTERISTIC	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

**9. Should there be any exemptions from any ban for the following items e.g., in certain locations or for particular purposes? Please give reasons and any supporting evidence (optional).**

	YES	NO	DON'T KNOW
Plastic plates	X		
Plastic cutlery	X		
Plastic balloon sticks			X
EPS food containers			X
EPS beverage containers			X

### Timing of the ban

**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.

**10. Do you agree or disagree that this date will give industry sufficient time to prepare for the ban?** Please give reasons and any supporting evidence (optional).

*The proposed date of April 2023 is much earlier than the implementation of packaging EPR proposals. The industry would prefer to have enough time to implement the packaging EPR reform first and assess its outcomes before any other measures are introduced. Effectively, we would suggest the Government to prioritise its policy intervention as single-use plastic plates, plastic cutlery, EPS food containers, and EPS beverage containers are already likely to be covered by the EPR changes.*

*More widely, the industry needs sufficient lead-in time to prepare. The proposed timing of the ban (April 2023) would leave only ~14 months to get ready – a timescale that is ambitious in the light of the ongoing pressures the retail industry has to cope with. We also understand that to confirm the provision of the volume of alternatives to the items to be banned will take at least 18 months to source.*

*With this in mind and knowing that it will take some time before legislation is passed for businesses to have full clarity on the new requirements, we would encourage the Government to consider a more realistic timing, should it choose to pursue introducing a ban, and to anticipate high levels of inflation resulting from a bit upsurge in the demand for alternatives but no added supply.*

	AGREE	DISAGREE	DON'T KNOW
Plastic plates		X	
Plastic cutlery		X	
Plastic balloon sticks			X
EPS food containers		X	
EPS beverage containers		X	

### 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 tick the 'Don't know' box or skip the question.

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

	AGREE	DISAGREE	DON'T KNOW
Plastic plates			X
Plastic cutlery			X
Plastic balloon sticks			X
EPS food containers			X
EPS beverage containers			X

**12. 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 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).

*We would highlight that the forecast needs to consider the impacts of the packaging EPR proposals. These are likely to induce a further shift away, via modulated fees and the recyclability criteria, from difficult to recycle packaging items.*

**13. 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).

*We would highlight that the forecast needs to consider the impacts of the packaging EPR proposals. These are likely to induce a further shift away, via modulated fees and the recyclability criteria, from difficult to recycle packaging items.*

**14. 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.

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

	AGREE	DISAGREE	DON'T KNOW
Box		X	
Cup		X	
Pot		X	
Tray		X	
Cone		X	

*We wish to question the quoted figure of 80% which seems to have been incorrectly transposed from the Resources Future' report. From our understanding underpinned by discussions with relevant trade bodies, 80% figure refers to the percentage of UK volume accounted for by the two UK biggest producers who collectively account for 80% of UK volume. This should not be misinterpreted as EPS having 80% of the total UK market.*

*As such, we are concerned that concluding that 80% of all food and beverage boxes, cups, pots and trays and cones in England were made from EPS has the potential to distort the actual market representation and misinform the wider public.*

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

	AGREE	DISAGREE	DON'T KNOW
Plastic plates			X
Plastic cutlery			X

**17. We have assumed that 95% of EPS food and beverage containers are produced in the UK. Do you agree or disagree with this assumption? If possible, please give reasons and any supporting evidence (optional).**

	AGREE	DISAGREE	DON'T KNOW
EPS food containers			X
EPS beverage containers			X

**18. 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

**19.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)

**20.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

**21.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)

**22.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?**

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.

	PLASTIC	ALTERNATIVE
Plate	£0.005	£0.01
Cutlery	£0.0085	£0.017

	AGREE	DISAGREE (Overestimated)	DISAGREE (Underestimated)	DON'T KNOW
Plate (plastic)				x
Cutlery (plastic)				x



Plate (alternative)				x
Cutlery (alternative)				x

**23. Our estimations of the costs of EPS compared with paper alternatives are shown in the below table. Do you agree or disagree with our estimations?**

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.

	EPS	PAPER
Box	£0.04	£0.14
Cup	£0.03	£0.04
Pot	£0.02	£0.06
Trays and cones	£0.03	£0.07

	AGREE	DISAGREE (Overestimated)	DISAGREE (Underestimated)	DON'T KNOW
Box (EPS)				x
Cup (EPS)				x
Pot (EPS)				x
Trays (EPS)				x
Cones (EPS)				x
Box (Paper)				x
Cup (Paper)				x
Pot (Paper)				x
Trays (Paper)				x
Cones (Paper)				x

**24. 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?**

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

	AGREE	DISAGREE	DON'T KNOW
Plastic plates		x	
Plastic cutlery		x	
Plastic balloon sticks			x
EPS food containers		x	
EPS beverage containers		x	

**25. At end of life, we have assumed the below outcomes for plastic and wooden cutlery. Do you agree or disagree with these assumptions? If possible, please provide reasons and any**

supporting evidence, including modelling (optional).

- Agree
- Disagree
- Don't know

	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%

**26. At end of life, we have assumed the below outcomes for plastic and paper plates. Do you agree or disagree with these assumptions?** If possible, please provide reasons and any supporting evidence, including modelling (optional).

