

A

BILL

TO

Set targets for the reduction of plastic pollution; to require the Secretary of State to publish a strategy and annual reports on plastic pollution reduction; to establish an advisory committee on plastic pollution; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duties of the Secretary of State

(1) *It shall be the duty of the Secretary of State to—*

- (a) prevent plastics pollution of the environment as a result of human activity as far as is possible using the best practicable means by 2042;
- (b) progressively reduce the overall use of non-essential plastic in England;
- (c) to end the use of non-essential single-use plastics by 2025; and
- (d) progressively eliminate plastics pollution from the environment, and where it is not possible to prevent or eliminate pollution, the pollution must be minimised as far as is possible using the best practicable means.

(2) For the purpose of this Bill, the term “plastics pollution” shall include the introduction of plastic materials or plastic-containing products into the environment.

(3) The Secretary of State shall discharge his duties consistently with the objective of achieving a high level of environmental protection.

2 The Advisory Committee on Plastic Pollution

(1) The Secretary of State must establish an Advisory Committee on Plastic Pollution (the Committee).

(2) The Committee shall consist of—

- (a) a person appointed to chair the Committee; and
- (b) no fewer than five and not more than ten other members.

(3) The first Committee shall be appointed by the Secretary of State within three months of this Act coming into force and be approved by the Environmental Audit Committee.

- (4) The Committee shall set its own rules of procedure and be accountable to Parliament.
- (5) The Committee may make further appointments to the Committee, which are subject to confirmation by the Environmental Audit Committee on the basis of the candidates' qualifying experience.
- (6) In appointing a member of the Committee, the Committee and Secretary of State must have regard to the desirability of ensuring that the Committee (taken as a whole) has experience in or knowledge of—
- (a) the sources and pathways of different types of plastic pollution;
 - (b) monitoring the different types of plastic pollution;
 - (c) the effects of plastic pollution on health, wildlife, domestic animals, plants and the wider environment;
 - (d) the production and use of plastics and alternative materials;
 - (e) the collection and disposal of plastics;
 - (f) behavioural change and its role in addressing environmental problems;
and
 - (g) the economic, environmental and social effects of plastic use and pollution and their reduction.

3 Duties of the Advisory Committee on Plastic Pollution

- (1) The Committee must—
- (a) provide advice to the Secretary of State on meeting the duties in section 1(1);
 - (b) perform its functions in a manner consistent with the Secretary of State meeting those duties in the most effective and timely manner possible.
- (2) In undertaking its duties the Committee must have particular regard to—
- (a) environmental conservation;
 - (b) the protection of health; and
 - (c) the reduction and prevention of plastic pollution.

4 Advice on strategy

- (1) The Committee must publish advice to Government on the strategies required under section 5.
- (2) The Committee must publish its first such advice within one year of its establishment.
- (3) Advice provided under this section must be guided by the principles that—
- (a) preventing pollution is more effective in environmental protection than mitigating its effects according to the Prevention Principle; and

(b) a precautionary approach should be taken to the unknown consequences of pollution according to the Precautionary Principle.

(4) The advice shall identify the extent to which different—

- (a) types of plastic;
 - (b) uses of plastic; and
 - (c) pathways by which plastics are released into the environment
- demonstrate the characteristics in subsection (5).

(5) Those characteristics are—

- (a) cause harm to health, wildlife, domestic animals, plants and the wider environment including (but not limited to) through inhalation, ingestion, entanglement, toxicological effects and as vectors of invasive species and disease;
- (b) risk causing such harm as a result of their volume of release, cumulative effect on the environment, persistence, accumulation, bioaccumulation, and tendency to adsorb, concentrate and transport other pollutants;
- (c) can be reduced or substituted by reusable or more sustainable alternative materials that are readily available or could be developed; and
- (d) are essential for use in situations that are vital for human safety or wellbeing, and for which no adequate substitute exists or is expected to exist in the near future.

(6) The advice shall recommend a list of plastics and uses of plastics that should be designated as essential.

(7) Before finalising the list under subsection (6), the Committee must consult the persons listed in subsection (8) on the effects of designating particular plastics and uses of plastics as essential or otherwise.

(8) Those persons are—

- (a) persons with protected characteristics (within the meaning of the Equality Act 2010) who may be affected by the designation;
- (b) persons with relevant specialist knowledge; and
- (c) other persons as the Committee sees fit.

(9) The advice must recommend target dates by which plastics and uses of plastic deemed not to be essential under subsection (6) should be eliminated in order for the duties in section 1(1) to be met.

(10) The Committee may make recommendations on how the duties in section 1(1) and targets set under subsection (9) may be met.

