



Proposed priority products and priority product stewardship scheme guidelines

Summary of submissions



Ministry for the
Environment
Manatū Mō Te Taiao

New Zealand Government

This document may be cited as: Ministry for the Environment. 2020. *Proposed priority products and priority product stewardship scheme guidelines: Summary of submissions*. Wellington: Ministry for the Environment

Published in July 2020 by the
Ministry for the Environment
Manatū Mō Te Taiao
PO Box 10362, Wellington 6143, New Zealand

ISBN: 978-1-98-857992-4
Publication number: ME 1505

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Message from the Secretary for the Environment



New Zealanders care deeply about the environment and want to see action to improve future environmental outcomes. There needs to be significant work done across a range of sectors, in collaboration with New Zealanders, to make a difference in the longer term.

Some of the initiatives include confronting the long-term challenge of plastic waste, expanding the landfill levy, investing in strategic waste projects through the Waste Minimisation Fund, and designing a beverage container return scheme.

Aotearoa New Zealand has a poor record on waste. We have one of the worst per-capita waste generation rates in the OECD, something which has created a staggering 48 per cent increase in waste at municipal landfills over the past 10 years.

A key pillar of the work programme is establishing a regulated product stewardship framework for harmful products. This would give producers more responsibility throughout their products' life cycle, sharing the load with local authorities and communities, and improving incentives for circular resource use.

In late 2019, the Government consulted on designating six 'priority products' for regulated product stewardship – tyres; electrical and electronic products; agrichemicals and their containers; refrigerants and other synthetic greenhouse gases; farm plastics; and packaging.

Considering the complexity of this subject, we were delighted with the response from New Zealanders. Almost four thousand (3,986) people had their say. Thank you to everyone who took the time to make a submission.

We have now publicly released the submissions, along with this summary document highlighting key themes.

Decisions we make today affect the choices of future generations, therefore it is important to work together to achieve change now that sets us up well for the future. Thank you for your part in making that possible.

A handwritten signature in blue ink, appearing to read 'Vicky Robertson'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Vicky Robertson
Secretary for the Environment

Executive summary

Product stewardship is when people and businesses take responsibility for the life-cycle impacts of their products, either voluntarily or in response to regulatory tools. The Waste Minimisation Act 2008 (WMA) provides tools to establish a framework for regulated product stewardship.

The Government has proposed a co-design approach to establishing regulated product stewardship schemes in New Zealand through a two-stage process. Stage one is to declare problematic waste streams as ‘priority products’ under section 9 of the WMA. Once something is declared a priority product, a product stewardship scheme for that product must be developed and accredited as soon as practicable (stage two), and a regulatory option to require participation in such a scheme becomes available.

From 9 August to 4 October 2019 the Ministry for the Environment (the Ministry) consulted on a proposal to designate six product groups as ‘priority products’ and publish Ministerial guidelines for product stewardship schemes for priority products. These proposals were made in accordance with sections 9 (priority products) and 12 (Ministerial guidelines) of the Waste Minimisation Act (WMA). The proposed priority products were:

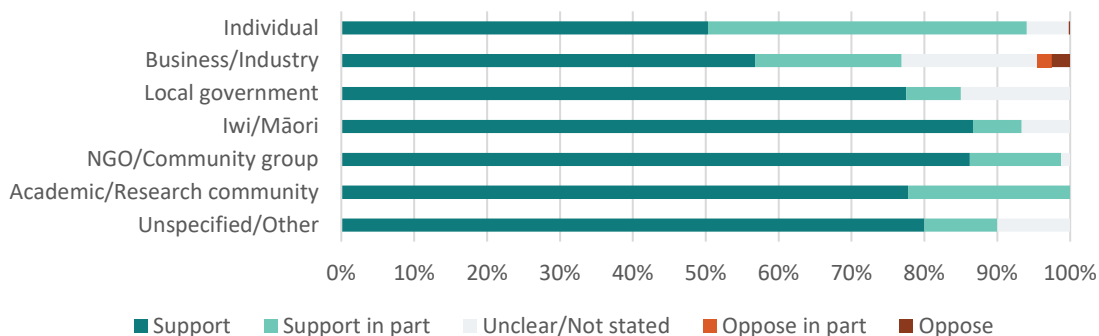
- tyres
- electrical and electronic products
- agrichemicals and their containers
- refrigerants and other synthetic greenhouse gases
- farm plastics
- packaging.

This report summarises the views expressed in submissions received during the consultation process. It does not provide an analysis of those views, or recommendations in response to them. Any recommendations in response to these submissions will be made through policy advice to Associate Minister for the Environment, Hon Eugenie Sage.

Key findings

A total of 3985 submissions were received and the majority of submitters (93 per cent) supported the proposal. This is made up of those who supported the proposal (52 per cent) and those who supported the proposal ‘in part’ (41 per cent) (figure 1).

Figure 1: Overall support for the proposal by submitter type



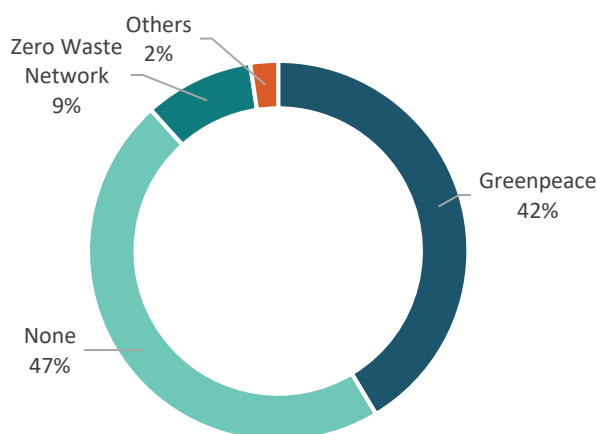
The number of submissions received by submitter type is shown in table 1. By far the largest response was from individuals (91 per cent).

Table 1: Total submissions by submitter type

Submitter type	Count	Percentage
Individual	3,633	91
Business/Industry	199	5
Local government	40	1
Iwi/Māori	15	<1
NGO/Community group	80	2
Academic/Research community	9	<1
Unspecified/Other	10	<1
TOTAL	3,986	100

Majority support was present across all submitter types, ranging from 77 per cent for business/industry, to 99 per cent for individuals and 100 per cent for the academic/research community (figure 1: Overall support for the proposal by submitter type).

Figure 2: Submissions from individuals by form template used



Just over half of the individual submissions (53 per cent) used a form template (in full or in part) from Greenpeace, the Zero Waste Network, The Rubbish Trip, or CBEC EcoSolutions (figure 2). Shared language was also evident among a number of business/industry submitters associated with the packaging industry.

Many submitters chose to focus only on parts of the proposal (ie, questions related to particular priority products or guidelines) that most closely tied to their interests or expertise. This meant that the ‘no response’ level across questions ranged from 40–47 per cent. However, among those that stated a position, there was clear majority support for all of the individual proposals (figure 3).

Majority support for the proposed package extended across all submitter types, and all subsets of the proposal. The support by sub-proposal and submitter type ranged from 71 to 100 per cent (table 2).

Submitters' responses for each question and the reasons given for support, uncertainty or opposition are set out in the following section. Some submitters also proposed alternative or supplementary policies, which are summarised in the second section of this report.

Figure 3: Level of support for elements of the proposal, for those that stated a position

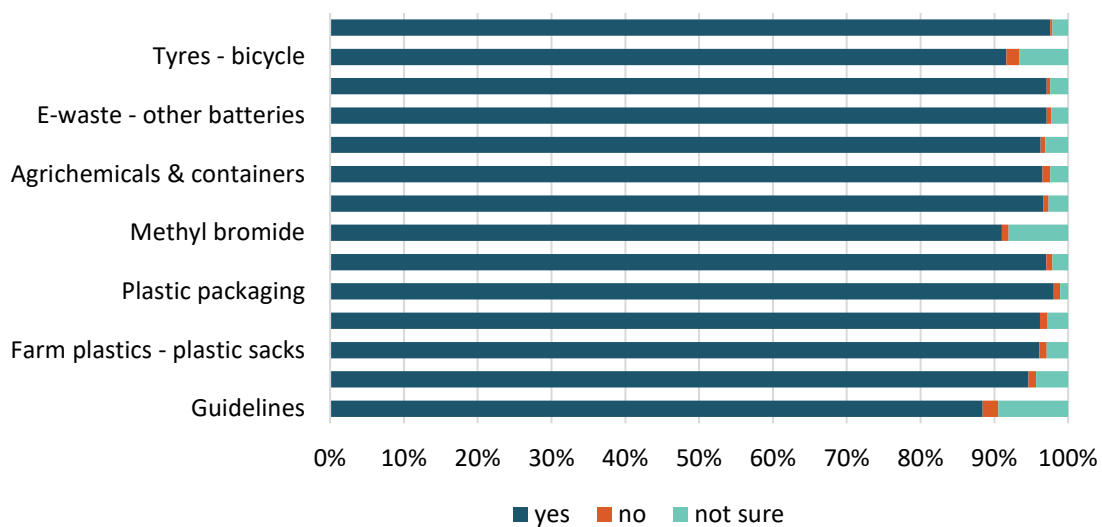


Table 2: Percentage agreeing with scope by submitter type, of those that stated a position

Proposal – priority products	Business/Industry	Individual	Iwi/Māori	Local Government	NGO/community group	Academic/research	Unspecified/Other	TOTAL
Tyres – vehicle	89	98	92	97	97	100	100	98
Tyres – bicycle	81	92	92	96	92	100	100	92
E-waste – large rechargeable batteries	87	98	92	96	93	86	75	97
E-waste – other batteries	88	98	92	100	98	86	100	97
E-waste – all others	83	97	92	100	99	86	100	96
Agrichemicals and containers	83	97	92	100	99	88	100	96
Refrigerants	82	97	92	100	100	71	100	97
Methyl bromide	76	92	92	96	90	71	100	91
Beverage containers	85	98	100	100	100	75	100	97
Plastic packaging	86	99	100	93	99	75	100	98
Farm plastics – feed wraps	84	97	92	100	97	86	100	96
Farm plastics – plastic sacks	84	97	92	96	97	86	100	96
Farm plastics – other	81	95	92	100	97	86	100	95
Guidelines	80	89	85	93	91	100	100	88

Next steps

The Associate Minister for the Environment will consider the outcome of consultation on this proposal and make recommendations to Cabinet. Cabinet will then decide whether priority product declarations are made, and for which products.

If priority products declarations are made work will proceed in stage two. This stage includes:

- designing priority product stewardship schemes through an industry and stakeholder co-design process
- applications for accreditation of schemes under section 15 of the WMA
- consultation on supporting regulations, if required.

Publication of submissions

Submissions will be published as follows, which is in accordance with Ministry policy and the requirements of the Official Information Act 1982 and the Privacy Act 1993:

- submission texts, redacted as required to meet submitter confidentiality requests, will be available on the Ministry website at <https://www.mfe.govt.nz/consultations/priorityproducts>

- those who have requested their name remain confidential are listed as 'Anonymous'
- individuals who made submissions are referenced in this document by submission reference number only. These submissions will be among the published submissions, and their contact details will be redacted.

What we heard: the proposed package

This section summarises responses to each of the proposed priority products and the proposed guidelines.

Individual submissions and confidentiality

Submissions from individual submitters are referenced by number only in the footnotes. Entities (eg, businesses, councils, non-government organisations (NGOs) and others) are referenced by name and submission number, unless they have specifically requested confidentiality.

End-of-life-tyres

Submitters were asked if they agree with the proposed scope for priority product declaration for:

End-of-life tyres

- (a) 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).
- (b) All pneumatic and solid tyres for use on bicycles (manual or motorised) and non motorised equipment.

Yes / No / Not sure / Why / Why not?

Majority support was received for both proposed scopes for tyres, and support carried through all submitter types (figure 3 and table 2).

Proposed scope (a) – all pneumatic tyres

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).

Majority support

The majority of submitters (2273 submitters, or 57 per cent) agreed with this proposed scope. A minority disagreed (7 submitters, or less than 1 per cent) or were unsure (50 submitters, or 1 per cent). The remainder (1656 submitters, or 42 per cent) did not state their position. Of the 58 per cent that stated a position, nearly all (98 per cent) agreed with this proposed scope.

Submitters' reasons for supporting the proposal echoed the consultation document. Strong themes related to concerns about stockpiling, risk of fire, and leaching of toxic material to

land, air and water. Other reasons included avoiding free-riders and levelling the playing field,¹ and avoiding serious health impacts from inappropriate disposal and unsafe handling of end-of-life tyres.²

Reasons given for not supporting the proposed scope included:

- concern that it would undermine existing investment in infrastructure to enable the use of tyre-derived fuel (TDF) at the cement plant in Whangarei
- preference for converting tyres to energy rather than product stewardship
- concern about adequate markets for waste tyres
- potentially increased costs for consumers.³

Recommended changes to scope

Product inclusions

A number of submitters thought the scope should include all end-of-life tyres,⁴ and others wanted the scope to specify heavy machinery tyres, including rubber tracks from excavators and tractors.⁵

Next steps and ideas for scheme design

Ideas put forward to include in the Stage 2 scheme co-design included:

- building the cost of recycling into the tyre purchase price, to remove barriers to appropriate disposal at end of life⁶
- ensuring the disposal deposit fee reflects costs and is not 'one size fits all'⁷
- encouraging more government investment in local infrastructure and onshore processing⁸
- ensuring price parity and accessibility to product stewardship across regions, to avoid tyres being relocated and dumped across territorial authority boundaries⁹
- aligning the regulated product stewardship with the proposed National Environmental Standard for the Outdoor Storage of Tyres under the Resource Management Act 1991 (RMA)¹⁰

¹ For example, 3R Group Ltd, submission 3859; Joint Council Waste Futures Project Steering Committee, Hastings District Council and Napier City Council, submission 4103; Porirua City Council, submission 382.

² Nelson Marlborough Health, submission 2603.

³ Northland Regional Council, submission 4121; Tyremax Limited Partnership, submission 991; individual submissions 76, 1086, 3533.

⁴ For example, individual submissions 257, 726, 3052.

⁵ Joint Council Waste Futures Project Steering Committee, Hastings District Council and Napier City Council, submission 4103; Oceana Gold (New Zealand) Ltd, submission 4357.

⁶ For example, individual submissions 381, 487, 2914, 3782.

⁷ The Warehouse Group, submission 3807.

⁸ For example, individual submissions 360, 1053, 1204.

⁹ Dunedin City Council, submission 4117.

¹⁰ Local Government New Zealand's Regional Sector, submission 4389; New Plymouth District Council, submission 3592; Timaru District Council, submission 4064; Waikato and Bay of Plenty Waste Liaison Group, submission 4123; Waikato Regional Council, submission 4130.

- designing a model that reduces risk of illegal tyre disposal, using a registration and auditing system for tyre generators and collectors while avoiding large overheads and maintaining existing commercial arrangements¹¹
- paying attention to the impact of increased costs on low-income households¹²
- educating consumers on the value of recycling the metal tyre rims through existing channels¹³
- for rural areas: considering the needs in remote areas with a low population base, encouraging collaboration and sharing of services to create efficient collection facilities, and facilitating retrieval of legacy/illegally dumped material, with existing stakeholders to achieve¹⁴
- recognising the importance of the widespread reuse of end-of-life tyres by farmers for silage pits¹⁵
- reducing waste from tyres fitted to imported cars by controlling tread depth and banning snow tyres (see section 2).

Proposed scope (b) – bicycle tyres

All pneumatic and solid tyres for use on bicycles (manual or motorised) and non-motorised equipment.

Majority support

Most submitters (2113, or 53 per cent) agreed with this proposed scope. A minority disagreed (40 submitters, or 1 per cent) or were unsure (153 submitters, or 4 per cent). The remainder (1680, or 42 per cent) were not sure. Of those that stated a position, the majority (92 per cent) agreed (table 2).

Among those who supported the proposal many repeated the same reasons for vehicle tyres or stated ‘as above’. Other reasons for supporting the scope for Q1(b) included:

- providing consistency and avoid confusion
- encouraging innovation and redesign
- belief that it would be easy to incorporate these into product stewardship with other tyres
- reducing the risk of fly-tipping or landfilling
- so cyclists can be seen to be doing their share
- intervene early and declare these as priority products to ensure electric scooters and bikes don’t become the same burden that car tyres have become.¹⁶

¹¹ New Zealand Tyre Recycling and Collectors Association, submission 991; Southern X Press, submission 4072.

¹² For example, individual submissions 426, 3533.

¹³ New Zealand Association of Metal Recyclers, submission, 2911.

¹⁴ Business NZ, submission 4352; Farmlands co-operative, submission 4075; individual submissions 3064, 3550.

¹⁵ Federated Farmers, submission 4100.

¹⁶ For example, Far North District Council, submission 1339; Love Kaipara, submission 358; Mr Apple New Zealand Ltd, submission 2366; New Plymouth District Council, submission 3592; OneCoast, submission 2441; individual submissions 366, 332, 419, 552, 679, 1011, 2954, 3064, 3399, 3747, 3813.

The main reason for stating 'no' or 'not sure' was that submitters questioned the scale of the problem and therefore its priority.¹⁷ Others considered it would be too difficult or expensive to administer,¹⁸ or that there would not be sufficient economies of scale.¹⁹ A number of individual submitters expressed concern that including bicycle tyres as a priority product could increase costs and create a barrier to cycling.²⁰

Recommended changes to scope

Product inclusions

Submitters proposed the following inclusions:

- all tyres over a certain diameter or weight²¹
- bicycle inner tubes²²
- smaller tyres not classified as bicycle tyres (eg, motorised scooters), prams, wheelchairs, wheelbarrow and trolley tyres.²³

Next steps and ideas for scheme design

It was noted that the supply chain and brand owners were unlikely to overlap with those for vehicle tyres, the volume was small (about 10 per cent by value and less by volume), and composition could be different to vehicle tyres requiring different processing, so separate systems may need to be developed.²⁴

A number of submitters proposed a staged implementation for tyre product stewardship, limiting the scope at the outset and introducing other categories, including bicycle tyres, over time as market capacity and solutions for end-of-life management become available for all tyres.²⁵

¹⁷ For example, Delta Software, submission 688, Enphase Energy, submission 3171; Nufuels Ltd, submission 409; individual submissions 210, 834, 1002, 2461.

¹⁸ Individual submissions 1208, 2824.

¹⁹ Reloop Pacific & Australian Tyre Recyclers Association, submission 693.

²⁰ For example, individual submissions 38, 91, 100, 195, 211, 336, 562, 938, 1118, 2762, 2804, 2923, 3075, 3710.

²¹ Individual submission 3516.

²² For example, Auckland Council, submission 4116; Queenstown Lakes District Council, submission 3549; The Rubbish Trip, submission 714; individual submissions 2571, 2760, 2804.

²³ Waste Management Industry Forum, submission 1141; individual submissions 237, 831, 1191.

²⁴ For example, 3R Group Ltd, submission 3859; Eunomia Research and Consulting, submission 4050; Joint Council Waste Futures Steering Committee (Hastings District Council and Napier City Council), submission 4103; individual submission 2824.

²⁵ 3R Group Ltd, submission 3859; Christchurch City Council, submission 4071; Dunedin City Council, submission 4117; Hastings District Council, submission 4105; Joint Council Waste Futures Steering Committee (Hastings District Council and Napier City Council), submission 4103; New Plymouth District Council, submission 3592; Timaru District Council, submission 4064; Waimakariri District Council, submission 4216; WasteMINZ Product Stewardship Sector Group, submission 4383.

Electrical and electronic products

Submitters were asked if they agree with the proposed scope for priority product declaration for:

Q2: Electrical and electronic products

- (a) 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.
- (b) All other batteries (eg, batteries designed for use in hand-held tools and devices).
- (c) 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').

Yes / No / Not sure / Why / Why not?

Majority support was received for all three proposed scopes for e-waste, and support carried through all submitter types (figure 3 and table 2).

Proposed scope (a) – large rechargeable batteries

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.

Majority support

Most submitters agreed with this proposed scope (2252 submitters, or 57 per cent). A small minority disagreed (11 submitters, or below 1 per cent) or were not sure (56 submitters, or 1 per cent). The other 42 per cent (1668 submissions) did not state a position. Of those who stated a position, 97 per cent agreed.

Reasons for supporting the proposed scope echoed those summarised in the consultation document. Submitters focused particularly on the valuable recoverable resources contained in e-waste,²⁶ and the toxicity of components.²⁷ Another common reason was the growing prevalence of electric vehicles and domestic renewable energy systems and associated waste, and the need to take steps now to manage these waste streams to avoid a bigger problem in future.²⁸ Also noted were the ethics (social and environmental harms) of mining lithium and other rare materials,²⁹ and the risk of combustion when lithium-ion batteries enter the waste stream.³⁰

²⁶ For example, Punchbowl Packaging Ltd, submission 2272; individual submissions 21, 1120, 1342, 2760.

²⁷ For example, individual submissions 2703, 2744, 3088, 3847.

²⁸ Consumer New Zealand, submission 4125; individual submissions 23, 716, 2821, 2393, 3029, 3587, 3804; submissions based on The Rubbish Trip's template (submission 714).

²⁹ For example, individual submissions 151, 3154, 3335.

³⁰ eDay New Zealand, submission 3071; WasteMINZ Territorial Authority Forum, submission 4387; individual submission 2920.

Some submitters thought that a priority product declaration for large rechargeable batteries would increase costs and create a barrier to the uptake of electric vehicles and domestic renewable energy systems.³¹ Other submitters thought this would instead remove barriers to the uptake of electric vehicles and renewable energy systems, by enhancing their 'green' credentials.³²

One submitter was concerned that if the scope extended to lead/acid batteries for industrial back-up power supplies, including this battery type in the scope may limit their access to these products, or any other products that may replace them in the future.³³

Of the 11 submitters who did not support the proposal, four made comments. One considered the scope was too large and wanted it to be restricted by the size and wattage of batteries, two felt large rechargeable batteries should be subsidised until the market is established, and the other did not think a regulated scheme would work.³⁴

Recommended changes to scope

Product inclusions

Several submitters sought clarity about what was covered by the proposed scope, including whether:

- all car batteries would be included (not just batteries in electric vehicles)³⁵
- the reference to 'electric vehicles' includes hybrids.³⁶

Product exclusions

Two submitters sought exclusions to prevent any barriers to the uptake of electric vehicles. One thought electric vehicle batteries should be excluded, and the other thought that stockpiling of electric vehicle batteries should be allowed until new technology was available to recycle them.³⁷

One submitter did not support the scope, as specific battery sizes and wattage had not been specified.³⁸

An argument was made to exclude lead-acid batteries from scope, as they had a well-functioning collection system in place, and very different safety issues to those of lithium-ion batteries.³⁹

³¹ Mahurangi Wastebusters Limited, submission 1293; Resilienz Ltd, submission 3170; individual submissions 210, 326, 1242, 1974.

³² For example, individual submissions 426, 894, 937, 1326, 2587.

³³ Transpower, submission 3798.

³⁴ LG Electronics Australia, submission 4045; individual submissions 371, 1346, 3387.

³⁵ Individual submission 204.

³⁶ Individual submission 237.

³⁷ Individual submissions 289 and 47.

³⁸ LG Electronics Australia, submission 4045.

