

# The Environmental Protection (Single-use Plastic Products) (Wales) Bill

## Stage 2 amendments

November 2022



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## 1. Summary of Stage 2 amendments

Stage 2 of ***The Environmental Protection (Single-use Plastic Products)(Wales) Bill*** began on 12 October, and concluded on 9 November 2022. The Climate Change, Environment and Infrastructure Committee met to consider the Stage 2 amendments on **9 November 2022**.

86 amendments were put forward at Stage 2, with a significant proportion brought forward by the Minister in Charge of the Bill, Julie James MS.

Amendments were **grouped together** to facilitate debate. There were 13 groups:

### **Group 1: amendments related to the meaning of single-use plastic product and prohibited single-use plastic products**

Member amendments brought forward by Janet Finch-Saunders MS and Delyth Jewell MS sought to **tighten the definition of ‘single-use’** by inserting the word ‘conceived’. Both reasoned this would provide further clarity behind why the product was established, and to capture multi-sized or family-sized products (made up of multiple individually packed items) under the definition. This would also bring the definition into alignment with **Scottish legislation**.

The Minister did not support the Member amendments:

We have carefully considered the amendments and tested them against the whole Bill as drafted, and I can assure Members that we are confident that the intended practical effect is delivered more effectively using the definitions we’ve developed because of the Welsh context. The drafting is not identical, as we have sought to clarify text or remove wording we consider to be unnecessary. This is in accordance with our normal drafting practice.

However on the issue of multipacks, the Minister said she was persuaded there was a value in making a change to the Bill, and offered to work with Delyth Jewell MS on potential amendments at Stage 3.

At Stage 2, the Minister brought forward amendments to clarify the definition of plastic excludes plastic and adhesive paint or ink, and to replace the word ‘additive’ with ‘substance’. Further Government amendments refine the provisions around future changes to the list of prohibited items and exemptions.

The Minister’s amendments were agreed. Member amendments were not agreed.

## **Group 2: amendments related to guidance, raising awareness and education**

The lead amendment was in the name of the Minister, and sought to insert a new subsection in section 2 of the Bill to **place a duty on Welsh Ministers to produce guidance** about single-use plastic products prohibited under the Act and exemptions listed in column 2 of the Schedule.

Further amendment in this group were proposed by Janet Finch-Saunders MS and Delyth Jewell MS.

The Minister's amendments were agreed. Member amendments were not agreed.

## **Group 3: amendments related to exemptions of straws**

The lead amendment in this group, in the name of the Minister, sought to address technical issues within the current draft, and **provide clarity on exemption 1 in relation to straws**.

All amendments in this group (all from the Minister) were agreed.

## **Group 4: amendments related to manufacture of prohibited single use plastic products**

The lead amendment in the group was in the name of Delyth Jewell MS and sought to bring the Bill in line with Scottish legislation, by **banning the manufacture of the items listed, as well as the supply of them. Delyth Jewell MS said:**

The spirit in which they've been tabled is that they would be in keeping with Wales's global responsibility under the Well-being of Future Generations (Wales) Act 2015 to ensure that plastic waste isn't simply offshored.

The Minister did not support the Member amendments, she said there would be "other opportunities to look at the manufacture of single-use plastics in Wales", and that "this isn't the only Bill, the only provision or the only Act that looks at these kinds of issues in the Senedd".

The Member amendments were not agreed.

## Group 5: amendments related to exemptions of carrier bags

The lead amendment was brought by Delyth Jewell MS which, alongside other consequential amendments in the group, sought to **remove the current exemption that exists for carrier bags used in medical settings, saying that**

...pharmacies still hand out millions of small plastic bags each year, and their small size doesn't make it practical for households to use those particular size single bags for other uses afterwards.

The amendments were supported by all Members of the Committee. Whilst the Minister also supported the amendment, she highlighted that further amendments will need to be introduced at Stage 3 to bring other parts of the Bill in line with this amendment.

