

Your submission to Proposed priority products and priority product stewardship scheme guidelines

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Submitter Type: NGO/community group

Overall Position: Support

Clause

Q1(a): Do you agree with declaring as priority products: all pneumatic (air-filled) tyres and certain solid tyres for use on motorised vehicles (for cars, trucks, buses, motorcycles, all-terrain vehicles, tractors, forklifts, aircraft and off-road vehicles). Why? Why not?

Position

Yes

Notes

The Rubbish Trip supports tyres being declared a priority product. Only c.25 percent of the five million car and truck tyres that reach end of life in NZ each year are recovered and recycled (compared with 80-90% in countries with mandatory product stewardship). The persistent free-rider problem undermines attempts to improve tyres' end-of-life options. We face the ridiculous and dangerous situation of tyre stockpiling or dumping in fields and paddocks around NZ, leaching toxins and plastic into the surrounding environment, causing fire risk, and wasting potential resources. // Declaring tyres a priority product is low-hanging fruit, carrying minimal political risk and requiring less scheme development than other proposals. Key players in the tyre industry and other stakeholders already support mandatory product stewardship and have developed a plan through Tyewise. Implementing mandatory product stewardship for tyres is also in the Labour-NZ First coalition agreement. // While we support this priority product declaration, the scope of 'end-of-life' tyres is too narrow. During their lifecycle, tyres are one of the main sources of microplastics into waterways and oceans; they shed plastic fragments on to roads from abrasion during use, freeing these particles to permeate the environment. We recommend broadening the definition to include tyres generally, so that consideration and mitigation of the environmental harm caused by tyre wear-and-tear over their useful lifespan can be included in scheme design. This could pave the way for measures such as compulsory labelling of tyre abrasion (<https://rethinkplasticalliance.eu/news/tyred-of-microplastics-releases/>), and incentivising tyre redesign to minimise plastic content in the first place.

Clause

Q2(b): Do you agree with declaring as priority products: all pneumatic and solid tyres for use on bicycles (manual or motorised) and non-motorised equipment. Why? Why not?

Position

Yes

Notes

We support this proposal as no official recovery/recycling schemes exist for bicycle tyres in NZ. Bikes are often promoted as an 'eco-friendly' form of transport, but the difficulty of recycling their components, particularly tyres and inner tubes, sits uncomfortably with this notion. Declaring bike tyres a priority product will require key stakeholders to develop appropriate recovery and recycling schemes that are otherwise unlikely to emerge. It also makes sense to declare bicycle tyres a priority product alongside car and truck tyres as there may well be the opportunity to share infrastructure/recovery networks across the two product categories. // We suggest clarifying whether inner tubes are also included in this priority product declaration, and if not, we recommend they be included. Inner tubes are more frequently replaced (and thus disposed) than the tyres themselves.

Clause

Q2(a): Do you agree with declaring as priority products: all large rechargeable batteries designed for use in electric vehicles, household-scale and industrial renewable energy power systems, including but not limited to lithium-ion batteries. Why? Why not?

Position

Yes

Notes

With the growth of electric vehicles and solar-power generation and storage, the problem of lithium-ion batteries will be huge in coming years. Developing the necessary recycling/reuse infrastructure is likely to be price-driven and thus will almost certainly need to be incentivised by a regulated scheme.

Clause

Q2(b): Do you agree with declaring as priority products: all other batteries (eg, batteries designed for use in hand-held tools and devices). Why? Why not?

Position

Yes

Notes

Too many batteries are unsafely disposed of and recycling programmes for batteries are sparse and voluntary around the country. Costs of recycling are high; the incentives that come from mandatory product stewardship are needed to establish the necessary infrastructure/collection networks. A 2013 report by Tonkin & Taylor stated that international best practice for household battery disposal involves regulation and mandatory product stewardship schemes (https://www.nzpsc.nz/wp-content/uploads/2017/12/T_T_Household-Battery-Report_Dec13_-Final.pdf, p.16). // We recommend stating, for the avoidance of doubt, that the scope of this priority product includes both single-use and rechargeable batteries.

Clause

Q2(c): Do you agree with declaring as priority products: all categories of waste electrical and electronic equipment (WEEE) defined in Annex II of European Directive 2012/19/EU (eg, 'anything that requires a plug or a battery to operate'). Why? Why not?