³⁹ Vector Ltd, submission 4097.

Next steps and ideas for scheme design

Separate scheme

One submitter commented that to cater for the different life cycles of large batteries and future evolution of the industry, a separate product stewardship scheme would be required.⁴⁰

Second life for batteries

Some submitters felt strongly that second-life applications should be prioritised before material recovery.⁴¹ Such uses include reusing electric vehicle batteries as renewable energy storage, reusing hand-held power tool batteries in lower demand uses such as e-bikes, and back-up power storage for hospitals.⁴²

Proposed scope (b) – all other batteries

All other batteries (eg, batteries designed for use in hand-held tools and devices).

Majority support

Most submitters (2240 submitters, or 56 per cent) agreed with this scope. A small minority either disagreed (14 submitters, or 1 per cent), or were not sure (53 submitters, or 1 per cent), and the remainder (1680 submitters, or 42 per cent) did not state a position. Of those that stated a position, 97 per cent agreed.

As with large rechargeable batteries, the reasons given for supporting the proposal were generally aligned with the consultation document. Submitters frequently referred to the toxicity of waste batteries,⁴³ the presence of heavy metals,⁴⁴ valuable materials,⁴⁵ and the risk of combustion⁴⁶ as rationale for supporting the proposed scope. Also noted were that voluntary approaches had been ineffective, and regulation would improve participation by free-riders and enable effective collection for consumers.⁴⁷

⁴⁰ Eunomia Research and Consulting, submission 3050.

⁴¹ For example, 3R Group, submission 3859; Canterbury District Health Board, submission 3348; Consumer New Zealand, submission 4125, Eunomia Research and Consulting, submission, 3050; Motor Industry Association Inc, submission 4092.

⁴² 3R Group, submission 3859; Capital and Coast District Health Board, submission 4350; Eunomia Research and Consulting, submission 3050.

⁴³ For example, individual submissions 56, 419, 610, 919, 2100, 3152.

⁴⁴ Elmwood Orthopaedics, submission 390; individual submission 275.

⁴⁵ Life Cycle Association of New Zealand, submission 3916; Punchbowl Packaging Ltd, submission 2272; individual submissions 914, 1194, 1528, 2278, 3057.

⁴⁶ Christchurch City Council, submission 4071; Fight the Tip (Tiaki te Whenua Incorporated), submission 2961; Nelson City Council and Tasman District Council, submission 4362; New Plymouth District Council, submission 3592; WasteMINZ Territorial Authority Forum, submission 4387; individual submissions 388, 3256.

⁴⁷ Climate Clinic VUW, submission 3897; Consumer New Zealand, submission 4125; Plastic Free Whanganui, submission 1180; Porirua City Council, submission 382; individual submissions 760, 1222, 2728 and 23 submitters who based their comments on The Rubbish Trip's submission (template submission 714).

Among submitters who disagreed with the proposal, reasons included low volumes of this waste stream,⁴⁸ a preference for supporting the use of rechargeable batteries instead,⁴⁹ and a view that consumers are unlikely to participate.⁵⁰

Recommended changes to scope

Product inclusions

A number of submitters sought clarity on whether the following batteries were in scope, and wanted to see them specifically included:

- a) single-use and rechargeable batteries⁵¹
- b) hearing aid batteries⁵²
- c) lithium-ion batteries in personal electronic devices⁵³
- d) small alkaline batteries⁵⁴
- e) all batteries for all applications.⁵⁵

A small group of submitters wanted the scope to be broad enough to include batteries commonly used in medical devices.⁵⁶ One submission commented:

NMH recommends that the guidelines include nonstandard proprietary batteries such as those commonly found in medical devices. The manufacturers of these products need to design devices which encourages reuse or recycling.⁵⁷

Product exclusions

Two business associations thought that the scope was too broad.⁵⁸ Another recommended that a definitive list of hand held tools and devices be stated.⁵⁹ One business association that objected to the broadness of this scope stated:

A feasibility assessment method is highly recommended to assess the applicability of priority product such as has been conducted in Australia which concluded that Refrigerator and Air Conditioner product stewardship did not provide a net benefit.⁶⁰

⁴⁸ Individual submissions 390, 695.

⁴⁹ Individual submissions 371, 3907.

⁵⁰ Individual submissions 370, 3535.

⁵¹ For example, The Rubbish Trip, submission 714; individual submissions 716, 2685, 2804, 3150.

⁵² Individual submission 79.

⁵³ New Zealand Food and Grocery Council, submission 4095.

⁵⁴ Individual submissions 191, 3023, 3790.

⁵⁵ eDay New Zealand, submission 3071; individual submissions 2393, 3029, 3539.

⁵⁶ Nelson Marlborough Health, submission 2603, individual submissions 3075, 3441.

⁵⁷ Nelson Marlborough Health, submission 2603.

⁵⁸ Federated Farmers, submission 4100; New Zealand Food and Grocery Council, submission 4095.

⁵⁹ LG Electronics Australia, submission 4045.

⁶⁰ LG Electronics Australia, submission 4045.

Proposed scope (c) – all categories of waste electrical and electronic equipment

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’).

Majority support

Most submitters (2221 submitters, or 56 per cent) agreed with this proposed scope. A small minority disagreed (15 submitters, or 1 per cent) or were unsure (71 submitters, or 1 per cent). The remainder (1679 submitters, or 42 per cent) did not state a position. Of those that stated a position, 96 per cent agreed.

Reasons given for supporting the proposed scope were generally aligned with the consultation document and the reasons given in response to the proposed scopes for batteries (Proposed scope (a)). Additional themes included concern about planned obsolescence and the common inability to repair electronic products, resulting in unnecessary waste.⁶¹ Plastics associated with e-waste were also noted:

...the plastic components of e-waste included in this scope [are largely]... thermoset plastics that pose challenges in recycling. The advent of mandatory schemes here, and perhaps more importantly overseas, will encourage redesign to use more easily recyclable and/or reusable plastics and innovation to deal with the currently unrecyclable material.⁶²

Few submitters commented on the scope generally. Those who did thought that a broad, comprehensive scope was best.⁶³

Our companies participate in WEEE schemes throughout the world. Our experience is that broad scope allows for economies of scale and provision of simple, cost effective solutions for business and consumers.⁶⁴

And:

Australia made the mistake of declaring computers and televisions as ‘priority products’ some years ago. They are now scrambling to address other electronic waste streams. New Zealand simply does not have the scale to consider multiple collection and processing schemes. Consumers should be able to dispose of any equipment with a plug or battery, easily and at no cost. These are essential principles in developing product stewardship schemes.⁶⁵

⁶¹ For example, Consumer New Zealand, submission 4125; Eunomia Research and Consulting, submission 4050; individual submissions 444, 1089, 1266, 3088, 3319, 3818, 3885.

⁶² Rethinking Plastics Project, Panel for the Prime Minister’s Chief Science Advisor, submission 4355

⁶³ Federated Farmers, submission 4100.

⁶⁴ Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973.

⁶⁵ eDay New Zealand, submission 3071.

Reasons given for being unsure or opposing the proposed broad scope included:

- some items are already being recycled so may not need to be declared a priority product⁶⁶
- some e-waste may be environmentally benign⁶⁷ and government should do further analysis to identify priorities among e-waste given different levels of harm from different products⁶⁸
- product stewardship may be expensive⁶⁹
- there might be insufficient solutions to deal with e-waste⁷⁰
- the large volume of legacy products⁷¹
- the breadth of scope would “blur the focus and slow implementation”.⁷²

Recommended changes to scope

Product inclusions

A number of suggestions were made to make the coverage of the scope more explicit.

For example:

- adopt Europe’s 10 WEEE product categories for clarity⁷³
- specify coverage of peripherals, including cables, power leads, mice, modems, inverters and headphones⁷⁴
- specify voltage levels of covered products (eg, less than 1000 volts AC or 1500 volts DC)
- specify coverage of plastics associated with e-waste, including styrofoam packaging⁷⁵
- specify coverage of lightbulbs.⁷⁶

Product exclusions

A small number of submitters called for product exclusions. For example:

We recommend that the mandatory stewardship scope in these categories be restricted to consumer electronics and whiteware and only in product categories therein that have significant negative environmental impacts on disposal and or where market mechanisms and recovered material values are not sufficient to achieve product stewardship objectives.⁷⁷

⁶⁶ For example, New Zealand Association of Metal Recyclers, submission 2911; individual submissions 1154, 4358.

⁶⁷ Individual submission 90.

⁶⁸ For example, Business New Zealand, submission 4352; LG Electronics Australia, submission 4045; Maui’s Ark, submission 375; New Zealand Association of Metal Recyclers, submission 2911.

⁶⁹ Individual submission 779.

⁷⁰ Individual submission 326.

⁷¹ Business New Zealand, submission 4352.

⁷² Maui’s Ark, submission 375.

⁷³ Vector Limited, submission 4097.

⁷⁴ For example, Consumer New Zealand, submission 4125; Vector Limited, submission 4097; individual submission 93.

⁷⁵ Aotearoa Impacts and Mitigation of Microplastics, submission 2928; individual submission 2955.

⁷⁶ Individual submission 1234.

⁷⁷ The Warehouse Group, submission 3807.

Short-term exemptions for health and safety reasons were also proposed by a number of district health board submitters:

Annex II specifically excludes products which are considered infectious, meaning many single use electronic medical devices (such as those used in operating theatres) will not be included. I support this in the short term as the safety of waste handlers and recyclers is paramount, however, in the long term this should be reviewed to consider whether methods for safely handling these products can be developed.⁷⁸

Next steps and ideas for scheme design

Consider multiple schemes

One submitter observed that given the breadth of product capture for e-waste, multiple schemes may be required. For example, vertically controlled businesses with full control over their products may be the best to address recovery and recycling of such devices.⁷⁹

Voluntary unregulated scheme for mobile phones

The managers of RE:MOBILE, the accredited voluntary product stewardship scheme for mobile phones, cautioned that regulation may not have the desired policy outcomes. In particular they noted the large pool of used phones caused by 'hoarding' behaviour, which regulation could not address. They recommended education and promotion of the existing scheme instead.⁸⁰

Scheme funding

A number of submitters advocated for e-waste recycling costs to be included in the initial purchase price of the product.⁸¹ One submitter noted consumer willingness to pay:

The most recent survey funded by the Waste Forum in the Wellington region confirmed that over 60% consumers are willing to pay an extra \$30 for all new equipment to ensure products are recycled when they reach end of life. Most people we have spoken with say they would not mind paying an up-front charge or levy for ensuring proper recycling, safe treatment and disposal of consumer goods at end of life.⁸²

Access for consumers and recyclers

Submitters wanted equitable access to collection facilities, including in rural areas, and did not want limited income to be a barrier to participation.⁸³ One submitter requested assistance from government to enable e-waste recyclers to access global manufacturing markets.⁸⁴

⁷⁸ Capital and Coast District Health Board, submission 4350; Hutt Valley District Health Board, submission 4348; Southern District Health Board, submission 4114; individual submission 3441.

⁷⁹ Employers and Manufacturers Association, submission 4087.

⁸⁰ New Zealand Telecommunications Forum, submission 4070.

⁸¹ For example, Eunomia Research and Consulting, submission 4050; individual submissions 381, 1049.

⁸² Waste Forum Wellington Region, submission 4135.

⁸³ For example, Federated Farmers, submission 4100; individual submissions 360, 3109, 3777.

⁸⁴ TES-AMM New Zealand Pty Ltd, submission 393.

Levy at border to control free-riders

One consumer electronics association supported this scope, on the condition of there being a mechanism to eliminate free-riders. Their preferred mechanism is a levy at the border.⁸⁵

Agrichemicals and their containers

Submitters were asked if they agree with the proposed scope for priority product declaration for:

Q3: Agricultural chemicals and their containers (packaging)

Chemicals in plastic containers up to and including 1000 litres in size that are used for:

- (a) any horticulture, agricultural and livestock production, including veterinary medicines
- (b) industrial, utility, infrastructure and recreational pest and weed control
- (c) forestry
- (d) household pest and weed control operations
- (e) similar activities conducted or contracted by local and central government authorities.

This includes but is not limited to all substances that require registration under the Agricultural Compounds and Veterinary Medicines Act 1997, whether current or expired, and their containers (packaging), which are deemed hazardous until such time as triple-rinsed.

Packaging for veterinary medicines, which includes syringes, tubes and flexible bags, must be phased in under the accredited scheme.

Yes / No / Not sure / Why / Why not?

Majority support

Most consultation responses (2238 submitters, or 56 per cent) agreed with the proposed scope for agricultural chemicals and their containers. A small minority did not agree (25 submitters, or 1 per cent) or were not sure (56 submitters, or 1 per cent). The remainder (1668 submitters, or 42 per cent) did not state a position. Of those that stated a position, 97 per cent agreed. This support was evident across all submitter types (figure 3 and table 2).

Reasons given in support largely echoed those in the consultation document. Submitters noted that the current voluntary schemes limit the safe recovery and disposal of legacy chemicals.⁸⁶ Some submitters noted that consistency of services and cost reduction for ratepayers would improve under regulated product stewardship. Collection events and access to collection points varied from council to council, and regional and district councils have financially supported collection events at cost to rate payers.⁸⁷

⁸⁵ The Consumer Electronics Association of New Zealand, submission 4381.

⁸⁶ 3R Group, submission 3859; Environment Canterbury, submission 4124; Queenstown Lakes District Council, submission 3549.

⁸⁷ Waikato Regional Council, submission 4130; individual submission 3694.

Those who disagreed or were not sure thought that the scope was too broad, or current schemes were sufficient with some building.⁸⁸ Some thought the chemicals should be banned instead, particularly if alternatives are available.⁸⁹

Recommended changes to scope

Product inclusions

A number of submitters stated there should be no limit on the size or type of the container. Reasons included not allowing industry to develop loopholes (that is, switching to a container of 1001 litres), and ensuring coverage remains consistent for the chemicals if packaging type changes over time. Current packaging types used for agrichemicals includes flexible low-density polyethylene, paper, foil and polypropylene bags.⁹⁰

One submitter active in waste agrichemical management considered that 1000-litre containers should not be included, as most chemicals are supplied in containers of 205 litres or less, and the greatest focus needed to be on 10- to 20-litre sizes.⁹¹

Expansion to cover all hazardous chemicals and their containers over time was also advocated to create a more comprehensive approach to hazardous waste management in New Zealand.⁹² A number of other chemicals or containers were suggested for inclusion by individual submitters: all medical and dental, cleaning chemicals, paints and solvents, and all other sectors and industries.⁹³

Product exclusions

Veterinary medicines

One industry submitter considered that veterinary medicines should not be in scope due to the need to ensure the packaging meets domestic and international regulatory requirements.⁹⁴ The managers of the current voluntary scheme considered that complexities of packaging meant time would be required to phase in product stewardship measures, and particular attention was needed for products and waste packaging that carried disease risk.⁹⁵

Another industry submitter considered that 'industrial' medicines would include precursors for manufacture of medicines and healthcare products for human consumption. They did not support a priority product declaration for these but offered to work with government to find alternative measures.⁹⁶

⁸⁸ 5R Solutions Ltd, submission 1145; individual submission 3936.

⁸⁹ Individual submissions 63, 92, 209, 388, 400, 427, 434, 487, 3059, 3061, 3167.

⁹⁰ For example, Climate Clinic VUW, submission 3897; For Our Real Clean Environment, submission 1218; New Zealand Product Stewardship Council, submission 3340; Plastic Free Whanganui, submission 1180; Resilienz Ltd, submission 3170; Sustainable Ōtautahi Christchurch, submission 2887; The Agrecovery Foundation, submission 4067; Whaingaroa Environment Centre, submission 3246; Whangarei District Council, submission 2998; individual submissions 57, 70, 314, 413, 451, 760, 952, 1089, 1120, 1125, 1156, 2786, 2623, 2807, 2939, 2998, 3023, 3144, 3173, 3444.

⁹¹ POPs Environmental Consultants Ltd, submission 3933.

⁹² Dunedin City Council, submission 4117.

⁹³ For example, individual submissions 597, 1206, 2625, 3206, 3221, 3539.

⁹⁴ MSD Animal Health, submission 778.

⁹⁵ Ravensdown, submission 633; The Agrecovery Foundation, submission 4067.

⁹⁶ New Zealand Self Medication Industry Association Incorporated, submission 1065.

Packaging of intractable chemicals

One submitter noted that the packaging associated with high-risk chemicals needed to be destroyed offshore with the chemicals, and should not be able to be recovered for recycling.⁹⁷

Next steps and ideas for scheme design

Some submitters consider that scheme design should make it easy for farmers and others to dispose of these chemicals and their containers appropriately.⁹⁸

Scheme funding

Some submitters suggested that a container deposit scheme be included in the purchase price of these products,⁹⁹ or suggested a buy-back scheme so that there is suitable financial incentive to recover these containers.¹⁰⁰

One industry submitter thought that unused chemicals should carry a separate charge so that suppliers and farmers following good practice were not held liable for the poor purchasing decisions or inefficiency of others.¹⁰¹ Also suggested was a differential levy for 200-litre drums and larger, due to the disposal of residual material not being proportionate to the size of the container.¹⁰²

Make it easier for farmers

Some noted that farmers are asked to be more environmentally sustainable but are not then supported to do so:¹⁰³

AgRecovery is doing great work, but needs much more support from the government. The government must put in place accessible, free schemes that accept the abovementioned rubbish. At the moment, a lot of farmers in particular literally have no option but to burn rubbish (speaking from personal experience), because there is no industrial waste pick-up system available in their remote areas. I must highlight that this legislation must NOT add to the crushing burden on farmers, but rather make their lives easier. The way this government is going, there will not be a lot of farms left soon, so you must ensure you don't destroy NZ's most efficient industry.¹⁰⁴

⁹⁷ 3R Group, submission 3859.

⁹⁸ Individual submission 3599.

⁹⁹ Individual submission 2816.

¹⁰⁰ Ahika Consulting, submission 2399; Blackstar, submission 3817; Far North District Council, submission 1339; Res.Awesome Ltd, submission 2952; Sustainable Dunedin City, submission 2942; Upon the Gate, submission 3806; individual submissions 411, 2569, 2584, 2676, 2696, 3130, 3171, 3729, 3783, 3797, 3823, 3877.

¹⁰¹ Ravensdown, submission 633.

¹⁰² 3R Group, submission 3859.

¹⁰³ For example, individual submission 3090.

¹⁰⁴ Individual submission 3524.

Other measures

Other ideas for scheme implementation included:

- using a unique mark (eg, bar-coding) on all agrichemical containers, which can be used to ensure every container sold is returned via some depot¹⁰⁵
- encouraging reuse or refilling of containers for appropriate chemicals¹⁰⁶
- having an amnesty for orphan and legacy chemicals, funded separately from currently sold containers.¹⁰⁷

Refrigerants and other synthetic greenhouse gases

Submitters were asked if they agree with the proposed scope for priority product declaration for:

Q4: Refrigerants and other synthetic greenhouse gases

- (a) Refrigerants: 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 gases¹⁰⁸
- (b) Methyl bromide and products containing this gas.

Yes / No / Not sure / Why / Why not?

Majority support was received for both of the proposed scopes, and support carried through all submitter types (figure 3 and table 2).

¹⁰⁵ Individual submission 2783.

¹⁰⁶ Accord, submission 4111; Clever Green Limited, submission 2891; Climate Clinic VUW, submission 3897; For Our Real Clean Environment, submission 1218; Mahurangi Wastebusters Limited, submission 1293; New Zealand Product Stewardship Council, submission 3340; Nga Hoa O Te Whenua, submission 3141; Plastic Free Whanganui, submission 1180; Sustainable Ōtautahi Christchurch, submission 2887; The Kiwi Bottle Drive (a campaign managed by the Entrust Foundation), submission 2188; The Rubbish Trip, submission 714; Waiheke Resources Trust, submission 2996; Whaingaroa Environment Centre (WEC), submission 3246; Xtreme Zero Waste, submission 545; individual submissions 336, 427, 498, 610, 760, 952, 1005, 1016, 1089, 1222, 1245, 2057, 2569, 2673, 2695, 2707, 2771, 2787, 2807, 2901, 2959, 2990, 3033, 3079, 3104, 3128, 3130, 3209, 3210, 3232, 3259, 3475, 3754, 3777, 3846, 3847, 3890, 3918, 3993.

¹⁰⁷ Horticulture New Zealand Incorporated, submission 4102.

¹⁰⁸ For example, ozone-depleting substances such as chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), and gases contributing to climate change such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs).

Proposed scope (a) – Refrigerants

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 Climates Change Response Act 2002, and products containing these gases.

Majority support

A majority of consultation responses (2234 submitters, or 56 per cent) agreed with the proposed scope for refrigerants and other synthetic greenhouse gases. A minority (17 submitters, or less than 1 per cent) did not agree with the proposed scope, or were not sure (61 submitters, or 2 per cent). The remainder (1675 submitters, or 42 per cent) did not state a position. Of those who stated a position, 97 per cent were in support.

Reasons given for supporting the proposal echoed those outlined in the consultation document. A further reason was that the proposal would improve alignment with New Zealand’s international commitments (Vienna Convention for the Protection of the Ozone Layer, Montreal Protocol, Kigali Amendment, Paris Agreement), as well as existing or proposed domestic legislation (Ozone Layer Protection Act 1996, Climate Change Response Act 2002 and Zero Carbon Bill).¹⁰⁹

Recommended changes to scope

Gases versus containers (or products) holding the gas

One submitter felt that only the gases should be regulated:

...the defined product should be the gas rather than the containers holding the gases... it is difficult to identify all products that contain the relevant gases. It is more practical to name the gas and then the onus is on the producer or importer to check if the gas is contained within the product.¹¹⁰

Anaesthetic gases

Some submitters proposed that anaesthetics, such as nitrous oxide and gases used by veterinarians, should be included in scope as they are also potent greenhouse gases:¹¹¹

...Vets use higher gas flows than anaesthetists and approximately 95% of these potent GHGs are vented into the atmosphere... Capture, separation and purification systems have been developed and are nearly ready to come to market.¹¹²

¹⁰⁹ For example, 3R Group, submission 3859; Aotearoa Plastic Pollution Alliance (APPA), submission 3421; BusinessNZ, submission 4352; Dunedin City Council (DCC), submission 4117; Hastings District Council, submission 4105; Joint Council Waste Futures Project Steering Committee, Hastings District Council and Napier City Council, submission 4103; Motor Trade Association (Inc), submission 4384; Nelson City Council and Tasman District Council, submission 4362; New Zealand Product Stewardship Council, submission 3340; Synthetic Refrigerant Stewardship Working Group, submission 4119; Taranaki Regional Council, submission 2489; Whaingaroa Environment Centre (WEC), submission 3246; individual submissions 423, 915, 2864, 2955, 3057, 3312.

¹¹⁰ Hastings District Council, submission 4105.

¹¹¹ New Zealand Veterinary Association and Veterinary Council of New Zealand, submission 4110; individual submissions 293, 3075, 3441.

¹¹² Individual submission 3441.

