



CURBING PLASTIC POLLUTION

The role of Regulatory measures incl. Extended Producer Responsibility



OUTLINE

- The magnitude of Plastic Pollution and Marine Litter
- MEAs and the International legally binding instrument
- Regulatory Framework
- Plastics bag Regs 2023 targets
- EPR Regulations and EPR targets
- EPR listed Plastics products and related targets
- Offences and Punitive measures

THE MAGNITUDE OF PLASTIC POLLUTION AND MARINE LITTER



HISTORY OF THE RESOLUTION ON AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

UNEA 1 (2014)- AGREEING ON THE GLOBAL EMERGING THREAT

- At the first UNEA meeting in 2014 (UNEA 1), the assembly passed a resolution highlighting marine litter and microplastics as an emerging global environmental problem and noting the need for more research on the problem. The resolution called for a new study of the issue, which led to the UN Environment Programme (UNEP) releasing a report in 2016 entitled "[Marine Plastic debris and microplastics: Global lessons and research to inspire action and guide policy change.](#)" This report played a crucial role in increasing the scientific knowledge on marine litter and microplastics.

UNEA 2 (2016)- IDENTIFYING KNOWLEDGE GAPS

- During the UNEA 2 meeting in 2016, the member states agreed that they needed a better understanding of the current international governance of marine litter and microplastics. They passed a resolution calling for a comprehensive assessment of the effectiveness of international, regional and sub-regional governance strategies and approaches to combat marine plastic debris and microplastics, which was presented at UNEA 3.

UNEA 3 (2017) - RECOGNISING THE INEFFICIENT GLOBAL GOVERNANCE

- At the UNEA 3 meeting in 2017, the member states adopted a global zero-emission vision, which aims to eliminate the discharge of litter and microplastics into the oceans over the long term. The resolution called for UNEP to play a stronger role in combatting marine litter and requested an overview of all voluntary commitments targeting marine plastics and microplastics. The resolution also established an Ad Hoc Open-Ended Expert Group to study and propose solutions to the marine plastics crisis. The group convened twice before UNEA 4 and provided recommendations.

UNEA 4 (2017) - STRENGTHENING COORDINATION AND KNOWLEDGE

- During the UNEA 4 meeting in 2019, the parties decided to extend the mandate of the ad hoc group. Their resolution also called on UNEP to continue strengthening scientific and technological knowledge on marine plastics, and stressed the importance of coordination and collaboration.