Position

Yes

Notes

E-waste is the world's fastest growing waste stream. It contains toxic substances like lead, cadmium and mercury. Even in modern landfills, these toxins will leach out over time, polluting the environment and endangering human health. E-waste also contains valuable materials, like gold and 'rare earth' metals; it's incredibly short-sighted to throw them away. It's embarrassing that New Zealand only recycles 2% of our e-waste, especially because many groups and experts (notably the eDay Trust) have been calling for regulation of e-waste for years, and researching and proposing how this could work. Furthermore, too many electronic and electrical items are not built to last, to be repaired or to be easily upgraded by replacing outdated parts rather than the entire product. // The current emphasis on voluntary approaches has been unsuccessful in lifting recovery rates, partly because of insufficient incentives to create accessible collection networks, and the fact that often the person disposing of the item must pay for the costs of recycling at the point of disposal. Schemes should be designed not only to improve recovery and recycling rates (through levers such as advanced disposal fees), but to incentivise product redesign for modular, upgradable and repairable electronics through calls for right to repair legislation and compulsory lifespan labelling, and shifts in ownership models for electronics.

Clause

Q3(a): Do you agree with declaring as priority products ? Chemicals in plastic containers up to and including 1000 litres in size that are used for: horticulture, agricultural and livestock production, including veterinary medicines, industrial, utility, infrastructure and recreational pest and weed control, forestry, household pest and weed control operations, similar activities conducted by or contracted by local and central government authorities? Why? Why not?

Position

Yes

Notes

In studies of rural waste management conducted in Waikato, Bay of Plenty and Canterbury (2013 and 2015), 90-100% of the farms surveyed bulk stored, buried or burnt at least some of their waste. During The Rubbish Trip's travels throughout NZ, the normalisation of privately burying or burning waste, including plastic, in rural areas is well known (and is something we have observed first hand). We are extremely concerned that some agrichemicals and their containers may be managed in this way (even if the disposed container is 'empty', it may still contain residues) given agrichemicals are toxic by design and require neutralisation. // A mandatory scheme is required to eliminate the free-rider problem and ensure 100% participation rates in existing schemes, such as Agrecovery. It's also important for encouraging these existing schemes to develop systems that go higher up the waste hierarchy, such as recovering containers for reuse and refill rather than downcycling (similar to LPG canister swap systems). // We recommend not limiting the priority product declaration to chemicals in "plastic containers", but rather covering chemicals in all containers. This broader definition will avoid the risk that manufacturers shift packaging material simply to avoid regulation (as the chemicals inside the containers are the same, regardless of the packaging material type). Furthermore, if there is a shift towards other materials for containers, product stewardship would still be required to ensure those containers are recovered for reuse or recycling. // We note that managing legacy agrichemicals and their containers will also be extremely important.

Clause

Q4(a): Do you agree with the declaring as priority products: all gases used for heating, cooling and air conditioning that are ozone depleting substances under the Ozone Layer Protection Act 1996 and/or synthetic greenhouse gases under the Climate Change Response Act 2002, and products containing these gases. Why? Why not?

Position

Yes

Notes

Refrigerant gases and other synthetic greenhouse gases can escape into the air, depleting ozone and contributing to climate change. CFCs are banned, so it makes sense to be consistent in our approach and regulate other ozone-depleting gases. Paul Hawkins Project Drawdown found that managing and destroying refrigerant gases in circulation was the #1 action to reduce greenhouse gas levels. Only 20 percent of those gases are recovered now in New Zealand, so we need to act.

Clause

Q4(b): Do you agree with the declaring as priority products: methyl bromide and products containing this gas. Why? Why not?

Position

Yes

Notes

Methyl bromide is an ozone depleting substance and is related to the instance of motor neuron disease and cancer. It's banned in many countries but is heavily relied on by New Zealand's timber export industry. As a result of the Montreal Protocol, recapture or destruction of methyl bromide emissions will be compulsory by October 2020. Declaring this gas a priority product will help to

accelerate New Zealand's ability to reach this deadline.

Clause

Q5(a): Do you agree with declaring beverage packaging as priority products: packaging used to hold any beverage for retail sale that has more than 50 millilitres and less than 4 litres of capacity, made of any material singly or in combination with other materials (eg, plastic, glass, metal, paperboard or mixed laminated materials). Why? Why not?