However a number of entities involved in health care disagreed.¹¹³

...Gases used as an anaesthetic (i.e. Desflurane or Sevoflurane) ... are not included within this proposal which is appropriate. There has been significant improvements in the control of environmental contamination by anaesthetic gases in recent years however anaesthesia providers and users should continue to be prudent by minimising unnecessary atmospheric pollution.¹¹⁴

Sulphur hexafluoride (SF₆)

One submitter that relies heavily on this gas believes the product is sufficiently regulated and managed and should not be included in scope:

...Transpower considers that sulphur hexafluoride (SF₆) should be excluded from the priority products. Transpower cannot remove all SF₆ from its assets. Transpower currently holds 80 per cent of New Zealand's SF₆ stock, which is used as an insulator in circuit breakers and gas-insulated switchgear. The HV equipment, such as circuit breakers, switchgear, and transformers, that utilise SF₆ are expected to last 35 plus years, and cannot operate without the SF₆ being present within the device. Transpower therefore has every incentive to effectively manage its SF₆ equipment and stocks to minimise SF₆ loss... the use of SF₆ is already regulated, and Transpower has obligations in respect of its use and disposal under the NZ ETS. In this regard, SF₆ is different from other gases that are not regulated and are subject to voluntary regimes only.¹¹⁵

In contrast, another submitter recommended that those who use this gas should be consulted to ensure scheme design is realistic and will achieve a high uptake.¹¹⁶

Next steps and ideas for scheme design

Many submitters noted the need to build on progress under the voluntary accredited scheme, remove free-riders, and build effectiveness under a regulated scheme.¹¹⁷

Only 20 percent of those gases are recovered now in New Zealand, so we need to act. Xtreme Zero Waste manages a resource recovery centre and has 20 years' experience of receiving fridges, freezers and gas bottles. Only a small percentage of the whiteware units that arrive at the centre have their gas/pipes intact. This is mostly due to the way in which they have been handled prior to arrival. If there was more education/compliance then a greater percentage of gas could be extracted and prevented from entering atmosphere.¹¹⁸

¹¹³ Capital and Coast District Health Board, submission 4350; Hutt Valley District Health Board, submission 4348; New Zealand Society of Anaesthetists, submission 4128; Northland District Health Board, submission 4349; Southern District Health Board, submission 4114.

¹¹⁴ Nelson Marlborough Health, submission 2603.

¹¹⁵ Transpower New Zealand Limited, submission 3798.

¹¹⁶ Vector Limited, submission 4097.

¹¹⁷ For example, 3R Group, submission 3859; Christchurch City Council, submission 4071; Foodstuffs, submission 4069; New Plymouth District Council (on behalf of Taranaki Solid Waste Management Committee), submission 3592; Porirua City Council, submission 382; Refrigerant Recovery New Zealand Limited, submission 4074; Synthetic Refrigerant Stewardship Working Group, submission 4119; WasteMINZ Territorial Authority Forum, submission 4387; Wastenet Southland, submission 4054; individual submissions 765, 1237, 3236, 3291.

¹¹⁸ Xtreme Zero Waste, submission 545.

Only one accredited scheme

One submitter considers multiple accredited schemes for the same product would impose an increased regulatory burden on producers.¹¹⁹ Another proposed that refrigerants be included in a whiteware product stewardship scheme instead.¹²⁰

Scheme funding

A representative of businesses involved in vehicle air conditioning asked for close attention to costs and alignment of funding with Synthetic Greenhouse Gas (SGG) Levy.

...the motor vehicle industry already pays an SGG levy for all imported vehicle at time of first registration. The MIA is still to be fully convinced that an additional levy via the proposed priority stewardship scheme is not doubling up, in part, on that SGG levy...

We are also mindful of the accumulative cost that all of the various product stewardship schemes can impose on the motor vehicle sector, which of course will end up being paid by the consumer.¹²¹

Incentives to reduce risk of illegal degassing

Submitters proposed a number of measures to reduce the risk of illegal release of refrigerant gas to the atmosphere:

- make training mandatory for those handling these gases, and regulate so that only trained professionals handle and properly dispose of the gases, and extend coverage to metal recyclers and community-run drop off facilities¹²²
- establish a deposit-return scheme to encourage the collection of products containing these gases, including for rural communities¹²³
- provide free collection by local councils for household items that contain these gases¹²⁴
- phase in implementation in rural areas until efficient rural collection services and recycling facilities for refrigerant gases are in place¹²⁵
- improve public awareness of potential harm and best practice for safe disposal.¹²⁶

¹¹⁹ LG Electronics Australia, submission 4045

¹²⁰ Individual submission 3936.

¹²¹ Motor Industry Association Inc (MIA), submission 4092

¹²² For example, 3R Group, submission 3859; Eunomia Research and Consulting, submission 4050; Sustainability Trust, submission 1200; The Sustainable North Trust, t/a Hibiscus Coast Zero Waste, submission 2989.

¹²³ Far North District Council, submission 1339; Manukau Beautification Charitable Trust, submission 2459; individual submission 2816.

¹²⁴ Individual submissions 915, 4204.

¹²⁵ Federated Farmers, submission 4100.

¹²⁶ Carbon Neutral New Zealand Trust, submission 3437; Dunedin City Council (DCC), submission 4117; Mahurangi Wastebusters Limited, submission 1293; individual submissions 434, 3439, and others using ZWN and The Rubbish Trip form template.

Proposed scope (b) – methyl bromide

Methyl bromide and products containing this gas.

Majority support

Most consultation responses (2091 submitters, or 52 per cent) agree with the proposed scope for methyl bromide. A small minority (21 submitters, or 1 per cent) did not agree with the proposed scope, 185 (5 per cent) were not sure, and 1690 (42 per cent) did not state a position. Of those that stated a position, 91 per cent were in support.

Reasons given in support echoed those outlined in the consultation document. Additional points raised were:

- this would help New Zealand meet the Montreal Protocol compulsory October 2020 deadline to recapture or destroy methyl bromide emissions at the end of fumigation¹²⁷
- risk to human health from methyl bromide, including respiratory and neurological illness.¹²⁸

Some submitters who chose ‘not sure’ also stated that they were not familiar with the product methyl bromide or did not have enough knowledge to comment.¹²⁹

Of note is the absence of submissions from industries that most heavily use methyl bromide (eg, fumigation of timber for export).

Recommended changes to scope

There were no recommended changes to the proposed scope.

Next steps and ideas for scheme design

Accelerated timeframe

One submitter commented on the timeframes for implementing a product stewardship scheme for methyl bromide:

¹²⁷ 3R Group submission, 3859; Clever Green Limited, submission 2891; Climate Clinic VUW, submission 3897; Dunedin City Council (DCC), submission 4117; Eunomia Research and Consulting, submission 4050; Far North District Council, submission 1339; For Our Real Clean Environment, submission 1218; Mahurangi Wastebusters Limited, submission 1293; Nelson City Council and Tasman District Council, submission 4362; New Zealand Product Stewardship Council, submission 3340; Nga Hoa O Te Whenua, submission 3141; Plastic Free Whanganui, submission 1180; Queenstown Lakes District Council, submission 3549; Reclaim Ltd submission, 1328; Sustainable Otautahi Christchurch, submission 2887; The Rubbish Trip, submission 714; Waiheke Resources Trust, submission 2996; Xtreme Zero Waste, submission 545; Zero Waste Belmont, submission 4081; individual submissions 1222, 1245, 2393, 2673, 2683, 2707, 2804, 2959, 3079, 3102, 3128, 3144, 3210, 3259, 3475, 3754, 3846, 3890, 4080.

¹²⁸ Clever Green Limited, submission 2891; For Our Real Clean Environment, submission 1218; Sustainable Otautahi Christchurch, submission 2887; The Rubbish Trip, submission 714; Waiheke Resources Trust, submission 2996; Zero Waste Belmont, submission 4081; individual submissions 7, 297, 656, 686, 755, 760, 914, 937, 952, 975, 1222, 1267, 1334, 2535, 2537, 2623, 2707, 2807, 2886, 2990, 3214, 3312, 3754, 3846, 3890, 3918, 4080.

¹²⁹ Individual submissions 21, 63, 76, 108.

Under the Montreal Protocol, it will be compulsory to capture or destroy methyl bromide and related emissions by October 2020. For this reason, Eunomia suggests that the timeframes for this product be accelerated to support the timber industry in meeting these requirements.¹³⁰

Allocation of costs

There was support for the industry that uses the gas to pay for costs to capture or destroy it.

The costs to comply with the compulsory requirement to recapture or destroy methyl bromide emissions at the end of fumigation from October 2020 should be carried by the industry itself rather than paid for by the general public through taxes or rates.¹³¹

Incentivise alternatives

Some submitters consider that alternative options to methyl bromide should be incentivised to encourage a prompt transition to safer methods, especially Ethanedinitrile and pursuing organic fumigation treatments.¹³² Linking to international resources was also encouraged:

It may make it difficult for the timber industry for a while but there really needs to be some global product stewardship in place or funding to find an alternative product/method that addresses international biosecurity issues. It's banned in other countries already. What alternatives are there?¹³³

Consider a ban

A number of submitters were in favour of a ban on methyl bromide.¹³⁴ Another suggested the potential of a ban once suitable alternatives were available.¹³⁵

Set up necessary systems and infrastructure

Suggestions in this area included:

- mandatory licensing and reporting of gas purchased and gas recycled¹³⁶
- systems to support collection, refill, and repair of containers¹³⁷
- improved biosecurity infrastructure to support the transition¹³⁸
- ensure infrastructure is set up before, or is ready when, the product stewardship schemes start operating.¹³⁹

¹³⁰ Eunomia Research and Consulting, submission 4050.

¹³¹ Far North District Council, submission 1339.

¹³² Nelson Marlborough Health, submission 2603; Reclaim Ltd, submission 1328; individual submissions 1245, 2703.

¹³³ Individual submission 434.

¹³⁴ Individual submissions 863, 2512, 2885, 2926, 2932, 3335.

¹³⁵ Dunedin City Council, submission 4117.

¹³⁶ POPs Environmental Consultants Ltd, submission 3933.

¹³⁷ Blackstar, submission 3817; Res Awesome Ltd, submission 2952; Sustainable Dunedin City, submission 2942; Upon the Gate, submission 3806; individual submissions 3738, 3797, 3877.

¹³⁸ Individual submission 3550.

¹³⁹ Individual submission 3738.

Farm plastics

Submitters were asked if they agree with the proposed scope for priority product declaration for:

Q6: Farm plastics

- (a) Plastic wrapping materials for silage or hay including, but not limited to, baleage wrap, hay bale netting, baling twine, and covers for silage pits.
- (b) Plastic sacks for packaging agricultural and horticultural commodities including, but not limited to, fertiliser sacks, feed sacks, and bulk tonne bags of woven polypropylene and/or polyethylene.
- (c) 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.

Yes / No / Not sure / Why / Why not?

Majority support

Majority support was received for all three proposed scopes for farm plastics and this was consistent through all submitter types (figure 3 and table 2).

The reasons given for support echoed those of the consultation document. The main reason for disagreement was that notwithstanding the issue of burning and/or burial of farm plastics, some think it's not as much of an issue as other waste streams eg, plastic packaging). Concerns included that investment into the recovery of farm plastics may be better used elsewhere, or that products with high social visibility and potential to shift behaviour should be tackled first.¹⁴⁰

Some individuals and organisations suggested the definition for farm plastics is already included in the definition for single-use plastics, and they were not confident about the difference between the two categories.¹⁴¹

Proposed scope (a) – silage and hay wrap

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.

Nearly all submitters who stated a position agreed with this scope (96 per cent, table 2).

The voluntary accredited product stewardship scheme for farm plastics recommended that hay bale netting be excluded from the scheme, as recycling solutions are not yet available.¹⁴² The main producer of silage wrap in New Zealand supports the scope, but is concerned that their industry already faces competition from imports of surplus low-priced wrap during the

¹⁴⁰ For example, individual submissions 336, 2723, 3477, 3548.

¹⁴¹ Maui's Ark, submission 375; MSD Animal Health, submission 778; Packaging New Zealand, submission 4085; WasteNet Southland, submission 4054; individual submissions 485, 914, 1110, 3023.

¹⁴² Plasback, submission 3929.

northern hemisphere off-season.¹⁴³ Some submitters disagreed with covers for silage pits being in scope, as they are designed to be reused, while others agreed but noted that baleage uses far more plastic than silage pit covers.¹⁴⁴

One submitter noted that the term ‘single-use farm plastics’ was incorrect for some products, such as silage pit covers that were reused for multiple seasons before needing a disposal solution.^{145, 146}

Proposed scope (b) – plastic bags and sacks

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.

Nearly all submitters who stated a position agreed with this scope (96 per cent, [table 2](#)).

Some submitters who supported the scope also noted that the plastic products themselves should be the focus rather than which sector uses those plastics. For example, suggestions included that every sector using polypropylene sacks should be included in the scheme,¹⁴⁷ or that all plastics containers/wraps should be included as priority products regardless of their origins.¹⁴⁸

Proposed scope (c) – other farm plastics

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.

Nearly all the submitters who stated a position agreed with this scope (95 per cent, [table 2](#)).

Overall, all three scopes are widely supported but there are arguments that the third one may be too challenging to tackle in current conditions, and should be reduced at this stage.¹⁴⁹ One industry submitter noted specifically that there are no existing recycling solutions for reflective ground covers or protective nets, and does not recommend adding these to the scope.¹⁵⁰

¹⁴³ Integrated Packaging Ltd, submission 3688.

¹⁴⁴ For example, individual submissions 1138, 3152.

¹⁴⁵ Individual submission 1138. The proposed scope for farm plastics do not refer to ‘single use’ (unlike the proposed scope for ‘plastic packaging’).

¹⁴⁶ Note that the proposed farm packaging scope does not refer to ‘single use’, so silage covers would not be excluded.

¹⁴⁷ For example, Nelson City Council and Tasman District Council, submission 4362; Queenstown Lakes District Council, submission 3549; individual submissions 262, 2625, 3483.

¹⁴⁸ For example, Hastings District Council, submission 4105; Joint Council Waste Futures Project Steering Committee (Hastings District Council and Napier City Council), submission 4103; individual submission 2569.

¹⁴⁹ For example, individual submissions 326, 649.

¹⁵⁰ Plasback, submission 3929.

Next steps and ideas for co-design

Scheme funding

The two organisations managing voluntary accredited product stewardship schemes for farm waste run their schemes differently, and have differing views. One considers that companies already funding the voluntary schemes should not be confronted with new levies, and consider that the concept of extended producer responsibility goes against the requirement for farmers to take care of their own waste. The other considers that voluntary schemes based on user-pays rather than a producer levy (such as the Plasback scheme) have much lower recovery rates than models based on producer responsibility.¹⁵¹

In contrast, some suggested a deposit-return type of scheme to incentivise greater farmer participation.¹⁵²

Incentivising alternative materials

Some submitters made suggestions for a return to natural biodegradable packaging for sacks and baling twine (eg, hemp, hessian, flax fibre), or durable reusable protections (eg, hay barns, grain silos, solid lids for silage clamps).¹⁵³ Some submitters stated that farm plastics should be banned.¹⁵⁴ In contrast, others noted the lack of viable biodegradable alternatives for farm plastics, and potential cost implications for farmers from such alternatives.¹⁵⁵

Packaging

Submitters were asked if they agree with the proposed scope for priority product declaration for:

Q5: Packaging

- (a) Beverage packaging: 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).
- (b) Single-use plastic consumer goods packaging: 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.

Yes / No / Not sure / Why / Why not?

¹⁵¹ Agrecovery Foundation, submission 4067; Plasback, submission 3929.

¹⁵² Far North District Council, submission 1339; individual submissions 3206, 427.

¹⁵³ Applesseed Environmental Defence Society, submission 3168; Nestle, submission 712; individual submissions 55, 100, 102, 345, 849, 1060, 1080, 1120, 2459, 2531, 2714, 3054, 3173, 3206, 3562, 3702.

¹⁵⁴ Individual submissions 176, 244, 275, 2842, 3167.

¹⁵⁵ Individual submissions 372, 485.

Majority support was received for both proposed scopes for packaging, and support carried through all submitter types (figure 3 and table 2).

These proposals attracted a great deal of comment, particularly from individuals. Themes included the following.

Beverage container and consumer goods packaging are particularly important as they affect every single person in New Zealand. This can be an excellent consciousness raiser for the big waste minimisation issues that underpin the Waste Minimisation Act.¹⁵⁶

Absolutely support it and know many people who agree but won't take the time to make a submission. This could increase our recycling rates, reduce litter, create job opportunities and build a network of drop off centres which could be used for other products in the future.¹⁵⁷

Very important to take the choice, responsibility and hard work away from the consumer and place it higher up the chain. Consumers often want to do more to reduce plastic but feel helpless when surrounded by it at the supermarket and don't see any alternative but to buy things packaged in single-use plastic. This initiative should drastically reduce the amount of plastic going to landfill.¹⁵⁸

There was a time when we lived without single-use plastic and we can do it again. Give us better options and we will take them.¹⁵⁹

I volunteered with Operation Tidy Fox in July 2019 and was appalled at the level of single-use plastic contamination that I witnessed. These packaging items can take hundreds to thousands of years to break down, are likely after that to have impact as microplastics, and we don't know the long-term impacts.¹⁶⁰

More detail, including from business/industry submitters, is summarised in the specific scope sections.

A number of additional measures proposed by submitters to deal more effectively with these products are set out in section 2

Proposed scope (a) – beverage packaging

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).

Majority support

A clear majority of submitters supported this proposed scope. This majority support carried through all submitter categories (figure 3 and table 2).

¹⁵⁶ For example, individual submission 636.

¹⁵⁷ For example, individual submission 3862.

¹⁵⁸ For example, individual submissions 1330, 1834.

¹⁵⁹ For example, individual submission 2723.

¹⁶⁰ For example, individual submission 733, 2812.

Reasons given in support echoed those set out in the consultation document, sometimes with additional points made. Support was strongest among councils, NGOs and individuals. Additional points made include the following.

- New Zealand recovers less than half of beverage containers, even though they include highly recyclable materials like aluminium, glass, clear PET and HDPE. Plastic bottles (and their caps and lids) are one of the most common items found in New Zealand studies of street litter. Beverage containers are a high value resource stream with high embedded energy and lifecycle impacts that can be significantly offset through recycling.¹⁶¹
- We have a proliferation of litter in NZ and beverage containers are the main culprit. We need a container deposit scheme to incentivise recycling and responsible waste behaviour! Why should multinational companies make a huge profit from selling beverages when there is no system to collect their products at the end of their life?¹⁶²

Recommended changes to scope

Volume of containers

There were recommendations from business/industry to use a narrower range of bottle volumes, including:

- increase the minimum beverage container size from 50 millilitres to 150 millilitres, and include those under 150 millilitres in the scope for single-use plastic consumer goods packaging; containers under 150 millilitres are a small proportion of the total, difficult to handle and collect¹⁶³
- reduce the maximum from four to three litres; this reflects the size of most common retail volumes, allows processing with existing kerbside collection systems and aligns with systems in many Australian states.¹⁶⁴

Conversely, others asked for the range to be increased:

- increase upper limit to include large 10–20 litre containers, which are used by some consumers to purchase water¹⁶⁵
- have no minimum volume, and/or no maximum, or better justify reasons to restrict the container sizes covered.¹⁶⁶

¹⁶¹ For example, individual submissions 2728, 3834.

¹⁶² For example, Love Kaipara Ltd, submission 358.

¹⁶³ Frucor Suntory, submission 4076; New Zealand Beverage Council (NZBC), TOMRA Collection P/L, submission 3834; individual submission 4073.

¹⁶⁴ Coca-Cola Amatil (New Zealand) Limited, submission 4086; Foodstuffs, submission 4059; Timaru District Council, submission 3064; TOMRA Collection P/L, submission 3834.

¹⁶⁵ Joint Council Waste Futures Project Steering Committee (Hastings District Council and Napier City Council), submission 4103; individual submission 237.

¹⁶⁶ For example, Enphase Energy, submission 3171; Hibernia Ltd, submission 1198; Resilienz Ltd, submission 3170; individual submissions 18, 22, 52, 70, 364, 413, 430, 432, 434, 552, 1089, 2371, 2885, 3125, 3165.

Product inclusions

Some submitters called for some packaging to be explicitly included in scope. These included:

- fresh milk containers¹⁶⁷
- bottle caps, lids and fasteners¹⁶⁸all containers, for example containers for foods, condiments, sauces, toothpaste, and cleaning products.¹⁶⁹

Others requested clarity on whether fresh milk containers and ‘tetrapack’ style packaging were included in scope, and if so to specify this.¹⁷⁰

Product exclusions

Glass containers

A number of producers associated with the Glass Packaging Forum’s voluntary accredited product stewardship scheme argued strongly against glass being in scope. Reasons included:

- glass is already covered by an effective voluntary product stewardship scheme, has good and improving collection rates for recycling, provides important revenue to kerbside collections, is a relatively low contributor to landfill and litter, and does not cause harm when it becomes waste¹⁷¹
- adding more glass into the glass recovery supply chain, which has existing capacity constraints and issues with co-mingled glass collection, would overwhelm the supply chain unless certain councils stop co-mingling glass in their collections and/or there is significant investment in an upgraded beneficiation plant and storage facilities¹⁷²
- a priority product declaration is unnecessary and should not be made, but if it is made then glass beverage containers should be declared a priority product in a class of their own and managed separately, and the existing voluntary scheme accredited to do so¹⁷³
- costs to small brewers for new labels to abide by a container deposit scheme should be understood and addressed before declaring glass beverage containers as a priority product¹⁷⁴

¹⁶⁷ For example, Joint Council Waste Futures Project Steering Committee (Hastings District Council and Napier City Council), submission 4103.

¹⁶⁸ For example, Avalon International, submission 3164; Marx Design Ltd, submission 431; WasteNet Southland, submission 4054; Wellington City Council, submission 4107; individual submissions 656, 760, 1089, 1294, 2695, 2885, 2886, 2935, 2990, 3144, 3458, 3539, 3738.

¹⁶⁹ For example, Aotearoa Impacts and Mitigation of Microplastics, submission 2928; Rethinking Plastics Project Panel, submission 4355; individual submissions 385, 562, 2683.

¹⁷⁰ For example, Foodstuffs, submission 4059; Totally Wrapt Packaging Ltd, submission 2792; individual submission 171.

¹⁷¹ For example, 3R Group, submission 3859; Asahi Beverages (NZ) Ltd, submission 4049; Brewers Association of New Zealand, submission 4065; DB Breweries Limited, submission 4057; Distilled Spirits Aotearoa (New Zealand) Inc, submission 3355; Lion New Zealand Ltd, submission 4066; New Zealand Winegrowers, submission 4077; Northland Winegrowers Association, submission 3781; Pernod Ricard Winemakers, submission 4068; Spirits New Zealand Inc, submission 4106; The Brewers Guild of New Zealand, submission 4094; The Packaging Forum, submission 3368.

¹⁷² O-I New Zealand, submission 4091. O-I also noted that a new beneficiation plant and adequate on-site storage would cost around NZ\$20 million, and a new glass furnace at least NZ\$30 million.

¹⁷³ Lion New Zealand Ltd, submission 4066.

¹⁷⁴ The Brewers Guild of New Zealand, submission 4094. They also asked for this issue to be addressed before implementation of a co-design scheme, which is noted but outside the scope of this consultation.