UNEA 5.2 decision on curbing plastic pollution

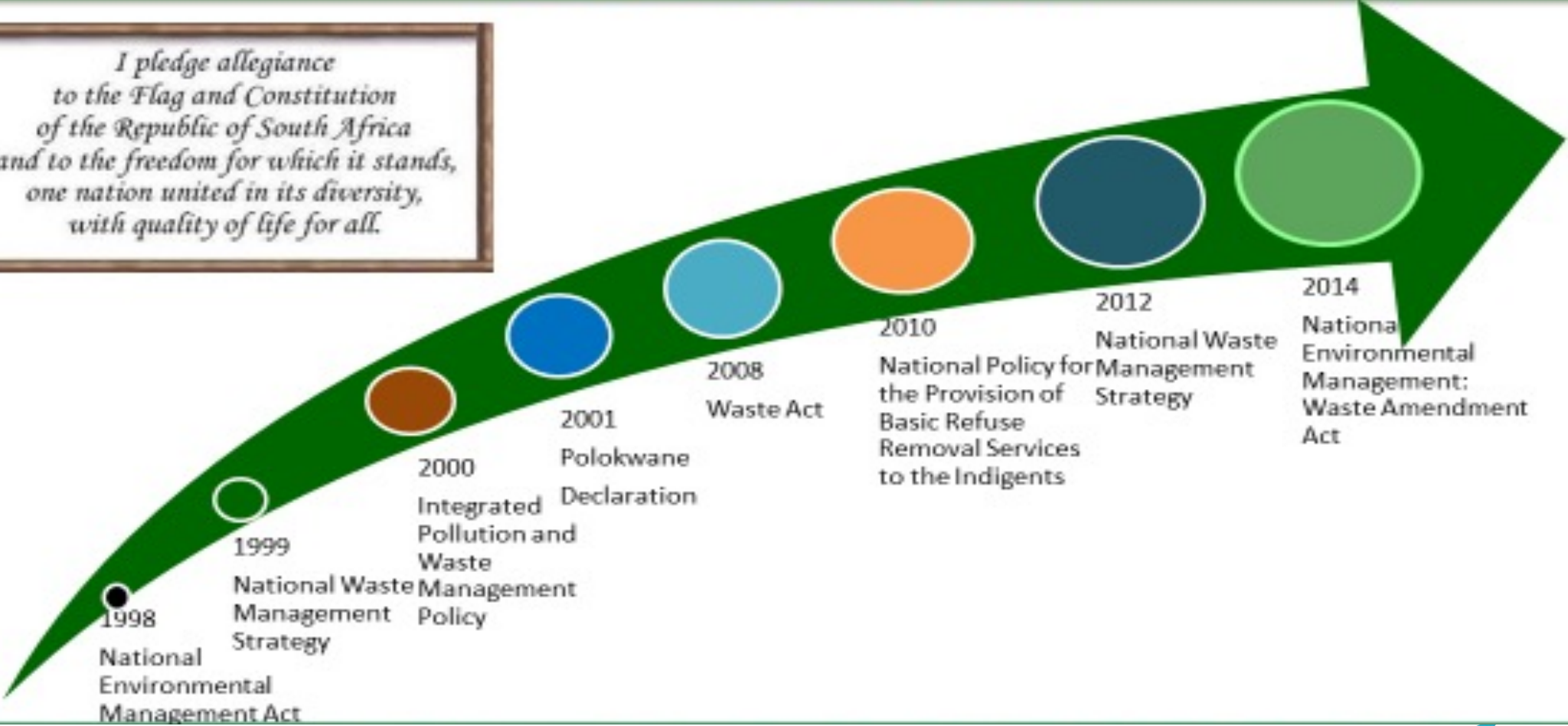
- UNEA took a decision to establish an Intergovernmental Negotiating Committee (INC) to develop international legally binding instrument.
- The instrument would have binding and voluntary approaches. The INC would consider national circumstances and capabilities and would commence its work during second half of 2022, with the ambition of completing by the end of 2024.
- The INC would consider financial, capacity and technology arrangements for the effective implementation of the instrument.
- South Africa welcomes the adoption of the resolution to, “end plastic pollution: towards an international legally binding instrument for the protection of the environment and particularly our oceans that are important for food security, addressing climate change, improving the health and promoting sustainable development and poverty eradication.



WASTE MANAGEMENT REGULATORY FRAMEWORK

LEGISLATIVE CONTEXT

*I pledge allegiance
to the Flag and Constitution
of the Republic of South Africa
and to the freedom for which it stands,
one nation united in its diversity,
with quality of life for all.*



PLASTICS CARRIER BAGS REGULATORY FRAMEWORK

- Plastics Bag Regulations
- Plastic Bag Levy (NT and SARS)
- SANS 695 (SABS)
- VC8087 (NRCS)

AMENDMENTS TO PLASTIC BAGS REGULATIONS

2(2) The plastic carrier bags and plastic flat bags must be made from a minimum of 50% post-consumer recyclate from the 01 January 2023 and by 1 January 2027 be made from 100% post-consumer recyclate.

The following is the phase out schedule-

- (a) The plastic carrier bags and plastic flat bags must be made from a minimum of 50% post-consumer recyclate by 1 January 2023
- (b) The plastic carrier bags and plastic flat bags must be made from a minimum of 75% post-consumer recyclate by 1 January 2025;
- (c) The plastic carrier bags and plastic flat bags must be made from a minimum of 100% post-consumer recyclate by 1 January 2027;

AMENDMENTS TO PLASTIC BAGS REGULATIONS

Exemption”

A person who is unable to comply with the requirements contained in regulation 2(3)(c) may apply to the Minister for an exemption in terms of section 24M of the National Environmental Management Act, 1998 (Act No. 107 of 1998) read with the National Exemption Regulations promulgated in terms of section 44(1)(a) and section 24M(3) of the Act.

“Offences and penalties”

3. (1) Any person who contravenes regulation 2 shall be guilty of an offence and liable on conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

EPR REGULATIONS

- 2014 commenced with s28 process (IndWMP)
- December 2019: Department embarked on a process to implement Extended Producer Responsibility for the country.
- Extensive consultation ensued which resulted in EPR Regulations and notices for Electrical and Electronic Equipment (EEE), Lighting and paper and packaging sectors being published on 05 May 2021 for implementation.

