

Version
as at 1 July 2023



**Waste Minimisation (Plastic and Related Products)
Regulations 2022**
(SL 2022/69)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 14th day of March 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 23(1)(b) of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with that section.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations is administered by the Ministry for the Environment.

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Regulations

1 Title

These regulations are the Waste Minimisation (Plastic and Related Products) Regulations 2022.

2 Commencement

These regulations come into force on 1 October 2022.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

expanded polystyrene means a lightweight foam that is made by—

- (a) expanding polystyrene using heat and gas or any other means; or
- (b) extruding polystyrene

home compostable means home compostable within the meaning of 1 or both of the following standards:

- (a) AS 5810-2010 Biodegradable plastics—Biodegradable plastics suitable for home composting;
- (b) NF T51-800 Plastics—Specifications for plastics suitable for home composting

plastic means any plastic material that is manufactured from any source (including a bio-based source), whether or not it is designed to degrade in a particular way

plastic cutlery—

- (a) means a product that—
 - (i) contains any plastic; and
 - (ii) is used, or intended for use, as a utensil to eat food; and
- (b) includes forks, spoons, teaspoons, knives, and chopsticks

plastic drink stirrer means a product that—

- (a) is a stick that contains any plastic; and
- (b) is intended for stirring a drink

plastic drinking straw means a drinking straw that contains any plastic

plastic or synthetic cotton bud means a product that is a stem that—

- (a) contains any plastic and has cotton wool wrapped around 1 or both ends;
or
- (b) has any synthetic fibre similar to cotton wool wrapped around 1 or both ends

plastic produce bag—

- (a) means a bag that—
 - (i) contains any plastic; and
 - (ii) is used, or is intended for use, by a person to pack fresh fruit or vegetables and take the fruit or vegetables away from the place at which the fruit and vegetables were packed; but
- (b) does not include a plastic bag that is, or forms an integral part of, the packaging in which goods are sealed before sale

plastic produce label—

- (a) means a product that—
 - (i) contains any plastic; and
 - (ii) is used, or intended for use, as a label to be affixed to fruit or vegetables; and
- (b) includes the adhesive of the label

plastic tableware—

- (a) means a bowl, plate, platter, or tray that is made wholly or predominantly of plastic; but
- (b) does not include a bowl or plate that forms part of a container with a lid

plastic with pro-degradants means plastic that contains additives to accelerate its fragmentation into smaller pieces (for example, oxo-degradable or photodegradable plastic)

PVC food tray or container means a product that—

- (a) is a tray or container that contains any polyvinyl chloride or polyvinylidene dichloride; and
- (b) is used, or is intended for use, as rigid and pre-formed packaging for any product that—
 - (i) is, or contains, meat, fish, poultry, or a substitute for any of those, whether fresh, preserved, or frozen; or
 - (ii) is fresh produce; or
 - (iii) is freshly baked where it is sold by retail

rigid polystyrene means polystyrene other than expanded polystyrene

single-use, for a product, means the product is designed or intended to be used only once or a limited number of times before being disposed of, discarded, or diverted

specified polystyrene packaging for food or drink means a product that—

- (a) contains expanded polystyrene or rigid polystyrene; and
- (b) is used, or is intended for use, as a container or packaging for food or drink that—
 - (i) is supplied for immediate consumption (for example, at a restaurant, cafe, or hospital or from a takeaway outlet or office water cooler); or
 - (ii) only in the case of expanded polystyrene, is otherwise sold by retail (for example, at a supermarket or convenience store); but
- (c) is not a rigid polystyrene lid for a drink

wholesale supplier means a person that sells plastic drinking straws to persons other than end users.

(2) *See* section 5 of the Waste Minimisation Act 2008 for definitions of—

- (a) product, which includes packaging;
- (b) sale, which includes—
 - (i) an offer for sale; and
 - (ii) distribution or delivery, whether or not for valuable consideration.

Regulation 3(1) **home compostable**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **plastic cutlery**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **plastic drinking straw**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **plastic produce bag**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **plastic produce label**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **plastic tableware**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(1) **wholesale supplier**: inserted, on 1 July 2023, by regulation 4(1) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 3(2)(b): replaced, on 1 July 2023, by regulation 4(2) of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Person must not manufacture or sell certain products (generally containing plastic)

- (1) A person must not manufacture or sell any of the following products:
- (a) plastic drink stirrers that are single-use;
 - (b) plastic or synthetic cotton buds that are single-use, unless they are used, or intended for use,—
 - (i) as a medical device (as defined by section 3A of the Medicines Act 1981) that is not sold by retail; or
 - (ii) in a veterinary clinic for diagnosis or sampling; or
 - (iii) in a commercial food laboratory for food sampling; or
 - (iv) in a laboratory for scientific investigation (even if they are first used for field sampling); or
 - (v) as part of any kit or other material to test for any medical or scientific matter, including infection or immunity in an individual or animal, and to produce a result without analysis at a laboratory;
 - (c) any product that contains plastic with pro-degradants;
 - (d) PVC food trays or containers;
 - (e) specified polystyrene packaging for food or drink;
 - (f) plastic cutlery that is single-use;
 - (g) plastic produce bags that are single-use;
 - (h) plastic tableware that is single-use.
- (2) To avoid doubt, where subclause (1) applies to any packaging, it applies whether the packaging is by itself or is being used to package another product.

