



Single-use plastic **BAN**

Guide for Business

In 2022, NSW is banning certain single-use plastics.

From 1 June



Lightweight plastic shopping bags

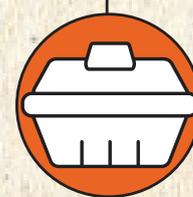
From 1 November



Single-use plastic straws*,
stirrers and cutlery



Single-use plastic plates and bowls



Expanded polystyrene
foodware and cups

* An exemption is in place for providing a plastic straw for people with a disability or medical need.

The ban also applies to single-use plastic cotton buds and microbeads in certain rinse-off personal care products.

About the ban

What items are banned?

The NSW Government is banning certain plastic items in 2 stages during 2022.

From 1 June 2022, lightweight plastic shopping bags will be banned.

From 1 November 2022, the following items will be banned:

- single-use plastic straws and stirrers
- single-use plastic cutlery
- single-use plastic plates and bowls without spillproof lids
- foodware and cups made from expanded polystyrene (EPS)
- single-use plastic cotton buds
- rinse-off personal care products containing plastic microbeads.

An exemption is in place for providing a plastic straw for people with a disability or medical need.

The ban applies whether items are supplied individually or in packets.

Who does the ban apply to?

A person must not supply a banned item in NSW while carrying on a business or activity.

The ban applies to:

- **retail or hospitality businesses** such as restaurants, cafes, bars, hotels, takeaway food outlets, party supply stores, discount stores, supermarkets, market stalls, online stores, and any other commercial business
- **manufacturers, suppliers, distributors and wholesalers** supplying the banned items in NSW – penalties doubled for this sector
- **anyone undertaking an activity for charitable, sporting, education or community purposes**, for example, a community group, charity, government body, not-for-profit organisation, education provider, sporting group or religious body supplying banned items as part of a meal service or during fundraising events.

What is an offence?

Once the bans come into effect, it will be an offence under the Plastic Reduction and Circular Economy Act 2021 to:

- supply a banned plastic item
- provide false or misleading information (by act or omission) about the supply of a banned item
- fail to comply with a stop or compliance notice.

Supply of a banned item includes to (whether or not a fee is charged):

- sell, supply, re-supply or distribute
- receive or possess for the purpose of supply
- offer to supply (such as in advertising, websites and brochures)
- display, provide or make the item available to a person (such as via on-counter access).

It is **not** an offence to supply a banned item to a person outside NSW, but we recommend checking for similar bans in other jurisdictions.

How will it be enforced?

The NSW Government will work with businesses and organisations to ensure they understand their obligations.

The National Retail Association (NRA) has been engaged to help businesses, suppliers and community organisations to learn more about the ban.

The NSW EPA will be responsible for enforcing the Act. The Act provides a broad range of enforcement tools including the ability to issue penalty notices, prosecute for offences and to issue compliance notices to suppliers or occupiers.

Fines apply, with maximum court penalties of \$55,000 for a corporation and \$11,000 for an individual. These penalties are doubled for a manufacturer, wholesaler or distributor.

Banned from 1 June 2022



Lightweight plastic shopping bags

The ban applies to: lightweight plastic shopping bags with handles that are 35 microns or less in thickness at any part of the bag, including those made from bioplastic, compostable or 'degradable' plastic.

The ban does **not** apply to: other bags, such as barrier/produce bags, bin liners, animal waste bags, medical waste bags, or sealed product packaging.



> Choosing sustainable alternatives

First, consider if you need to supply a shopping bag for every purchase. If most customers only buy a few items, they may not need a bag at all. You can also reuse stock boxes.

If you choose to supply heavyweight plastic bags, the NRA recommends bags made from recycled content and much thicker than required (for example, 50 microns).

Next, consider selling reusable bags, such as fabric, hessian, jute or chiller bags. Customers should also be encouraged to bring their own reusable bags.

Labelling such as 'reusable' is **not** proof of compliance.