EPR REGULATIONS PURPOSE

- (1) to provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producers in terms of section 18 of the Act;
- (2) to ensure the effective and efficient management of the identified product at the end of its life; and
- (3) to encourage and enable the implementation of the circular economy initiatives

EPR MEASURES FOR PRODUCERS

- The producer of a product or class of products, must-
 - establish and implement an extended producer responsibility scheme
 - or join another extended producer responsibility scheme
 - or appoint a producer responsibility organisation to establish and implement an extended producer responsibility scheme that includes the entire value chain;
- be accountable for the operation and performance of their extended producer responsibility scheme;
- conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards within 5 years of implementation of their extended producer responsibility scheme;
- through the life cycle assessment as a minimum focus on the following:
 - (i) Minimisation of material used in the identified product;
 - (ii) Design of the product to facilitate reuse; recycling or recovery, without compromising the functionality of the product; and
 - (iii) Reduction of environmental toxicity of the resulting post -consumer waste stream;

OBLIGATIONS FOR PRODUCERS & PROs (EPR SCHEMES)

- Co- operate with all municipalities (where applicable), within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste integrate informal waste collectors, reclaimers and pickers into the post consumer collection value chain;
- Develop and establish secondary markets for recycled content;
- Utilise new and existing infrastructure across extended producer responsibility schemes in a collaborative manner where feasible;
- Compensate informal sector for the environmental service they are doing. This must be implemented by November 2022.
- Transform the sector and ensure meaningful participation of women, youth and persons living with disabilities. Focus on small business and entrepreneur development.

EPR TARGETS

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
Plastic PET Beverage bottles	1	10	-	60	54	-
	2	12.5	-	64	58	-
	3	13	-	66	59	-
	4	15	-	68	61	-
	5	20	-	70	65	-
Plastic PET Oil Bottles	1	-	-	7	6	-
	2	-	-	13	12	-
	3	-	-	25	23	-
	4	-	-	32	29	-
	5	-	-	39	35	-
Plastic Thermoformed PET	1	-	-	9	8	-
	2	-	-	13	12	-
	3	-	-	19	17	-
	4	-	-	27	24	-
	5	-	-	35	30	-



EPR TARGETS

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
Plastic (Flexible) PET	1	50	-	10	9	-
	2	55	-	20	18	-
	3	60	-	30	27	-
	4	70	-	40	36	-
	5	80	-	50	45	-
Polyolefins Rigid polyolefin packaging	1	-	-	55	39	-
	2	-	-	57	42	-
	3	-	-	60	45	-
	4	-	-	61	48	-
	5	-	-	64	52	-
Polyolefin (flexible)	1	-	-	58	44	-
	2	-	-	60	46	-
	3	-	-	62	48	-
	4	-	-	64	50	-
	5	-	-	66	52	-
Polyolefins (Multi-layer films packaging)	1	-	-	15	11	-
	2	-	-	20	15	-
	3	-	-	25	20	-
	4	-	-	30	25	-
	5	-	-	35	30	-



EPR TARGETS

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
Polyvinyl Chloride (Rigid and flexible)	1	-	-	6	5	-
	2	-	-	6.5	5.5	-
	3	-	-	7	6	-
	4	-	-	7.5	6.5	-
	5	-	-	8	7	-
Polystyrene (expanded and High Impact)	1	-	-	22	20	-
	2	-	-	27	25	-
	3	-	-	33	30	-
	4	-	-	40	36	-
	5	-	-	48	43	-
Biodegradable Packaging	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-



EPR TARGETS

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
Compostable Packaging	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
Single use Products (PS, HDPE, PET & PP)	1	8	-	60	30	-
	2	12	-	65	35	-
	3	14	-	70	40	-
	4	17	-	75	45	-
	5	20	-	80	50	-
Single use compostable products	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-

EPR TARGETS

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
Single use biodegradable products	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-





PENALTIES

- A person convicted of an offence under these Regulations is liable to -
 - imprisonment for a period not exceeding 15 years;
 - an appropriate fine; or
 - both a fine and imprisonment..
- A registered producer who does not comply with these Regulations may have their registration as contemplated in these Regulations revoked and/or be compelled to join another extended producer responsibility scheme.
- A registered producer responsibility organisation that does not comply with the requirements as contemplated in these Regulations may have their registration revoked.



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Thank You