

The Plastic Pollution Bill

Explanatory notes

Summary

- The *Plastic Pollution Bill* aims to
 - Prevent plastic pollution of the environment as far as possible by 2042.
 - End the use of non-essential single use plastics by 2025.
 - Progressively reduce the overall use of non-essential plastic.
 - Progressively eliminate plastics pollution from the environment.
- To achieve this, a framework structure is established along with targets to ensure constant progression towards the end goal.
- The Bill establishes an Advisory Committee on Plastic Pollution to
 - provide independent expert analysis on how to set a clear economy-wide path towards reduced plastic use and an end to plastic pollution
 - draw up a list of essential uses of plastic that would not be phased-out.
- The Bill requires current and future governments to respond to the Committee advice with a strategy to be approved by parliament.
- The Bill supports the UK's commitment to international action on plastic pollution, including the 2030 Agenda for Sustainable Development and the 2018 Commonwealth Blue Charter.
- The Bill applies to England with recommendations for cooperation with devolved governments.

Friends of the Earth's webpage [The Plastic problem](#) summarises the serious and complex nature of plastic pollution, and what each of us can do to solve the plastics crisis – including support for the Plastic Pollution Bill so far.

Key features of the Bill

A statutory long-term target to prevent plastic pollution by 2042: 2042 is the Bill's end date for the release of any further plastic pollution, though it requires plastic pollution to have been substantially and progressively reducing before that date, as far as possible.

The government's 25-Year Environment Plan sets a target to eliminate avoidable plastic waste by 2042 but does not lay out the process to achieve that target. This Bill helps by providing a clear process that also creates a level playing field for business.

A 2025 target to end non-essential single use plastics, backed up by a statutory obligation for a progressive reduction in overall plastic use: The 2025 target provides much-needed near-term commitment. This involves a comprehensive approach targeting single-use plastics across the board except for those judged to be essential (see below).

Current UK and European Commission proposals include welcome plans for bans on a limited number of products but these omit the vast majority of polluting plastics.

Absolute reductions in overall plastic use are vital to ending plastic pollution. Recycling cannot otherwise keep pace with the volume of plastic in the economy. Plastic pollution also originates from uses of plastic not affected by recycling.

An independent Advisory Committee on Plastics Pollution (ACPP) is established. The ACPP assesses plastic use, develops a list of essential plastic uses that may not be phased out, and advises the Secretary of State as to policy measures to achieve the statutory targets. The ACPP also monitors progress towards the targets.

A regularly updated strategy to achieve the goals: The Secretary of State is required to place such a strategy before Parliament based on the ACPP's advice. This strategy represents the government's policies for reducing plastic pollution in line with the targets and ACPP advice. To ensure continual progress the strategy must be updated every 5 years, or more regularly if the ACPP deems it necessary.

Accountability and monitoring are embedded in the Bill, including the expansion of plastic pollution monitoring from the marine environment to the terrestrial and freshwater, rigorous public consultation, parliamentary scrutiny and regular reviews of progress.

A phased approach that recognises essential and important uses of plastic that we need to keep using or phase-out at a slower rate. Plastics used in medicine, enabling quality of life for people with disabilities, and whose replacement would cause greater environmental or social harm are examples of essential plastic use.

Commentary on the clauses

Clause 1

The opening clause places four duties on the Secretary of State, the most important of which is to prevent further plastic pollution of the environment as a result of human activity by 2042, as far as possible using the best practicable means.

To drive progress towards the long-term goal and to reflect the progress already made in finding solutions there are several shorter-term and overarching goals. The government should progressively reduce the use of non-essential plastics, end the use of non-essential single-use plastics by 2025, and progressively eliminate plastic pollution of the environment as far as possible.

The shorter timeframe to end non-essential single-use plastics is realistic as the government has already announced a ban on 3 items, and further items are due to be banned under the European Union's new directive on single use plastics should it be transposed. The focus on non-essential plastic recognises the vital role that plastic plays in safety, medical care and many other areas. Determining what is considered essential or non-essential is addressed further in clause 4(6).

The Secretary of State has two years to draw up and publish a strategy containing the policies needed to achieve the four overarching duties set out in section 1. As well as these, this strategy must include interim targets in order to progress towards the achievement of the long-term duties. This would allow, for example, targets for banning the use of all intentionally added microplastics as ingredients in products.