Ask your supplier for written confirmation of the bag's thickness.

Then, if you still need to supply a disposable bag, consider sustainably sourced or recycled paper bags.

Lightweight plastic shopping bags made from compostable or 'plant-based' plastic are included in the ban.



Banned from 1 November 2022



Single-use plastic straws, stirrers & cutlery

(including forks, spoons, knives, chopsticks, splayds, food picks)



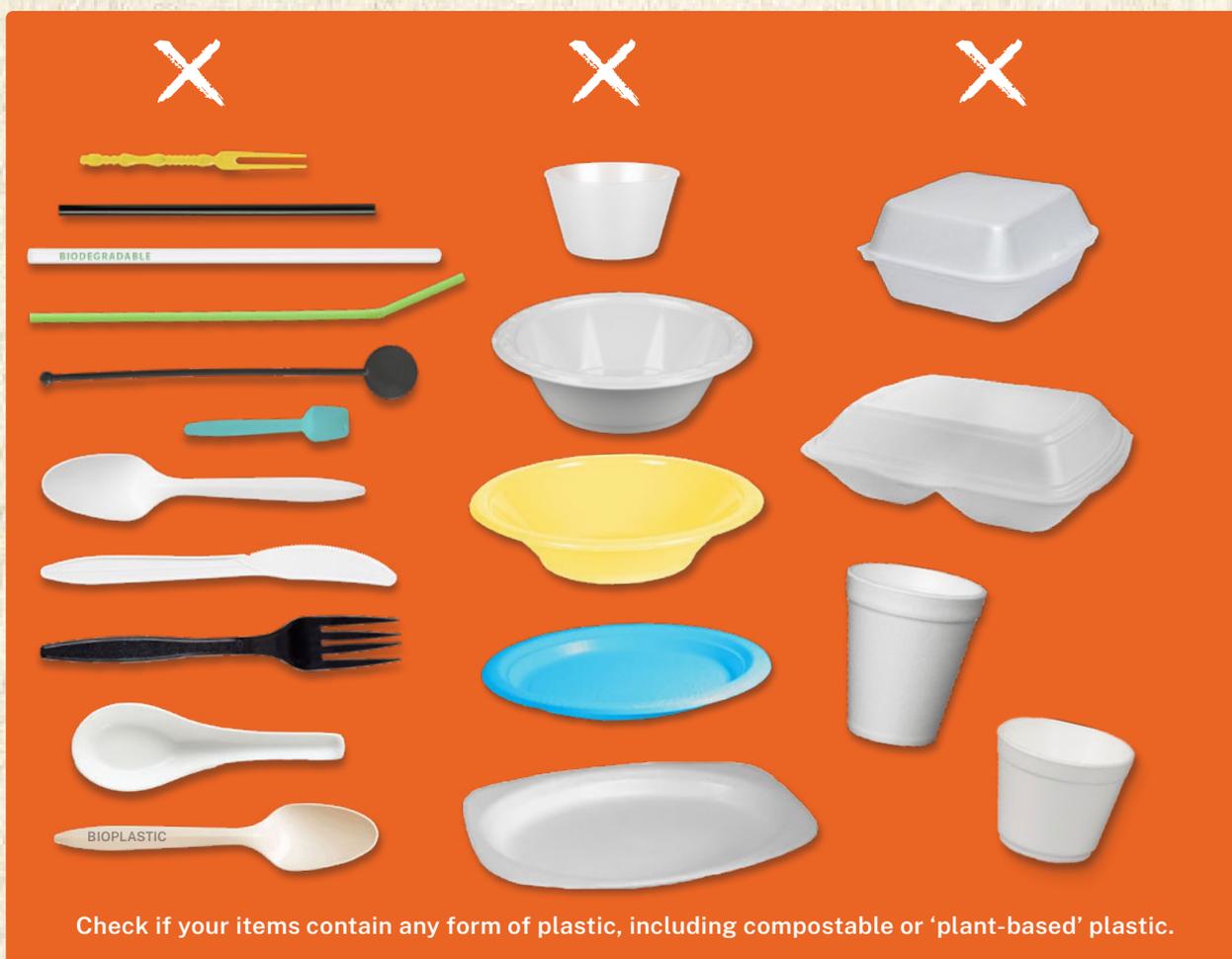
Single-use plastic plates & bowls

(excluding bowls with a spill-proof lid)