Position

Yes

Notes

We are delighted to see the proposal that beverage packaging be declared a priority product. This is well overdue and will be popular with large swathes of the population, particularly if it results in a mandatory, nationwide container deposit scheme (CDS). CDS attracts high levels of public and local government support. For example, a petition by The Kiwi Bottle Drive calling for a mandatory nationwide CDS (currently before the Environment Select Committee) attracted over 15,000 signatures. // Beverage packaging is typically made of highly recyclable materials (glass, aluminium, plastic types 1&2), yet NZ's recovery rates sit around 40%. The rest goes to the landfill and litter stream. Not only is this a waste of high value recycle, it's also an environmental hazard - particularly plastic bottles leaking into the environment. These issues, and the need for regulated product stewardship solutions (especially CDS), have been considered in depth in NZ, particularly in Envision's 2015 report, The InCentive to Recycle. // Regulated product stewardship is necessary to incentivise high recovery rates for beverage containers. Current voluntary systems for recovering beverage containers are inefficient, not fit-for-purpose, and largely ratepayer-funded. For example, most beverages are typically consumed outside the home, falling outside the ambit of kerbside recycling collections, while Public Place Recycling Bins have not achieved diversion rates anywhere near overseas countries or states with a regulated scheme. // Aside from lifting recovery rates, regulated product stewardship/a CDS could offer additional benefits. Kerbside recycling collections typically involve some level of commingling, so do not produce recycle as high in quality as CDS. Furthermore, some form of regulated product stewardship could help to fund the transfer of glass bottles for recycling from parts of the South Island to O-I, and dissuade the practice of downcycling glass into roading aggregate. The higher recovery rates that a mandatory CDS would facilitate could improve the logistical feasibility of return and refill systems for beverages (thus allowing movement up the waste hierarchy). // For the avoidance of doubt, we suggest amending the description of the product "beverage packaging" to expressly include bottle caps and lids (as was done in the EU Directive on Single-Use Plastics), so that any resulting product stewardship scheme contains measures to reduce their environmental harm. Caps and lids, typically made of plastic, are particularly problematic in the environment and can be confused for food by seabirds and other animals.

Clause

Q5(b): Do you agree with declaring single-use plastic consumer goods packaging as priority products: packaging used for consumer goods at retail or wholesale level made of plastic resin codes 1, 2, 3, 4, 5, 6 or 7, singly or in combination with one or more of these plastics or any non-plastic material, and not designed to be refilled. Why? Why not?

Position

Yes

Notes

We are equally delighted to see the proposal to include single-use plastic consumer goods packaging as a priority product. This is also well overdue and likely to attract broad public support, given high levels of frustration and a sense of helplessness about plastic packaging amongst the population (we have observed the general public feeling that, first and foremost, manufacturers should be responsible for developing more sustainable options for delivering goods to consumers). Apart from reducing environmental harm from packaging, mandatory product stewardship would decrease packaging's financial burden on councils/ratepayers and the wider community. // We are pleased to see the full range of resin types listed here and also the reference to both retail and wholesale level packaging. We query whether this definition would include plastic shrink wrapping around pallets of consumer goods, and if not, we recommend the definition includes plastic pallet shrink wrapping. // We note the importance of a plan to address plastic types 3-7 and coloured 1&2 plastics (including lightproof milk bottles). Any scheme should require harmonisation/standardisation of the packaging placed on the market with onshore processing capacity. While strategic investments in some increased recycling capacity makes sense, we note that over-emphasising this approach in order to downcycle more low-grade plastics in NZ will be less efficient than regulation prioritising deep reductions in these materials and the packaging types that use them. // We recommend expressly including compostable/biodegradable/degradable/oxo-degradable plastic packaging within the priority product scope. Although such packaging typically falls within resin code 7, for the avoidance of doubt, we believe it appropriate to expressly include it here, as was done for the mandatory phase-out of single use plastic bags. With growing consumer desire to avoid petrochemical plastics, compostable/biodegradable/degradable/oxo-degradable packaging is proliferating exponentially. Research into the impacts of this packaging is still emerging, but concerns exist regarding how benign even the most 'compostable' of these products are and what contaminants they may leave in soils. Furthermore, labelling is unregulated, systems for collecting and processing these materials are limited, and consumer confusion is sometimes exploited in misleading advertising, marketing and promotion for products that are tantamount to greenwashing. Regulation to increase producer and retailer responsibility in this area is absolutely necessary.

