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ACNC Registered Charity. ABN 33484952023
55 environment NGOs - www.boomerangalliance.org.au

Submission to: Senate Standing Committees on Environment and Communications Inquiry into Greenwashing

We are pleased to provide the following brief comments on combatting greenwash and support the need to include legislative action to help eliminate greenwash in the waste and recycling sector.

1. There have been increasing attempts in the packaging sector to define terms such as “recyclable”, “compostable”, “reusable”, “earthfriendly” or “green”, etc via their own created language, as consumers demand greater environmental responsibility and governments impose bans on single use plastic products and encourage the circular economy. The community places great importance on recycling and is very concerned about plastic pollution.

2. An example of the problem is the ban on lightweight plastic bags with alternative bags a little thicker (>35mcn) than the banned bags highlighting the term “REUSABLE” in large letters that references no objective standard. This deliberately confuses consumers and retailers alike, and the bags will inevitably be littered and wasted to landfill continuing the environmental damage of the banned bags.

Another recent example is aqueous dispersion products claiming to be plastic free (they contain plastics) to avoid government restrictions. These products can pass the home compost standard (AS 5810) due to an allowable threshold for plastics in this standard. Other examples include claiming that a product is wholly compostable when only a part of it has passed the certification.

Further examples are attached.

As governments continue to ban certain single use plastic items, greenwash alternatives continue to proliferate. Boomerang undertakes the national Plastic Free Places program which advises the food service sector (over 1,000 businesses currently) about alternatives (including avoidance) and observes many greenwash attempts by suppliers to sell their products. The use of misleading language, inappropriate “standards” from overseas or no certification at all, are common.

3. To date there have been guidelines from the ACCC and also for example, in Canada (Environmental claims: A guide for industry and advertisers) in 2008. Recent Federal Court judgements against ACCC cases demonstrate the lack of effective and enforceable guidance and there is an urgent need to legislatively define relevant terms and apply this Australia wide. We also note that so called 'eco-straws' are still being promoted to the hospitality sector as biodegradable and compostable, despite the ACCC rejecting such a claim.

4. States such as NSW, Victoria and WA have recently attempted in different ways to define “single use” in an effort to prevent evasion of ban regulation by producers claiming reusability. NSW refers to the “ordinary use” of a bag (ie, carrying purchases) while Victoria requires a 12-month warranty for a reuse claim; and WA has a more detailed approach. The Boomerang Alliance is currently proposing a common standard for bag reusability (see attached) to Environment Ministers. This is just one solution to a growing problem.

5. Another problematic item is the recent rebranding of thin, single use picnic plates as “dishwashable 90 times” while there are other references for the product to not put them in a dishwasher. The plates have not been made to be reusable and do not have any warranties to support this. They will inevitably remain and be seen as single use by consumers.

6. While there are independent Australian standards for “compostable” (AS 5810, 4736), they are not commonly used by all packaging producers. More often, an overseas standard is referred to or a unique in-house specification applied - neither are relevant to Australian conditions or requirements for a circular economy - and lack credibility.

Boomerang Alliance urges the national adoption of Australian standards for reusable and recyclable products in addition to the AS compostable standard. Those standards should ensure that manufacturers have responsibility to design fit-for-purpose products that are recovered in practice and at scale. Without these standards, manufacturers can continue to make false claims; retailers can continue to sell these products; and consumers will continue to be misled about the environmental credentials of the products they buy.

7. Solutions that could be embodied in national legislation include – references to existing Australian standards; a decision jointly by Environment Ministers on a detailed standard; and the meaning of key words.

Jeff Angel
Director
June 2023

Boomerang Alliance Position on proposed Reusable Shopping Bag Standard for Australia

A reusable bag must be designed, manufactured, and used to be able to complete *a minimum number of* multiple uses or trips for the same primary purpose, i.e., carrying shopping from a retail store. This is essential to prevent fake ‘reusable’ claims by bag producers and to maximise environmental gains and financial benefits to consumers.

A Reusable Shopping Bag Standard should be introduced and nationally in practice by 2024, applied to all retailers and retail bag producers and sellers; and required through government regulation (not a voluntary code or pact) with appropriate penalties to enforce compliance and prevent false advertising. Only reusable bags (with some exceptions) would be allowed to be supplied by retailers.

