

## Consultation response

# Public consultation on reducing marine litter: actions on single use plastics and fishing gear



AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €2 trillion in 2016, directly supports more than 4.5 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

## Introduction

Plastics are an important material in our economy and present in many aspects of our daily lives; but they also have relatively low rates of reuse and recycling and are prone to littering. Plastics make up 85% of beach litter; single use items represent 61% and fishing related items 20% of these plastic items. The most found single-use plastics items in beach litter are cigarette butts, drinks bottles and their caps/lids, cotton bud sticks, sanitary towels (which are typically 90% plastic), bags, crisps packets and sweets wrappers, straws and stirrers, balloons and balloon sticks, food containers, cups and cup lids, and cutlery. Together these account for about three-quarters of such SUP litter.

Another issue of concern is plastic waste from the fisheries and aquaculture sectors, in particular from fishing gear that is lost by accident (for example due to weather conditions) or discarded when it is no longer fit for use. The Commission's Plastic Strategy in early 2018 will address possible approaches to address other single-use plastic items and marine litter including lost or abandoned fishing gear. Follow-up proposals by the Commission will be considered in the near future on the basis of available data and analysis. This consultation is intended to contribute to developing this knowledge base and guide such future actions.

## B. Questionnaire on Marine Litter and Single Use Plastics

### The problems caused by marine litter and single-use plastics

1. What importance do you give to the following issues and impacts linked to marine litter and single use plastics?

	Very Important	Quite Important	Less Important	Not Important
*Loss of valuable resources through wasteful use and disposal	X			
*Harm to animal welfare (ingestion, entanglement etc)		X		
*Human health risks (microplastics in water and food, toxicity)			X	
*Impact on ecosystem services [1]	X			
*Impacts on fisheries and aquaculture	X			
*Impacts on shipping and ports		X		
*Impacts on coastal communities and tourism		X		

*Clean-up costs of litter	X			
*Aesthetic impact of litter		X		

Other (please specify):

All of the above issues are important, yet without sufficient data, studies and impact assessments there is limited possibility to fully assess their true impacts. AmCham EU supports a coherent, science-based and balanced approach when it comes to assessing the impact of single-use plastics and fishing gear on the environment.

Unfortunately, the distinction between single use plastics and marine litter is not clear in the questionnaire. Marine litter is not only made up of single use plastics.

Where an issue is rated as “very important” or “quite important”, this answer should not be considered as equal to a call for legislation. Raising consumer awareness, proper implementation of existing legislation and better infrastructures to improve collection are key and a big part of the solution to the challenges we face.

### The importance of action

2. a. Please indicate whether you think action to address the amount of Single Use Plastic in the environment is:
  - Not necessary
  - Necessary but not urgent
  - Necessary and urgent**
  - No Opinion
  
- b. Please indicate whether you think action to address the amount of marine litter (including fishing gear) in the seas and on beaches is:
  - Not necessary
  - Necessary but not urgent
  - Necessary and urgent**
  - No Opinion

### Where action should be taken

3. Who do you think has an important role in taking any further action for reducing leakage of single use plastic into the (marine) environment?

	Very important	Fairly important	Important	Slightly important	Not at all important	No opinion
*European Union	X					

* Member States (countries)	X					
* Local and Regional authorities	X					
*Other international bodies	X					
* NGOs			X			
*Individuals	X					
*Private Sector	X					
*Other						

If “other’ please specify

The leakage of single-use plastics into the environment is an important global issue, which needs to be addressed by all the above-mentioned stakeholders. The defined roles and shared responsibilities of the private sector, EU / Member State / local authorities and consumers should be clarified, proportionate and account for the product pathways into the (marine) environment. Policies aiming at tackling marine litter and leakage into the environment should encourage:

- the development of efficient waste management systems.** This includes effective infrastructures for collection and sorting of waste, waste water treatment plants with stronger retention rates etc.;
- the design of products** that takes into account resource efficiency and the availability of safe alternative raw materials. For some particular product categories, more visible labelling to remind consumers not to flush products down the toilet or to appropriately dispose of them;
- much stronger awareness raising campaigns.** AmCham EU believes that the wider issue of littering – which is the primary route by which plastics leak into the environment – should be addressed through awareness raising and education. As no product or package is produced to be littered, littering is mainly a consequence of negligent and/or illegal behaviour. AmCham EU believes this issue should be primarily addressed by appropriate stakeholder education programs which should be appropriately funded.