The Member amendment was agreed.

Further amendments in this group were brought forward by Janet Finch-Saunders MS, which sought to add registered dieticians, occupational therapists and physiotherapists to the definition of 'health professional' in the Bill. However, this was opposed by the Minister and all other Members of the Committee on the basis that registered dieticians or occupational therapists are unable to prescribe medication.

This Member amendment was rejected.

## Group 6: amendments related to products made of oxo-degradable and oxo-biodegradable plastic

The lead amendment was brought by Janet Finch-Saunders MS and sought to **remove oxo-degradable products from the list of prohibited products.**

Further amendments in the group aimed to exempt any product made of oxo-biodegradable plastic from the list of prohibited single-use plastic products.

Oxo-degradable refers to plastics which are designed to break into smaller pieces (micro/nano plastics). Janet Finch-Saunders MS said "Oxo-biodegradable plastics break down past microplastics with the help of micro-organisms", and "we must not prohibit materials that are able to break down and leave no trace."

In reply, the Minister said:

...there is not yet a settled scientific opinion that oxo-biodegradable plastic behaves differently to oxo-degradable plastic in nature, therefore, based on current evidence, we see no reason to treat this sub-category of oxo-biodegradable plastics any differently. We continue to monitor emerging evidence prior to commencing a ban, to see whether there is a case for including specific exemptions,

The Minister highlighted that this is a “complex area still being researched”, however she is “satisfied there is credible evidence of the harm oxo-degradable plastic causes to the environment”. The Minister added:

But we recognise the need to consider certain evidence further—so, whether there are sub-categories of oxo-degradable plastic that ought to be exempt before the ban is brought into force. Commencement of the ban, therefore, on oxo-degradable plastics is being phased, to enable that particular piece of work to be completed.

A Government amendment in this group sought to add clarity to the current definition of ‘oxo-degradable plastics’ in the Bill.

All Member amendments in this group were rejected. The Minister’s amendment was agreed.

## **Group 7: amendments related to interpretation**

The lead amendment in this group was in the name of the Minister and, alongside the other Government amendment in the group, is “**technical in nature**”, moving the definition of ‘carrier bag’ in the Bill.

A further amendment in the group tabled by Janet Finch-Saunders MS sought to remove reference to cosmetic application and personal or animal hygiene, in the definition of cotton buds. This would be in line with the **legislation in England**.

This amendment was not supported by the Minister. She said the policy intention is to capture cotton buds used in a domestic setting, and which are potentially disposed of incorrectly by being flushed down the toilet. Therefore, cotton buds used in a medical setting i.e. ‘swabs’, are exempt from the provisions.

The Minister’s amendments were agreed. The Member amendment was rejected.



## Group 8: amendments related to prohibited single-use plastic products: power to amend

The lead amendment in this group was in the name of the Minister. It sought to **place a duty on the Welsh Ministers to consult local authorities**, Natural Resources Wales, and any other relevant bodies before making regulations to amend the list of products banned by the Bill. The Minister said the amendment had been tabled following recommendations by Senedd committees during Stage 1.

Further amendments in this group, brought by Janet Finch-Saunders MS, sought to stipulate that any amending regulations will not come into force for at least 12 months. They also sought to obligate the Welsh Ministers to conduct a life-cycle analysis, cost analysis, and prepare a regulatory impact assessment before amending the list of products banned.

Janet Finch-Saunders MS had also tabled an amendment similar to the Government amendment in this group. The Government amendment however did not refer specifically to **consulting with groups representing the interest of disabled persons**. The Minister recognised this “important point” and accepted in principle, offering to work with the Member to bring forward a workable amendment at Stage 3.

A further amendment by Janet Finch-Saunders MS sought to add ‘sauce sachets’ to the items the Welsh Ministers must consider when amending the Act i.e. future amendments. Currently the Bill only specified wet wipes. The Minister explained that this is not intended to be an exhaustive list, however she is content to extend the current list and is therefore supportive of the amendment.