1. Key Principles

- Multiple use
- Designed as a reusable product
- Minimum recycled content
- Priced to support multiple use practice
- Collected for recycling at end of life

To be marketed and labelled as reusable, the bag must be designed, manufactured, and tested against multiple use criteria.

1. Multiple use criteria means it can complete a minimum 125 shopping cycles. We have proposed these, based upon a Californian reusable bag standard SB 270 (that is also adapted for use in the EU) which includes these qualities:

Multiple trips means at least 125 cycles, carrying 22lbs (10kgs) over 175ft (53.3 metres). Bags made of plastic should be at least 2.25 mls thick (63.5microns).

Noting that, in the EU many reusable bags are often made to be a thicker 4 mls (100 microns). Such a thickness is more aligned with durability and multiple use.

2. It is imperative that any reusable bags are perceived by consumers to be reusable. That is, they should be manufactured and designed to be well-made and durable and have a credible certification.

The 125 shopping cycles criteria means that, if a bag is used for a weekly shop, it should be capable of being used for over 2 years.

2. Key Components for Reusability

- Independently tested and certified against a 125 shopping cycles requirement
- Strong, durable, fit for purpose construction with separate, industrially stitched handles
- A minimum thickness above 70 microns (we recommend 100 microns)
- Not contain any hazardous or harmful components that would inhibit recycling
- Have a minimum 80% recycled content, increasing to 100% where possible
- With a minimum price to encourage multiple use. We recommend a minimum \$2
- Labelled as reusable and feature an unambiguous and verifiable Reusable Shopping bag logo

3. Built-in Improvement for the Standard

We recommend the potential inclusion of other materials (such as paper or fabric) and better materials (based on sustainability criteria e.g., energy/emissions, water etc) to improve the standard in the future. This would also allow for the inclusion of new and more sustainable materials and designs as they become available.

4. Availability and end of life

- A reusable bag should be available for purchase at retail outlets
- Any profits to be donated to community groups involved in litter collection and plastic reduction activities
- Retailers should have the flexibility to increase and vary prices above the minimum and offer other incentives and communications that encourage reuse
- When at the end of its useful life or when damaged, collection services must be available at retail spaces for recovery and recycling

5. Exemptions

In circumstances where consumers do not have a bag and refuse a reusable bag, paper bags could be sold. This may also be an option for department stores or other non-food retailers. Takeaway food and drink outlets could supply paper bags to their customers.

6. Testing

Once a standard is set, an independent testing provider(s) needs to be identified. Manufacturers and suppliers who supply bags to retail will need to arrange for their products to be tested and certified as reusable against the Standard. Only bags that have passed the test can be considered reusable and labelled accordingly.

July 2022

Greenwashing Examples

Misleading claims on non-plastic so called "plastic free" items

1. **Pinnacle Packaging - [Truly Eco Cups](#)** Aqueous coating inside cup which contains a polymer (plastic) yet claiming "plastic free".

NOTE: has changed this packaging so that it does not say "plastic free" since being taken to [court over misleading claims](#). 'Plastic Free' claims are currently not regulated.



2. **Little Green Panda - [Sugarcane straw](#)** claiming plastic free but not allowed to be sold in states that have banned plastic / bioplastic straws e.g. SA, WA, NSW, VIC & ACT. Their own website states they are plastic free (no plastic or compostable plastic) yet scroll a little further and it says that the product can't be sold in certain states, the reason they give is the states don't accept the compost certifications. The truth is the states have banned plastic / bioplastic straws and it doesn't matter if they have a certification or not, if they contain any plastic / bioplastic they are banned.



We recycle unused sugarcane, which would have otherwise been discarded, and turn it into eco-friendly straws that will decompose in food waste bins within a few weeks.

Available in three widths - 6mm, 8mm and 12mm and two lengths - 130mm & 210mm.