Clause

Q6(a): Do you agree with declaring as priority products: plastic wrapping materials used for silage or hay, including but not limited to baleage wrap, hay bale netting, baling twine, and covers for silage pits. Why? Why not?

Position

Yes

Notes

As noted above in notes for question 3(a), domestic studies of rural waste management suggest bulk storing, burying or burning of at least some waste on many farms is routine. Anecdotally, we understand that burying and burning waste in rural areas, including plastic, is not unusual. Nor is it uncommon to see errant pieces of silage wrap blowing around rural areas or caught in fences, plants

and branches. Recovery rates of these plastics is imperative to prevent leakage into the natural environment; a regulated scheme to increase participation in the Plasback scheme is essential. // However, regulation is also needed to reduce the overuse of plastics in agricultural and horticultural supplies. Frequently, these supplies are intended to perform functions that require them to be left outdoors for extended periods (if not their entire lifecycle). Knowing what we now know, it's clear that plastic has never been an appropriate material for these types of products because exposure to the elements inevitably results in fragmentation and degradation of plastic particles into soil and surrounding groundwater. This is especially worrying given that the land in question is used for grazing livestock and growing food.

Clause

Q6(b): Do you agree with declaring as priority products: plastic packaging used for agricultural and horticultural commodities including, but not limited to fertiliser sacks, feed sacks, and bulk tonne bags made from woven polypropylene and/or polyethylene. Why? Why not?

Position

Yes

Notes

See reasoning mentioned in notes for question 6(a).

Clause

Q6(c): Do you agree with declaring as priority products: other plastic packaging and products used for agriculture and horticulture including, but not limited to, protective nets, reflective ground covers, and rigid plastic containers other than containers for agrichemicals, detergents, lubricants or solvents. Why? Why not?

Position

Yes

Notes

See reasoning mentioned in notes for question 6(a). // Although we recognise that the examples provided in this proposal are not exclusive, we nevertheless recommend express inclusion of items like rabbit guards and wire clips.

Clause

Do you agree with the proposed guidelines for priority product stewardship schemes outlined in table 3 of the public consultation document? Why? Why not?

Position

Yes

Notes

The Rubbish Trip strongly supports the proposal to use the Minister's discretionary power to publish guidelines about the contents and expected effects of product stewardship schemes for priority products. Given the product stewardship schemes will be designed by stakeholders, we support the Minister taking an oversight role in this way by establishing expectations for the resulting schemes (which will certainly improve the schemes' quality and efficacy). // In particular, we support ambitious schemes that drive behaviour towards the top of the waste hierarchy and away from potential 'false solutions'. We believe these outcomes can be achieved if this level of ambition is embedded throughout the Ministerial guidelines. Overall we support the direction, content and thoroughness of the guidelines as drafted, but suggest areas where they could be strengthened for each design feature.

