

Retailer consultation, supporting information:

Banning the sale and distribution of single use carrier bags and setting a minimum price for ‘bags for life’

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Introduction

In June 2020 the States Assembly supported Proposition P.64/2020. This Proposition aimed to reduce waste, increase reuse and support Jersey's Carbon Neutral Strategy by removing single use bags.









Work is now underway to draft legislation that will:

- Ban single use lightweight plastic carrier bags and provide a specification for plastic bags exempt from the ban
- Ban single use paper bags that are used as an alternative to lightweight plastic carrier bags and provide a specification for paper bags exempt from the ban

Consultation with the retail sector is now open to:

- Inform the minimum price that will be set by the new legislation for plastic carrier bags known as 'bags for life'
- Ensure the implementation period set is sufficient
- Understand monitoring, enforcement and communication options

What is included in the future legislation

Banned bags		
		
Lightweight plastic carrier bags – designed for single use	Paper bags used as a plastic carrier bag & lightweight plastic carrier bag substitute - impractical for reuse (50gsm and above)	
Allowed bags		
		
'Bag for life' reusable plastic carrier bags (recyclable) (50 microns and above) <div>Minimum price to be set</div>	Very lightweight plastic carrier bags known as a 'barrier bag' to contain & protect perishables (home compostable) (15 microns or less)	Integral product packaging (sealed prior to sale)
		
Paper 'counter bags' (thin paper, less than 50gsm)	Gift bags	Bin liners, dog poo bags and nappy sacks

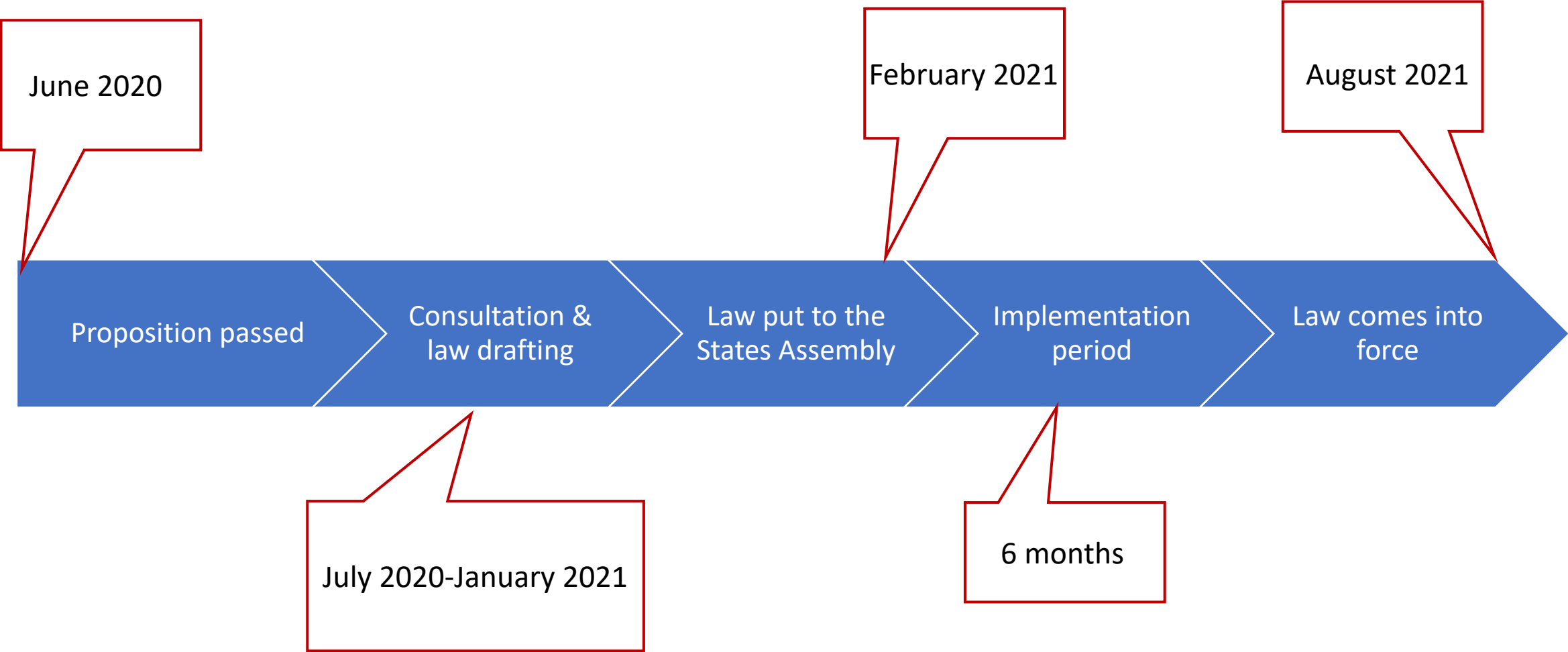
All retailers that currently provide the single use bags that are shown as 'banned bags' will be required to:

