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[plasticbagcharge@defra.gsi.gov.uk](mailto:plasticbagcharge@defra.gsi.gov.uk)

## **Single-Use Plastic Bag Charge for England – Defra Call for Evidence**

Marks & Spencer is a leading retailer selling a wide range of food, clothing, footwear and home products from over 780 stores across the UK.

As part of our Plan A sustainability programme we introduced a 5p charge on single use bags in our Food sections in 2008. This has proved to be highly effective and reduced usage by over 70%- a figure that was then further improved to 90% when supported by the universal adoption of charging in Wales.

Based on this experience, we believe that irrespective of the impact being targeted, the most effective means of reducing the environmental footprint of carrier bags is to:

- Reduce the consumption of all single use bags by encouraging consumer behaviour change in the form of re-use.
- Communicate and support the message of re-use in a clear and consistent manner.
- Ensure total transparency that charges collected from actions to restrain consumption are donated to good causes.

We believe that the proposed carrier bag charging in England will create a confused message to consumers and perverse market incentives potentially causing detrimental consequences.

- A focus on restricting the use of only polythene bags will send a policy signal to consumers that paper (and other materials) are environmentally acceptable and can continue to be used and disposed of in unlimited quantities. This is also the case with the proposed exemption of the new biodegradable polythene bags.
- As a result, a new unwanted market opportunity will arise offering an attraction to replace current polythene carrier bags with higher environmental impact paper alternatives. Should a larger retailer adopt 'free' paper carrier bags the whole sector maybe compelled to follow (as happened with free polythene carrier bags in the 1980s).

Whilst our views on the proposed regulation mirror those of the British Retail Consortium (BRC) we have detailed our own responses over page:

**Question 4:** How else should people be told about the charge, in order to make it more effective?

We are concerned that the proposed charge for England is not consistent with the charge in Wales, Northern Ireland or Scotland, or the Government's explicit commitment to 'Better Regulation' and reducing unnecessary business costs. The proposed charging regime is not logical and, if Defra does introduce a charge, retailers will be faced with complex messages to communicate to shoppers as to why some shops and some non-reusable bags are exempt from the charge and why these exemptions do not exist elsewhere in the UK.

Given that the proposed charge will be more complex to communicate to shoppers than those introduced in Wales and Northern Ireland and proposed for Scotland, we believe that Defra has an important responsibility to communicate the charge to the general public.

In order that the charge is fully understood by consumers, the government must have a clear plan on how it intends to communicate the charge to the general public including: a) why the charge is being introduced and that it is a Defra initiative (as opposed to retail); b) the type of bags that are included, and; c) how best to respond to the charge, for example purchasing re-usable bags or bringing their own bags with them.

The government should think creatively about how it will publicise the new regulations, for instance how it intends to penetrate hard-to-reach groups, and crucially, explain to the wider general public the *raison d'être* of the charge before its introduction. We would welcome confirmation from Defra on how it intends to communicate the charge before any regulations are finalised so as to give retailers an opportunity to respond constructively.

We would suggest that leading up to the introduction of the charge Defra should include details of the reasons for the charge on its website, provide standard messages to retailers to use in store communications channels and on websites and undertake press and media work so that customers are aware that a charge is being introduced.

### Biodegradable bags

**Question 5:** What evidence do you have that bags currently labelled 'biodegradable' or 'compostable' degrade on land, at sea and in anaerobic digesters?

None

**Question 6:** Please provide evidence that demonstrates how bags labelled 'biodegradable' or 'compostable' currently behave in the waste stream. And evidence on how any problems with their behaviour can be mitigated.

Biodegradable bags cannot currently be recycled along with single use carrier bags – a challenge for those supermarkets providing front of store carrier bag recycling points.

**Question 7:** Do you have any specific evidence on particular criteria for biodegradable bags that would decrease the negative impact of bags on the environment?

One member of the BRC sells compostable bio-degradable carrier bags but these are sold to be used as food waste caddy liners (i.e. they have 2 uses and a specific end-of-life purpose). This member would expect its biodegradable carrier bags to only have a lower environmental impact than the combined functions of a carrier bag and a food waste caddy liner, which is more achievable. These bags are sold in areas where the local authority will accept them for food waste collection. They are labelled carefully and clearly take into account the needs of the customer and the local authority collection crew.

We would suggest that this model should be explored by Defra but would recommend that these bags are sold at, or above, any prevailing charge for single-use carrier bags.

### What will happen to the money

**Question 8:** Should organisations have to publish annually:

- number of plastic bags sold
- gross proceeds from the charge
- costs of administering the charge
- net proceeds from the charge

- how the net proceeds have been spent

We believe that as per the Welsh charging model that retailers with more than 10 employees should be required to report on each of the above categories.