- adding more bottle cullet into the system would cause detrimental effect to the flat glass recycling sector¹⁷⁵
- packaging should not be assessed as a candidate for regulated product stewardship by the product in the packaging, but rather by material and life-cycle impact; a focus on beverage containers is inappropriate¹⁷⁶
- capturing glass beverage containers via a new scheme would still leave other glass containers for kerbside or hospitality sector collections eg, glass containers for preserves, condiments and sauces, and oils); the same material type should be treated by one scheme.¹⁷⁷

A different approach was advised by others. For example:

- Carve outs by material types can create market distortions, as it may lead to attempts to avoid scheme participation and could create unfair competitive advantages for some producers.¹⁷⁸
- Our experience tells us that product stewardship legislation can only be effective if it applies to all forms of consumer packaging types without exception. This creates economies of scale and a level playing field among all brand owners and all packaging manufacturers.¹⁷⁹
- Government should include glass beverage containers to reduce the burden on public budgets. Glass recycling is challenging in Southland due to the distance to onshore processors and the need for high quality colour sorted product.¹⁸⁰

Some business/industry submitters proposed that glass packaging be declared a priority product, but a mandatory scheme not be imposed, and to review again in five years.¹⁸¹

It was also argued that glass and metal containers should not be subject to ‘restrictions’, or they should have lesser restrictions, as they are very recyclable.¹⁸²

Aluminium beverage containers

Some alcoholic beverage producers that sought to exclude glass also sought to exclude aluminium cans, arguing that the cans had good recycling rates and value to kerbside collections. However, a member of the aluminium packaging industry supported inclusion, due to the potential for added benefits. Separate collection for aluminium beverage containers overseas (eg, UK and Europe) had led to investment in eddy current separators to also capture aluminium foil, which together with increased can recovery added significant value the

¹⁷⁵ 5R Solutions, submission 1145. Current diversion of flat glass from landfill estimated at 32,000 tonnes, mostly sent to O-I to make new glass containers.

¹⁷⁶ For example, O-I New Zealand, submission 4091; Pernod Ricard Winemakers, submission 4068.

¹⁷⁷ The Glass Packaging Forum, submission 3240.

¹⁷⁸ Coca-Cola Amatil (New Zealand) Limited, submission 4086; Frucor Suntory, submission 4076.

¹⁷⁹ Tetra Pak South East Asia Pte Ltd, submission 4351.

¹⁸⁰ WasteNet Southland, submission 4054.

¹⁸¹ For example, New Zealand Association of Bakers Inc, submission 4095; New Zealand Food and Grocery Council, submission 4095.

¹⁸² Enphase Energy, submission 3171; individual submission 267.

recycling industry.¹⁸³ The metal recycling industry also supported inclusion of aluminium in scope if contamination from co-mingled collection could be designed out of new systems to protect New Zealand's reputation for high-quality recycled aluminium for export.¹⁸⁴

Medicinal beverages

Medicinal or healthcare products that are consumed as a drink were recommended as exclusions if packaging restrictions under product stewardship could reduce patient safety or compromise ingredient stability.¹⁸⁵

Next steps and ideas for co-design

Impact on kerbside collections

A number of business/industry submissions were not opposed to a beverage container scheme to provide a cleaner stream of recyclables, as long as potential effects on kerbside and other collection economics were addressed during the co-design process.¹⁸⁶ Councils were positive that this could be effectively resolved.

While it is unlikely that CRS will remove the need for kerbside recycling collections, sufficient time is needed for councils and their contractors to build in changes to collection methodologies, infrastructure, and funding arrangements... We ask that the co-design stakeholder group include representatives from urban and rural Territorial Authorities, as they will be familiar with the challenges facing councils due to a CRS (eg, impact on council collection contracts, community infrastructure, Long Term Plan, annual budgets etc). This is supported by the Local Government remit (2018) and Local Government Waste Manifesto 2018.¹⁸⁷

Non-recyclable beverage containers

Some submissions recommended that if a container return system were put in place, it only be used to collect recyclable materials, and others took the opposite view.

- There was concern that non-recyclable containers would simply incur costs without any benefits from recycling, and proposed that such products would be better dealt with through product bans, taxes, or other ways to incentivise use of sustainable packaging materials.¹⁸⁸
- In contrast, another submitter argued that non-recyclable containers should be included, but levied more.¹⁸⁹

¹⁸³ Confoil New Zealand Ltd, submission 1304.

¹⁸⁴ New Zealand Association of Metal Recyclers, submission 2911.

¹⁸⁵ New Zealand Self Medication Industry Association Incorporated, submission 1065.

¹⁸⁶ For example, Foodstuffs, submission 4069; Lewis Road Creamery, submission 3883; Nestle New Zealand, submission 172; Plastics New Zealand, submission 3934.

¹⁸⁷ WasteNet Southland, submission 4054.

¹⁸⁸ TOMRA Collection P/L, submission 3834.

¹⁸⁹ Individual submission 1070.

Independent scheme

There was industry support for an independent non-profit independent scheme, to maximise the recovery of well sorted material and minimise contamination and increase value of recyclables in the market.¹⁹⁰

Other submitters expressed concern that industry with a profit incentive should not have control of a scheme. For reasons including the following.

- An independently run bottle refund scheme with at least 50 cents per unit will ensure containers are recovered and help move towards reuse and refilling.¹⁹¹
- An ethics committee should ensure that circular economy, cradle to cradle and zero waste principals are set in place for manufacturers and importers.¹⁹²
- Community rather than industry run product stewardship organisations have proven to achieve better recovery rates, opposed to industry-run schemes where profit incentives lead to recovery rates at the bare minimum and profiting from the uncollected deposits (such as the Queensland CRS scheme).¹⁹³

Require a simple scheme

One industry association was concerned that any scheme developed be simple and easy to implement, to avoid administrative and associated cost burdens from implementation and participation especially for small businesses.¹⁹⁴

Other proposals

Phase out co-mingled recycling collection

A number of packaging industry submitters noted that the decision of some councils to co-mingle glass with other kerbside material collections to save on collection costs had increased contaminants to the glass (and other recyclables) stream, and lowered the quality and market value of recycle. They asserted that this would not be solved by regulated product stewardship and needed to be addressed directly, together with improving onshore infrastructure.¹⁹⁵

The cost and time it takes to separate, colour sort, grind and beneficiate the glass from co-mingled collections adds significant complexity and cost to the glass recovery system. A separate kerbside glass collection that is colour sorted, does not include this step... Due to the processing complexities from co-mingled collection, the Visy Beneficiation Plant is close to capacity. Reduced quality glass that is not suitable for manufacture in new

¹⁹⁰ Coca-Cola Amatil (New Zealand) Limited, submission 4086.

¹⁹¹ For example, individual submission 1451 and 1265 others who used a Greenpeace form template.

¹⁹² For example, Ahika Consulting, submission 2399; Glen Eden Transition Town, submission 3699; Sustainable Dunedin City, submission 2942; individual submissions 3729, 3797 and 3817. Other ideas suggested for the role of this new entity included education about packaging, grants for local start-ups, making standardised products cheaper, and research and development.

¹⁹³ Greenpeace Aotearoa, submission 4046.

¹⁹⁴ Brewers Guild of New Zealand, submission 4094.

¹⁹⁵ For example, Brewers Association of New Zealand, submission 4065; New Zealand Winegrowers, submission 4077; O-I New Zealand, submission 4091; Packaging New Zealand, submission 4085; Pernod Ricard, submission 4068; Spirits New Zealand Inc, submission 4106; The Brewers Guild of New Zealand, submission 4094.

container glass products can still be used in a wide range of products, including sporting turf, golf bunkers and base course for roads. However, such lower quality recovered glass cannot ever be returned to the glass lifecycle.¹⁹⁶

Allow a longer timeframe for accreditation for glass

Members of the glass industry sought equal treatment for all packaging types in this category.

The most unjust element of declaring glass to be a priority product... is that it will... require a new scheme to apply for accreditation within just 12 months. This grossly disadvantages producers and manufactures of glass packaging as compared to other beverage container materials that have not been voluntarily partaking in an unregulated stewardship scheme.¹⁹⁷

Ban single-fill plastic bottles

A substantial group of individual submitters supported the proposed priority product declaration but also called for bans on some beverage containers.

No more bottles. Plastic bottles make up a huge amount of plastic waste generated in New Zealand. A Bottle Refund Scheme will help recover more bottles but won't impact the sheer volume of plastic being produced daily. For generations, humans have found a way to drink water without plastic bottles. I want to see them, and all plastic bottles for fizzy drinks and other beverages under four litres banned. These are non-essential products. We can drink tap water and beverage companies can package in glass or aluminium. Such a bold step would see a vast reduction in the volume of plastic in our waste stream and is consistent with the waste hierarchy which places reduction first.¹⁹⁸

Share revenues with local authorities

One submission asked that the model used in California, where cost recovery for container deposit schemes is returned to the local communities, be considered.¹⁹⁹

Proposed scope (b) – Single-use plastic consumer goods packaging

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.

Majority support

A clear majority of submitters supported this proposed scope. This majority support carried through all submitter categories (figure 3 and table 2).

¹⁹⁶ O-I New Zealand, submission 4091.

¹⁹⁷ DB Breweries Ltd, submission 4057.

¹⁹⁸ Greenpeace Aotearoa form submission text used by submission 527 and 1,433 others. Other submissions also called for a ban on plastic single-use water bottles, for example, individual submissions 100, 110, and 2522.

¹⁹⁹ Puketāpapa Local Board cited by Auckland Council, submission 4116.

Reasons given in support included those set out in the consultation document, and also included the following.

- Without the clear direction from central government only those that want to do the right thing will participate in stewardship, leaving a significant gap between what packaging is produced and what is recovered at end-of-life.²⁰⁰
- Plastic packaging is harming our oceans and marine wildlife. Plastic in landfill survives for up to centuries, and as shown by the Fox River floods, many New Zealand landfills are vulnerable to sea level rise and/or flooding. Mandatory product stewardship schemes for packaging would result in less litter, higher recycling rates, better quality recycling and more reuse options. Mandatory product stewardship would also reduce the financial burden that packaging places on councils and the wider community.²⁰¹

Also:

...It is in our water, food, soil and seas. We are yet to discover the full consequences of plastic pollution and mismanagement... We urgently need leadership and bold action. Why is it legal to import consumables, with built in obsolescence? Why are supermarkets full of unwanted plastic packaging? Why can't we have milk in glass bottles? Why aren't importers of cheap plastic consumables taxed at the border for the disposal of waste?²⁰²

Not all agreed that plastic packaging was one of the most significant sources of microplastics.

As evidenced by Scion's Auckland microplastics study, and other studies globally, ~87% of microplastics are from textiles and tyres. The risk of harm from packaging is therefore less than implied in the analysis.²⁰³

Recommended changes to scope

Product exclusions

Arguments for exclusions from scope included:

- prioritise those types of single-use packaging that have the biggest impact on the waste system ... for example on-the-go packaging... above others considered to have a lower impact.²⁰⁴
- items providing a significant benefit to the community (eg, food safety) that are unavailable in alternative materials²⁰⁵
- single-use plastic packaging for medicinal products that are essential to protect health, safety and efficacy and required by domestic and international regulation²⁰⁶

²⁰⁰ 3R Group, submission 3859.

²⁰¹ For example, Zero Waste Network form submission, submission 2509 and 217 others.

²⁰² Individual submission 2126.

²⁰³ Plastics New Zealand, submission 3934.

²⁰⁴ L'Oréal New Zealand, submission 4051.

²⁰⁵ Aotearoa Impacts and Mitigation of Microplastics, submission 2928; Capital and Coast District Health Board, submission 4350; Hutt Valley District Health Board, submission 4348; Motor Trade Association Inc, submission 4384; Northland District Health Board, submission 4349.

²⁰⁶ GSK Consumer Healthcare, submission 4113; New Zealand Self Medication Industry Association Incorporated, submission 1065. Also echoed in relation to veterinary medicines: Agcarm, submission 4055.

- wholesale plastic packaging as a “clean” feedstock and has different recycling opportunity than post-consumer packaging²⁰⁷
- cosmetic and personal care products, as the volume of waste is small compared to food and beverage packaging.²⁰⁸

Product inclusions

Some submitters sought clarity about inclusions in the proposed scope:

- does ‘single use’ include multiple-use single-fill containers (eg, tomato sauce bottles, cosmetic containers, toothpaste, shampoo or cosmetics containers)?²⁰⁹
- is it intended to include secondary packaging (removed before display) and tertiary packaging (used for shipping),²¹⁰ or packaging for motor vehicle parts?²¹¹
- specify that ‘compostable’ and ‘biodegradable’ plastics are included²¹²
- specify coverage for polystyrene; plastic takeaway containers, cups, lids and accessories (straws/cutlery/cups/plates/dishes); other plastic-laminated paperboard containers and plastic films and wraps; and medicine, vitamin, and cosmetic packaging.²¹³

Some submitters considered the terms ‘single-use’ and ‘not designed to be refilled’ too vague, potentially creating loopholes between stated intent and actual practice.²¹⁴

Include all plastic packaging, not just consumer goods

Inclusion of wholesale packaging of bulk consumer goods and commercial packaging was also supported. Examples mentioned included plastic shrink-wrap used on pallets, building scaffolding wrap, strapping cable, bubble wrap, pallet inserts and polystyrene packing, pallets, farm supplies bulk packaging, and medical/healthcare single-use

²⁰⁷ The Packaging Forum Soft Plastic Recycling Scheme, submission 3208.

²⁰⁸ Cosmetics New Zealand, submission 4385.

²⁰⁹ For example, Lewis Road Creamery, submission 3883; Plastics New Zealand, submission 3934.

²¹⁰ Plastics New Zealand, submission 3934.

²¹¹ Motor Industry Association Inc (MIA), submission 4092.

²¹² Aotearoa Plastic Pollution Alliance (APPA), submission 3421; Avalon International, submission 3164; Beyond the Bin, submission 1088; Christchurch City Council, submission 4071; Clever Green Limited, submission 2891; Climate Clinic VUW, submission 3897; Crunch and Flourish, submission 2626; Dunedin City Council, submission 4117; Hastings District Council, submission 4105; Kai Western Bay, submission 4134; Marx Design Ltd, submission 431; New Plymouth District Council (on behalf of Taranaki Solid Waste Management Committee), submission 3592; New Zealand Product Stewardship Council, submission 3340; Queenstown Lakes District Council, submission 3549; Tauranga Zero Wasters, submission 4099; The Rubbish Trip, submission 714; Waiheke Resources Trust, submission 2996; WasteMINZ Territorial Authority Forum, submission 4387; Whaingaroa Environment Centre, submission 3246; Zero Waste Belmont, submission 4081; individual submissions 364, 1055, 1206, 1209, 1221, 1222, 2429, 2804, 2926, 2931, 2935, 2955, 2987, 2988, 2900, 3127, 3144, 3357, 3539, 3625, 3738, 3890. These plastics are included with other types of plastic in resin code 7. Some of the local government submissions suggested clarification, to be worded: “including but not limited to oil and plant-based plastics; compostable plastic, biodegradable plastic and oxydegradable plastic”.

²¹³ For example, individual submissions 24, 432, 434, 842, 1053, 1055, 1152, 1230, 2147, 2429, 2923, 2955, 3150, 3539, 3755.

²¹⁴ For example, Crunch and Flourish, submission 2626; individual submission 2960.

plastic.²¹⁵ A precedent for specific consideration of pallet and building wrap was noted in the proposal for priority product declaration for farm plastics.²¹⁶

Include all packaging, not just plastics

Many producers, importers and users of packaging considered that the focus on plastics was too narrow, and all packaging material types should be covered (eg, plastics, glass, metal, paperboard, mixed material, or laminated products). Reasons included:

- singling out plastic packaging would be anti-competitive
- life-cycle impacts of packaging materials should be compared against each other, including product benefits such as reduced food waste and net carbon footprints
- successful overseas mandated programmes included all packaging, not just plastic.²¹⁷

Many individual, council and NGO submissions also called for priority product on all packaging in all materials, with an emphasis on the materials least able to be reused and recycled.²¹⁸ As with the beverage container category, there were suggestions to subdivide by material type.

Might be better to break into four or five line items that each cover a more manageable scope of products [and] better fit with criteria for priority product declaration which require that product can be 'effectively managed' ... One option for breaking down the packaging scope using different way of thinking about it could be material type.²¹⁹

Next steps and ideas for scheme design

Analyse, prioritise and phase in

Some submitters considered that transition to effective product stewardship for such a large product group necessitated better understanding by material type.

²¹⁵ For example, Clever Green Limited, submission 2891; Far North District Council, submission 1339; Fonterra Co-operative Group, submission 4108; Kai Western Bay, submission 4134; Nelson City Council and Tasman District Council, submission 4362; Sustainable Ōtautahi Christchurch, submission 2887; Tauranga Zero Wasters, submission 4099; The Rubbish Trip, submission 714; Waiheke Resources Trust, submission 2996; individual submissions 1222, 1229, 1294, 2393, 2513, 2896, 3075, 3524, 3755, 3890, 4080.

²¹⁶ Individual submission 1294.

²¹⁷ For example, Fonterra Co-operative Group, submission 4108; IML Plastics Ltd, submission 4082; Lewis Road Creamery, submission 3883; Mondelēz International, submission 4043; Nelson Marlborough Health, submission 2603; New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095; New Zealand Paper Forum, submission 3872; Packaging New Zealand, submission 4085; Pact Group (New Zealand) (Alto), submission 4367; Plastics New Zealand, submission 3934; The Packaging Forum Soft Plastic Recycling Scheme, submission 3208; Totally Wrapt Packaging Ltd, submission 2797; Waste Management Industry Forum, submission 1141; Waste Management New Zealand Limited, submission 3302.

²¹⁸ For example, Joint Council Waste Futures Project Steering Committee (Hastings District Council and Napier City Council), submission 4103; Wanaka Wastebusters Ltd, submission 3972; individual submissions 22, 57, 293, 856, 1267, 1294, 2371, 2960, 3075, 3173, 3293, 3441, 3539.

²¹⁹ Wanaka Wastebusters Ltd, submission 3972.

A phased approach to introducing stewardship would be a practical way to implement this huge change to the country. An analysis of packaging types, challenges to stewardship for each type, the implications of the product that was stored in the plastic, and end markets for the recovered materials would help prioritise roll out.²²⁰

Before this vast amount of material can be effectively dealt with a mandatory data collection system should be implemented. Analysis could then be carried out on the quantities and types of materials. This then allows evidence-based decisions on how to deal with our packaging waste.²²¹

Some submitters argued that without recycling outlets a regulated scheme would not work, so only materials that were easier to recycle should be covered initially.²²² Conversely, others argued for starting with the ones hardest to recycle onshore, to drive circular design and infrastructure,²²³ or phasing in a ban on their use.²²⁴

Before this vast amount of material can be effectively dealt with a mandatory data collection system should be implemented. Analysis could then be carried out on the quantities and types of materials. This then allows evidence-based decisions on how to deal with our packaging waste.²²⁵

Non-regulatory approaches to priority products

One proposal was to declare priority products for packaging, but not create any regulations that made participation mandatory:

... it is very clear that New Zealand consumers want and expect product manufacturers and sellers to more effectively deal with the plastic waste problem and all product producers need to play their part... we encourage other organisations to sign up to the [New Zealand Plastic Packaging] Declaration, and see some merit in it being made mandatory, preferably with longer timeframes to align with measures being taken by trading partners, changing the rules to require a completely different approach, or more ambitious implementation timeframe, would breach good faith. Foodstuffs recommends a scheme in which all brand-owners are required to have 100% of packaging reusable, recyclable or (genuinely) compostable, by a nominated date, e.g. 2030.²²⁶

Some business/industry submissions expressed concern that a regulated product stewardship scheme could stifle innovation in improved sustainability in packaging,²²⁷ although it was not explained how this might occur.

²²⁰ 3R Group, submission 3859.

²²¹ Plastics New Zealand, submission 3934.

²²² For example, EnviroWaste Services Limited, submission 4090; Waimakariri District Council, submission 4126.

²²³ Wellington City Council, submission 4107.

²²⁴ Greenpeace template; individual submission 1070.

²²⁵ Plastics New Zealand, submission 3934.

²²⁶ Foodstuffs, submission 4069.

²²⁷ For example, Distilled Spirits Aotearoa (New Zealand) Inc, submission 3355; Mondelēz International, submission 4043.

Incentives for improved design

There were calls for strong incentives to move all packaging to be as recyclable as possible, and not penalise companies already taking steps to improve design.

Clear guidelines and consistent rules will need to be communicated and applied.

Mechanisms for updating the guidelines as new innovations/materials etc come into the market need to be streamlined and fair so as to encourage innovation & not bog it down in bureaucracy and cost (i.e. if the cost of assessment is too high for any individual company, NZ may miss out on advantages of some innovation).²²⁸

Specific measures were also proposed. These included encouragements to design for refill by the same product in cleaning and household products where food safety is not an issue,²²⁹ and requiring that all lids and seals must be non-detachable.²³⁰

Encourage reuse

There was clear support for incentivising and encouraging reuse of containers. Proposed measures included:

- design product stewardship scheme to incentivise infrastructural and logistical developments for reuse/refill area
- enable affordable refill options for personal care products, cleaning products, foodstuffs, and beverages at all supermarkets and shops, not just niche grocery stores
- facilitate organised, scalable systems for packaging take-back for reuse and refill for all these products
- require or support retailers to provide refilling stations in-store, accept reusable containers, and advertise and/or actively encourage people to bring their own containers and bottles
- provide incentives for people to take their own containers and be able to refill containers and bottles, including it being cheaper for consumers to do this rather than to keep buying plastic packaged goods over and over again
- facilitate standardised or 'universal' packaging to encourage reuse and ability refillable for many multiple uses.²³¹

²²⁸ Punchbowl Packaging Ltd, submission 2272.

²²⁹ Honest Wholefood Co, submission 1016.

²³⁰ For example, submissions 1029, 1266, 2728, noting the EU Directive on Single Use Plastics Article 6(1) approach.

²³¹ For example, Aotearoa Plastic Pollution Alliance (APPA), submission 3421; New Zealand Product Stewardship Council, submission 3340; Sustainable Ōtautahi Christchurch, submission 2887; individual submissions 59, 265, 790, 2453, 3003, 3104, 3472, 3625, 3847.

Ministerial guidelines for priority product stewardship schemes

Overall majority support for proposed guidelines

Just over half of the submitters (56 per cent) expressed a view on the proposed guidelines. Of these, a clear majority (88 per cent) supported the guidelines as proposed. This majority support carried through all submitter types (figure 3 and table 2).

Among those that did not agree with the proposed guidelines as a whole, or did not choose a position but made comment. Themes included the following.