- ensure only permitted bags are used

If a retailer wishes to provide bags, they will need to ensure:

- bags meet the required specification (included in this presentation)
- bags are sold at the minimum price or more (price to be set following consultation)
- a process is in place so returned plastic carrier bags are transferred for recycling (some larger retailers already have this supply chain in place and it is envisaged that smaller retailers will receive a 'take back' scheme from local bag wholesalers and support will be provided to establish this system)

Proposed timeline



Plastic bags to be banned and exempt

Here is a list of the plastic bags that all retailers will be prohibited from supplying and distributing to customers at the point of sale of goods or products in Jersey under the future legislation.

The table also shows the plastic bags that are exempt.

Definitions are included on the next page.

Banned bags



Lightweight plastic carrier bags – designed for single use

Allowed bags



‘Bag for life’ reusable plastic carrier bags (recyclable) (50 microns and above)



Very lightweight plastic carrier bags known as a ‘barrier bag’ to contain & protect perishables (home compostable) (15 microns or less)








Integral product packaging (sealed prior to sale)



Bin liners, dog poo bags and nappy sacks

Plastic bag definitions

Bag type	Definition and visual example
<p>Plastic carrier bag (known as a 'bag for life')</p> <p>✓ Exempt from ban but must meet provided specification</p>	<p>Carrier bags, with or without handle, are made of plastic, which are supplied to consumers at the point of sale of goods or products. All bags must have a minimum thickness of 50 microns. Must be made from a plastic that can be recycled.</p> 
<p>Lightweight plastic carrier bag</p> <p>✗ Banned</p>	<p>Plastic bags, with or without a handle, made of plastic, with a wall thickness below 50 microns and above 15 microns which are supplied to consumers at the point of sale of goods or products.</p> 
<p>Very lightweight plastic bag (may be known as a 'barrier bag')</p> <p>✓ Exempt from ban but must meet provided specification</p>	<p>Plastic bags, with or without a handle, made of plastic, with a wall thickness below 15 microns which are required as primary packaging for fresh, perishable and loose foodstuffs - prevents food wastage and pharmaceutical products.</p> <p>All bags must be OK compost HOME certified or equivalent</p> 
<p>Integral product packaging</p> <p>✓ Exempt</p>	<p>A bag that is an integral part of the packaging in which goods are sealed prior to sale.</p> 
<p>Bin-liners, nappy bags, and 'dog poo' bags</p> <p>✓ Exempt when used for their intended purpose</p>	<p>Dog poo, nappy bags and bin liners purchased and used for their intended purpose.</p> 

Paper bags to be banned and exempt

Here is a list of the paper bags that all retailers will be prohibited from supplying and distributing to customers at the point of sale of goods or products in Jersey under the future legislation.

The table also shows the paper bags that are exempt.

Definitions are included on the next page.



Banned bags



Paper bags used as a plastic carrier bag & lightweight plastic carrier bag substitute - impractical for reuse (50gsm and above)

Allowed bags



Paper 'counter bags' (thin paper, less than 50gsm)



Gift bags



Paper bag definitions

Bag type	Definition
Paper bags ✗ Banned	Paper bags, with or without a handle, made to a measure of 50gsm and above which are provided to consumers at the point of purchase of sale of goods or products as an alternative to a plastic carrier bag or a lightweight plastic carrier bag.
'Counter' paper bags ✓ Exempt from ban but must meet provided specification	Paper bags, with or without a handle, which are less than 50gsm.
Gift bags ✓ Exempt	No definition has yet been finalised. The suggested wording is 'Paper bags, with or without a handle, purchased for the intended purpose of gift wrapping.'