Expanded polystyrene foodware and cups

(e.g. clamshells, cups)



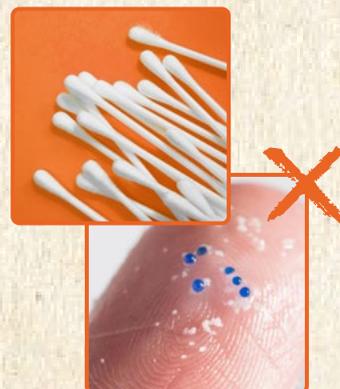
Check if your items contain any form of plastic, including compostable or 'plant-based' plastic.

Cotton buds and microbeads

The ban also applies to single-use plastic cotton buds and rinse-off personal care products containing plastic microbeads, such as cleansers and exfoliants. See [website](#) for more information.

You can use **cotton buds** made from paper, wood or bamboo. You can also purchase reusable sticks with replaceable buds.

Plastic microbeads have been phased out of more than 99% of impacted products under a voluntary industry agreement, led by Bead Recede. The NSW ban will ensure the few remaining products stop using these harmful ingredients.



> Choosing sustainable alternatives

First:

Consider whether you really need to supply these items at all. If many customers take your food home or back to the office, you could save money and the environment by not offering disposables or only offering straws or utensils on request.

Next:

Consider reusable items. If you offer in-store dining, consider washable, reusable items made from metal, glass or ceramic. You may also like to sell reusable utensils and encourage customers to bring their own.

Then:

If you still need disposable items, talk to your supplier about non-plastic options such as paper straws, wooden or bamboo cutlery, or uncoated plates, bowls and clamshells made from cardboard or sugarcane pulp.



> Exemptions

The ban does **not** apply to:

- serving utensils or servingware (e.g. tongs, platters)
- any other plastic cup (only EPS cups are banned)
- pre-packaged items that are integrated into the packaging of a food or beverage product through an automated process (e.g. a straw attached to a juice box, or a bowl in a frozen meal)
- EPS trays used for raw produce (e.g. for raw meat, seafood, fruit or vegetables)
- EPS containers used for business-to-business transport.

Exemption for straws: Businesses who serve food or drinks may provide a single-use plastic straw from behind the counter for a person with a disability or medical need (or to a person who is acting on their behalf). You do not need to ask for proof. These must not be on display or accessible to customers. See website for more information.

Compostable plastic alternatives are NOT permitted



Compostable plastic straws, cutlery, bowls and plates **are not allowed** under the NSW ban.

What are bioplastics or compostable plastics?

- Bioplastics are plastics made from a modified plant-based material, rather than petroleum.
- These items are often described as 'plant-based plastic', 'compostable plastic', 'biodegradable plastic' or 'plastic-free'.
- One example is polylactic acid (PLA), which is commonly modified from cornstarch or sugarcane.
- Most bioplastic items do **not** biodegrade without specific treatment in a commercial composting facility
- This means that these items do **not** biodegrade when littered in the environment or sent to landfill. They can create just as big a problem as conventional plastic.

How do I ensure my items do not contain compostable plastic?

If an item looks or feels similar to plastic, but claims to be 'plastic-free', 'biodegradable', 'compostable', 'degradable' or 'plant-based', it is likely to contain bioplastic.

Logos, labelling or product claims are **not** proof of compliance.

Ask your supplier to confirm in writing that the items do not contain any form of polymer, plastic or compostable plastic.

NOTE: It is an offence to provide false or misleading information about banned items, including compostable plastics.