- The guidelines should be more concise.²³²
- The guidelines are too prescriptive, should be more outcomes focused, and would be better developed during the co-design process.²³³
- More urgency and bold action are required.²³⁴
- Require consistent labelling and recycling instructions for priority products.²³⁵
- Rule out waste-to-energy incineration as an acceptable option,²³⁶ or have it as no more than an interim solution.²³⁷
- Add incentives for locally recyclable/circular alternatives and targets for reduced manufacture or banning of non-compliant products.²³⁸
- Address powers and obligations of scheme operators, collectors and processors, and scheme liability for pre-implementation stockpiles and the importation of waste material from other jurisdictions.²³⁹
- Schemes should be as simple as possible and not subject to a number of wider environmental or social objectives to be cost-effective.²⁴⁰
- Ensure phase-in for declared materials not currently being collected.²⁴¹
- Review of guidelines after the first few schemes have been through the co-design process and within three years of the first products being declared priority wastes.²⁴²

²³² DB Breweries Limited, submission 4057; New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095; Plastics New Zealand, submission 3934; The Packaging Forum Soft Plastic Recycling Scheme, submission 3208; individual submission 3162.

²³³ For example, Foodstuffs, submission 4069; New Zealand Association of Bakers Incorporated, submission 4096; New Zealand Food and Grocery Council, submission 4095; The Packaging Forum Soft Plastic Recycling Scheme, submission 3208.

²³⁴ For example, The Rubbish Trip, submission 714; individual submissions 246, 714, 2960, 3167.

²³⁵ For example, Countdown Supermarkets, Woolworths New Zealand Limited, submission 4089; individual submission 807.

²³⁶ For example, Honest Wholefood Co, submission 461; Tauranga Zero Wasters, submission 4099.

²³⁷ Local Government New Zealand's Regional Sector, submission 4389; Waikato and Bay of Plenty Waste Liaison Group, submission 4123.

²³⁸ Individual submissions 70, 92, 3054.

²³⁹ Coca-Cola Amatil (New Zealand) Limited, submission 4086.

²⁴⁰ EnviroWaste Services Limited, submission 4090.

²⁴¹ Waimakariri District Council, submission 4126.

²⁴² Foodstuffs, submission 4069.

- Ensure that costs must flow through to the consumer to change consumer behaviour, rather than impact business margins or force manufacturing off shore.²⁴³
- Specify measures to minimise the impact on existing systems and recovery supply chains.²⁴⁴
- Ensure that baselines and quality data is available to measure effectiveness.²⁴⁵
- Rule out biodegradable alternatives that can neither meet international standards, nor have sufficient onshore processing infrastructure.²⁴⁶
- Require schemes to minimise greenhouse gas emissions from processing and infrastructure.²⁴⁷
- Require better chain of custody for offshore recycling.²⁴⁸
- Against the proposed guidelines being applied to their products, products they rely on for their business, or their voluntary accredited scheme as currently designed.²⁴⁹
- Agree with some proposed guidelines but not all, agree overall with suggested amendments, or commented only on specific guidelines of concern.²⁵⁰
- Submitters did not feel informed enough to comment.²⁵¹

Comment on individual proposed guidelines was optional, and nearly half chose not to do so. The number of submitter comments on the proposed guidelines varied by the different categories of proposed guideline. Categories attracting the most response were ‘intended objectives and outcomes’, ‘fees, funding and cost-effectiveness’, ‘timeframes’, ‘public awareness’, ‘governance’, and ‘stakeholder engagement and collaboration’ (figure 4).

Submissions on each of the proposed guideline categories are summarised in the following sections.

²⁴³ Individual submission 340.

²⁴⁴ Lion New Zealand Ltd, submission 4066.

²⁴⁵ Eunomia Research and Consulting, submission 4050.

²⁴⁶ The Packaging Forum Soft Plastic Recycling Scheme, submission 3208.

²⁴⁷ Scion (the New Zealand Forest Research Institute Ltd), submission 4062.

²⁴⁸ Individual submission 2960.

²⁴⁹ For example, glass packaging – individual submissions 3355, 4057, 4065, 4066; metal containers – individual submission 2911; farm plastics – individual submission 3929; batteries and SF₆ used in power supply, individual submission 3798.

²⁵⁰ For example, individual submissions 340, 1088, 3960, 4050, 4051, 4055, 4083, 4094, 4119, 4351.

²⁵¹ For example, individual submissions 46, 111, 120, 146, 308, 314, 353, 413.

Figure 4: Number of comments by category of product stewardship scheme guidelines



Specific guideline proposals

Proposed guideline 1: Intended objectives and outcomes

Submitters were asked what changes they would make to this proposed guideline

- Specify the expected reduction in harm to the environment from the implementation of a scheme and/or the expected benefits from reduction, reuse, recycling, recovery, or treatment of the product to which a scheme relates.
- Specify the expected quantifiable waste minimisation and management objectives for the product to which a scheme relates, and the plan to achieve significant, timely and continuous improvement.
- All schemes will be designed to incentivise product management higher up the waste hierarchy, in priority order: waste prevention, reuse, recycling, recovery (materials and energy), treatment and disposal.
- For products containing hazardous materials – industry certification and compliance with other legislation for installation/use, maintenance, collection, transport, storage, and disposal pathways.
- All schemes will be designed and financed to manage orphaned and legacy products as well as current products entering the market.

General comments

The majority of comments on this guideline related to incentivising activity further up the waste hierarchy (1c) and coverage of legacy products (1e).

One submitter considered that government expectations should be quantified and made clear to assist with robust scheme design.²⁵²

²⁵² 3R Group Ltd, submission 3859.

Recommended changes

Supporting transition to a circular economy (guideline 1c)

A number of submitters recommended stronger scheme requirements, for example to:

- actively manage their products higher up the waste hierarchy, including:
 - have a clear plan on waste prevention
 - identify ways in which waste can be prevented and minimised and make ongoing waste prevention efforts
 - incentivise redesign of products to be more reusable, refillable, repairable, and with less overall packaging
 - provide justification for product waste managed in lower levels of the waste hierarchy.²⁵³
- deprioritise investment in new infrastructure or networks that may create dependence 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)²⁵⁴
- encourage onshore processing where possible²⁵⁵
- redesign and replace materials with improved end-of-life outcomes, including biodegradability²⁵⁶
- consider and present the full product recovery chain in development of schemes, including offshore processing.²⁵⁷

There were also requests to further clarify definitions in the guidelines concerning the waste hierarchy:

- whether 'reuse' applies within New Zealand only, or also to the export of working product for reuse²⁵⁸
- define where a fully biodegradable option (ie, back to CO₂ and water) sits in the waste hierarchy eg, 'waste prevention' or 'disposal'); do not create barriers to fully designed biodegradable solutions or new materials not yet created.²⁵⁹

Some submitters also called for this section to be amended to clearly rule out waste-to-energy incineration. Waste to energy is further addressed in section 2.

²⁵³ For example, Aotearoa Plastic Pollution Alliance (APPA), submission 3421; Eunomia Research and Consulting, submission 4050; Grey Lynn 2030 Waste Away, submission 3875; Mahurangi Wastebusters Limited, submission 1293; Tamaki WRAP, submission 3843; The Re-Creators, submission 969; Xtreme Zero Waste, submission 545; individual submissions 496, 760, 952, 1060, 1245, 2135, 2378, 2403, 2707, 2728, 2807, 2864, 2901, 2990, 3079, 3128, 3210, 3255, 3259, 3313, 3720, 3754, 3918, 4080.

²⁵⁴ Individual submissions 2707, 3754.

²⁵⁵ Wellington City Council, submission 4107.

²⁵⁶ Scion (New Zealand Forest Research Institute Ltd), submission 4062.

²⁵⁷ Individual submission 3255.

²⁵⁸ The Australia and New Zealand Recycling Platform Limited, submission 4047.

²⁵⁹ Scion (New Zealand Forest Research Institute Ltd), submission 4062.

Responsibility for legacy products (guideline 1e)

Concern about the size and cost of dealing with legacy products was noted by several business/industry submitters,²⁶⁰ along with the equity implications of requiring a present scheme to cover orphaned and legacy products.

As a general principle, any changes to the law should not apply retrospectively... Producers should not be required to deal with older product that they have not imported or manufactured.²⁶¹

Some financial and process benefits were also recognised.

We support inclusion of orphaned and legacy beverage products. The sorting and compliance requirements to differentiate between beverages sold pre- and post-scheme launch would be complex and costly to implement.²⁶²

One submitter proposed no producer responsibility for historical products,²⁶³ and another that priority products should not be declared until the scale of legacy products had been fully analysed.²⁶⁴

Proposed amendments to proposed guideline 1(e) included:

- remove 'and financed'; the levy should only apply to all new products sold²⁶⁵
- a share,²⁶⁶ or the majority,²⁶⁷ of orphan/legacy product management costs to be paid by government
- encourage product amnesties to avoid perverse incentives for illegal dumping²⁶⁸
- allow caps on funding for the disposal of orphan/legacy products and volumes supplied by customers, and schemes to employ cost-sharing or cost-recovery options for quantities that exceed this.²⁶⁹

²⁶⁰ Agcarm, submission 4055; EnviroWaste Services Limited, submission 4090; Kallista Limited, trading as Green Gorilla, submission 377.

²⁶¹ Plastics New Zealand, submission 3934.

²⁶² Coca-Cola Amatil (New Zealand) Limited, submission 4086. This regulation was also requested by the New Zealand Beverage Council, submission 4073.

²⁶³ Avalon International, submission 3164.

²⁶⁴ Plastics New Zealand, submission 3934.

²⁶⁵ Ravensdown, submission 633.

²⁶⁶ Plastics New Zealand, submission 3934.

²⁶⁷ Employers and Manufacturers Association, submission 4087.

²⁶⁸ Business New Zealand, submission 4352; Vector Limited, submission 4097.

²⁶⁹ The Agrecovery Foundation, submission 4067.

Proposed guideline 2: Fees, funding and cost effectiveness

Submitters were asked what changes they would make to this proposed guideline

- (a) The full net costs of collection and management of the priority product (reuse, recycling, processing, treatment or disposal) will be covered by producer and product fees associated with the scheme (eg, 'producer pays' or 'advance disposal fee').²⁷⁰
- (b) The impact of more than one accredited scheme and opportunities for maintaining competition should be considered in terms of net cost effectiveness (including monetary and non-monetary costs and benefits).
- (c) Specify plans to manage risks to sustainable scheme income, such as price volatility and leakage of materials into other markets.
- (d) Specify how existing and emerging technologies will be used to help track and manage product or waste throughout the supply chain (eg, bar codes, radio frequency identification (RFID), and block chain).

General comments

A number of submitters noted that costs imposed on producers of products will be passed on to consumers in most cases.²⁷¹ Others noted that although transferring some costs to consumers could be appropriate, limits were required.²⁷²

With regard to potentially competing schemes, there were concerns this may create customer confusion and erode economies of scale, due to the size of the New Zealand market.²⁷³ One submitter noted that competition to access collection points can lead to higher costs and perverse outcomes.²⁷⁴

A few submitters were concerned about the risk of double payment. For example, a producer already paying for offshore disposal may also need to pay to be part of a new scheme, or pay to be part of a scheme that deals with materials collected through kerbside services currently paid for by ratepayers.²⁷⁵

²⁷⁰ The Waste Minimisation Action defines producers to include people who: manufacture and sell a product in New Zealand under their own brand; are the owner or licence holder of a trademark under which a product is sold in New Zealand; import a product for sale in New Zealand; or manufacture or import a product for use in trade by them or their agent.

²⁷¹ Employers and Manufacturers Association (Northern) Inc (EMA), submission 4087; Eunomia Research and Consulting, submission 4050; Fletcher Concrete and Infrastructure Ltd (trading as Golden Bay Cement), submission 1306; Motor Trade Association (Inc), submission 4384; Synthetic Refrigerant Stewardship Working Group, submission 4119; The Brewers Guild of New Zealand, submission 4094; Tyremax Limited Partnership, submission 991; individual submission 2707.

²⁷² For example, individual submissions 760, 2864, 2980.

²⁷³ Carterton District Council, submission 3249; Coca-Cola Amatil (New Zealand) Limited, submission 4086; For Our Real Clean Environment, submission 1218; Frucor Suntory, submission 4076; Masterton District Council, submission 3542; South Wairarapa District Council, submission 3564; The Agrecovery Foundation, submission 4067; Wellington City Council, submission 4107; individual submission 2707.

²⁷⁴ The Australia and New Zealand Recycling Platform Limited, submission 4047.

²⁷⁵ Nestle New Zealand, submission 712; Transpower New Zealand Limited, submission 3798.

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included the following:

- 'Producer pays' (guideline 2a): delete, as costs should be shared across the whole supply chain.²⁷⁶
- Cost-effectiveness of multiple schemes (guideline 2b): replace 'accredited scheme' with 'specialist service provider'.²⁷⁷
- Risk to scheme income (guideline 2c): add a requirement to maintain a risk schedule to be reviewed quarterly by scheme governance.²⁷⁸
- Where beverage producers fund the cost of collection and processing, the sale of the material should be used to offset the costs to producers rather than directly funding the scheme operation.²⁷⁹

Proposed guideline 3: Governance

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme governance entity will be independent, non-profit and represent producers and wider stakeholders, including public interest.
- (b) Governance should include wider stakeholders in two types of advisory groups: those including product producers and recipients of product management fees who have technical or supply chain knowledge, and other stakeholders who represent wider community and consumer interests.
- (c) Structure and accountability of the scheme governance entity will be specified. Clear mechanisms will be implemented to fully control scheme operation, manage non-compliance and report on outcomes.
- (d) The selection process for scheme directors will be transparent, and scheme governance provisions will follow best practice guidelines for New Zealand.
- (e) Given the size of New Zealand's population and market, the default expectation will be that either a single accredited scheme per priority product, or a clear platform for cooperation between schemes for efficient materials handling, will be part of the design.

²⁷⁶ The Apple Press, submission 1142; The Glass Packaging Forum, submission 3240.

²⁷⁷ Marlborough District Council, submission 231.

²⁷⁸ 3R Group, submission 3859.

²⁷⁹ Coca-Cola Amatil (NZ) Limited, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

General comments

Submitters expressed both support for a multi-stakeholder not-for-profit governance entity with strong balanced governance, and concern that requiring non-profit status may create inefficiencies and add costs.²⁸⁰ It was noted that ongoing stakeholder engagement is of value, but costs and benefits should be balanced.²⁸¹

Conflicts of interest should be clearly identified and actively managed, using rules of good governance, and require identification of conflicts of interest.²⁸² Some submitters thought the guidelines were too prescriptive and need to be more outcome focused.²⁸³

Recommended changes

Governance group (guideline 3a)

- Models for governance group membership ranged from independent directors²⁸⁴ to a board of stakeholder representatives.²⁸⁵
- Several submitters called for explicit identification of key stakeholders in the guidelines.²⁸⁶ Recommendations for stakeholders required to be included on a representative governance board included:
 - producers: some arguing that it is essential,²⁸⁷ and others that it should be minimal or controlled, to avoid conflicts of interest and perverse outcomes²⁸⁸
 - local government, community recyclers and zero waste advocates²⁸⁹

²⁸⁰ For example, Fisher & Paykel Appliances, submission 2917; Lewis Road Creamery, submission 3883; Nufuels Ltd, submission 409; The Kiwi Bottle Drive (a campaign managed by the Entrust Foundation), submission 2188.

²⁸¹ For example, Porirua City Council, submission 382.

²⁸² 3R Group, submission 3859; individual submission 305.

²⁸³ New Zealand Association of Bakers Incorporated, submission 4096; New Zealand Food and Grocery Council, submission 4095.

²⁸⁴ For example, Coca-Cola Amatil (New Zealand) Limited, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

²⁸⁵ For example, Refill New Zealand, submission 2724; Tauranga City Council's staff, submission 4356; Wellington City Council, submission 4107.

²⁸⁶ Aotearoa Plastic Pollution Alliance (APPA), submission 3421; New Zealand Product Stewardship Council, submission 3340.

²⁸⁷ For example, Lion New Zealand Ltd, submission 4066; Coca-Cola Amatil (New Zealand) Limited, submission 4086.

²⁸⁸ For example, Far North District Council, submission 1339; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073; POPs Environmental Consultants Ltd, submission 3933; Reloop Pacific and Australian Tyre Recyclers Association, submission 693; TOMRA Collection P/L, submission 3834; individual submissions 246, 388, 552.

²⁸⁹ For example, Plastic Free Whanganui, submission 1180; Queenstown Lakes District Council, submission 3549; individual submission 760.

- mana whenua,²⁹⁰ together with explicit recognition of Māori as Treaty partners and kaitiaki, and adoption of tikanga Māori²⁹¹
 - small- to medium-sized businesses²⁹²
 - government: either with oversight or as members to advocate for independence, national consistency, and to act as ‘neutral referees’;²⁹³ this could include different agencies with different roles as appropriate eg, regulators of health and safety, waste export)²⁹⁴
 - another proposed model was a multi-stakeholder scheme design working group, which hands over to a single, representative, governance group overseen by a government technical advisory group²⁹⁵
- Some submitters thought the guidelines should include requirements for governance training and that governance time should be remunerated.²⁹⁶
 - Some business/industry submitters advocated for a range of business models to be considered for each scheme and business cases developed to ensure maximum efficiency and environmental benefits.²⁹⁷

Stakeholder advisory groups (guideline 3b)

- Several submitters sought clarity about the role of advisory groups – that is, decision-making versus providing advice.²⁹⁸
- Some submitters thought the guidelines should be flexible enough to allow more,²⁹⁹ or fewer,³⁰⁰ advisory groups, or the flexibility to choose as appropriate.³⁰¹

²⁹⁰ For example, Far North District Council, submission 1339; Palmerston North City Council, submission 3267; Queenstown Lakes District Council, submission 3549; The Coromandel Independent Living Trust, submission 3393; Wakatū Incorporation, submission 4040; Wellington City Council, submission 4107; individual submission 760.

²⁹¹ CBEC, submission 442.

²⁹² The Brewers Guild of New Zealand, submission 4094.

²⁹³ For example, Elmwood Orthopaedics, submission 390; Fight the Tip Tiaki te Whenua Incorporated, submission 2961; Maui’s Ark, submission 375; individual submissions 783, 856.

²⁹⁴ The Australia and New Zealand Recycling Platform Limited, submission 4047.

²⁹⁵ For example, Farmlands Co-operative, submission 4075; Marlborough District Council, submission 231.

²⁹⁶ For example, 3R Group, submission 3859; Lion New Zealand Ltd, submission 4066; O-I New Zealand, 4091; The Glass Packaging Forum, submission 3240; The Packaging Forum, submission 3368.

²⁹⁷ For example, Ravensdown, submission 633; Waste Management New Zealand Limited, submission 3302.

²⁹⁸ For example, Australia and New Zealand Recycling Platform Limited, submission 4047; The Agrecovery Foundation, submission 4067; individual submission 760.

²⁹⁹ For example, The Glass Packaging Forum, submission 3240; The Packaging Forum, submission 3368.

³⁰⁰ For example, Farmlands Co-operative, submission 4075; Palmerston North City Council, submission 3267; The Coromandel Independent Living Trust, submission 3393; Wanaka Wastebusters Ltd, submission 3972.

³⁰¹ DB Breweries Limited, submission 4057; New Plymouth District Council, submission 3592; Timaru District Council, submission 4064; Waimakariri District Council, submission 4126; WasteMINZ Territorial Authority Forum, submission 4387.

Number of product stewardship schemes (guideline 3e)

- One submitter recommended considering how competing or different interests would be managed with multiple stakeholder groups, and whether it may be appropriate sometimes to have more than one scheme.³⁰²
- A number of submitters thought careful consideration must be given to the relationship of existing voluntary schemes and new regulated schemes.³⁰³

Proposed guideline 4: Non-profit status

Submitters were asked what changes they would make to this proposed guideline

- (a) Given the prominence of expected net public good outcomes, the default expectation is that all priority product stewardship schemes will be operated by non-profit entities representing key stakeholders.

General comments

Many submitters agreed that the scheme provider should have non-profit status,³⁰⁴ and that schemes should operate as competitively neutral, particularly to meet commerce commission requirements and avoid monopolistic behaviour.³⁰⁵

Some submitters suggested non-profit was not a necessity for effective and efficient scheme operation.³⁰⁶ Comments included:

- it should be based on what will produce the best outcome and experts should be involved under any condition³⁰⁷
- there may be a need for profit or employment opportunities³⁰⁸
- this may impact research and development to assist with reuse in the New Zealand market.³⁰⁹

³⁰² Eunomia Research and Consulting, submission 4050.

³⁰³ Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

³⁰⁴ For example, Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973; Coca-Cola Amatil (New Zealand) Limited, submission 4086; Eunomia Research and Consulting, submission 4050; Queenstown Lakes District Council, submission 3549; The Agrecovery Foundation, submission 4067; Wanaka Wastebusters Ltd, submission 3972; Zero Waste Network, submission 2509; individual submissions 305, 487, 3033, 3119 and other individual submissions using the Zero Waste Network form template.

³⁰⁵ Agcarm, submission 4055; The Agrecovery Foundation, submission 4067; Tauranga City Council staff, submission 4356.

³⁰⁶ EnviroWaste Services Limited, submission 4090; Nestle New Zealand, submission 712; individual submission 3104.

³⁰⁷ Individual submission 1327.

³⁰⁸ Eco Property Services, submission 2482; Treadlite New Zealand Ltd, submission 517; individual submissions 434, 1002, 2869, 3742.

³⁰⁹ TES-AMM New Zealand Pty Ltd, submission 393.

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included the following.

- incorporate these guidelines in the Governance section, and delete this part³¹⁰
- make a clear distinction between requirements for scheme operation/scheme services as opposed to governance/product stewardship organisation³¹¹
- non-profit status should be required rather than expected.³¹²

Service delivery contracted to 'for profit'

- Some submitters wanted to specify that service delivery could still be contracted to 'for profit' organisations.³¹³
- Some individual submitters wanted this guideline to clarify that profit was still possible for entities engaged in a scheme. They specified for example that profit needs to be an essential part of e-waste recycling programmes, and that profit from legitimate second uses should be available for new or independent entities.³¹⁴

Proposed guideline 5: Competition

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will clearly provide for transparent, non-discriminatory and competitive procurement processes for downstream services, such as collection, sorting, material recovery and disposal.
- (b) The scheme will ensure that no collectors and recyclers (whether existing, new entrant or social enterprise) are unfairly excluded from participation. This includes making service packages of suitable scale (whether geographically, by material or other measure) to allow both large and small providers to compete fairly.
- (c) Multiple accredited schemes will be considered if the net community and environmental benefit (including cost-effectiveness and non-monetary impacts) is likely to be improved.
- (d) Provision will be made for regular independent audit of agreements among competitors.
- (e) The design process for the scheme will have adhered to guidelines on collaborative activities between competitors as issued by the Commerce Commission, including, but not limited to, applying for collaborative activity clearance from that commission.

³¹⁰ DB Breweries Limited, submission 4057; New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council submission 4095.

³¹¹ 3R Group, submission 3859; DB Breweries Limited, submission 4057; The Glass Packaging Forum, submission 3240; The Packaging Forum, submission 3368.

³¹² The Rubbish Trip, submission 714; and submitters using The Rubbish Trip form template; individual submissions 2812, 3150.

³¹³ Refrigerant Recovery New Zealand Limited, submission 4074; Waste Management New Zealand Limited, submission 3302.

³¹⁴ For example, individual submissions 171, 3742.

