



Department of Environment, Forestry and Fisheries

AMENDMENTS TO THE PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS REGULATIONS OF 2003



environment, forestry
& fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA



BACKGROUND

- The Department of Environment, Forestry, Fisheries and (DEFF) remains the custodian of the policy to manage the natural environment in South Africa.
- This includes the policy on the avoidance and minimization of waste going to the landfill sites
- Challenges with diverting waste from landfills towards re-use, recycling, recovery, and plastics are one of the growing and problematic waste streams that are occupying landfill sites, illegal dumps, rivers and oceans
- Plastics have received global attention, and SA ranked s one of the highest in the mismanagement of plastic waste (Jambeck)
- Plastics sector is one of the industrial development pillars in SA

POLICY TRANSITION

- The major policy intervention to curb the generation of plastic waste was the promulgation of Plastics Regulations in 2000.
- Shared agreement to enter into a Memorandum of Understanding (MOU) to address the challenges associated with plastic waste, particularly from plastic bags.
- The MOU resulted in the development of standards to allow for the recyclability of plastic bags
- The dti compulsory specifications in 2003
- Plastic bag Levy came into existence with an aim to support initiatives for the minimization of plastic waste (2004).

MOTIVATION

- These interventions brought hope to the end of a “war” on plastic waste.
- However, plastics remain one of the popular waste streams found in illegal dumping sites, landfill sites and in the oceans
- This trend indicates that the systems that have been put in place to address the plastic waste problem are not yielding anticipated results.
- The trend further indicates that the industry is not absorbing much of the plastic waste as anticipated through the plastic bags MoU.
- Moreover, there has been numerous incidences reported regarding the growing non-recyclable plastics in the market.

DELIBERATIONS

The review of the implementation and the effectiveness of South Africa's plastic carrier and flat bag policies:

- 2 Theory of Change Workshop
 - 22 February 2019 in Pretoria
 - 7 June 2019 in Cape Town

TOP FIVE POLICY OPTIONS

- Changes in manufacturing material substitution - agree to a code of practice for material substitution, all bags are made from 100% recycle
- Bag taxes on all plastics
- Changing in manufacturing specifications related to bag thickness - agreement on all HDPE shopping bags to be 30 microns
- Retail bag product stewardship initiatives
- In-store limitations on the sale of plastic bags

REVIEW RECOMMENDATIONS

- Do not institute an outright ban - success not demonstrable and promote use of illegal bags
- **Pursue changes in manufacturing material substitution - agree to a code of practice for material substitution, all bags are made from 100% recycle**
- Pursue changing in manufacturing specifications related to bag thickness - agreement on all HDPE shopping bags to be 30 microns
- Institute taxes on all plastics
- Institute in-store limitations on the sale of plastic bags.
- Institute retail bag product stewardship initiatives



AMENDMENTS

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion, after the definition of

"**plastic film** ", of the following definition:

"**post- consumer recyclate**" means material generated by households or by commercial, industrial and institutional facilities in their role as end -users of the product which can no longer be used for its intended purpose. "

AMENDMENTS

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for regulation 2 of the following regulation:

"Prohibition of certain plastic bags

2. (1) The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, other than those which comply with paragraphs 4 and 5 of the Compulsory Specification, is hereby prohibited.

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

AMENDMENTS

2. (3) 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;
- (a) The plastic carrier bags and plastic flat bags must be made from a minimum of 75% post-consumer recyclate by 1 January 2025; and
- (a) The plastic carrier bags and plastic flat bags must be made from a minimum of 100% post-consumer recyclate by 1 January 2027 "

AMENDMENTS

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is hereby amended by the substitution for sub regulation 3(1) of the following sub regulation:

“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.

THANK YOU!

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Thank You



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