Displaying banned items

Receiving, possessing, advertising or displaying a banned item for supply in NSW is **not allowed**.

We recommend businesses:

- do not keep any banned stock on site after the ban date unless it is intended for supply outside NSW.
- ensure websites, brochures and salespeople clearly indicate which products are banned in NSW.
- improve website settings to limit locations and/or add a statement on each banned product listing indicating that it is 'not available for supply in NSW'.
- Manufacturers, producers and wholesalers may have increased due diligence requirements when supplying exempt items

Optional: National businesses may also like to include details of bans in other locations.

For more information, contact the NRA.

Questions to ask your supplier

Before ordering alternatives, ask your supplier to answer these questions in writing:

- Do these items comply with the NSW plastics ban that comes into effect in 2022?**
- Can you confirm that they do NOT contain any form of polymer, plastic or compostable plastic?**
- Are my plastic shopping bags more than 35 microns in thickness at ALL parts of the bag?**

If your supplier cannot answer **YES** to all of these questions, the items may be banned.

Note: alternatives to EPS containers or cups can be made from other forms of plastic.

For more information, speak to the National Retail Association or the NSW EPA on plastics@epa.nsw.gov.au.

Prepare for the

BAN

1

Plan ahead

Plan ahead and transition early.

- Ensure your suppliers, team members and customers are prepared for the changes.
- Stop ordering banned items now and use up existing stock. You cannot continue to supply banned stock after the ban deadlines, even if you purchased it before those dates.
- Do a stocktake and work out how long it will take to exhaust your banned items.
- If you have large amounts of stock, speak to your supplier as they may accept returns or exchanges.
- You may also be able to transfer excess stock to another state (however be aware of similar bans in other states).
- If you cannot exhaust, return, exchange or transfer your stock in time, contact a local recycler to see if they can take some items: www.businessrecycling.com.au
- **Need help?**
Small businesses and community organisations who need help to recycle existing stock can register with the Great Plastic Rescue on www.greatplasticrescue.co

2

Speak to your supplier

Weigh up your best long-term options.

Remember that, even beyond the ban, consumers are increasingly demanding more sustainable options.

- **First**, consider whether you need to keep supplying items like bags and cutlery if your customers do not really need them.
- **Next**, think about whether you can use reusable, washable alternatives and reduce the amount of items you give away.
- **Then**, if you still need disposable items, ensure they are compliant and food safe.

It is an offence to supply banned items or to provide false or misleading information about a banned item, including whether or not it is banned. This includes withholding or not providing information.

For more information, speak to the National Retail Association or the NSW EPA.

National Retail Association Tollfree Hotline: 1800 844 946

sustainability@nra.net.au
dpie.nsw.gov.au/plastics-ban

Before ordering alternatives, ask your supplier to answer the questions on the previous page.

3

Inform your team and customers

Help your staff prepare for changes.

Prepare your staff for customer questions about the ban and inform them of the changes you have decided to make.

Make sure food and beverage staff know they may provide a plastic straw for a person with a disability on request (without requiring proof) but straws must not be on display.

Inform your customers ahead of time.

Inform your customers of the ban and prepare them for changes you will be implementing. We recommend that all businesses display signage well ahead of the ban dates so customers have time to adjust.

Signage (including translated signage) is available at: dpie.nsw.gov.au/plastics-ban

Need Help?



On behalf of the NSW Government, the **National Retail Association** is delivering a range of resources and activities to assist retailers, suppliers and community organisations, including:

- factsheets
- signage and point-of-sale materials
- translated resources
- thousands of in-person store visits
- online seminars
- information sessions
- a tollfree hotline.

The **National Retail Association** team can also provide advice to national or interstate businesses about single-use plastic bans in other locations across Australia.

For more information or advice

Visit the website: dpienew.gov.au/plastics-ban

Call the NRA hotline: **1800 844 946**

Email the NRA: sustainability@nra.net.au



Scan to visit the site