General comments

- There was strong support for a level playing field for all providers,³¹⁵ and for participation of small-scale providers including community recycling centres.³¹⁶
- There were conflicting views about the benefits of competition versus collaboration, and calls for careful analysis of the purpose of competition in this context.³¹⁷
- Some submitters expressed concern that there should be controls in place to avoid conflicts of interest in the scheme,³¹⁸ or manipulation of the market by commercial entities or anti-competitive behaviour.³¹⁹
- One submitter thought that the drive for competition should not limit confidence to invest in new infrastructure to support the market.³²⁰ Another considered a competitive model was not necessarily most appropriate to support new infrastructure.³²¹
- Among those that commented there was majority support for a single accredited scheme.³²² Beverage container submitters urged close attention to costs and benefits of maintaining more than one scheme where a voluntary scheme was already in place.³²³

Recommended changes

Good practice procurement of services (guideline 5a)

- Ensure that competition within procurement processes takes account of social and environmental costs and benefits as well as lowest price, and provides for transparency in this regard.³²⁴

³¹⁵ Palmerston North City Council, submission 3267; The Sustainable North Trust, t/a Hibiscus Coast Zero Waste, submission 2989; Treadlite New Zealand Ltd, submission 517; individual submissions, 939, 997, 3232.

³¹⁶ For example, Eunomia Research and Consulting, submission 4050; Salt of the Earth Packaging, submission 584; Waikato and Bay of Plenty Waste Liaison Group, submission 4123; individual submissions 434, 2622, 2896.

³¹⁷ For example, Australian Information Industry Association (AIIA) Environment Special Interest Group, submission 1973; Wanaka Wastebusters Ltd, submission 4043; individual submission 419.

³¹⁸ For example, Lewis Road Creamery, submission 3883; Plastics New Zealand, submission 3934; individual submission 1334.

³¹⁹ Flight Plastics, submission 523; Integrated Packaging Ltd, submission 3688.

³²⁰ TOMRA Collection P/L, submission 3834.

³²¹ Individual submission 939.

³²² For example, 3R Group, submission 3859; eDay New Zealand, submission 3071; EnviroWaste Services Limited, submission 4090; Frucor Suntory, submission 4076; Marlborough District Council, submission 231; Plasback, submission 3929; The Coromandel Independent Living Trust, submission 3393; Wellington City Council, submission 4107; individual submissions 231, 1060, 2371, 2435, 2728, 2987, 2990.

³²³ Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

³²⁴ For example, Plastic Free Whanganui, submission 1180; Queenstown Lakes District Council, submission 3549; Remarkit Solutions Ltd, submission 2732; The Agrecovery Foundation, submission 4067; The Coromandel Independent Living Trust, submission 3393; Wellington City Council, submission 4107; individual submissions 739, 760, 1158, 1345, 2051, 2100, 2371, 2461, 2728, 2804, 2812, 2920, 2928, 3150.

- Ensure all providers are subject to due diligence, including reputational risks and compliance with health and safety and other standards.³²⁵
- Ensure that any operators with commercial interests in the sale of priority products are prohibited from providing scheme services.³²⁶

Enable all service providers to compete (guideline 5b)

- Revise to clarify intent to ensure it was reasonable.³²⁷
- Delete for one or more of these reasons: the impact would be too limiting and create inefficiencies; it does not recognise the commercial reality of supply chain arrangements; or its intent is covered by the Commerce Act and inclusion could limit innovation and the adoption of cost-effective systems.³²⁸

Independent audits (guideline 5d)

- Clarify the meaning of “agreements between competitors”.³²⁹
- Clarify the aim and scope of such audits, who is responsible for conducting them and how they are overseen.³³⁰
- Extend audits to materials and supply chain activities.³³¹

Collaboration between competitors (guideline 5e)

- Some business/industry submitters noted that this is not required under voluntary schemes, and applying for collaborative activity clearance from the Commerce Commission could add significant costs to a scheme, in the order of \$100,000.³³² One submitter encouraged Government to actively remove such barriers to product stewardship.³³³

³²⁵ For example, Coca-Cola Amatil (New Zealand) Ltd., submission 4086.

³²⁶ Farmlands Co-operative, submission 4075.

³²⁷ 3R Group, submission 3850.

³²⁸ Foodstuffs, submission 4069; O-I New Zealand, submission 4091; Porirua City Council, submission 382; The Glass Packaging Forum, submission 3240.

³²⁹ Marlborough District Council, submission 231.

³³⁰ The Australia and New Zealand Recycling Platform Limited, submission 4047; individual submissions 297, 1334.

³³¹ Nestle New Zealand, submission 712.

³³² Lion New Zealand, submission 4066; New Zealand Association of Bakers Inc, submission 4096; O-I New Zealand, submission 4091. Note: Commerce Commission guidelines apply to all business activity, including voluntary schemes, and the guidelines recommend but do not require collaborative activity clearance.

³³³ WasteMINZ Territorial Authority Forum, submission 4387.

Proposed guideline 6: Stakeholder engagement and collaboration

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will specify how wider stakeholders will be involved in decision-making by governance group eg, use of stakeholder advisory groups).
- (b) The scheme will have been designed with the active engagement of stakeholders currently involved in the product end of life eg, collectors and recyclers).
- (c) The scheme will specify how use of existing collection and processing infrastructure and networks will be maximised and new infrastructure and networks co-designed and integrated between product groups.

Recommended changes

Stakeholders and governance group (guideline 6a)

- Clarify how this is different from the governance guidelines (3a and 3b), or combine them.³³⁴
- Guidelines are too directive or onerous and would increase costs for scheme managers.³³⁵ If not efficient, stakeholder engagement could slow the process.³³⁶

Scheme design with stakeholders (guideline 6b)

- The stakeholder types that are expected to be involved should be listed in the guidelines.³³⁷ Recommendations for these stakeholders included:
 - stakeholders right though the value chain/product life cycle (not just at end-of-product life as proposed)³³⁸
 - Māori – as mana whenua/tangata whenua, kaitiaki and Treaty partners³³⁹

³³⁴ Lion New Zealand, submission 4066; O-I New Zealand, submission 4091.

³³⁵ New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095; Porirua City Council, submission 382.

³³⁶ Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973; Lion, submission 4066; Waste Management New Zealand Limited, submission, 3302.

³³⁷ Palmerston North City Council, submission 3267; Queenstown Lakes District Council, submission 3549.

³³⁸ For example, Life Cycle Association of New Zealand, submission 3916; Marlborough District Council, submission 231; Pernod Ricard Winemakers, submission 4068; The Coromandel Independent Living Trust, submission 3393; Unilever, submission 3765; Vector Limited, submission 4097; Wanaka Wastebusters Ltd, submission, 3972; Wellington City Council, submission 4107; individual submissions 387, 760, 914, 1345, 2728, 2804, 2990, 3738.

³³⁹ For example, Auckland Council, submission 3770; Environment Canterbury, submission 4124; New Plymouth District Council (on behalf of Taranaki Solid Waste Management Committee), submission 3592; Palmerston North City Council, submission 3267; Plastic Free Whanganui, submission 1180; Timaru District Council, submission 4064; Vector Limited, submission 4097; Wakatū Incorporation, submission 4040; Wanaka Wastebusters Ltd, submission 3972; Wellington City Council, submission 4107; individual submissions 739, 1221, 2987, 3311, 3458.

- local government, community (including members of the public and youth³⁴⁰), NGOs,³⁴¹ and the interests of the Earth/environment and future generations³⁴²
- product designers and manufacturers, producers, importers and retailers³⁴³
- collectors, sorters, reprocessors and end-users of recycled materials.³⁴⁴
- Stakeholder groups and their roles should be well defined.³⁴⁵
- A number of submitters noted that engagement was costly and recommended resourcing so stakeholders with limited resources could participate in the process.³⁴⁶

Infrastructure sharing and co-design (guideline 6c)

- Delete this guideline, as it is impractical, will reduce opportunities for innovation, require additional handling of materials and/or create inefficiencies.³⁴⁷
- Reword to ensure that the schemes invest in new infrastructure and are not locked into a dependence on waste management at the low end of the waste hierarchy.³⁴⁸
- Provide for regional collection and reprocessing hubs to maximise efficiency.³⁴⁹

Proposed guideline 7: Compliance

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will have a clear means of enforcing compliance of all participants and reporting liable non-participants to the government enforcement agency.
- (b) The scheme will have strategies to reduce 'leakage' of higher value end-of-life products (eg, 'cherry picking' of e-waste components by informal collectors).

³⁴⁰ For example, Hastings District Council, submission 4105; Plastic Free Whanganui, submission 1180; Timaru District Council, submission 4064; Wastenet Southland, submission 4054; individual submissions 1158, 3972.

³⁴¹ For example, New Plymouth District Council (on behalf of Taranaki Solid Waste Management Committee), submission 3592; Queenstown Lakes District Council, submission 3549; Waste Forum Wellington Region, submission 4135; individual submissions 434, 1221, 2695, 2714, 2744.

³⁴² For example, Palmerston North City Council, submission 3267; individual submissions 426, 2623.

³⁴³ Coca-Cola Amatil (New Zealand) Limited, submission 4086; Countdown Supermarkets, Woolworths New Zealand Limited, submission 4089; Nestle New Zealand, submission 712; Retail New Zealand, submission 4365; The Australia and New Zealand Recycling Platform Limited, submission 4047; The Coromandel Independent Living Trust, submission 3393; The Sustainable Future Collective, submission 1209; Unilever, submission 3765; individual submissions 698, 1158, 1327, 2051, 2371, 2920, 3439.

³⁴⁴ Plastics New Zealand, submission 3934.

³⁴⁵ Environment Canterbury, submission 4124; Lewis Road Creamery, submission 3883; Plastics New Zealand, submission 3934.

³⁴⁶ For example, Environment Canterbury, submission 4124; Life Cycle Association of New Zealand, submission 3916; Plastics New Zealand, submission 3934; The Coromandel Independent Living Trust, submission 3393; Wellington City Council, submission 4107; individual submissions 698, 1345, 2371, 2728, 3439, 3738.

³⁴⁷ Nufuels Ltd, submission 409; Porirua City Council, submission 382.

³⁴⁸ For example, individual submissions 760, 2728, 2990.

³⁴⁹ Fuji Xerox, submission 395; Vector Limited, submission 4097.

General comments

- A number of submitters sought more detail around how non-compliance and enforcement would be dealt with and the roles and responsibilities for the government enforcement agency versus the scheme manager and participants.³⁵⁰
- This guideline is related to targets; reporting and public accountability; performance standards, training and certification; and monitoring, compliance and enforcement.³⁵¹
- Compliance will need both education and prosecution to work.³⁵²
- A cost-recovery mechanism is essential for any compliance passed to local authorities.³⁵³
- AS/NZS 5377:2013 should be used as a compliance benchmark for e-waste recovery operators.³⁵⁴

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included the suggestion to delete it, and merge with the monitoring, compliance and enforcement guideline.³⁵⁵

Proposed guideline 8: Targets

Submitters were asked what changes they would make to this proposed guideline

- (a) All schemes will be expected to set and report on targets that have the following characteristics:
 - significant, timely and continuous improvement
 - benchmarked against and aspiring to attain best practice recovery and recycling or treatment rates for the same product type in high-performing jurisdictions
 - a clear time-bound and measurable path to move toward attaining best practice
 - targets for new product and market development to accommodate collected materials.
- (b) Results against targets will be publicly reported at least annually.
- (c) Material collection, recovery and disposal rates will be measured against one of the following:
 - actual trend data, if the scheme has pre-existed as a voluntary scheme
 - the average aggregate weight or count of products sold into the market in the previous three reported years
 - another specified method where market entry information does not yet exist.

³⁵⁰ Environment Canterbury, submission 4124; The Agrecovery Foundation, submission 4067; individual submissions 461 and others using the Zero Waste Network template.

³⁵¹ Wanaka Wastebusters Ltd, submission 3972.

³⁵² Individual submissions 949, 2622.

³⁵³ Manawatu District Council, submission 2278; Wellington City Council, submission 4107.

³⁵⁴ Regional Contaminated Land and Waste Special Interest Group, submission 3935; individual submission 2896.

³⁵⁵ New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095.

- (d) Plans will be specified for review, adjustment and reporting on performance targets preferably annually and no less than every three years, taking account of changes in the market, natural events and technology.
- (e) A clear distinction will be made between funding arrangements and market capacity to manage both potential high-volume legacy and orphaned product collections in earlier years and ongoing continuous improvement of collection rates.
- (f) Performance targets will include measures for public awareness of scheme participant satisfaction and a record of response by the scheme to concerns raised. This will be made available to scheme auditors.

General comments

- Prevention and reduction of waste streams can be very difficult to measure, and a robust baseline will need to be developed for each material. The Ministry should set minimum performance levels for product stewardship schemes and regular review points to ensure the schemes are meeting their objectives and outcomes.³⁵⁶
- There is a danger that targets may incentivise finding alternatives to some products before they have reached end of life or viable and cost-effective alternatives are available, with resultant costs.³⁵⁷
- Targets need to reflect consumer preference and environmental imperatives.³⁵⁸
- Natural disasters eg, earthquakes) have an impact on storage and logistical flow of materials that may affect the ability to meet targets.³⁵⁹

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included:

- reduction, reuse, refill, redesign, and repair should be prioritised rather than narrowly focusing on recycling³⁶⁰
- specific targets should be required, for example:
 - require targets that are specifically focused on prevention, reduction and reuse³⁶¹
 - accessibility targets should ensure that rural locations are served by the scheme³⁶²

³⁵⁶ Eunomia Research and Consulting, submission 4050.

³⁵⁷ Transpower New Zealand Limited, submission 3798.

³⁵⁸ Lion New Zealand Ltd, submission 4066; O-I New Zealand, submission 4091.

³⁵⁹ New Zealand Food and Grocery Council, submission 4095; The Packaging Forum, submission 3368.

³⁶⁰ New Zealand Product Stewardship Council, submission 3340; Palmerston North City Council, submission 3267; Plastic Free Whanganui, submission 1180; RefillNZ, submission 2724; individual submissions 387, 430, 434, 443, 454, 760, 914, 1206, 2371, 2374, 2707, 2728, 2807 and others using The Rubbish Trip form template.

³⁶¹ For Our Real Clean Environment, submission 1218; Queenstown Lakes District Council, submission 3549; South Wairarapa District Council, submission 3564.

³⁶² WasteMINZ Territorial Authority Forum, submission 4387; individual submissions 127, 1158 and those using ZWN form template.

- revise target 8(a) on new product and market development to:
 - relate only to funding projects looking to use collected materials in new products and market developments with a two-year maximum reporting period, or delete it³⁶³
 - require schemes to ‘identify mechanisms and pathways to encourage new product and market development for collected materials’³⁶⁴

Proposed guideline 9: Timeframes

Submitters were asked what changes they would make to this proposed guideline

The timeframe within which an application for accreditation or reaccreditation of the priority product scheme is expected to be made after declaration of priority product is as follows:

- priority product categories with existing accredited voluntary schemes eg, refrigerants, agrichemicals, farm plastics, packaging): within one year from the date of priority product declaration
- priority product categories with accreditation proposals that have been developed through a multi-stakeholder consultation process including, as a minimum, producers, local authorities, major users, existing collectors and recyclers eg, tyres): within one year from the date of priority product declaration or the date of proposal completion, whichever comes later
- other priority product categories: within three years from the date of priority product declaration.

Within the accredited seven-year period, at least one full review will be undertaken of scheme costs and effectiveness. The results of reviews and proposed scheme amendments to improve cost effectiveness will be reported via the annual reporting process

General comments

Scheme application versus implementation

- Some submitters interpreted the timeframes proposed for ‘application for accreditation’ of a priority product stewardship scheme to be for full implementation of a regulated scheme. This created concern about unrealistic timeframes, particularly for products that have inadequate collection and processing infrastructure and markets.³⁶⁵ Clarification was sought about this.³⁶⁶

Implementation timeframes

- One business/industry submitter was generally supportive of the timeframes but noted that it can take up to four years to process changes to products and labelling due to product reviews and general stock run-through.³⁶⁷ Another noted overseas experiences of significant delays, due to consent approval for facilities.³⁶⁸

³⁶³ Plastics New Zealand, submission 3934.

³⁶⁴ New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095.

³⁶⁵ For example, Employers and Manufacturers Association, submission 4087; Foodstuffs, submission 4069; Lewis Road Creamery, submission 3883; Oceania Gold (New Zealand), submission 4357.

³⁶⁶ Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973.

³⁶⁷ Countdown Supermarkets, Woolworths New Zealand Ltd, submission 4089.

³⁶⁸ Coca-Cola Amatil (New Zealand) Ltd, submission 4086.

- The time required to develop and implement a priority product stewardship scheme for plastic packaging was of concern, as the only viable end-of-life option in New Zealand for some plastic was landfill, and longer-term options would take longer than three years.³⁶⁹ Product stewardship for plastic packaging could be better aligned with the 2025 target for the Plastics Declaration promoted by the Ministry for the Environment.³⁷⁰

Status and reaccreditation of voluntary product stewardship schemes

- A number of submitters sought clarity about the timeframe and process for re-accreditation of existing voluntary product stewardship schemes against the proposed guidelines.³⁷¹ One submitter considered there was inequitable treatment:

The most unjust element of declaring glass to be a priority product... is that it will... require a new scheme to apply for accreditation within just 12 months. This grossly disadvantages producers and manufactures of glass packaging as compared to other beverage container materials that have not been voluntarily partaking in an unregulated stewardship scheme.³⁷²

- Some voluntary product stewardship scheme managers and regulated co-design participants agreed with the proposed timeframe for existing schemes.³⁷³ Others, particularly those involved with packaging products, sought amendment to the timeframes (see below).

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included:

- remove 'farm plastics' and 'packaging' from the proposed guidelines and clarify that the timeframe was within one year of 'scheme design completion'³⁷⁴
- a one-year timeframe for existing schemes should only apply where the whole of the priority product scope is already within scope of the scheme; otherwise provide a longer timeframe and a staged approach to implementation³⁷⁵ eg, provide an extension to three years where an existing scheme had to expand its scope or needed to establish viable end markets, to avoid product stockpiling³⁷⁶)

³⁶⁹ Lewis Road Creamery, submission 3883; Plastics New Zealand, submission 3934; Unilever, submission 3765.

³⁷⁰ L'Oréal New Zealand, submission 4051.

³⁷¹ O-I New Zealand, submission 4091; The Glass Packaging Forum, submission 3240. Note: this is in relation to accredited voluntary schemes that cover part but not all of the proposed priority product group eg, glass beverage packaging as part of beverage containers, or plastic paint containers as part of plastic packaging).

³⁷² DB Breweries Ltd, submission 4057. Note: Under sections 17 and 18 of the Waste Minimisation Act, an accredited scheme runs until the expiry of its accreditation or by the Minister for the Environment rescinding the scheme. Declaration of priority product does not automatically trigger a requirement for reapplication.

³⁷³ 3R Group Ltd (Tyrewise Product Stewardship Scheme), submission 3258; The Agrecovery Foundation, submission 4067.

³⁷⁴ For example, Farmlands Co-operative, submission 4075; Marlborough District Council, submission 231.

³⁷⁵ 3R Group, submission 3859; New Zealand Food and Grocery Council, submission 4095; Plastics New Zealand, submission 3934; The Packaging Forum, submission 3368.

³⁷⁶ Christchurch City Council, submission 4071; Timaru District Council, submission 4064; Wastenet Southland, submission 4054.

- further analysis and consultation are needed to determine appropriate and equitable timeframes, including whether cost-effective options for product stewardship exist³⁷⁷
- ensure adequate infrastructure is in place to manage collected material when establishing a timeframe³⁷⁸
- timeframes need to take into account the impact on small to medium businesses³⁷⁹
- negotiate timeframes as part of the co-design process.³⁸⁰

Review periods

- Some submitters agreed with the requirements for scheme reviews but felt there should be more than one review in a seven-year period.³⁸¹
- Add a requirement related to auditor competency.³⁸²

Proposed guideline 10: Market development

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will have a research and development budget to develop new recycled products, encourage transition to circular product and recycled product materials design, and cooperate with other stakeholders to enhance onshore infrastructure.

General comments

The majority of submitters that commented supported this guideline.³⁸³ Some supported it with caveats, such as:

- provide more clarity about, scope, intent and how market development would be implemented³⁸⁴
- monitoring is required to ensure market development cost is in proportion to overall scheme costs³⁸⁵
- schemes should be responsible for ensuring there are adequate markets for recovered materials³⁸⁶

³⁷⁷ DB Breweries Ltd, submission 4057; Federated Farmers, submission 4100; New Zealand Association of Bakers Inc, submission 4096.

³⁷⁸ For example, New Zealand Beverage Council, submission 4073.

³⁷⁹ The Brewers Guild of New Zealand, submission 4094.

³⁸⁰ Plastics New Zealand, submission 3934.

³⁸¹ For example, Climate Clinic VUW, submission 3897; EnviroWaste Services Ltd, submission 4090; Maui's Ark, submission 375; Plastics New Zealand, submission 3934.

³⁸² The Australia and New Zealand Recycling Platform Ltd., submission 4047.

³⁸³ For example, Dunedin City Council, submission 4117; Fletcher Concrete and Infrastructure Ltd – trading as Golden Bay Cement, submission 1306; Honest Wholefoods, submission 461; individual submissions, 1282, 1334, 2623.

³⁸⁴ Agcarm, submission 4055; Plasback, submission 3929; The Agrecovery Foundation, submission 4067.

³⁸⁵ Australian Information Industry Association (AIIA) Environment Special Interest Group, submission 1973.

³⁸⁶ Coca-Cola Amatil (New Zealand) Ltd, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

- collection should not commence until there are sustainable end markets³⁸⁷
- local schemes have very limited ability to influence the product design considerations globally³⁸⁸
- funding would need to come from another source than the income raised through recycling levies, for example from the Waste Minimisation Fund.³⁸⁹

There was a call for government to signal how investment of the waste disposal levy would feed into market development for product stewardship schemes.³⁹⁰

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included:

- remove as a separate guideline and combine with another guideline³⁹¹
- delete, as research and development should not rest with the product stewardship organisation or be paid for by the consumer³⁹²
- broaden the scope to include redesign of products to support waste reduction and other measures,³⁹³ including specific consideration of fully biodegradable materials³⁹⁴
- reword to make stronger links with producers, manufacturers and recyclers³⁹⁵
- set a minimum budget allocated to research and development,³⁹⁶ potentially allocated by specific schemes.³⁹⁷

³⁸⁷ Agcarm, submission 4055.

³⁸⁸ The Agrecovery Foundation, submission 4067.

³⁸⁹ For example, Fisher & Paykel Appliances, submission 2917; Lion New Zealand, submission 4066; O-I New Zealand, submission 4091; The Glass Packaging Forum, submission 3240.

³⁹⁰ Wanaka Wastebusters Ltd, submission 3972.

³⁹¹ The New Zealand Association of Bakers Inc, submission 4096.

³⁹² Packaging New Zealand, submission 4085; Plastics New Zealand, submission 3934.

³⁹³ For example, Dairy New Zealand, submission 4083; Eunomia Research, submission 4050; Sustaining Hawkes Bay, submission 697; individual submissions 2461, 217; other submitters basing their submission on the Zero Waste Network template.

³⁹⁴ Scion (The New Zealand Forest Research Institute Ltd), submission 4062.