Several initiatives exist, led by business and other actors, to tackle leakage into the environment, from production, waste, and consumer awareness perspectives: **Operation Clean Sweep® (OCS)**, is a good example of how plastics manufacturers and the supply chain are taking action to reduce plastic leakage into the environment during the production phase. **The ‘Zero plastics to landfill’** is a good example of how to tackle leakage in the waste phase. **Ocean Conservancy** gathers different stakeholders who undertake collaborative pilot projects on research and waste management, support educational programs to promote recycling and prevent littering etc.

4. To what extent do you consider that there needs to be further responses at European level?
- There should be no new measures at the European level – this should be dealt with at the local or national level.
  - There should be certain measures at the European level - for example ensuring shared objectives, a level playing field and respect of single market and competition rules – but these should also encourage, frame and complement further measures at the local or national level.
  - The problem should be dealt with largely at the European level.
  - The EU should support mandatory instruments at global level.

- No opinion.
- **Other**

If “other’ please specify

The leakage of single-use plastics into the environment needs to be addressed at both the EU and global level - a European action alone would not be appropriate to deal with an issue which knows no border. China, Indonesia, Philippines, Vietnam, Sri Lanka and Thailand together account for 2/3 of global inputs, while the whole of the EU, if amalgamated, would be ranked 18th. (Jambeck et al, 2015 Plastic waste input from land into the ocean). International frameworks for action already exist, like the Global Partnership on Marine Litter (GPML) or the Sustainable Development Goals (SDG) which set ambitious targets in terms of reducing pollution of all kinds by 2025.

At the European level, a common EU approach would ensure efficiency and prevent the multiplication of diverging national restrictions or initiatives in content and scope, which may constitute a barrier to the single market and be disproportionate if not based on solid scientific data. Moreover, all policy responses, either on EU or Member State level, should be based on a cost-benefit analysis.

### How much action?

5. The Commission identified the types of plastic litter most commonly found on beaches. For each type, and for fishing gear, to what extent do you agree that action should be taken to reduce their presence in the environment?

	Weak case for action	Moderate case for action	Strong case for action	No opinion
* Cigarette butts with filters				X
* Drinks bottles				X
* Caps and lids				X
* Cotton bud sticks				X
*Sanitary towels[1]				X
* Crisps packets and sweets wrappers				X
* Light weight shopping bags				X
*Straws				X
*Balloons and balloon sticks				X
*Food containers				X
* Cups				X
* Cutlery				X
*Fishing related items				X

*Other				X
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If "other" please specify

When considering whether actions for certain product categories are fit for purpose or proportionate, we believe it is important to take a scientific approach. Sound science and robust data should guide the focus of policy makers.

Measures should also reflect the specificities of the different product categories, the various functionalities of their plastic components as well as available safe alternatives. There cannot be a one-size-fits-all solution.

Policies should also take into consideration sectoral voluntary initiatives such as improving product labelling to ensure consumers adequately dispose of their products or flushability standards for example.

[1] nappies, wet wipes and panty-liners typically contain about 90% plastic polymers.

6. Whilst some measures may have no costs attached to them, or even lead to financial savings in the medium term, other measures could have costs.
  - Action to address marine litter should not lead to additional costs for consumers.
  - I am willing to pay a little more for alternative measures that would result in reducing marine litter.
  - (producers only) My company would accept that initiatives to reduce marine litter may involve changes in the purchase price of single use plastic products.
  - (producers only) My company would accept that initiatives to reduce marine litter may involve further producer obligations or charges in relation to single use plastic products.
  - No opinion**
  
7. In your opinion, which types of actions against marine litter should be supported with public funds?
  - Recovery of lost fishing gear.
  - Recovery of marine litter found in fishing nets during normal fishing activities ("passive fishing for litter")
  - Active "fishing for litter"**
  - Beach cleaning actions**
  - Regular quantification of marine and beach litter**
  - Other**

### What kind of action?

(at sub EU level)

10. What, if anything, do you think should be done to promote a switch from single use drinks cups to reusable cups for drinks consumed "on-the-go" (outside of the home or restaurants and food outlets)?
  - Direct measures (such as restrictions or charges)
  - Awareness raising measures that encourage people to carry their own reusable cups**
  - Reductions for people that bring their own cups to restaurants and food outlets
  - Non of the above
  - No opinion

11. Would you support policies which phased out disposable non-biodegradable plastic tableware (such as cups, plates, cutlery and stirrers) in favour of those made with more biodegradable materials or reusable alternatives?

- Yes, even if there were a small price increase
- Yes, but only if there were no price increase
- No
- No opinion**

12. For some sectors there are rules that require companies responsible for the impacts of their products after sale ("extended producer responsibility"). Should cigarette companies contribute financially to the costs of clearing up cigarette butts?

- Yes
- No
- No opinion**

Similarly, should producers of sanitary items contribute financially to the costs of clearing up sanitary towels?