Why ban paper bags?

A paper carrier bag has to be re-used at least 3 times to be as 'environmentally-friendly' as a single-use plastic carrier bag (Environment Agency, 2006).

Paper bags are not an environmentally friendly alternative to plastic bags, in fact they have a greater environmental impact as they are less likely to be reused.

The aim of the new legislation is to reduce waste, increase reuse and support Jersey's Carbon Neutral Strategy by removing single use bags. This cannot be achieved without including the type of paper bags that are provided as an alternative to plastic bags.

**"substituting one single-use material
for another is not the solution"
Environmental Investigation Agency,
2019.**

Minimum price

The new legislation will include a minimum price for plastic carrier bags known as 'bags for life'.

Setting a minimum price for bags for life helps to adopt a 'user pays' approach as the cost will be passed onto the customer. The aim is to discourage purchase and encourage consumers to reuse bags already in their ownership.

The price must provide a strong enough incentive for people to stop using bags for life and to stop people using them as a single use option.

Charges of 10-15p are already well established. In the UK, Lidl customers must pay 38p for a heavy-duty bag if they forget to bring their own, Morrisons has increased their bag for life price to 30p in some stores and shoppers in the Republic of Ireland have to pay 70 cents (approx. 62p).

The minimum price will be set following this consultation.



Recommendation from 'Checking Out on Plastics II' (2019) EIA & Greenpeace

Source: <https://eia-international.org/wp-content/uploads/Checking-Out-on-Plastics-2-report.pdf>

What changes are required?

If you are a retailer that provides plastic or paper bags to customers, you will need to:

- ensure only permitted (exempt) bags are used when the new legislation comes into force – a lead in period of 6 months has been proposed to help you prepare for this and this timescale is a focus for consultation

If you wish to provide bags once the legislation comes into force, you will need to:

- Ensure your bags meet the required specification (definitions are included in this presentation)
- Ensure plastic carrier bags ‘bags for life’ are sold at the minimum price or more
- A process is in place so returned plastic carrier bags are transferred for recycling (some larger retailers already have this supply chain in place and it is envisaged that smaller retailers will receive a ‘take back’ scheme from local bag wholesalers and support will be provided to establish this system)

Implementation

Once the new legislation is passed, there will be a 6 month implementation period before the changes comes into force.

During this time:

- Communications and resources will be available to you to help you make the required changes and inform your customers
- Public communications will be released to inform customers of the changes
- Retailers can make preparations for the ban and minimum price requirements

The consultation asks for your thoughts on the length of the implementation period. It is essential that this timeframe is supported by retailers and so it must be set realistically and fairly.

Monitoring and enforcement

The new legislation is being developed to reduce waste, increase reuse and support Jersey's Carbon Neutral Strategy by removing single use bags.

So that the success can be measured and to ensure everyone is working together to achieve the aims, tools to monitor the use of plastic carrier bags are needed along with a mechanism to identify retailers that are not following the new legislation.

Several questions regarding monitoring and implementation are included in the consultation. This is to establish what data can be collected and what tools should be developed to ensure every effort to remove single use bags is recognised.