Clause

Q7(1) Any comments on draft guidelines: Intended objectives and outcomes

Notes

---- (a) and (b) ---- We strongly support the guidelines requiring schemes to specify expected harm reduction, expected benefits from reduction, reuse, recycling etc, and "quantifiable waste minimisation and management objectives". We are interested to know how these expectations in a) and b) interact with design feature 8 on targets? // We encourage the guidelines to include baseline expectations around the outcomes and targets for individual priority products so that if a particular design group sets under-ambitious targets and outcomes, the Minister can require these to be revised before accreditation. // ---- (c) ---- We strongly support the expectation that schemes will incentivise product management higher up the waste hierarchy. This should be seen as the most important outcome of product stewardship, particularly in an island nation such as NZ with a small population, where infrastructural solutions lower down the waste hierarchy will be less successful/feasible than in more densely populated, less isolated parts of the world. // Countries with more established regulated product stewardship schemes are increasingly exploring how to move those schemes higher up the waste hierarchy. We urge NZ to learn from these countries' experiences and leapfrog towards prevention, reduction and reuse infrastructural solutions from the outset. After all, the waste hierarchy is not a ladder to be climbed up, but a funnel that should restrict our need to rely on 'solutions' at the bottom of the hierarchy. // To accentuate the importance of prioritising waste prevention, we recommend retaining subparagraph 1(c), but separating out "prevention" to create a new requirement/subparagraph stating that ALL schemes MUST establish a plan for some level of waste prevention. Scheme designers should also be required to justify any reliance on actions lower down the waste hierarchy and clearly state any barriers to improving outcomes higher up the waste hierarchy and how these might be addressed. // We recommend adding a subparagraph requiring scheme designers to deprioritise investment in new infrastructure or networks that may create path dependence towards outcomes at the bottom of the waste hierarchy (such as investing in new recycling processors for materials that are not infinitely recyclable, or investment in waste-to-energy incineration). Additionally, we recommend amending the guidelines to rule out waste-to-energy incineration in any product stewardship scheme design proposals. // ---- (e)---- The Rubbish Trip supports explicit mention of orphaned and legacy product management, though we note that for some materials (packaging) this may require quite a different approach to others (tyres and e-waste).

Clause

Q7(2) Any comments on draft guidelines: Fees, funding and cost effectiveness

Notes

---- (a) ---- The Rubbish Trip supports producer and product fees covering the full net costs of priority product collection and management. Further consideration may be necessary to determine what minimum proportion of these fees are appropriately internalised by the producer and how much can be legitimately passed to the consumer. Some internalisation is appropriate to accelerate product redesign, and controls should be implemented to prohibit the full costs being put on the consumer. // ---- (b)---- We query the merits of more than one accredited scheme for the same priority product for a country with a population smaller than many cities or states overseas. One of the key arguments for regulated product stewardship in the NZ context has been to “level the playing field” and create consistency in how we manage priority products. We are concerned that multiple accredited schemes for the same class of priority product—with competing collection, recovery, recycling or reuse approaches—could dilute the impact of regulation. For example, multiple schemes could fragment the economies of scale required to create the infrastructure needed to manage products effectively, or unintentionally mirror the kind of brand-based, voluntary product stewardship schemes we currently have that have largely failed to create a coordinated approach to managing the products they cover. // ---- (c) ---- Plans to manage risk are important, but this design feature seems to presume reliance on sale of material into commodity markets. Such reliance is associated with waste management down the bottom of the waste hierarchy (e.g. recyclate being shipped overseas). Product stewardship should aim to dismantle such dependencies by incentivising movement towards waste reduction through redesign and remanufacture, particularly for materials like single-use plastic packaging for consumer goods. We recommend suggesting that risk could be managed, in part, through strategies to reduce reliance on selling recyclate on international commodity markets by striving for outcomes up the waste hierarchy.

Clause

Q7(3) Any comments on draft guidelines: Governance

Notes

---- (a) ---- The Rubbish Trip fully supports the scheme governance entity being independent, non-profit and representing producers and wider stakeholders, including public interest. All these elements are crucial. We are pleased to see the public interest expressly mentioned. We recommend also mentioning other key stakeholders, particularly tangata whenua, local government, community recyclers and zero waste advocates. // ---- (b) ---- The Rubbish Trip queries separating stakeholders into two advisory groups. We recommend clearer specification about how the relationship between the two groups might be managed and the advice from each weighted. Our concern is that the community/consumer group becomes sidelined or tokenistic, or their advice inadvertently treated as less authoritative. While some separate deliberations may be appropriate, collaboration and direct engagement between the two interest groups would be beneficial. Alternatively, there could be two separate advisory groups, with a third group sitting above them in which representatives from both groups sit. // ---- (e) ---- We support a single accredited scheme per priority product and agree this should be the default expectation. However, we wonder if this subparagraph could go further, requiring any case for multiple accredited schemes be supported by compelling justification.

Clause

Q7(4) Any comments on draft guidelines: Non-profit status

Notes

The Rubbish Trip supports the expectation that non-profit entities representing key stakeholders will operate priority product stewardship schemes. However, we believe this should be a requirement rather than a default expectation. If scheme designers really believe a for-profit entity is appropriate, a case can be made for that in the application for accreditation and then it can be at the Minister's discretion whether this requirement is waived or not (as per s 15(2) of the WMA).

