



## **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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## 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 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.
- (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

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#### 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://environment.govt.nz/what-government-is-doing/cabinet-papers/phasing-out-specific-hard-to-recycle-plastics-and-single-use-plastic-items/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the Ministry for the Environment.

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