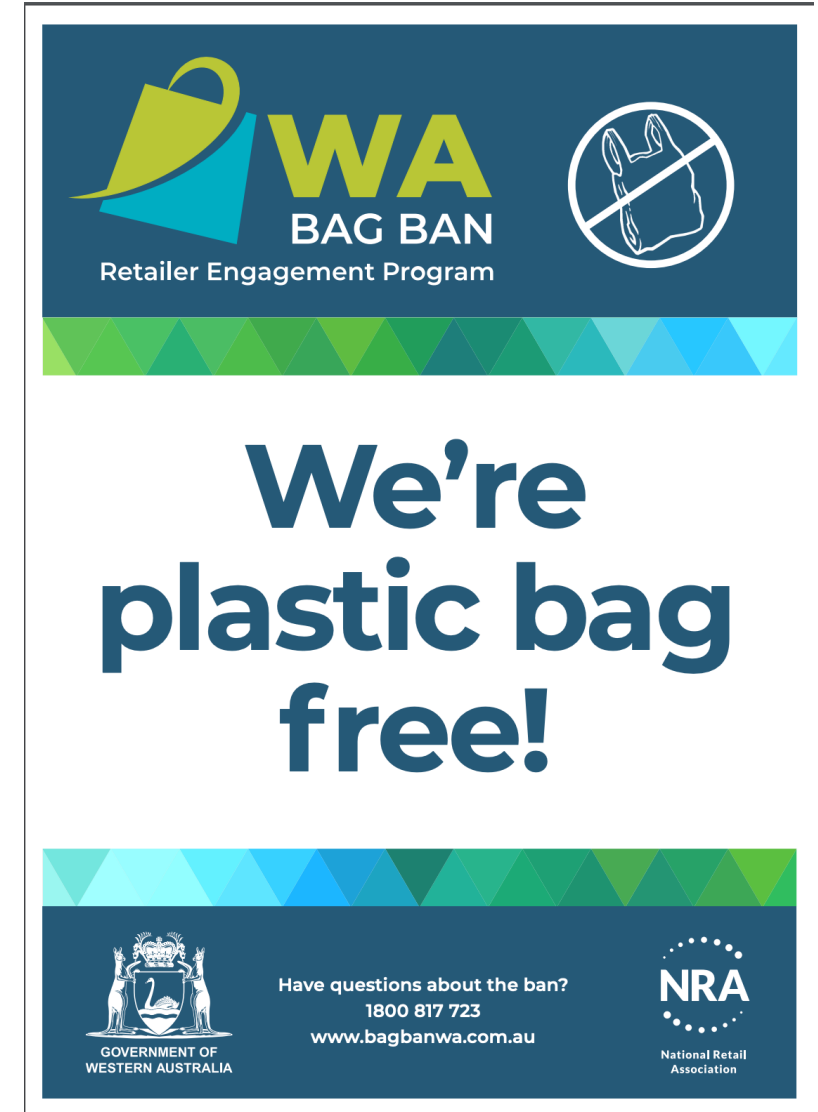
Communications

Communications are essential to support any change.

The new legislation will be supported by two communications plans: one that develops resources for retailers to help you understand the changes you need to make and provide tools you can use to inform your customers and the other focused on the general public so they are well informed ahead of any changes happening.

Some questions regarding the type of communications that you would like to receive are included in the consultation so the right tools are developed.

A question regarding becoming a 'Plastic Bag Free' business is also included. In Australia, retail businesses that do not provide customers with any type of plastic bag can be awarded 'Plastic Bag Free' status. A copy of an accreditation poster is included here. We would like to know if this is of interest to Jersey retailers.

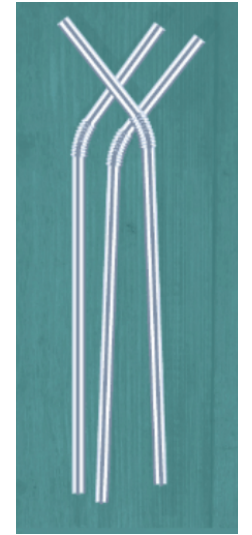


Future extensions of the ban

The legislation being developed focuses on single use bags.

Other jurisdictions have extended bag bans to include other avoidable single use items. This helps to further reduce waste and encourage more sustainable options by only providing items that can be used again and again.

A question asking if you would like to see Jersey's single use bag ban extended in the future is included in the consultation. We are also interested to learn what single use items could be included in the future.



Consultation

All retailers are invited to complete the consultation questionnaire.

The responses will be collected and analysed and used to develop the future legislation and supporting tools.

The aim of the ban on single use bags and the introduction of a minimum price for plastic carrier bags known as 'bags for life' is to reduce waste, increase reuse and support Jersey's Carbon Neutral Strategy.

By working together, these changes can have a big impact and send a strong message about Jersey's commitment to the environment. It is only by working together that this change will happen.

The legislation will require you to make changes in your business and we want to develop a law and the supporting tools that is right for Jersey, right for retailers and right for consumers. By answering the consultation questionnaire, you can help us to get this right and make changes that will have an ever lasting positive impact.

The consultation questionnaire is available online from gov.je/consultations and in hard copy on request. Please return your completed questionnaire by the deadline date.

Thank you for your help.

Please complete our questionnaire by the closing date.

Thank you for your help.