- Strong - never soggy
- PLA-Free (no plastic or compostable plastic)
- Reusable and dishwasher friendly (if need be)
- FDA Approved
- Certified home compostable and commercially compostable
- Gluten-free
- Taste-free
- Dishwasher Friendly Certified (100 cycles)

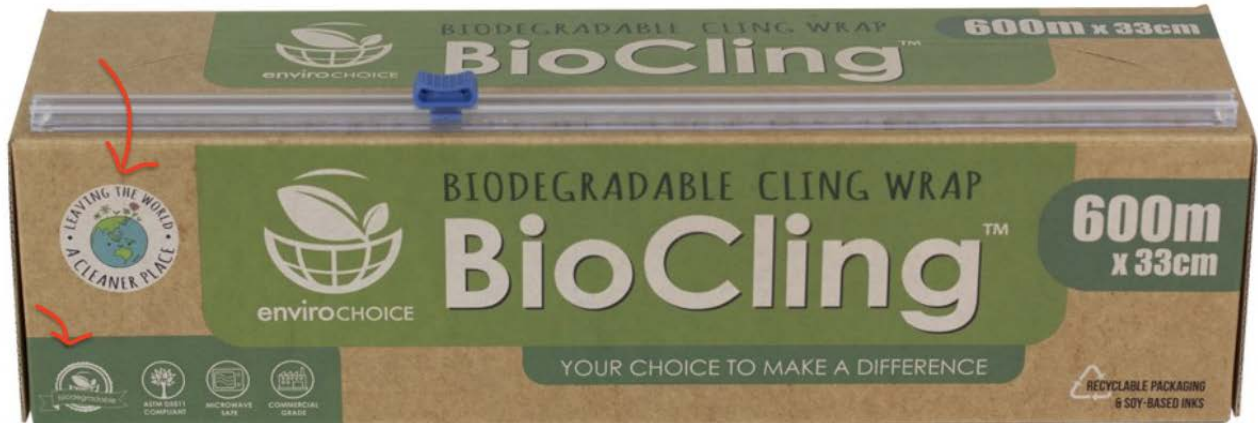
Images which appear to be trustmarks

1. [Approved by RC](#) trustmark - in this case on a cup by Compostable Alternatives. **RC approval is not an official certification scheme.**



2. Envirochoice (FPA Packaging) - [Biocling cling wrap](#)

The term 'biodegradable' does not mean that an item is certified compostable. Envirochoice is a brand name, not a certification program.



3. [Bygreen oxo-biodegradable eco straw](#)

The term 'eco' is not regulated, the oxo-degradable symbol does not belong to an external certification program. These straws contain traditional fossil fuel based plastics and are banned in states who have introduced plastic / bioplastic straw bans.



4. O'Kelly Group Shamrock Zirro Range

Environmental Benefits of Zirro Sugarcane Packaging:



Sugarcane is not accepted in all municipal recycling bins, particularly not when soiled. These symbols do not represent any external certification schemes.

Home compostability is only proven via external certification programs, e.g. Australian compost certifications.

Biodegradability: some plastics contain additives that make them “biodegrade” into microplastics faster – ie biodegradability does not mean ‘certified compostable’

5. 6Vivo Packaging - Coffee Pouch



Compost certification by a third party is required to verify compostability. E.g. Australian home compost or Industrial compost certification.

6. The Paper Cup Company - TruBio



- While technically 'recyclable', the vast majority of single use cups end up in landfill. Just because something says 'recyclable', this does not mean it will in fact be recycled.
- Home and industrial compostability: need to be verified via an external / third party certification program. Compost claims do not mean anything if the product is not certified. Importantly, certification is required on the end product which may have added glues, inks etc., not on the base material. See more about this below.

8. [Zammit Promotional Products - Compostable Me](#)



Misunderstanding and lack of clear labelling around 'biodegradable' and 'compostable' packaging

Terms are used interchangeably, when “certified compostables” require independent tests that will certify a product will break down in a certain time frame under certain conditions and biodegradable does not.

1. [Miss Biscuit](#) - Biodegradable Bags

Store > Store > Packaging > [Food Grade Cookie Bags](#)



Biodegradable Food Grade Clear Non Reseal Cookie Bags - 75mm 145mm (Pack 100)

\$11.95

ADD TO BAG

ADD TO WISHLIST

[About](#) [Specs](#) [Reviews \(0\)](#) [Postage](#)

High quality food grade clear cookie bags

23 microns thick

Can be industrially composted (where the infrastructure exists) and meet all international standards compostability.

These bags are suitable for home composting and will typically bio-degrade in just a few weeks in a home compost bin, depending on the conditions.

2. BuyEcoGreen - [Biodegradable Cellophane Bags](#)

BIODEGRADABLE CELLOPHANE BAGS

Cellophane bags are viable alternatives to the dreaded plastic bag. More than 500 billion plastic bags are used around the world each year, mostly once only, and then discarded in landfill or litter.