The resulting money should be donated to charitable good cause and we would support the development of a voluntary agreement which outlines the principles of how this money should be used. This will provide further transparency and support the public's trust in the system.

#### Questions for organisations distributing carrier bags

**Question 9:** When do you give your customers plastic bags?

- at the till

**Question 10:** Do you, as an organisation, re-use or recycle your plastic bags? If so, how?

Many BRC members provide recycling collection points for used polythene carrier bags which are added to commercial transit packaging film waste for recycling. We are concerned that a large scale use of biodegradable polythene bags may corrupt this process.

The most environmentally beneficial activity of re-use is carried out by our customers and the whole purpose of the regulation ought to be to provide encouragement. It is for this reason we are concerned that only applying the charge to traditional plastic bags, exempting biodegradable plastic bags and sending a message of policy support for paper bags will undermine the key need to encourage re-use.

**Question 11:** Does your organisation sell Bags for Life? If so, how many do you sell per year and how much do you charge for them?

BRC members sell bags-for-life which range in price from 5p to 12p. (M&S bags are 6p). These are the most commonly re-used bags and an important part of the solution to reducing the number of single use bags. Research published by the Environment Agency in 2011 showed that a bag-for-life only needs to be re-used more than four times to better the environmental impact of new single use bags.

**Question 12:** How much does it cost your organisation per year to stock:

Carrier bags are a significant service cost for the retail sector. However, we know from the introduction of 'free' polythene carrier bag in the 1980's that the in a highly competitive customers focused industry – the whole sector can easily be tipped into matching perceived levels of customer service.

We are concerned that although paper bags are between two and three time more expensive as they are exempt from the charge the whole industry could be tipped into providing free paper bags. According to the 2011 Environment Agency report this would increase associated carbon emissions by 300. It would also increase retail operating costs. M&S uses paper bags in the Republic of Ireland which creates a 35-fold increase in required road transport capacity to distribute the bags as paper is more voluminous.

#### Wider evidence on bag usage and costs

**Question 13:** Please provide any estimates you are aware of at the sectoral or national level, as available, of:

We would refer to data collated by WRAP on carrier bag usage:

<http://www.wrap.org.uk/content/wrap-publishes-new-figures-carrier-bag-use>

And the 2011 Environment Agency Report on carrier bag life cycle assessments:

<http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/scho0711buan-e-e.pdf>

M&S contributed data to both pieces of work.

**Question 14:** Do you have any evidence of the cost of compliance to organisations of the various different parts of the expected regulations and of any potential impacts of the charge on levels of customer demand?

The costs of compliance if the Carrier Bag regulations in Wales have been relatively low after initial training and communications.

However, we are concerned that the more complex message proposed by DEFRA allied to the potential to encourage the unintended adoption of 'free' paper bags may impose significant costs which ultimately could be passed through into retail food price inflation.

**Question 15:** Do you have evidence or case studies that provide information on the proposed exemptions to the charge?

While we appreciate that some decisions have already been made, such as the size of the charge (5p) and what it applies to (single-use plastic bags), we believe that the proposed charge should be applied to *all* single use carrier bags. A focus on plastic bags only could have the unintended consequence of acting as an incentive to some retailers to offer paper bags, with a higher environmental impact, instead of single use plastic bags.

We also believe that biodegradable bags should not be seen as a substitute for single use plastic bags and should not be given away for free, and that any carrier bag charge should apply to all retailers regardless of size.

We have provided further detail on our views on these exemptions in our evidence to the recent Environmental Audit Committee and will forward this to Defra to read in conjunction with our response to Defra's call for evidence.

**Question 16:** Do you have evidence on the inclusion of this (hot food to go) or any other exemptions?

No

### **How to enforce the charge**

**Question 17:** Do you have any evidence on the effectiveness of this proposal for enforcement or an alternative to recommend?

Enforcement of the regulations should be intelligence led with those responsible for enforcing the regulations taking an evidence, advice and risk based approach. This will lead to a more proportionate application of the new regulations with enforcers working with retailers working to ensure compliance rather than seeking convictions.

Any regulations should be brought into the scope of Primary Authority arrangements in order to ensure a consistent approach to enforcement.

**Question 18:** Do you have any evidence on the effectiveness of this proposal for dealing with non-compliance or an alternative to recommend?

We believe that better regulation means securing compliance through a risk, evidence and advice based approach. Fixed penalties can lead to a tick box approach to enforcement whereby businesses are reluctant to seek advice, a greater number of penalties are imposed for minor infringements and rogue retailers accept an administrative penalty as one of the costs of doing business their way.

Yours Faithfully

**Rowland Hill**

Sustainable Development

Rowland.Hill@marks-and-spencer.com