- Agree
- Disagree
- Don't know

	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%

**27. At end of life, we have assumed the below outcomes for EPS and paper alternative products. Do you agree or disagree with these assumptions?** If possible, please provide reasons and any supporting evidence, including modelling (optional).

- Agree
- Disagree
- Don't know

	EPS	PAPER
Recycled	0%	0%
Energy from waste	77%	71%
Landfill	23%	28%
Commercial composting	0%	0%
Terrestrial litter	0.5%	0.5%
Beach litter	0.0005%	0.000005%

**28. 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 give reasons and any supporting evidence, including modelling (optional).

**29. 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		x	
Plastic cutlery		x	
EPS food containers			x
EPS beverage containers			x

**30. 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).

**31. 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).

*The total number of businesses potentially affected by a ban on SUP plates and cutlery has been underestimated. Many more businesses and organisations would be affected to a variable extent by such a measure. In the hospitality sector especially, since the pandemic, nearly all restaurants are providing a takeaway/home delivery option. This is also likely to impact non-food retailers selling the items.*

**32. 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 item bans. Do you agree or disagree with this assumption?**

- Agree
- Disagree**
- Don't know

If possible, 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.

*The estimated familiarisation time and costs in the Impact Assessment are conservative. We would like to flag that the time burden required should not be underestimated especially in the light of the current pressures on retail. A Covid-19 context combined with the various shortages in the retail supply chains, have resulted in additional pressures on businesses, including in store.*

*From our member's experience, people don't respond well to any levies, bans or mandatory measures that affect the running and costs of their everyday life.*

*Abuse of shop workers is a genuine issue that the industry is continuously facing. Our members' front line workers are dealing with an alarming level of frictions on a daily basis which is likely to intensify should the wider public not be fully aware of the new bans, why it is being introduced and by whom. The BRC would expect the Government to take full ownership of the measures and guarantee that a solid communication campaign is undertaken early enough to raise citizens' awareness.*

**33. In calculating additional fuel costs to businesses from transporting heavier paper items, we have assumed a mean distance travelled of 62 miles. Do you agree or disagree with this assumption?**

- Agree
- Disagree
- Don't know**

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

**34. For our central scenario 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? if possible, please give reasons and any supporting evidence (optional).**

	AGREE	DISAGREE	DON'T KNOW
Plastic plates and cutlery		x	
EPS containers		x	
Plastic balloon sticks			x

*From an industry perspective, we are not sure about the proposed assumption that only 60% of the costs that businesses will incur because of the greater unit price of alternative items will be passed to consumers. Effectively, this will be a business decision for each retailer/hospitality business to take, and it should not be excluded that it may well be higher than 60%.*

*Retailers are concerned about the overall impact of the proposed measures on the weekly basket/households purchasing power and the wider costs of living (especially in the current skyrocketing of energy prices).*

*Retailers are aware that manufacturers/producers of alternatives are not likely to reduce the cost of their products (alternatives) and may not necessarily have the capacity to cope with a spike in the demand, leading to supply shortages and increased prices. With the current pressures on the*

industry, including changes due to the plastic packaging tax, packaging EPR reform/DRS, some retailers will not be able to absorb the cost increases and will be forced to pass them to the consumers.

**35. 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	x			x		
Plastic cutlery	x			x		
Plastic balloon sticks			x			x
EPS food containers	x			x		
EPS beverage containers	x			x		

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.

### Additional questions

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

*The BRC shares the Government's ambition to increase recycling rates and tackle litter through a comprehensive and coherent policy framework that builds collection (on the go and kerbside) and recycling infrastructure for all materials, including SUP items.*

*The BRC and its members believe that a holistic and comprehensive policy approach is required for the end-of-life management of single-use plastic products across the industry and across the UK.*

*We would urge DEFRA to continue to develop and fully implement the 'Collection and Packaging' Reform proposals rather than targeting specific types of food and drink packaging.*

*We recommend delivering the promised reform on time, letting the industry implement it, and assessing the outcomes before introducing any simultaneous measures. For example, the impacts of the packaging EPR fee modulation are expected to affect the amount of the packaging placed on the*

*market and subsequently its consumption by consumers, ultimately driving the industry and the consumers towards more sustainable (reusable and refillable) and recyclable options and delivering a potential reduction in single-use items.*

*Our members are concerned about the cumulative effect of the proposals in the light of the changing framework on packaging. The cost to industry, and especially to hospitality, of different regulations coming in at once is significant, in addition to the already existing pressures caused by the pandemic, Brexit and wider taxation (business rates).*

*We equally believe that the Government needs to ensure local authorities use their powers to issue fixed penalty notices for littering as such a small number of English LAs currently do so.*

**37. 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 industry would welcome more coordination from the UK Governments on how best to tackle littering of single-use items. The current piecemeal approach does not facilitate business readiness, in what is already a very challenging context for retail, and with different timelines and scopes across the UK, and business are unclear as to how various proposals are compatible with the objectives of the UK Internal Market Act and with the EU SUP Directive.*

*BRC members would welcome alignment across the four nations in relation to the items in scope of packaging reduction policy measures, as many businesses operate on a UK-wide scale. For retailers, inconsistency in policy measures across the UK results in additional operational costs (with regards to systems and administrative costs). Any misalignments will have implications for IT systems but also for retailers' ability to keep the costs down for consumers.*