³⁹⁵ For example, Palmerston North City Council, submission 3267; Tauranga City Council staff, submission 4356; individual submission 419.

³⁹⁶ Sustainable Business Network, submission 3260.

³⁹⁷ 3R Group Ltd (Tyrewise Product Stewardship Scheme), submission 3258.

Proposed guideline 11: Performance standards, training and certification

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will have clear means for ensuring adequate training and certification of all people recovering and managing a product throughout its life cycle, to ensure best practice in prevention and reduction of harm to people and the environment.
- (b) Any relevant standards for best practice will be referenced in training, supplier accreditation and monitoring eg, AS/NZS 5377 for e-waste collection and processing). The scheme will participate in the development and revision of relevant standards.
- (c) The scheme will have clear chain of custody arrangements for monitoring processing of materials and reduction of harm, both onshore and offshore, including annual reporting of findings.

General comments

The majority of comments were from people who supported the guideline:

- the safety of recyclers is paramount³⁹⁸
- chain of custody is important for preventing fraud³⁹⁹
- certification would have value as a highly visible mark of distinction or pride, and as a guide for consumers to make educated decisions when buying products⁴⁰⁰
- training and certification costs should be kept low to encourage uptake, and in particular smaller organisations should not be disadvantaged through cost⁴⁰¹
- this guideline should be used to support and enable smaller organisations, and learnings should be shared across organisations⁴⁰²
- centralised testing would control costs, consistency and ensure quick transactions.⁴⁰³

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included:

- require that standards, training and certification are monitored, potentially by an independent body, and specify how this will be paid for⁴⁰⁴
- require that training and certification is developed under a recognised qualification⁴⁰⁵

³⁹⁸ Individual submission 1266.

³⁹⁹ Coca-Cola Amatil (New Zealand) Limited, submission 4086; Frucor Suntory, submission 4076.

⁴⁰⁰ Fight the Tip Tiaki te Whenua Incorporated, submission 2961; individual submissions 306, 620, 856.

⁴⁰¹ For example, CBEC, submission 442; Hauraki Reuse Centre, submission 3803; Honest Wholefood Co, submission 461; Sustaining Hawke's Bay Trust, submission 697; Wanaka Wastebusters Ltd, submission 3972; submitters using the ZWN and the Rubbish Trip form template; individual submissions 127, 306, 433, 443, 716, 1061, 1158, 2804, 2987, 2988, 3313, 3439.

⁴⁰² MPHS Community Trust, submission 1325; individual submission 1335.

⁴⁰³ Totally Wrapt Packaging Ltd, submission 2797.

⁴⁰⁴ Climate Clinic VUW, submission 3897; Far North District Council, submission 1339; O-I New Zealand, submission 4091; The Glass Packaging Forum, submission 3240; individual submission 1334.

⁴⁰⁵ Dunedin City Council, submission 4117.

- require existing standards like ISO 14001, AS/NZS 5377 and international standards to be applied consistently across all schemes⁴⁰⁶
- delete this guideline, as it is unreasonable to hold a non-profit organisation responsible for carrying out training when there will be commercial participants of the scheme.⁴⁰⁷

Proposed guideline 12: Liability and insurance

Submitters were asked what changes they would make to this proposed guideline

- The scheme will have clear chain of custody arrangements for monitoring receipt and processing of materials and reduction of harm, both onshore and offshore, including annual reporting of findings.
- The scheme will ensure that liability of parties is clear for each stage of product and materials handling, and adequate insurance for liability is in place at each stage of the process.

The majority of submitters that commented supported these proposed guidelines. Specific comments included:

- liability and insurance costs should fall on product producers and importers rather than those that are managing the product at end of life or consumers⁴⁰⁸
- it is standard commercial practice and just needs to be defined and accepted across industry by all participants⁴⁰⁹
- company liabilities for trans-national corporations could be considered⁴¹⁰
- insurance policies should be in place to ensure companies are protected from escalating costs.⁴¹¹

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included "delete here and combine with other guidelines. Part (a) is in the Performance standards, training and certification guideline, and part (b) is a governance issue and should be included in that guideline".⁴¹²

⁴⁰⁶ Agcarm, submission 4055; The Agrecovery Foundation submission 4067; Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973; Remarkit Solutions Ltd, submission 2732; submitters using The Rubbish Trip form template; individual submission 783.

⁴⁰⁷ Plastics New Zealand, submission 3934.

⁴⁰⁸ Treadlite New Zealand Ltd, submission 517; individual submissions 70, 923.

⁴⁰⁹ Anonymous business/industry submitter.

⁴¹⁰ 3R Group Ltd on behalf of the Lubricant Packaging Stewardship Scheme, submission 3488; EnviroWaste Services Ltd, submission 4090; Life Cycle Association of New Zealand, submission 3916; LG Electronics Australia, submission 4045; individual submission 3042.

⁴¹¹ Remarkit Solutions Ltd, submission 2732.

⁴¹² New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095.

Proposed guideline 13: Design for environment

- (a) The scheme will contain financial or other incentives for diversion of collected products to highest and best resource use, weighted for applications higher up the 'waste hierarchy' (in priority order: reduction, reuse, recycling or composting, energy recovery, safe treatment and disposal).
- (b) The fees paid by a producer to a collective scheme will, as far as possible, be linked to actual end-of-life treatment costs of their products, such as through variable or modulated fees.
- (c) The scheme will facilitate good communication, feedback and incentives between designers, manufacturers, sales and marketing teams, distributors, retailers, consumers, collectors, recyclers and end disposal operators, to inform improved design of products and systems.
- (d) The scheme will fund initiatives to improve circular resource use by reducing the 'end-of-life' components of the product(s) and improving design for reusability and recyclability of the priority product(s).

General comments

- Guidelines or product stewardship organisations will have very little influence on products traded in a global market.⁴¹³ Work should be done at a global level to drive change, such as through common commitments and protocols.⁴¹⁴
- The role of a product stewardship scheme should be to manage the process not to be involved in activities such as product design.⁴¹⁵
- Schemes must be designed with the future in mind and adaptable to new materials including fully biodegradable products.⁴¹⁶
- The waste hierarchy does not fit with the Waste Minimisation Act and 'safe treatment and disposal' is confusing as it suggests relevance to the Health and Safety at Work Act 2015.⁴¹⁷

Fees modulated by product impact

- Design for environment guidelines will have implications for cost structures throughout the supply chain and should be picked up by the producer.⁴¹⁸
- Fees paid by producers should reflect whole-of-life costs.⁴¹⁹

⁴¹³ The Australia and New Zealand Recycling Platform Limited, submission 4047; Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973.

⁴¹⁴ Unilever, submission 3765.

⁴¹⁵ Kalista Limited (trading as Green Gorilla), submission 377.

⁴¹⁶ Fear and Pelosi Apiaries, submission 1498; Punchbowl Packaging, submission 2272; Scion (New Zealand Forest Research Ltd), submission 4062; The Coromandel Independent Living Trust, submission 3393; Wanaka Wastebusters, submission 3972.

⁴¹⁷ Individual submission 2393.

⁴¹⁸ Glass Packaging Forum, submission 3240; Lion, submission 4066; O-I New Zealand, submission 4091.

⁴¹⁹ Far North District Council, submission 1339.

- Modulated fees are complex, and schemes should start with a flat rate and make changes once the scheme is in operation.⁴²⁰
- Producer fees should be proportional to actual end-of-life treatment costs.⁴²¹
- It could be anticompetitive if a levy from all industry incentivises certain products and only some benefit.⁴²² Funding to “improve circular resource use” should be separate from levies.⁴²³

Recommended changes

Waste hierarchy (guideline 13a)

- Give specific emphasis to waste *prevention* as the overriding goal, which would be achieved through a transition to a circular economy. The term ‘reduction’ in the waste hierarchy (guideline 13a) is not sufficient to keep this longer-term prevention outcome in sight.⁴²⁴
- Remove waste-to-energy from the waste hierarchy.⁴²⁵
- Fully biodegradable products should sit at the top of the waste hierarchy.⁴²⁶
- Climate change should be included as a consideration.⁴²⁷

Other

- End-of-life product labelling should be encouraged,⁴²⁸ or required.⁴²⁹ Labelling should harmonise with existing approaches such as the Australasian Recycling Label (ARL).⁴³⁰

⁴²⁰ The Australia and New Zealand Recycling Platform, submission 4047.

⁴²¹ For example, Farmlands Co-operative, submission 4075; L’Oréal New Zealand, submission 4051; Waimakariri District Council, submission 4126.

⁴²² Coca-Cola Amatil (New Zealand) Ltd, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

⁴²³ Fisher & Paykel, submission 2917.

⁴²⁴ Environment Canterbury, submission 4124; Wellington City Council, submission 4107.

⁴²⁵ This relates to more than this guideline; submissions addressing this issue are detailed in section 2.

⁴²⁶ Scion (New Zealand Forest Research Ltd), submission 4062.

⁴²⁷ Resilienz Ltd, submission 3170; Wanaka Wastebusters, submission 3972.

⁴²⁸ For example, Flight Plastics Limited, submission 523; Reloop Pacific & Australian Tyre Recyclers Association, submission 693; Wanaka Wastebusters Ltd, submission 3972; WasteMINZ Product Stewardship Sector Group, submission 4383.

⁴²⁹ Hastings District Council, submission 4105; New Plymouth District Council, submission 3592; The Coromandel Independent Living Trust, submission 3393; Waimakariri District Council, submission 4126.

⁴³⁰ Nestle New Zealand, submission 712.

Proposed guideline 14: Reporting and public accountability

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will provide for clear, regular and open reporting and communication with stakeholders.
- (b) Annual reports will be made public. These will include measurement of outcomes and achievement of targets, fees collected and disbursed, and net cash reserves held as contingency.
- (c) Provision will be made for regular independent financial, compliance, enforcement and environmental audits of scheme performance.
- (d) Scheme plans will address the following: data availability, especially when several Product Stewardship Organisations are in competition; materials' traceability; precise definition for data collection and reporting (eg, recycling rates and operational costs).
- (e) The scheme will have mechanisms in place to protect competitive information relating to detailed operational costs (eg, 'black box' data collection by third party with aggregate reporting).
- (f) Scheme performance measures will be harmonised between schemes as far as possible.

The majority of submitters who commented supported these proposed guidelines. A common reason stated for support was transparency.⁴³¹ Benefits of transparency specified by submitters included:

- to gain public support⁴³²
- to ensure that materials are being recycled and monitor whether targets are being met⁴³³
- to ensure processes are moving up the waste hierarchy⁴³⁴
- to allow consumers to make more informed decisions about what they buy⁴³⁵
- for councils to be able to make informed decisions.⁴³⁶

⁴³¹ For example, Aotearoa Plastic Pollution Alliance (APPA), submission 3421; Carbon Neutral New Zealand Trust, submission 3746; CBEC, submission 442; Crunch and Flourish, submission 2626; LG Electronics Australia, submission 4045; Mondelēz International, submission 4043; Palmerston North City Council, submission 3267; Reloop Pacific & Australian Tyre Recyclers Association, submission 693; TOMRA Collection P/L, submission 3834; Wanaka Wastebusters Ltd, submission 3972; individual submissions 348, 455, 698, 1061, 1345, 2640, 2683, 2728, 2824, 2987, 3059, 3061, 3103, 3104, 3154, 3439, 3541, 3601, 3844; and others using the Zero Waste Network template.

⁴³² Individual submissions 306, 3059, 3061.

⁴³³ For example, New Zealand Product Stewardship Council, submission 3340; The Packaging Forum, submission 3368; Wanaka Wastebusters Ltd, submission 3972; individual submissions 1266, 3439, 3844.

⁴³⁴ New Zealand Product Stewardship Council, submission 3340; Plastic Free Whanganui, submission 1180; The Rubbish Trip submission 714, and those using The Rubbish Trip form template, submission 760 – ZWN form template; individual submissions 2694, 2707.

⁴³⁵ Individual submissions 427, 508, 3154.

⁴³⁶ Palmerston North City Council, submission 3267.

Caveats on agreement included:

- ensure commercial confidentiality is respected⁴³⁷
- ensure reporting was not excessively expensive or time consuming⁴³⁸
- provide clear definitions for data collection and reporting, developed or managed by the Ministry for the Environment; this should include baseline data, engagement in 'higher levels of the waste hierarchy', quantity and location of materials especially legacy items, adequacy of infrastructure, and meeting objectives and cost-effective operation.⁴³⁹

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included:

- data availability (guideline 14d) may need to be regulated to ensure availability of mass balance data, but the guidelines should otherwise be voluntary⁴⁴⁰
- regular performance audits (guideline 14c) need only be annual⁴⁴¹
- replace 'several PSOs' with 'downstream service providers' in parts 14(d) and 14(f)⁴⁴²
- require public reporting about progress of schemes in managing products higher up the waste hierarchy, lest the public relax and think the problem was solved with just a plan being in place.⁴⁴³

Proposed guideline 15: Public awareness

Submitters were asked what changes they would make to this proposed guideline

- (a) Branding and clear information on how and why the scheme operates will be easily available at point of distribution (company) and purchase (consumer), point of waste product collection and online, and a link to the online information will be on the product or product packaging.
- (b) The scheme will provide for transparent product stewardship fees at point of purchase.
- (c) The scheme will ensure that consumer labelling standards for the product are complied with (eg, under the Hazardous Substances and New Organisms Act 1996 for hazardous substances).
- (d) The scheme will regularly measure and report on public awareness and scheme participant satisfaction, and improvements made accordingly.

⁴³⁷ POPs Environmental Consultants Ltd, submission 3933; Refrigerant Recovery New Zealand Limited, submission 4074; Waste Management New Zealand Limited, submission 3302.

⁴³⁸ Mondelēz International, submission 4043; individual submission 2147.

⁴³⁹ Eunomia Research and Consulting, submission 4050.

⁴⁴⁰ The Packaging Forum, submission 3368.

⁴⁴¹ Farmlands Co-operative, submission 4075; Marlborough District Council, submission 231.

⁴⁴² Farmlands Co-operative, submission 4075; Marlborough District Council, submission 231.

⁴⁴³ Individual submission 3064.

General comments

The majority of submitters that commented supported this proposed guideline. A common reason for support was gaining public support and in ensuring the success of product stewardship schemes.⁴⁴⁴

Comments made about education initiatives included:

- promotion of schemes needs a communications plan through media, television, schools, and communities⁴⁴⁵
- the costs of public education need to be considered or government funded⁴⁴⁶
- a national strategy or national consistency is required.⁴⁴⁷

Some submitters disagreed, or agreed only in principle with the proposal for transparent product stewardship fees at point of purchase (part 15(b)). Reasons included:

- it would depend on the product type⁴⁴⁸
- it will add further costs and the benefit is not clear⁴⁴⁹
- there are already a number of mandatory labelling requirements for food and beverage products and another may increase pressure on business⁴⁵⁰
- product labelling will be impractical especially for overseas products⁴⁵¹
- impractical given the range of product types.⁴⁵²

⁴⁴⁴ Maui's Ark, submission 375; The Rubbish Trip, submission 714; Treadlite New Zealand Ltd, submission 517; individual submissions 306, 387, 506, 698, 716, 760, 914, 952, 959, 1005, 2807, 2928, 2990, 3059, 3061, 3222.

⁴⁴⁵ Dunedin City Council, submission 4117; Mr Apple New Zealand Limited, submission 2366; Waste Management Industry Forum, submission 1141; individual submissions 214, 355, 426, 427, 972, 1002, 1275, 2120, 2371, 2477, 2622, 2723, 2795, 2987, 3054, 3102, 3420.

⁴⁴⁶ CBEC, submission 442; RefillNZ, submission 2724; individual submissions 443, 455 and others using the ZWN form template.

⁴⁴⁷ Flight Plastics Ltd, submission 523; Remarkit Solutions Ltd, submission 2732; Sustainability Trust, submission 1200; The Warehouse Group, submission 3807; Totally Wrapt Packaging Ltd, submission 2797; individual submission 3777.

⁴⁴⁸ Australian Information Industry Association (AIIA), Environment Special Interest Group, submission 1973.

⁴⁴⁹ eDay New Zealand, submission 3071.

⁴⁵⁰ 3R Group, submission 3859; Lion New Zealand, submission 4066; The Brewers Guild of New Zealand, submission 4094; The Glass Packaging Forum submission 3240; The Packaging Forum, submission 3368.

⁴⁵¹ Plastics New Zealand, submission 3934; The Australia and New Zealand Recycling Platform Limited, submission 4047.

⁴⁵² The Australia and New Zealand Recycling Platform Limited, submission 4047; The Packaging Forum, submission 3368; Plastics New Zealand, submission 3934; The Packaging Forum Soft Plastic Recycling Scheme, submission 3208.

Recommended changes

Submitters' recommendations for changes in wording for the proposed guideline included the suggestion to "delete as it duplicates other guidelines".⁴⁵³

Labelling (guideline 15c)

Amend to include mandatory recyclability and expected life of products where appropriate.⁴⁵⁴

Product stewardship fee information (guideline 15b)

Change to read 'transparent and easily accessible' rather than 'transparent'.⁴⁵⁵

Proposed guideline 16: Monitoring, compliance and enforcement

Submitters were asked what changes they would make to this proposed guideline.

- (a) The scheme will have a clear means of enforcing compliance of all participants and reporting liable non-participants to the government enforcement agency.
- (b) The scheme will have strategies to reduce 'leakage' of higher value end-of-life products (eg, 'cherry picking' of e-waste components by informal collectors).
- (c) The Government will enforce WMA regulations.
- (d) Revocation of accreditation is possible under section 18 of the WMA if reasonable steps are not being taken to implement the scheme, and the scheme's objectives are not being met or are not likely to be met within the timeframes outlined in the scheme.

General comments

The majority of submitters that commented supported this proposed guideline. Caveats to this support from some submitters included:

- enough resources must be available to monitor performance cost effectiveness⁴⁵⁶
- there should be an independent compliance and enforcement agency⁴⁵⁷
- collection sites should have an audit requirement⁴⁵⁸
- if the scheme fails then government or another body should take it over⁴⁵⁹

⁴⁵³ New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095.

⁴⁵⁴ Nelson City Council and Tasman District Council, submission 4362.

⁴⁵⁵ Coca-Cola Amatil (New Zealand) Limited, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council, submission 4073.

⁴⁵⁶ Individual submission 127 and those using the Zero Waste Network template.

⁴⁵⁷ Porirua City Council, submission 382; Synthetic Refrigerant Stewardship Working Group, submission 4119; individual submission 716.

⁴⁵⁸ Remarkit Solutions Ltd, submission 2732.

⁴⁵⁹ Hastings District Council, submission 4105; Nelson City Council and Tasman District Council, submission 4362; Timaru District Council, submission 4064; The WasteMINZ Product Stewardship Sector Group, submission 4383; Waimakariri District Council, submission 4126; WasteMINZ Territorial Authority Forum, submission 4387; individual submission 3631.

- enforcement mechanisms will require further consultation⁴⁶⁰
- some parts of this guideline are not applicable to beverage containers.⁴⁶¹

Some submitters called for a strong enforcement system and strict penalties. Requested measures included a mechanism for consumers to complain, requirement for the Minister for the Environment to take legal measures to rectify failure to comply with a stewardship plan, and ‘proper’ consequences (eg, large fines, public exposure, jail time).⁴⁶²

Recommended changes

Submitters’ recommendations for changes in wording for the proposed guideline included:

- parts (a) and (b) repeat guideline 7 (targets), and the two guidelines should be combined⁴⁶³
- part (a) should read: ‘The scheme will have a clear means of identifying producers and brand holders who should be included as participants in the scheme’⁴⁶⁴
- part (c) should be deleted as it is an unnecessary statement of fact⁴⁶⁵
- part (d) should read: ‘The Government will enforce WMA regulations including dealing with liable non-participants’⁴⁶⁶
- more information should be added about the process if a scheme were to have accreditation revoked, or where it has become unviable commercially.⁴⁶⁷

⁴⁶⁰ Waste Management New Zealand Limited, submission 3302.

⁴⁶¹ Coca-Cola Amatil (NZ) Limited, submission 4086; Frucor Suntory, submission 4076; New Zealand Beverage Council (NZBC), submission 4073.

⁴⁶² For example, Abbyfleur Music, submission 3783; Blackstar, submission 3817; Sustainable Dunedin City, submission 2942; Upon the Gate, submission 3806; submission 3797.

⁴⁶³ 3R Group Ltd, on behalf of the Lubricant Packaging Stewardship Scheme, submission 3488; 3R Group Ltd (Tyrewise Product Stewardship Scheme), submission 3258; Climate Clinic VUW, submission 3897; Coca-Cola Amatil (New Zealand) Limited, submission 4086; eDay New Zealand, submission 3071; For Our Real Clean Environment, submission 1218; Frucor Suntory, submission 4076; New Zealand Association of Bakers Inc, submission 4096; New Zealand Beverage Council, submission 4073; New Zealand Food and Grocery Council, submission 4095; Ravensdown, submission 633; The Packaging Forum, submission 3368; The Rubbish Trip, submission 714; individual submissions 760, 952, 959, 2990.

⁴⁶⁴ Farmlands Co-operative, submission 4075; Marlborough District Council, submission 231.

⁴⁶⁵ New Zealand Association of Bakers Inc, submission 4096; New Zealand Food and Grocery Council, submission 4095.

⁴⁶⁶ Marlborough District Council, submission 231.

⁴⁶⁷ Plastics New Zealand, submission 3934.

Proposed guideline 17: Accessible collections

Submitters were asked what changes they would make to this proposed guideline

- (a) The scheme will provide for an end-of-life product collection system that is reasonably accessible for all communities generating that waste product, whether metropolitan, provincial or rural.
- (b) Collection will be free to the public (fully funded by the scheme) for all products covered by the scheme.
- (c) Collection will be based on the product, not proof of purchase.
- (d) Collections will, as far as possible, share infrastructure and public information with other collection schemes in the area.

General comments

- Rural collections need to be workable.⁴⁶⁸
- Collection points need to be adequately set up to ensure no environmental harm is created.⁴⁶⁹
- Ideas offered for improving access and participation included:
 - collection spots should be at supermarkets or other convenient locations⁴⁷⁰
 - schemes could work with councils or local waste groups⁴⁷¹
 - consistency across the country is important⁴⁷²
 - for higher flow materials collection points servicing several different schemes may increase access; multiple methodologies and options will be needed to ensure schemes work for a range of user types and geographical areas⁴⁷³
 - design recovery to incentivise consumer participation, particularly in easy to throw away away-from-home packaging (eg, takeaway fast food containers, drink bottles)⁴⁷⁴
 - offer a rebate system⁴⁷⁵
 - schemes could offer a mix of free and paid collection services as appropriate (ie, paid on-farm collections)⁴⁷⁶

⁴⁶⁸ Far North District Council, submission 1339; Federated Farmers, submission 4100; Queenstown Lakes District Council, submission 3549; Sustainability Trust, submission 1200; Unilever, submission 3765; Wastenet Southland, submission 4054; individual submissions 1334, 2987, 3103.

⁴⁶⁹ New Zealand Product Stewardship Council, submission 3340; individual submission 2728.