- Yes
- No
- No opinion**

### What kind of action?

(at EU level)

13. How effective do you think the following measures would be in reducing plastic pollution in particular in the marine environment?

	Very effective	Effective	Slightly effective	Not effective at all	I don't know
*Maintaining status quo:				X	
*No new EU measures				X	
*More effort to change the behaviours that cause litter, for example awareness campaigns about littering and additional information on packaging	X				
*Voluntary measures by businesses: such as using biodegradable alternatives to plastic					X
*Stronger enforcement of existing EU laws on waste collection, recycling, extended producer responsibility schemes etc,	X				
*New EU measures: For example, reduction targets for Single Use Plastics (following the example of the targets for reduced use of plastic bags)					X

At the EU level, *new* measures are welcome and can prove to be an adequate instrument for tackling such issues if they consider the pathways and the availability of safe alternatives for each product category. Proportionality needs to be the standard to which all new measures are held to.

Thorough assessments of the safety, sustainability and economic feasibility of the alternatives have to be carried out though as many ingredients/substances are wrongly portrayed as suitable alternatives to plastic. Furthermore, the timelines for reduction targets should also account for the complexity of the products and the ease of 'reformulation'.

For items where there are no readily available alternatives, the focus of EU action should be more on appropriately funded consumer awareness programmes, funding EU-wide research & development programmes into finding suitable alternatives, applying the principle of Extended Producer Responsibility and/or improved labelling for consumers so they appropriately dispose of the products.

Stronger enforcement of *existing* EU legislation is equally crucial. The collection rate should be improved through stricter implementation of EU waste legislation. Untreated discharges from storm sewage overflows from waste water treatment plants are also a source of marine litter. Stricter enforcement of the Urban Waste Water Treatment Directive by public sector actors responsible for waste water treatment is crucial.

EU policy action should focus on innovative technologies that improve the quality of recycled plastics. Although recycled plastics have the ability to mirror the physical properties of virgin material, the costs that are saved are only limited and the integrity of most plastics will have been significantly compromised after the many processing cycles. These are issues the European Commission has to acknowledge when promoting recycling at European level.

At sub-European level, EU Member States (and local authorities) should consider strong national awareness raising campaigns about littering coupled with stronger financial penalties for negligent and/or illegal behaviour.

The use of biodegradable alternatives for plastics should not be seen as an ideal example for effective voluntary business measures. As this is still an area of ongoing research, it is difficult to tell whether it is actually more effective, sustainable and safer as an alternative. Rather, biodegradable plastics present a false solution for the waste problem in the marine environment. Most available plastics labelled as biodegradable generally degrade under specific conditions which may not always be easy to find in the natural environment, and can thus still cause harm to the ecosystems they are found in. Biodegradation in the marine environment is particularly challenging. When leaked into the marine environment, biodegradable plastics undergo very slow fragmentation into small particles through photo-, physical, and biological degradation processes. The fragmentation of the material into increasingly smaller pieces is an unavoidable stage of the degradation process. Ultimately, plastic materials degrade to micro-sized particles (microplastics), which are persistent in the environment and present a potential source of harm.

Biodegradable alternatives to plastic are therefore not an effective solution to reducing plastic pollution in the marine environment. Biodegradable and conventional plastics need to be contained in existing waste streams, in order to prevent their initial release into the environment. The key to solving the plastics leakage into the marine environments is better, more efficient waste collection and recycling.

If you think other EU measures would be relevant, please specify them:

14. Single use plastic products are diverse and will require diverse approaches to effectively reduce their environmental impacts. We have divided them below into three categories. For each product please indicate the approach(es) you consider as appropriate (effective, proportionate, economically efficient and socially acceptable).

A. Packaging items covered by existing legislation and already captured today in separate waste collection schemes

	Deposit return schemes	Reduction target for use	Minimum design requirements (incl. delivery models)	Don't know / No opinion
*Drinks bottles				X
*Light weight shopping bags				X

B. Items that could be replaced by more sustainable alternatives

	Legislative requirement to better design or produce from materials with lower life cycle impact	Reduction target for use	Minimum design requirements (incl. delivery models)	Don't know / No opinion
*Food containers				X
*Crisps packets and sweets wrappers				X
*Caps and lids				X
*Cups				X
*Cotton buds				X
*Cutlery				X
*Straws and stirrers				X

C. Items not fully covered by existing legislation for which there is no obvious proportionate alternative

	Extended Producer Responsibility schemes	Legislative requirement to produce from materials with lower impact	Minimum design requirements (incl. delivery models)	Don't know/ No opinion
*Cigarette butts				X
*Sanitary towels				X
*Balloons				X

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