Delyth Jewell MS also brought forward an amendment which would require the Welsh Ministers to take into account any emerging trends when amending the products banned.

The Minister’s amendment was agreed. One Member amendment was agreed (sauce sachets), and the remainder of Member amendments rejected.

## Group 9: amendments related to future policy arrangements: Single-use plastics pollution strategy and Reusable Products Taskforce

The lead amendment from Janet Finch-Saunders MS sought to ensure the Welsh Government **establishes a single-use plastic pollution strategy**, setting out key priorities, opportunities and initiatives to tackle single-use plastic pollution.

Amendments tabled by Delyth Jewell MS called for a **taskforce to provide advice on the affordability of reusable products**. However she said the amendment was included:

...mainly as a probing amendment to try to get us talking about different ways in which we could solve this problem. And the spirit behind these amendments is trying to tackle the issue whereby products that are more environmentally friendly, that are more sustainable, are simply more expensive.

Members of the Committee agreed with the sentiment of these amendments, but questioned whether it was necessary to have them on the face of the Bill.

Following the Minister's response, Janet Finch-Saunders MS withdrew the lead amendment regarding a single-use plastic pollution strategy.

In response to Delyth Jewell's taskforce amendments, the Minister highlighted that the establishment of an oversight board and an advisory panel for single-use plastic products had been set out in the Bill's Explanatory Memorandum. This amendment was subsequently rejected.

## Group 10: amendments related to the offence of supplying prohibited single-use plastic product

The lead amendment, and the majority in this group, were tabled in the name of the Minister. They aimed to **provide clarity** of the provisions, including defining the meaning of supply for the purposes of the offence, and setting out the scope of 'offer to supply' in detail.

Amendments in this group were also tabled by Janet Finch-Saunders MS.

The Minister's amendments were agreed. Member amendments were not agreed.

## Group 11: amendments related to the enforcement action by local authorities

All amendments in this group were tabled by Janet Finch-Saunders MS. The lead amendments required the Welsh Government to provide **sufficient funding for local authorities to enforce** the Bill.

In reply, the Minister said the Welsh Government “seeks to reduce the financial burden on local authorities with regard to this legislation as much as possible”, and highlighted the use of awareness raising and guidance in lessening the need for enforcement.

Further amendments in the group related to the **authority of officers to enter a dwelling section of a property** when entering business premises for enforcement purposes. Whilst the Minister accepted these in principle, she couldn’t accept as currently drafted, instead offered to “bring forward a suitable Government amendment at Stage 3 to clarify where a warrant is required to enter a premises and what the nature of those premises is”.

This amendment was subsequently withdrawn. The other amendments in the group were not agreed.

## Group 12: amendments related to the review of the operation of the Act

Amendments were tabled by Janet Finch-Saunders MS aiming to guarantee a **review of the operation of the legislation**, by requiring the Welsh Ministers to lay a report before the Senedd about its operational effect.

In her response, the Minister highlighted the Welsh Government’s intention to undertake a post-implementation review of the legislation, no later than five years after it has come into force.

The amendments in this group were rejected.

## **Group 13: amendments related to the Act coming into force**

The one amendment was tabled by Janet Finch-Saunders MS to insert 1 January 2024 as the date the provisions in the Act will come into force. The purpose was to **provide certainty for businesses.**

In response, the Minister stated the need for the legislation to be phased, and highlighted the use of a Commencement Order to ensure a smooth introduction of certain bans.

The amendment was not agreed.

## **2. Next steps: Stage 3**

The Bill began Stage 3 of the legislative process on 10 November 2022. During this stage, Members of the Senedd (including the Minister) can table amendments to the Bill as amended at Stage 2. Amendments tabled can be found on the **[Bill page](#)**.

The Senedd will consider the amendments tabled at Stage 3 in Plenary on **[Tuesday 6 December 2022](#)**.