Waste Minimisation (Plastic and Related Products) Regulations 2022

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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Schedule 1

Transitional, savings, and related provisions

2022/69
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

   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 drink stirrer means a product that—
   (a) is a stick that contains any plastic; and
   (b) is intended for stirring a drink

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

   PVC food tray or container means a product that—
   (a) is a tray or container that contains any polyvinyl chloride or polyvinylidi-
   dene 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.

(2) See section 5 of the Waste Minimisation Act 2008 for definitions of—
(a) product, which includes packaging:
(b) sale, which includes distribution or delivery, whether or not for valuable consideration.

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.

(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.
Schedule 1

Transitional, savings, and related provisions

Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect. These regulations are the Waste Minimisation (Plastic and Related Products) Regulations 2022. They come into force on 1 October 2022.

The regulations ban the manufacture and sale of certain products, which generally contain plastic. The products are the following (as defined in the regulations):

• plastic drink stirrers that are single-use:
• plastic or synthetic cotton buds that are single-use, with some exceptions:
• any product that contains plastic with pro-degradants:
• PVC food trays or containers:
• specified polystyrene packaging for food or drink.

As defined by the Waste Minimisation Act 2008,—

• product includes packaging (and the ban applies whether the packaging is by itself or is being used to package another product); and
• sale includes distribution or delivery, whether or not for valuable consideration.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 3 June 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of the regulatory impact statement can be found at—

• https://treasury.govt.nz/publications/informationreleases/ris
Issued under the authority of the Legislation Act 2019.
Date of notification in Gazette: 17 March 2022.
These regulations are administered by the Ministry for the Environment.