Clause

Q7(5) Any comments on draft guidelines: Competition

Notes

We support the sentiment of (a) and (b) to protect collectors and recyclers from being unfairly excluded from participation and keeping procurement processes transparent and non-discriminatory. However, we note that traditionally the concept of “competitive” has been understood as “price or cost competitive”. The services that smaller community recyclers and collectors offer often have a competitive edge in terms of social, environmental and waste reduction/diversion outcomes, even if they are not the most price competitive option. Accordingly, we recommend expressly specifying in (a) and/or (b) that in procuring downstream services, price/cost, environmental and social outcomes are weighted equally when assessing service/procurement tenders. In effect, product stewardship schemes should be expected to operate with triple bottom lines, and/or in the style of a B Corporation Certified company. // ---- (c) ---- Again, we note we are unconvinced that multiple accredited schemes for the same priority product is a good idea. The standard of proof that this could improve the net community and environmental benefit would need to be high. // At times, Design Feature 5 appears to conflate competition between downstream services, between accredited schemes and downstream services, and between accredited schemes - clarification would be useful.

Clause

Q7(6) Any comments on draft guidelines: Stakeholder engagement and collaboration

Notes

---- (a) ---- This subparagraph should specify how wider stakeholders will be involved in governance group decision-making. We also recommend setting out who wider stakeholders are or at least certain stakeholders who must be involved (including tangata whenua, community groups, consumers/householders/citizens, local government and community recyclers) and clear guidance about how these stakeholders will be selected and by whom. Also, adequate resourcing for stakeholder engagement must be

available so that cost of participation is not a barrier to involvement. // ---- (b) ---- We are concerned that this paragraph refers only to the active engagement of “stakeholders currently involved in the product end of life” in the scheme design phase. First, this excludes many who may be ascribed responsibilities according to the WMA’s definition of product stewardship (i.e. all “people and organisations involved in the life of a product”, not just those involved in the end of life (s 8)). Second, this seems inconsistent with p.17 of the consultation document, which includes a paragraph recognising other stakeholders that add value for scheme co-design. Third, given that product stewardship schemes must prioritise outcomes higher up the waste hierarchy, it’s essential that a wide range of stakeholders are actively engaged at the design phase, not just those involved in a product’s end of life (the current formulation risks shoehorning outcomes towards the collection and recycling end of the spectrum—i.e. the bottom of the waste hierarchy—rather than the prevention, reduction and redesign end of the spectrum). We urge rewriting this paragraph to ensure the guidelines safeguard and ensure wide stakeholder active engagement in scheme design, and ensure that schemes are designed to prioritise actions higher up the waste hierarchy. // ---- (c) ---- Though it makes sense to maximise use of the infrastructure that we currently have, the majority of NZ’s current waste management infrastructure is geared towards collection for disposal or recycling. So, maximising these networks will not necessarily boost actions higher up the waste hierarchy. We suggest that the priority for new infrastructure and networks should be those that help achieve outcomes higher up the waste hierarchy. For example, promoting the development of networks and infrastructure for REUSE and REFILL for things like beverage, personal care product, cleaning product, or agrichemical containers (which would require reinstating distribution networks and sterilisation plants previously dismantled for one-way packaging), and also for REPAIR. To this end, we recommend that this paragraph also requires scheme designers to be mindful to avoid incentivising large investment and infrastructure likely to create long-term path dependence towards outcomes at the bottom of the waste hierarchy (e.g. recycling plants for materials that are not infinitely recyclable, or waste-to-energy incineration).

Clause

Q7(7) Any comments on draft guidelines: Compliance

Notes

---- (a) ---- The Rubbish Trip supports the requirement that schemes will have clear means of enforcing compliance. We note that we are operating under the expectation that at the time of accreditation, regulations will be made under s 22 of the WMA to require mandatory participation, in addition to any enforcement measure internal to the scheme.

