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NSW Environment Protection Authority

RE: NSW Plastics Next Steps Consultation Paper

The Australian Industry Group (Ai Group®) is a peak national employer organisation representing traditional, innovative and emerging industry sectors. We have been acting on behalf of businesses across Australia for 150 years.

Ai Group and partner organisations represent the interests of more than 60,000 businesses employing more than one million staff. Our membership includes businesses of all sizes, from large international companies operating in Australia and iconic Australian brands to family-run SMEs. Our members operate across a wide cross-section of the Australian economy and are linked to the broader economy through national and international supply chains.

General Comments

Ai Group commends the NSW EPA for attempting to harmonise several of the categories covered in the consultation paper with other jurisdictions.

Any changes that would result in additional regulatory burden or significant changes to current packaging and/or products would need an appropriate and proportionate phase-in period for producers and suppliers to change over. This would prevent an excessive amount of unsold and no-longer-compliant products going to end-of-life treatment, and minimise financial impacts during the transition.

Takeaway beverage and food packaging

Ai Group would like to see a clear definition of what the NSW EPA considers this to refer to, as different jurisdictions use this term to cover different items. Other requirements for food packaging are already present under FSANZ, that have minimum thresholds for ensuring the food remains uncontaminated. Additionally, Food Authority NSW specifies requirements for food grade packaging materials.

Plastic Beverage container bottle lids

While Ai Group members have not raised opposition to this concept, this is an issue that should be addressed at a national level and not state-by-state. If the NSW EPA were to move forward with this proposal unilaterally, this would impact the rest of the nation due to the number of businesses that sell products into multiple jurisdictions and would also impact resource recovery businesses and have potential carry-over impacts internationally where producers export these products.

If tethered lids were introduced – at any level – there would need to be a significant phase-in period due to the cost and complexities involved in packaging redesign and retooling of production lines to be able to apply the lids to bottles.

Plastic lollipop sticks, ice cream sticks and other food service item sticks

There are currently no other jurisdictions acting on these items and some of these items do not currently have clear alternatives. Ai Group would prefer this be addressed through national-level packaging reform, but recommend the NSW EPA engage further with the producers of products using these items to gain a better understanding of the current market usage and alternatives.

Harmful chemicals such as perfluoroalkyl and polyfluoroalkyl substances (PFAS)

Ai Group is supportive of the phase-out of harmful chemicals but would prefer to see it undertaken at a national level by existing suitable parties such as the Australian Packaging Covenant Organisation and the Industrial Chemicals Environmental Management Standard team in the Department of Climate Change, Energy, the Environment and Water.

Plastic microbeads in all cleaning products

Ai Group is supportive of the phase-out of plastic microbeads in all cleaning products in line with existing bans in other jurisdictions.

Oxo-degradable, photo-degradable and landfill-degradable plastics

Ai Group is supportive of the phase-out of degradation accelerating chemicals but would urge caution around the phase-out of plastic items that use the term compostable. Australia has two standards that certify the claim of compostable plastics - AS4736-2006 and AS5810-2010 – and products that meet these requirements should not be banned. These certified products are allowed in the other jurisdictions mentioned in this section of the consultation paper. Regulation to ensure compliance with the existing standards would be preferable.

Microplastic fibres released from washing machines

Ai Group supports the minimisation of microplastics resulting from textiles but feels it would be more suitable to take a national approach, particularly given interest in this area is growing and the Commonwealth government has already indicated they will work with producers to phase in microfibre filters on new residential and commercial washing machines by 1 July 2030ⁱ.

Heavyweight plastic film shopping bags (with a thickness greater than 35 microns)

Ai Group is supportive of NSW aligning with other states and territories on this requirement, providing they are referring to shopping bags with handles, and not storage bags used for storing items in retail stores (as per barrier bags below).

Single-serve plastic condiment packages (volume less than 50 ml)

Ai Group would highlight the proposal by NSW EPA would have significant impact for many food businesses. The current form of the proposed action would impact prepackaged food that contains condiment sachets such as salads and flavoured noodle packs. These condiment sachets are used to separate ingredients, which allows for longer shelf-life in these products.

Barrier/produce bags

Ai Group would like clarification if a NSW ban would only cover food contact bags and if the ban would allow the use of certified compostable bags, as is the case in SA and WA. Produce bags play a role in reducing food spoilage and maintaining food safety.



Likewise, barrier bags used to contain chemical products in transport (i.e. online order) would be needed to minimise leakage risk and contamination of outer recyclable packaging.

Fruit stickers

Members do not object to bans on conventional fruit stickers, provided paper or compostable alternatives are an acceptable substitute (for traceability and product identification purposes) and there is a reasonable transition time for scaling alternatives and for producers to implement systems changes.

Bread tags

Members have asked for clarification of the term and associated uses covered by this proposed ban. One member has noted support if this ban is only to cover bakery items.

Food supply-chain businesses use these tags (Kwik Lok tags) for produce bundling, which has different performance requirements, including the ability to withstand temperature changes and condensation.

If you have any further questions regarding this submission, please contact our Advisor, Molly Knox (molly.knox@aigroup.com.au).

Sincerely yours,

A handwritten signature in black ink that reads 'Louise McGrath'.

Louise McGrath
Head - Industry Development and Policy
Australian Industry Group

ⁱ <https://www.dcceew.gov.au/environment/protection/waste/plastics-and-packaging/national-plastics-plan/plastics-oceans-waterways>, accessed 02/02/2024.