⁴⁷⁰ RefillNZ, submission 2724; Tauranga City Council staff, submission 4356; The Agrecovery Foundation, submission 4067; individual submissions 1334, 2622, 3256.

⁴⁷¹ Individual submissions 3561, 3599.

⁴⁷² Retail New Zealand, submission 4365.

⁴⁷³ Individual submissions 127, and those using the ZWN form template.

⁴⁷⁴ Individual submission 61.

⁴⁷⁵ Individual submission 3572.

⁴⁷⁶ The Agrecovery Foundation, submission 4067.

- Fees should be set at point of sale to remove barriers to collection and an incentive to return products.⁴⁷⁷
- Recycling paid for by ratepayers (such as kerbside-collected packaging) is not 'free'.⁴⁷⁸

Recommended changes

Recommendations for changes to the wording as proposed were as follows.

- Change the wording in part (a) to 'product collection systems' so that it is not narrowly focused on end-of-life products.⁴⁷⁹
- Clarify or better define 'reasonably accessible',⁴⁸⁰ and think beyond just physical access.⁴⁸¹
- Broaden part (b) so that collection is free for all consumers (both businesses and households).⁴⁸²
- To prevent anti-competitive behaviour, product producers should not operate the collection.⁴⁸³

⁴⁷⁷ Hastings District Council, submission 4105; Timaru District Council, submission 4064; Waimakariri District Council, submission 4126; Wastenet Southland, submission 4034.

⁴⁷⁸ Packaging New Zealand, submission 4085.

⁴⁷⁹ For example, For Our Real Clean Environment, submission 1218; Plastic Free Whanganui, submission 1180; individual submissions 952, 959, 2707, 2807, 2990, 3754, 3890.

⁴⁸⁰ For example, Australia and New Zealand Recycling Platform Limited, submission 4047; Lewis Road Creamery, submission 3883; Packaging New Zealand, submission 4085; Plastics New Zealand, submission 3934; Waimakariri District Council, submission 4126; WasteMINZ Product Stewardship Sector Group, submission 4383; individual submissions 3064.

⁴⁸¹ Palmerston North City Council, submission 3267.

⁴⁸² 3R Group Ltd, on behalf of the Lubricant Packaging Stewardship Scheme, submission 3488.

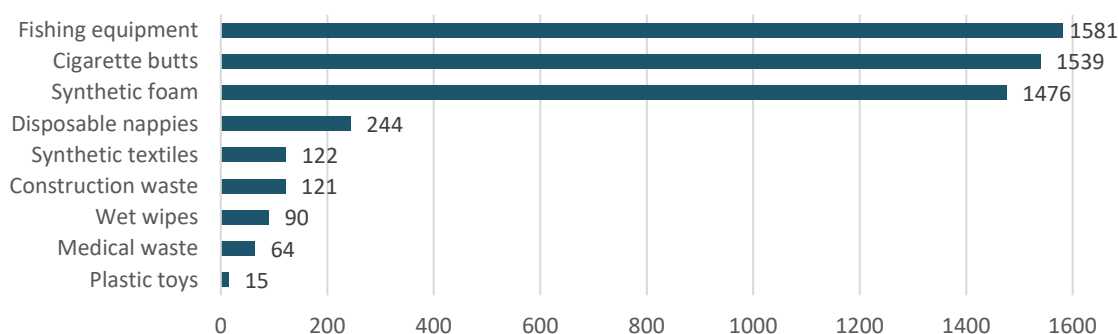
⁴⁸³ Integrated Packaging Ltd, submission 3688.

What we heard: other measures proposed by submitters

Prioritise additional products

Submitters urged that some additional products be prioritised for action. The most often mentioned are major contributors to beach litter and/or marine plastics and microplastics (fishing equipment, cigarette butts, synthetic foam, synthetic textiles, plastic toys), or also pose other harms or major waste volume (disposable nappies, construction waste, medical waste, wet wipes) (figure 5).

Figure 5: Additional proposed priority products, most popular by count



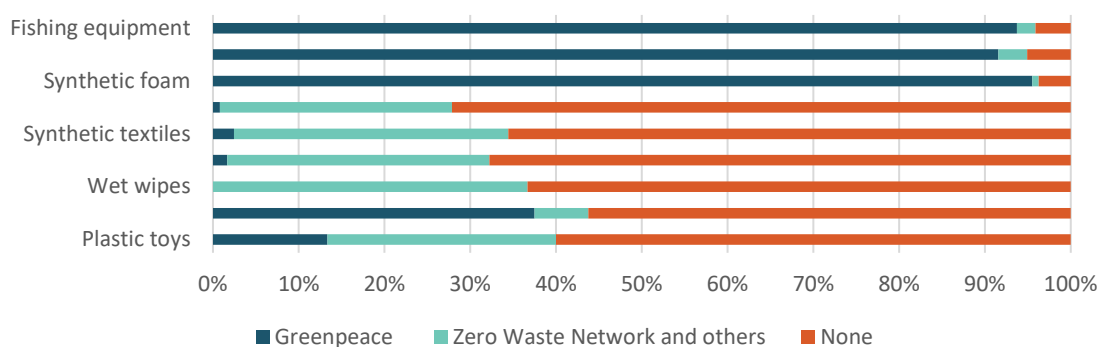
Many of these proposals were part of form submission formats provided by environmental non-government organisations (NGOs), but not all (figure 6). For example, a major business/industry association offered the following:

Litter clean-ups across New Zealand find thousands upon thousands of discarded cigarette butts. Not only do these butts contain plastic in the filter, they leach toxins into the environment. Given the health and environmental damage from these products they should absolutely be included as a priority product.

...Textiles and tyres are the largest source of the microplastics in our waterways. Tyres are included as a priority product, but textiles are not. Discarded clothing is also a huge contributor to the waste going to landfill. Declaration of synthetic clothing as a priority product would improve this major waste-stream and would potentially generate research into solutions for microplastics leaching from our washing machines to the environment.⁴⁸⁴

⁴⁸⁴ Plastics New Zealand, submission 3934.

Figure 6: Additional proposed priority products, support by NGO form template or other



Harmonise with onshore processing capacity or phase out

Submissions provided a clear message that since only plastic packaging made of plastic resin codes 1 (PET) and 2 (HDPE) can be effectively recycled onshore, they should be treated differently to those made from plastic resin codes 3 to 7. A popular proposal was that if infrastructure and markets could not be created onshore for recycling the 3 to 7 plastic packaging, then they should be banned or phased out.⁴⁸⁵

One business/industry submission noted that in some parts of the packaging industry resin codes and combinations that were non-recyclable in practise were starting to be phased out.

[there are] several materials for which recycling schemes are unlikely to be established (in any geography). Globally, Nestle will no longer use these materials in new product packaging, and has begun phasing them out from existing packaging. These materials are: polyvinyl chloride, polyvinyliden chloride, polystyrene, expanded polystyrene, regenerated cellulose and non-recyclable plastics/paper combinations.⁴⁸⁶

Ban some products

Many individual submitters supported more decisive action to remove problematic plastics and increase producer responsibility. For example:

Implement immediate mandatory phase-out of unnecessary plastic products which fall within the discussion document's proposed priority categories of packaging, including so-called biodegradable and compostable plastics. There should be a ban on all plastic packaging for water and beverages under four litres as well as the top single-use plastics offenders found on NZ beaches.⁴⁸⁷

⁴⁸⁵ For example, Carbon Neutral New Zealand Trust, submission 3746; Delta Software Ltd, submission 688; Dunedin City Council, submission 4117; Love Kaipara Ltd, submission 358; Maui's Ark, submission 375; MPHS Community Trust, submission 1325; Plumbing World, submission 2827; individual submissions 21, 92, 146, 364, 431, 454, 487, 620, 1056, 1136, 1245, 2673, 2683, 2768, 2842, 2896, 2959, 3003, 3025, 3033, 3079, 3101, 3104, 3141, 3150, 3167, 3210, 3259, 3327, 3439, 3475, 3524, 3543, 3724, 4080.

⁴⁸⁶ Nestle New Zealand, submission 712. These are in plastic resin codes 3, 6, and 7.

⁴⁸⁷ Greenpeace Aotearoa, submission 4046.

Also:

Please immediately ban all single-use plastic beverage packaging including disposable or commercially-compostable cups (as commercial composting is so limited). Disposable cups are no more necessary than single-use plastic bags.⁴⁸⁸

And:

In my opinion, the plastic packaging has to go. Aside from experience on the Fox River the amount I pick up or see on beaches is beyond a joke. It is about time that the manufacturers of these products take responsibility for their packaging.⁴⁸⁹

Among the individual submitters were 1504 submissions (41 per cent of individual submissions and 38 per cent of all submissions) using variations on a Greenpeace Aotearoa template calling for direct action.

...We are in a global waste crisis and I want to see the Government make bold plans to address this. I support the prioritisation of all the products proposed in this draft. But I think we should go further. Personally I am really concerned about tackling plastic waste. We know less than 9% of all plastic ever produced has been recycled, and some 40% of it is single use. From mere minutes of use, plastic waste then leaks into our environment, polluting our waterways and choking oceans. I want to see priority placed on eliminating plastic waste at the source. We cannot recycle our way out of this mess and clear plans must be made to reduce plastic being produced. I propose that we ban the worst offenders. The majority of the plastic waste that turns up on our beaches are non-essential single use items. Let's ban them.⁴⁹⁰

These submissions proposed that the most common plastic items found in marine plastics and beach litter should be banned. Three of these items also dominate the call for additional product stewardship priorities (figure 5).

E-waste

Some submitters commenting on e-waste proposed other types of control across the three e-waste categories. These include:

- import ban on hard to handle products⁴⁹¹
- minimum life span for products⁴⁹²
- bans on certain products – for example, non-rechargeable batteries⁴⁹³
- landfill bans on particular products – for example, lithium-ion batteries.⁴⁹⁴

Refrigerants and other synthetic greenhouse gases

A number of submitters stated that they would prefer a ban instead of product stewardship.⁴⁹⁵

⁴⁸⁸ Individual submission 2521.

⁴⁸⁹ Individual submission 514.

⁴⁹⁰ For example, individual submissions 527, 1,503.

⁴⁹¹ Maui's Ark, submission 375.

⁴⁹² Individual submission 1053.

⁴⁹³ For example, individual submission 3741.

⁴⁹⁴ Abilities Incorporated T/A Abilities Group, submission 3778.

⁴⁹⁵ For example, Greenpeace, submission 4046; Maui's Ark, submission 375; individual submissions 92, 408, 427, 863, 1070, 2804, 4378.

Require clear recycling labels for all packaging

A strong theme in submissions from individuals, councils and NGOs was widespread confusion among consumers about what packaging was made of, how it could be recycled at end of life, and how they could choose more sustainable packaging.

There was criticism that the voluntary plastic resin code label was too often absent, too small to read, and misleading. This international code uses the ‘recycling arrows’, which could imply practical recyclability which in New Zealand is only true for some plastics in some areas. There was strong support for improved labelling, including:

- plastic resin codes on all plastic packaging, including bags and films
- clear labels for material type, recycled content, and recyclability in New Zealand for all packaging, including reference to where materials could be recycled (kerbside collection or drop-off)
- partnering with the Australian Government on standard labelling for both markets, alignment with an international labelling standard, or alignment with the Australasian Recycling Label
- a ‘thumbs up’ labelling scheme (including a ‘red thumbs down’ logo for no recycled content and not recyclable).⁴⁹⁶

A related concern was lack of reliable information for compostable, biodegradable, degradable and oxo-degradable plastics used in packaging, including whether home compostable or commercially compostable, and where to find local facilities. Mandated labelling was requested to avoid confusion and reduce risk of misleading advertising.⁴⁹⁷

Better education on participation in recycling schemes and a nationwide communication campaign were also advocated to support introduction of a new labelling scheme.⁴⁹⁸

⁴⁹⁶ For example, Aotearoa Plastic Pollution Alliance (APPA), submission 3421; Christchurch City Council, submission 4071; Climate Clinic Victoria University of Wellington, submission 3897; CREW and Pou Whakaaro, submission 2713; Dunedin City Council, submission 4117; Far North District Council, submission 1339; Hastings District Council, submission 4105; Nelson Marlborough Health, submission 2603; Nestle New Zealand, submission 712; New Plymouth District Council (on behalf of Taranaki Solid Waste Management Committee), submission 3592; Palmerston North City Council, submission 3267; Paul Green Photography, submission 734; Retail New Zealand, submission 4365; Thumbs Up New Zealand, submission 3361; Waimakariri District Council, submission 4126; WasteMINZ Territorial Authority Forum, submission 4387; Wastenet Southland, submission 4054; Whaingaroa Environment Centre (WEC), submission 3246; individual submissions 411, 496, 1081, 1337, 2429, 2685, 2914, 3539, 3738.

⁴⁹⁷ For example, Clever Green Limited, submission 2891; Commonsense Organics, submission 932; Sustainable Ōtautahi Christchurch, submission 2887; Waiheke Resources Trust, submission 2996; submissions 760, 952, 2535, 2812, 2990, 3150, 3524, 4080.

⁴⁹⁸ For example, Palmerston North City Council, submission 3267; Queenstown Lakes District Council, submission 3549.

Other ratings and certifications

A number of suggestions were made about improving information to encourage good practice.

- An environmental rating standard to help domestic and commercial buyers know which companies to support to encourage good practise.⁴⁹⁹
- ‘Certificate of environmental compliance’ to link to Land Information Memoranda (LIM) on properties to address management of historic agrichemical waste, at vendor’s cost.⁵⁰⁰
- A stepped scheme to encourage more voluntary product stewardship participation and improvement by businesses, using for example target levels such as ‘Starter’, ‘Upgrade’ and ‘Flagship’.⁵⁰¹

Right to repair

Several submitters commenting in the e-waste categories proposed the introduction of right-to-repair legislation.⁵⁰² Some referred to the European Union (EU) approach as a model for New Zealand, while others made specific reference to provisions in the Consumer Guarantees Act 1993.

...the Consumer Guarantees Act... requires manufacturers to provide spare parts and repair facilities for a reasonable time after a product is sold, unless the consumer is told at the time of purchase they won’t be available. We consider this caveat should be removed and that the act should require manufacturers to:

- supply spare parts for all electronic products for a reasonable time after the product is sold
- make repair guides and instructions available to third-party repair businesses and consumers, and
- ensure products do not use proprietary fasteners that require unique tools to effect repair.⁵⁰³

Other complementary incentives to lengthen service life of goods were suggested:

- encourage manufacturers to sell battery chargers at reasonable rates to extend life of the battery⁵⁰⁴
- extended standard warranty periods – that is, 12 months in New Zealand, compared with 24 months in Australia and 36 months in Singapore⁵⁰⁵
- make it illegal to sell a household appliance that cannot be repaired.⁵⁰⁶

⁴⁹⁹ Individual submission 2569.

⁵⁰⁰ Individual submission 2783.

⁵⁰¹ Puketāpapa Local Board cited by Auckland Council, submission 4116.

⁵⁰² For example, Consumer New Zealand, submission 4125; Eunomia Research and Consulting, submission 4050; individual submissions, 1335, 2955, 3088, 3335.

⁵⁰³ Consumer New Zealand, submission 4125.

⁵⁰⁴ Individual submission 1053.

⁵⁰⁵ Individual submission 3438.

⁵⁰⁶ Individual submission 2147.

Address microplastics from tyres

Lifespan labelling

There was support for lifespan labelling on tyres as part of product stewardship, to encourage the use of long-life tyres to help limit the generation of micro plastics from tyre abrasion and improve the lifespan of tyres for consumers. Support was across all submitter types, but primarily local government individuals.⁵⁰⁷

Other suggestions to manage micro plastics from tyres included restrictions on the age of tyres or certain brands,⁵⁰⁸ and more education for consumers.⁵⁰⁹

Controls on tyres on imported second hand cars

Rules on minimum tread depth and type of tyre fitted to imported used cars was also proposed to reduce waste from tyres and microplastics from tyre abrasion.⁵¹⁰

...tyres fitted to used-import motor vehicles... are imported in part-worn condition and, in some cases, the tyres are nearly worn out on arrival. In effect, we're importing Japan's waste problem, as we have to dispose of tyres with little useful life remaining. To address this, used imports should have a minimum tread depth for part-worn tyres. We suggest a 5mm minimum tread on each tyre is an appropriate limit, which equates to at least 50 percent of tyre life remaining (minimum legal tread is 1.5mm and new tyres typically have 8mm tread depth). This check should be completed in the country of export, as part of the responsibilities of the New Zealand vehicle importer. The importer would have the choice to replace the tyres with equivalent new tyres, or to source vehicles fitted with tyres that meet the requirement.

Many vehicles are also imported fitted with snow tyres. These have softer rubber and deeper tread suited for driving in winter conditions prevalent in parts of Japan that see significant snowfall. The tyres are not appropriate for use on our roads and have been shown to contribute to crashes. The soft rubber also wears faster, meaning the tyres have a reduced service life and shed more rubber particles that end up in our waterways. Land transport regulations allow snow tyres to be imported and used (with additional requirements of fitment to all four wheels and a minimum tread depth of 4mm). However, many are removed from the car either by the importer or the first New Zealand owner... Our preference would be for snow tyres to be prohibited from import on used cars.⁵¹¹

⁵⁰⁷ For example, Christchurch City Council, submission 4071; New Plymouth District Council, submission 3592; The Rubbish Trip, submission 714; Timaru District Council, submission 4064; Waimakariri District Council, submission 4126; WasteMINZ Territorial Authority Forum, submission 4387; submissions 1222, 3584, 3738.

⁵⁰⁸ Rethinking Plastics Project, Panel for the Prime Minister's Chief Science Advisor, submission 4355.

⁵⁰⁹ Plastics New Zealand, submission 3934.

⁵¹⁰ For example, Consumer New Zealand, submission 4125; Eunomia Research and Consulting, submission 4050; Northland Regional Council, submission 4121; Rethinking Plastics Project, Panel for the Prime Minister's Chief Science Advisor, submission 4355; individual submissions 1221, 2435, and 23 others based on The Rubbish Trip, submission 714.

⁵¹¹ Consumer New Zealand, submission 4125.

Waste to energy

Views differed about the advisability of managing the target wastes through conversion to energy.

Discourage waste-to-energy for any priority product scheme

A number of submitters sought prohibition through amended wording in the proposed Ministerial guidelines.⁵¹²

Ensure that energy recovery through burning municipal household waste, mixed waste or fossil fuel derived waste in a waste to energy plant is not prioritised over disposal in a landfill. Waste to energy plants convert waste to greenhouse gas and incentivise waste production over waste minimisation. In addition, waste to energy plants have long payback times that will lock councils into long term supply commitments that force councils to prioritise WtE over waste minimisation efforts. Please remove energy recovery as a priority or combine energy recovery, treatment and disposal as a group at the bottom of the waste hierarchy given that all three destroy valuable finite resources.⁵¹³

Waste plastic packaging

Extracting energy from non-recyclable plastic packaging in New Zealand was both supported and opposed. Views expressed included the following.

- Only single-use plastic consumer goods packaging for which there is commercial demand should be recycled, the rest sent to landfill or appropriate incineration.⁵¹⁴
- Existing coal use in cement kilns could be replaced by other waste types in addition to tyre derived fuel, such as plastic types (not PVC), paperboard or mixed laminated materials.⁵¹⁵
- We should use regional development funds to burn non-recyclable waste in an enclosed system like Singapore does, to obtain energy and minimal ash for burial.⁵¹⁶
- The assumption that systems used in Europe, North America or Australia can be easily implemented into the NZ context is flawed as these areas also utilise waste to energy technologies as part of their waste management systems. Members of the New Zealand plastics industry are interested in supporting exploration into these technologies and would welcome engagement with the Ministry on this.⁵¹⁷

In strong opposition were significantly more submitters, who argued that waste to energy was a 'linear' process, unacceptable as part of a transition to a circular economy, and should be explicitly ruled out in relation to any product stewardship scheme.⁵¹⁸ Some also asked for the Ministerial guidelines to be amended to rule out any possibility of waste-to-energy incineration, especially difficult to recycle items.⁵¹⁹

⁵¹² For example, individual submissions 2707, 3754.

⁵¹³ Individual submission 1056.

⁵¹⁴ Retail New Zealand, submission 4365.

⁵¹⁵ Fletcher Concrete and Infrastructure Ltd, trading as Golden Bay Cement, submission 1306; Plastics New Zealand, submission 3934.

⁵¹⁶ Individual submission 1159.

⁵¹⁷ Plastics New Zealand, submission 3934.

⁵¹⁸ For example, Hibernia Ltd, submission 1198; Koromiko Kindergarten, submission 1059; individual submissions 496, 758, 1056, 2045, 2376, 2539, 2707, 2804, 2901, 3092, 3109, 3150, 3525, 3754.

⁵¹⁹ For example, Aotearoa Plastic Pollution Alliance (APPA), submission 3421; individual submission 1337.

Tyres

Views on the energy potential of tyres and the appropriateness of pursuing tyre-derived fuel (TDF) in New Zealand diverged.

A number are supportive, including the company currently developing the capability to use TDF to fire its cement kilns,⁵²⁰ and others who support this project.⁵²¹ Two submitters also consider TDF economically and environmentally viable, and promoted their solutions for fuel from end-of-life tyres and other waste products.⁵²²

These products can be incinerated. Energy produced and harnessed is for the benefit of the nation.⁵²³

On the other hand, a number of individual submitters explicitly opposed the burning of tyres as an end-of-life option.⁵²⁴ One did not oppose TDF but sounded a note of caution that it should not be the only pathway for end-of-life tyres and should not undermine other developments.⁵²⁵

Economic instruments

Financial incentives to move to more sustainable packaging were proposed by some submitters. These included:

- a plastic resin tax on plastic packaging manufacturers based on volumes used on a pro-rata basis depending on the difficulty involved in capture and recycling⁵²⁶
- mandated recycled content in packaging that is progressively increased to help drive onshore demand for recycled materials.⁵²⁷

Prevent 'gaming' and pre-scheme stockpiling

Some business/industry submitters recommended amended guidelines or new regulations to prevent businesses from taking unfair advantage of new product stewardship frameworks.

- Regulations should be put in place to prevent deliberate stockpiling by commercial waste operators of non-deposit paid beverage packaging prior to scheme commencement.⁵²⁸
- Care needs to be taken not to incentivise non-compliant stockpiling of products in the lead up to the implementation of the scheme as the product will have a value in future. This is particularly relevant for products that are a fire risk (eg, lithium-ion batteries).⁵²⁹

⁵²⁰ Golden Bay Cement, submission 1306.

⁵²¹ For example, Northland Regional Council, submission 4121; individual submission 485.

⁵²² Equus Environmental, submission 3930 (tyres); Solarsystems Ltd, submission 2400 (tyres and others).

⁵²³ Individual submission 76.

⁵²⁴ For example, submissions 297, 308, 1294, 3291, 3441, 4321.

⁵²⁵ Individual submission 1294.

⁵²⁶ Individual submission 1053.

⁵²⁷ Far North District Council, submission 1339.

⁵²⁸ Coca-Cola Amatil (New Zealand) Limited, submission 4086. Such regulation was also requested by the New Zealand Beverage Council, submission 4073.

⁵²⁹ The Australia and New Zealand Recycling Platform Limited, submission 4047.