Clause 2

Clause 2 requires the Secretary of State to set up an Advisory Committee on Plastic Pollution (ACPP) and sets out the ACPP's composition and size. The appointment of members of the ACPP must be approved by the Members of Parliament on the relevant Select Committee to ensure the members are suitably qualified. After the initial appointments the ACPP can set its own rules for operation and make any subsequent appointments, though these would also need approving by the relevant Select Committee.

This clause also lays out areas of expertise that should be covered by ACPP members. It is vital that the ACPP has a range of expertise. These must include the impacts and risks of plastic pollution, possible solutions and the economic and social impacts of plastic use, pollution and reduction.

Clause 3 and 4

The duties of the ACPP are addressed here. The ACPP must advise the Secretary of State so that s/he may fulfil the duties of this Bill. The ACPP has one year to publish this advice for the government. The advice assesses the full range of impacts of plastic pollution, and what uses or types of plastic could be readily substituted with more sustainable alternatives.

Subclause 4(6) requires the ACPP to prepare a list of plastics and uses of plastics that are considered to be essential. This is to recognise the important role some plastics play in ensuring a safe and healthy population, for example plastics that enable quality of life for people with disabilities, and in reducing climate emissions, for example in transport, food and renewable energy applications. To achieve pollution reduction targets the ACPP advice will include measures, such as deposit return schemes, to minimise pollution from ongoing uses of plastic.

Subclause 4(3) stresses that the ACPP must take a precautionary approach to phasing out plastic pollution. The aim is to allow the ACPP and the Secretary of State to strike the right balance between driving an ambitious reduction in the use of plastic on the one hand and the legitimate needs of society on the other. To assist in finding that balance, the ACPP must make every effort to consult with affected parties with a focus on groups with protected characteristics according to the 2010 Equalities Act as per subclause 4(7).

The ACPP is required to advise on target dates for when specific types of plastic pollution or uses of plastic will be ended. It must also advise on policies to achieve those targets. For example, it could recommend a target to achieve a 60% reduction in plastic cutlery found during beach monitoring by 2023 and suggest its achievement through a levy applied to the use of single-use cutlery in catering businesses.

Though the Bill is primarily focused on preventing further plastic pollution it also recognises the need to remove pre-existing pollution. Subclause 4(11) therefore allows the ACPP to advise on measures for the removal of existing plastic pollution.

Clause 5

The Bill recognises that the Secretary of State must take account of expert advice but is not entirely bound by it. This is because decisions should be made by democratically elected politicians, and not by appointed experts. However, this approach also requires transparency and so when the Secretary of State diverges from expert opinion, this must be clearly set out with justification.

The Secretary of State is therefore required by law to address all of the Committee's recommendations in the strategy by subclause 5(5). S/he must designate the plastics and uses of plastics that are to be defined as "essential" and must consult the public on the strategy (subclause 5(4)). Should the Secretary of State decide to set different targets or policies to those recommended, the strategy must explain why s/he took this decision

The Preventative, Precautionary and Polluter Pays principles are key to tackling plastic pollution and must be adhered to in drawing up the proposed measures.

It is then for Parliament to decide if the strategy is fit for purpose. The House of Commons and the House of Lords must approve the strategy in a vote within 28 days of it being put before them. If they do not do so, the government is given 3 months to amend and resubmit the strategy for approval. The strategy should be reviewed at least every five years, or if the Committee deems it necessary in the face of new innovations or significant threats as per subclause 5(3).

Clause 6

The ACPP monitors the implementation of the strategy and publishes annual reports on progress towards its objectives. The reports should consider developments in the science of plastic pollution and alternatives to plastic and include recommended policy changes to the strategy or the list of essential plastics. If the ACPP determines that the strategy should be reviewed it can instruct the Secretary of State to do so as per subclause 6(3).

Clause 7

Clause 7 requires the setting up of a monitoring programme to measure the success or otherwise of the strategy, and to ensure that the data needed for setting the strategy is available to the Committee and the public. Currently there is a comprehensive monitoring programme for marine litter as part of the UK Marine Strategy. This has informed policy measures and demonstrated the success of plastic-reducing policies like the plastic bag

levy. However, the UK lacks country-wide monitoring of plastic pollution in other environmental compartments. Plastic pollution has been found in significant amounts in rivers, soil, on land and in the air, so should be monitored in these areas to inform effective policy making.

Clause 8

As waste is a devolved issue in the UK, this Bill will only apply to England. However, this clause tasks the Secretary of State with consulting the devolved administrations with the aim of creating coherent UK-wide strategies to phase-out plastic pollution.