Clause

Q7(8) Any comments on draft guidelines: Targets

Notes

---- (a) ---- The Rubbish Trip is very supportive of this proposal that schemes will be expected to both set and report on targets. We are very pleased to see that targets should carry the expectation of continuous improvement. // In relation to Design Feature 8 overall, we note that to drive change most effectively, targets must be ambitious from the get-go. More prescriptive expectations around targets, including clear and ambitious benchmarks in the guidelines themselves, may be necessary to mitigate the risk that working groups/scheme designers set overly timid targets. // Furthermore, we strongly recommend amending the guidelines to require targets that are specifically focused on prevention, reduction and reuse (i.e. not lumping these targets in with recovery and recycling), and/or a clearer statement that at least some targets MUST be focused on actions at the top of the waste hierarchy. This could include: reduction rates for single-use plastic packaging for consumer goods; reuse rates for beverage containers or agrichemical containers; targets for returning collected materials to re-manufacture; targets around a product’s increasing ability over time to be dismantled, repaired or parts recycled; targets for tyre abrasion features etc. At present, the language of this design feature is geared towards collection, recovery, and disposal, which will not help to achieve design feature 1(C). It may be that best practice means of measuring prevention, reduction and reuse must be developed - leadership from central government could be useful here.

Clause

Q7(9) Any comments on draft guidelines: Timeframes

Notes

Agree with timing, but note that SOME of the accredited voluntary schemes may not be appropriate as regulated schemes as they may require fundamental redesign, may be too narrow compared to the scope of the priority product, or the methodology or design of the voluntary scheme may not generate buy-in during the multi-stakeholder co-design process. For example, the soft plastics recycling scheme would present issues in the translation from voluntary scheme to regulated scheme.

Clause

Q7(10) Any comments on draft guidelines: Market development

Notes

We support the availability of a research and development budget, but note that the design feature’s list of things to which this budget would be put must expressly include budget for reuse infrastructure (for example, investment to develop localised distribution networks and sterilisation plants) and for innovation in product redesign to reduce waste at source/adopt product delivery systems that reduce packaging.

Clause

Q7(13) Any comments on draft guidelines: Design for environment

Notes

We strongly support this guideline as design for environment is crucial to fulfilling the purpose of product stewardship schemes. // ---- (a) ---- We agree with emphasising the importance of weighting applications higher up the waste hierarchy, but we note that the language of “diversion of collected products” for reduction doesn’t make sense (the notion of collecting products presumes the

existence of product in the first place). Prevention and reduction outcomes (which would include things like product redesign, reduction in packaging, and right to repair) must be separated out so that financial or other incentives for these outcomes are weighted most highly, followed by diversion for reuse/refill, then recycling or composting. We note the mention of “energy recovery” in this design feature and reiterate our view that waste-to-energy incineration should be expressly excluded as an option for all product stewardship schemes. // ---- (b), (c) and (d) ---- We support these proposals as they are geared towards creating good incentives for redesign and outcomes higher up the waste hierarchy. It would be great to see some of these concepts and similar phrasing also included in design feature 10 (Market Development). // In relation to Design Feature 13 overall, scheme designers should be required to consider whether parallel legislation will be required to achieve reduction through redesign outcomes, such as Right to Repair legislation.

Clause

Q7(14) Any comments on draft guidelines: Reporting and public accountability

Notes

Regular and open reporting is critical, particularly disclosing progress on meeting targets and outcomes. We recommend adding a requirement that schemes must report back on how they are ensuring continuous improvement and movement up the waste hierarchy.

Clause

Q7(15) Any comments on draft guidelines: Public awareness

Notes

Measures to ensure high levels of public awareness are critical to schemes’ success. We note that possible financial transactions involving consumers are not limited to producer fees, and may include refundable deposits. Thus, we suggest that clear information about any relevant deposit schemes is included in (a) and reference to transparent deposits is referred to in (b).

Clause

Q7(16) Any comments on draft guidelines: Monitoring, compliance and enforcement

Notes

We support the measures set out in this design feature and wonder whether design feature 7 could be removed, as it overlaps with the first two subparagraphs of design feature 16.

Clause

Q7(17) Any comments on draft guidelines: Accessible collection networks

Notes

We support accessible collection networks as this will be key to successful recovery rates, but also in generating public buy-in and enthusiasm. // We recommend that these accessible collection networks are not limited to “end-of-life product collection”, as collection networks will also be necessary for making reuse systems work or for the successful functioning of part return for remanufacture. As materials to be reused are reused in their “existing form for the original purpose of the materials or products” (s 5 of the WMA), they could arguably be outside the ambit of an “end-of-life product”. We prefer the language of “product collection systems”. // We support the content of paragraphs (b) - (d). // Suggest including that scheme designers consider whether collection points should service several different schemes as this may be a useful way of increasing access for higher flow materials like packaging and those that require more specialised handling such as ewaste/electronics.