Regulation 5(1)(f): inserted, on 1 July 2023, by regulation 5 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 5(1)(g): inserted, on 1 July 2023, by regulation 5 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Regulation 5(1)(h): inserted, on 1 July 2023, by regulation 5 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

6 Person must not sell certain other products that contain plastic

A person must not sell any of the following products:

- (a) plastic drinking straws that are single-use, unless regulation 7 applies;
- (b) plastic produce labels, unless they are—
 - (i) home compostable; or
 - (ii) used, or intended for use, only on fruit or vegetables that are intended for export.

Regulation 6: inserted, on 1 July 2023, by regulation 6 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

7 Exemption in relation to sale of single-use plastic drinking straws

- (1) The purpose of this provision is to enable the sale of single-use plastic drinking straws for use by a person who has a health condition or disability that requires them to use a plastic drinking straw to help them to drink.
- (2) A manufacturer or wholesale supplier may sell single-use plastic drinking straws to any 1 or more of the following entities:
 - (a) an exempt entity:
 - (b) a supermarket:
 - (c) a pharmacy:
 - (d) a wholesale supplier.
- (3) An exempt entity, a supermarket, or a pharmacy—
 - (a) may sell single-use plastic drinking straws to a person who requests them; and
 - (b) must not require a person who requests single-use plastic drinking straws to explain or provide evidence that the person has, or is acting on behalf of a person who has, a health condition or disability that requires them to use a plastic drinking straw to help them to drink.
- (4) A pharmacy may also sell single-use plastic drinking straws to an exempt entity.
- (5) However, an exempt entity, a supermarket, or a pharmacy must not display single-use plastic drinking straws for sale.
- (6) In this regulation, **exempt entity** means—
 - (a) a charitable entity as defined in section 4 of the Charities Act 2005:
 - (b) an education entity as defined in section 10(8) of the Education and Training Act 2020:
 - (c) a hospitality business:
 - (d) a health or disability service as defined in section 5 of the Health and Disability Services (Safety) Act 2001:
 - (e) a public service agency as defined in section 10(a) of the Public Service Act 2020:
 - (f) a Crown agent as defined in section 10 of the Crown Entities Act 2004.

Regulation 7: inserted, on 1 July 2023, by regulation 6 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022

Schedule 1 Part 1 heading: replaced, on 1 July 2023, by regulation 7 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

1 Interpretation

In this Part, **Amendment Regulations** means the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022.

Schedule 1 clause 1: inserted, on 1 July 2023, by regulation 7 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

2 Regulations do not apply to plastic produce labels affixed to fruit or vegetables before commencement

Regulation 6(b) (as inserted by regulation 6 of the Amendment Regulations) does not apply to a plastic produce label that is affixed to a fruit or vegetable before the commencement of the Amendment Regulations.

Schedule 1 clause 2: inserted, on 1 July 2023, by regulation 7 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

3 Transition period for the sale of certain plastic drinking straws

(1) This clause applies during the period commencing on 1 July 2023 and ending on 1 January 2026.

(2) Regulation 6(a) (as inserted by regulation 6 of the Amendment Regulations) does not apply to a plastic drinking straw that forms an integral part of the packaging in which goods are sealed before sale.

Schedule 1 clause 3: inserted, on 1 July 2023, by regulation 7 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

4 Transition period for sale of certain plastic produce labels

(1) This clause applies during the period commencing on 1 July 2023 and ending on 1 July 2025.

(2) Regulation 6(b) (as inserted by regulation 6 of the Amendment Regulations) does not apply to plastic produce labels that are used, or intended for use, on imported fruit and vegetables.

(3) A plastic produce label must be treated as home compostable for the purposes of regulation 6(b)(i) (as inserted by regulation 6 of the Amendment Regulations) if all of the produce label except its adhesive is home compostable.

Schedule 1 clause 4: inserted, on 1 July 2023, by regulation 7 of the Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 17 March 2022.

Notes

1 *General*

This is a consolidation of the Waste Minimisation (Plastic and Related Products) Regulations 2022 that incorporates the amendments made to the regulations so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Waste Minimisation (Plastic and Related Products) Amendment Regulations 2022 (SL 2022/312)