Cellophane is derived from cellulose, usually from wood, but can also be produced from cotton or hemp. Cellulose is biodegradable. Cellophane is widely used in food packaging. You can tear it by hand, unlike plastic.

Product Compare (0)



Lack of clear labelling on Australian Certified Packaging

1. [Greenpark Australian Certified Compostable Coffee Cup](#) - actual cup shows no reference to it being Australian Certified. Some cups in Australia are certified compostable (ie a positive!) but they don't state this; whereas others are not certified compostable but they carry their own "compostable" or "eco" or "biodegradable" trademark without third party verification.



2. [GreenTrail Cup by HOST](#) display the 'seedling' compostable logo which could represent Australian compost certification or European but show no reference number with is ((which is prohibited by [ABA](#), but not well monitored). Their manufacturer holds an Australian Compost Certification but they will not clearly label this to avoid giving away manufacturer details. To the purchaser, it is unclear if this product is industrial or home compostable and under which program it may be certified. Does it go into home compost, landfill, industrial compost, green bin?

GREENTRAIL
Protect. Sustain. Conserve.

100% COMPOSTABLE - THE WAY OF THE FUTURE
All Greentrail products, from cups to the lids to the Packaging, are 100% compostable. It's time to make the change and consider the trail we leave behind.

EXCLUSIVE to HOST

WHITE COMPOSTABLE SINGLE WALL CUPS

ITEM	DESCRIPTION	QTY	PRICE
50953	235ml (8oz) Cup	1000 Per Ctn	115.00
50954	355ml (12oz) Cup	1000 Per Ctn	125.00
50955	473ml (16oz) Cup	1000 Per Ctn	135.00

BLUE COMPOSTABLE SINGLE WALL CUPS

ITEM	DESCRIPTION	QTY	PRICE
50956	235ml (8oz) Cup	1000 Per Ctn	115.00
50957	355ml (12oz) Cup	1000 Per Ctn	125.00
50958	473ml (16oz) Cup	1000 Per Ctn	135.00

LID TO SUIT

ITEM 50959
Suits 8, 12 & 16oz
1000 Per Ctn

\$99 PER CTN


CALL 1300 886 860

We have certifications being used on complex packaging-when certification only applies to a part of the end product

1. [EcoBarista](#) for example hold compost certifications on elements of their products (certificate in the manufacturer name) but not on finished items yet claim they are certified to Australian Standards (you can only make such a claim if the entire product is certified). Also, use of Australian Certification logos without a reference number (which is prohibited by [ABA](#), but not well monitored)


we are certified

If you're going to trust us with your packaging, you'll want to know that we take what we do seriously and that our processes are by the book.




Carbon Neutral

Our mission at EcoBarista is to achieve carbon neutrality for all our coffee packaging. Through a partnership with Carbon Neutral Pty Ltd, we offset our emissions to ensure our products have minimal impact on the environment. We can assure you that as we grow we will continue to strive for net zero emissions



Home Compostable

EcoBarista is proud to offer a highly anticipated home compostable coffee bag, made with rapidly renewable materials. Home composting occurs at a much lower temperature and over a longer time than industrial composting. Everything that goes into making our compostable coffee bag range (besides the removable valve) will break down and decompose into organic soil.



Commercial Compostable

Made from plants, our cups & compostable coffee bag range maintain the Australian standard (AS4736-ABAP) for commercial (industrial) composting. Lined with plant based bioplastic, ensures our cups & coffee bags compost and re-grow after use.

There are also examples where the consumer is expected to remove the seal, value or plastic window before composting yet the brand still claim it is compostable.

1. EcoBarista need to remove value - <https://www.ecobarista.com.au/blog/how-to-compost-your-compostable-coffee-bag>
2. Detpak claim this catering box is compostable but it has a PE (fossil fuel based plastic) window that must be removed prior to composting - this is also not clear on the product <https://www.detpak.com/detpak/cartons--trays/window-patisserie-range/k506s0001/>

Australian Recycling Label

The ARL is based on population accessibility. I.e. if 80% of a package is technically recyclable then it is marked as recyclable even though the other 20% may have no access.

Further, just because a technically recyclable item is put in a recycling bin does not mean it gets recycled.

The ARL is a step forward but can be misleading as it infers that if a package is put in the right bin then it is recycled. The measure should not be recyclability but recycled (in practice).

In Australia, currently only 16-18% of plastic packaging in Australia gets recycled.