Clause

Are there other products that you think should be declared as priority products? Please specify

Notes

Yes. // - CIGARETTE BUTTS should be declared priority products. They are one of the most frequently littered items and regulation could decrease their impact. Some writers have also suggested that reducing cigarette butt litter would assist in denormalising smoking and thus positively contribute to New Zealand’s Smokefree 2025 goal. Industry should be required to cover the costs of clean-up (such as stormwater filters), labelling is required on cigarette packaging to inform smokers that butts contain plastic and should not be littered, and redesign must be incentivised to phase out the plastic content of butts. The recent EU Directive on Single-Use Plastics includes cigarette butts within its ambit, so there is international precedent. Reference: <https://blogs.otago.ac.nz/pubhealthexpert/2019/06/14/how-should-we-manage-the-harm-caused-by-tobacco-product-waste/> // - FISHING GEAR should be declared a priority product, also in line with the EU Directive on Single-Use Plastics. New Zealand is an island nation with many small and large scale fishing operations. Fishing gear is considered to be one of the main sources of ocean plastic pollution, globally. // - DISPOSABLE NAPPIES should be declared a priority product. Nappies are a significant waste stream, constituting a measurable proportion of New Zealand’s waste to Class 1 landfills. Furthermore, compostable nappies are re-entering the NZ market, with inadequate oversight over compostability claims, composting practice, use and safety of resulting soil, and the issues around human biosolids. Overseas jurisdictions are considering regulation of disposable nappies, including Vanuatu. // - DISPOSABLE WET WIPES are also included in the EU Directive on Single-Use Plastics and should be declared a priority product in NZ too. Wastewater treatment plants around NZ are dealing with blockages and issues associated with wet wipes being flushed down toilets. Labelling requirements are needed to inform consumers when wet wipes contain plastic, and to prohibit advertising them as flushable when they are not. Plastic content of these wipes must be phased out. // - CONSTRUCTION AND DEMOLITION WASTE is estimated to make up 50% of total waste to landfill in New Zealand (<http://www.cmnzl.co.nz/assets/sm/2260/61/057-INGLISMahara.pdf>). Mandatory product stewardship is urgently required to incentivise sorting of different waste streams to facilitate diversion from landfill, compulsory industry funding of timber rescue organisations, demolition-for-reuse practices, and minimising the proliferation of problematic plastics in the building industry (such as PVC). // - TEXTILES are one of New Zealand’s fastest growing

waste streams and should also be declared a priority product. Synthetic textiles are a major source of microplastic pollution. While the Government used the WMA to phase out microbeads in personal care products and cleaning products, these represent a minor proportion of microplastics into the environment, when compared to synthetic textiles. A recent Masters thesis by Helena Ruffell at the University of Canterbury found significant quantities of microplastic polyester in Canterbury wastewater treatment plant effluent, demonstrating that this is an issue in New Zealand, as in any other country. The approach globally to this problem has been largely to pretend it isn't happening, but the importance of addressing microplastic pollution is increasingly urgent and Government leadership is needed to carve a path forward.

Clause

Any other comments you wish to share.

Notes

We strongly support the proposals in this consultation and sincerely hope that they result in prompt priority product declarations this time around. We wish to emphasise the importance of s 22 regulations to ensure mandatory participation in any resulting schemes, regardless of whether these regulations are requested by applicants seeking accreditation under s 13 of the WMA. // Furthermore, regardless of the content of any resulting product stewardship schemes, the Government must still consider s 23 regulations for some of these proposed priority product groups (particularly mandatory phase-outs of certain single-use plastic products and their compostable plastic alternatives, e.g. cutlery, takeaway cups, polystyrene takeaway containers, straws). Many jurisdictions have combined the incentives of product stewardship/extended producer responsibility programmes with mandatory phase-outs. While working groups will be required to create a product stewardship scheme for the priority products, we feel it unlikely that many will suggest s 23 regulations (particularly phase-outs) in their applications under s 13. However, for some items we feel phase-outs are necessary and will accelerate positive change.