

Guideline for assessing prohibited plastic products under the *Single-use and Other Plastics Products (Waste Avoidance) Act 2020*

Issued December 2020

EPA 1117/20: This guideline has been prepared to provide assistance with understanding the definition of 'single-use' prohibited plastic products in South Australia's [Single-use and Other Plastic Products \(Waste Avoidance\) Act 2020](#) (SUP Act).

Introduction

Guidance on the EPA's assessment of 'single-use' prohibited plastic products is provided to assist retail and food and hospitality businesses, suppliers, distributors, manufacturers and the community to comply with the legislation.

Context

The SUP Act restricts and prohibits the manufacture, production, distribution, sale and supply of certain single-use and other plastic products. It comes into effect from 1 March 2021.

'Single-use' is defined in the Act as:

single-use, in relation to a product, means a product designed or intended to be used once or for a limited number of times before being disposed of...

The objects of the SUP Act include to:

- a provide for the restriction or prohibition of certain single-use and other plastic products
- b promote and support better waste management practices including the reduction of marine litter
- c promote and support the principles of the waste management hierarchy
- d promote and support the principles of the circular economy.

These objectives are discussed further in the [Turning the tide on single-use plastic products discussion paper and related documents](#).

The SUP Act currently restricts and prohibits the sale, supply or distribution of the following prohibited plastic products:

- a single-use plastic drinking straws
- b single-use plastic cutlery
- c single-use plastic beverage stirrers
- d expanded polystyrene cups

- e expanded polystyrene bowls
- f expanded polystyrene plates
- g expanded polystyrene clamshell containers.

Three of the prohibited plastic products in the legislation are referred to as single-use:

- a a single-use plastic drinking straw
- b single-use plastic cutlery
- c a single-use plastic beverage stirrer.

These products would, for example, typically be supplied for use at takeaway food venues/food courts or provided at gatherings in which there is little opportunity or intention to recover products for reuse.

Assessment of single-use prohibited plastic products

Oxo-degradable plastic products

The SUP Act also prohibits the sale, supply or distribution, as well as the manufacture or production, of oxo-degradable plastic products. The Act defines these as:

oxo-degradable plastic, means a material (however described) made of plastic which includes additives to accelerate the fragmentation of the material into smaller pieces, triggered by ultraviolet radiation or heat exposure, whether or not this is, or may be, followed by partial or complete breakdown of the material by microbial action

The SUP Act provides that the EPA may request certification from a person or business as to whether or not a product contains oxo-degradable plastic.

In accordance with its objectives, the intention of the SUP Act is to restrict and prohibit certain single-use and other plastic products, such as those currently listed in the legislation.

Guided by the principles of the circular economy and the waste management hierarchy, priority is given to avoiding and minimising the generation of waste. The preference is for single-use products to be avoided in the first instance or through the use of reusable items. Where single-use products are required, non-plastic alternatives are available.

There are two important aspects of the definition of 'single-use' in the SUP Act:

- **Designed** – has the product been designed to be used once or for a limited number of times before being disposed of?
- **Intended** – is the product intended to be used once or for a limited number of times before being disposed?

The whole of the circumstances must be considered in deciding whether a product has been 'designed' or 'intended' for single or limited use. The physical properties of the product, however, will be an important consideration.

Assessment of prohibited plastic products in the Single-use Plastics Act

Design and intention assessment

Product	Defining feature	Durability/quality/safety
Plastic drinking straw* **	Made from or comprising plastic	Thickness and safety of the product and whether certification against relevant standards (such as dishwashing, child safety and food safety) has occurred
Plastic cutlery **	Made from or comprising plastic	Thickness and safety of the product and whether certification against relevant standards (such as dishwashing, child safety and food safety) has occurred
Plastic beverage stirrer	Made from or comprising plastic	Thickness, safety of the product and whether, certification against relevant standards (such as dishwashing, child safety and food safety) has occurred

* Regulations are being prepared to enable single-use plastic drinking straws to remain accessible to people with a disability or medical need

** Regulations are being prepared to exempt single-use plastic drinking straws and cutlery attached to another product at the point of manufacture and packaging (eg straws attached to fruit boxes and spoons packaged with yoghurt)

In addition to the physical properties of the product, it may also be relevant, in the circumstances of an individual case, to consider a number of other factors including, but not limited to, the labelling or packaging of the product, whether other components are provided with the product (such as cleaning utensils or where the product is sold as a picnic set or children's cutlery set) and quantity of pack contents with price-point consideration. In addition to the design of the product, consideration will also be given to the intention aspect of the definition in the SUP Act. This will consider how the product is being supplied, for example a beverage or food in a takeaway setting where there are no arrangements for collection and reuse.

Other prohibited plastic products (from 1 March 2022)

Product	Defining feature	Further assessment of design?
Expanded polystyrene cup [†]	Made from expanded polystyrene	No – prohibited
Expanded polystyrene bowl [†]	Made from expanded polystyrene	No – prohibited
Expanded polystyrene plate	Made from expanded polystyrene	No – prohibited
Expanded polystyrene clamshell container	Made from expanded polystyrene	No – prohibited
Oxo-degradable plastic product	May not be evident	Yes – seek certification

[†] Regulations are being prepared to exempt expanded polystyrene cups and bowls that contain pre-packaged 'ready to eat' meals (eg noodle cups)

Disclaimer

This publication is a guide only and is not a substitute for reading the legislation. It seeks to explain, in a helpful and accessible way, some relevant considerations in the assessment of whether a product is a 'single-use' prohibited plastic product. You may wish to seek further information from the EPA itself regarding your possible obligations and, where appropriate, seek your own legal advice.

Further information

Suppliers and distributors of products that might meet the definition of a prohibited plastic product in the SUP Act are able to provide samples of their products to the EPA to undertake an assessment and provide a determination on those products.

Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet

Adelaide Service SA Centre
108 North Terrace
Adelaide SA 5000

Telephone: 13 23 24

Facsimile: (08) 8204 1909

Website: shop.service.sa.gov.au

Email: ServiceSAcustomerservice@sa.gov.au

For general information please contact:

Environment Protection Authority

GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004

Facsimile: (08) 8124 4670

Freecall: 1800 623 445 (country)

Website: <https://www.epa.sa.gov.au>

Email: epainfo@sa.gov.au

Green Industries SA

81–95 Waymouth Street
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Telephone: (08) 8204 2051

SUP Helpline: 1800 844 946

Website: www.greenindustries.sa.gov.au

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