(11) Those recommendations may include, but are not restricted to measures relating to—

- (a) reducing the amount of plastics used;
- (b) the collection of plastics for reuse, recycling and safe disposal;
- (c) taxation or subsidies;
- (d) addressing any risks to health, independent living, wildlife, domestic animals, plants and the wider environment that may arise from alternatives to plastics;
- (e) regulation;
- (f) licensing or restricting the sale of specific plastics or uses of plastics;
- (g) prohibitions;
- (h) labelling of non-essential plastics or uses of plastic as pollutants and provide information as to the harm they can cause, including (but not limited to) packaging or items claimed to be “biodegradable” or “degradable”;
- (i) research and innovation;
- (j) the removal or storage of existing plastic pollution.

(12) The Committee may also make recommendations on measures to protect habitats or species affected by plastic pollution.

5 Strategy

(1) The Secretary of State must lay before Parliament a plastic pollution strategy which sets out the steps that will be taken to meet the duties in section 1(1).

(2) The first plastic pollution strategy under this section must be laid before Parliament within two years of this Act coming into force.

(3) The Secretary of State must lay before Parliament a revised strategy—

- (a) at least once every five years; and
- (b) sooner if required by the Committee in accordance with section 6(3).

(4) Before laying before Parliament a strategy required under this section, the Secretary of State must—

- (a) take into account the advice of the Committee under section 3;
- (b) consult the public on a draft strategy.

(5) A strategy laid before Parliament under must—

- (a) include a list of plastics and uses of plastics to be designated essential; and
- (b) include target dates by which plastics and uses of plastic not designated essential should be eliminated;
- (c) address all recommendations made by the Committee under section 3;

(d) explain why the Secretary of State has not accepted any such recommendation.

(6) Within 28 days of a strategy being laid before Parliament, the Government must table a motion in both Houses of Parliament of the form “That the strategy under the Plastic Pollution Act 2019 laid on [date] be approved”.

(7) If that motion is not agreed in that form by either House of Parliament, the Secretary of State must lay an amended strategy before Parliament within three months.

(8) An amended or reviewed strategy also requires approval under subsections (6) and (7).

(9) The Secretary of State must take the steps necessary to implement any strategy approved by both Houses of Parliament under this section.

(10) The strategy shall propose effective measures based on the Preventative, Precautionary and Polluter Pays Principles, and which in the opinion of the Secretary of State will meet the target dates set in the strategy and make progress to enable the fulfilment of his overarching duties under section 1(1).

6 Monitoring of progress in delivering the strategy

(1) The Committee shall—

(a) monitor implementation of any strategy approved under section 5; and

(b) publish an annual report on—

(i) progress in achieving the targets and objectives in the strategy,

(ii) any recommendations for changes to the strategy or the list of essential uses of plastic,

(iii) any significant new scientific knowledge on harm caused by plastics and its uses,

(iv) any significant developments in alternatives to plastics, and

(v) the adequacy of the current strategy.

(2) Within 3 months of the publication of an annual report under subsection (1), the Secretary of State must lay before Parliament a response to that report.

(3) If, having considered any such response, the Committee is of the opinion that the strategy is inadequate it can instruct the Secretary of State to review the strategy in accordance with section 5.

7 Monitoring of plastics in the environment

(1) Within six months of this Act coming into force, the Secretary of State must establish a programme of environmental monitoring to assess the—

(a) quantity,

- (b) *nature of, and*
 - (c) *harmful effects of*
- plastic pollution in the environments listed in subsection (2).*

(2) Those environments are—

- (a) the marine and estuarine environment, including—
 - (i) coastlines,
 - (ii) the water surface, and
 - (iii) marine sediments;
- (b) freshwater environments, including—
 - (i) lentic environments such as lakes, pools and ponds,
 - (ii) lotic environments such as streams and rivers, and
 - (iii) wetlands and bogs;
- (c) the terrestrial environment, including soil in—
 - (i) agricultural,
 - (ii) rural, and
 - (iii) urban areas; and
- (d) the air.

(3) Data from the monitoring under subsection (1) must be published at least annually.

(4) The data published under subsection (3) must be presented in such a way as to assist both the public and the Committee in assessing the implementation of the strategy.

8 Devolved Administrations

(1) The Secretary of State must take all reasonable steps to consult—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, and
- (c) the Department of the Environment in Northern Ireland

on the matters in subsection (2).

(2) Those matters are—

- (a) the policies that would assist in phasing out plastic pollution across the United Kingdom;
- (b) the powers and resources needed by the devolved administrations for them to phase out plastic pollution; and

(c) the monitoring of plastics pollution across the United Kingdom.

9 Extent, application, commencement and short title

(1) This Act extends to England and Wales.

(2) The provisions of this Act apply to England only.

(3) This Act comes into force on the day it is passed.

(4) This Act may be cited as the Plastic Pollution Act 2019.