

Guideline for assessing prohibited single-use plastic products (bowls and plates) under the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*

Issued August 2023

EPA 1145/23: This guideline has been prepared to provide assistance with understanding the definition of 'single-use' prohibited plastic products (bowls and plates) in South Australia's [Single-use and Other Plastic Products \(Waste Avoidance\) Act 2020](#) (SUP Act).

Introduction

Guidance on the Environment Protection Authority's (EPA) assessment of 'single-use' plates and bowls is provided to assist retail and food and hospitality businesses, suppliers, distributors, manufacturers and the community to comply with the legislation.

Context

The Objects of the SUP Act (Part 1 Section 5) are:

- a provide for the restriction or prohibition of certain single-use and other plastic products
- b promote and support better waste management practices including the reduction of marine litter
- c promote and support the principles of the waste management hierarchy
- d promote and support the principles of the circular economy.

Section 7 of the SUP Act restricts and prohibits the manufacture, production, distribution, sale and supply of certain single-use and other plastic products. It came into effect from 1 March 2021. This guideline relates to regulation 3A of the [Single-use and Other Plastic Products \(Waste Avoidance\) \(Prohibited Plastic Products\) Amendment Regulations 2023](#) (the Regulations).

See the [full list of products banned](#) under the SUP Act.

In the SUP Act (Part 1 Section 3) Interpretation:

plastic means a material made from, or comprising, organic polymers, whether plant extracts or of fossil fuel origin.

single-use, in relation to a product, means a product designed or intended to be used once or for a limited number of times before being disposed of.

Takeaway venues

Any single-use product prohibited by the SUP Act must not be supplied at a takeaway venue, regardless of design characteristics. Any such product provided at a takeaway venue will be defined as single-use by an Authorised Officer due to its intent (see legislated definition below).

Assessment of single-use prohibited plastic products

Currently there is no one standard available nationally or internationally that is applicable to determining if a plastic product is single-use. EPA Authorised Officers must consider the circumstances of a product being sold or supplied, and undertake assessments to make a determination as to whether a listed plastic product is prohibited under the SUP Act.

There are two aspects of the definition of 'single-use' in the SUP Act that must be considered in determining if an item is prohibited:

- Design – has the product been designed to be used once or for a limited number of times before being disposed of?
- Intent – is the product intended to be used once or for a limited number of times before being disposed of?

In assessing a product, an Authorised Officer must be satisfied that criteria for both aspects, 'design' and 'intent', have been met.

Assessment criteria for single-use plastic bowls and plates

In assessing whether a plastic bowl or plate should be prohibited at a retail outlet, Authorised Officers will consider each individual case using the following criteria.

Design

- Does the **strength/rigidity** of the item indicate that it is designed to be used once or for a limited number of times before being disposed of?
 - when an Authorised Officer applies reasonable force to bend the item, does the *item break, tear or separate*?
- Does the **durability** of the item indicate that it is designed to be used once or a limited number of times before being disposed of?
 - when an Authorised Officer applies reasonable force, can the item be torn? Does the item **fail to return to its usable state** with or without assistance?
- Does the **durability** of the item indicate that it is designed to be used once or a limited number of times before being disposed of?
 - simulating an ordinary use setting such as transporting, packing or stacking, when an Authorised Officer applies reasonable pressure to the item does the item **appear worn or structurally compromised**?

Intent

- Does the **price** of the product indicate that it is intended to be used once or a limited number of times before being disposed of?
 - is the recommended retail **sale price** less than \$0.50 per individual item?
- Does the **labelling** of the product indicate that it is intended to be used once or for a limited number of times before being disposed of?
 - does the labelling **fail to demonstrate**, through supported evidence, intention for reuse of the product?
- Does the **marketing** of the product indicate that it is intended to be used once or a limited number of times before being disposed of?

- does the marketing **fail to demonstrate**, through supported evidence, intention for reuse? For example, location of item in store with other disposable similar items such as party ware and advertising (such as shelf placement, catalogues/pamphlets). Research will include online marketing for the same product.

Exemptions

According to section 16 of the SUP Act, the [Regulations](#) have been made to enable the sale, supply or distribution of single-use plastic bowls when it is not to a member of the public and is for medical, scientific, law enforcement or forensic purposes. Under section 3(2) of the Regulations the exemption also applies to single-use plastic bowls designed or intended to have a spill-proof lid or bowls that form part of the packaging of a relevant food or beverage product, or before 1 November 2024, a paper or cardboard bowl lined or coated with plastic.

Assessment process

To ensure consistent assessment and rigour is applied to the decision-making process, an initial assessment using the above criteria will be undertaken by an Authorised Officer with a second peer assessment undertaken by another Authorised Officer. If a decision cannot be made about an item, it will be submitted to an EPA executive member for a final assessment and decision.

If a product is determined as prohibited, the EPA will communicate with the retail outlet and/or supplier to inform them of the decision and discuss next steps to remove the product.

Full list of prohibited products

The SUP Act restricts and prohibits the sale, supply or distribution of the following products:

- From 1 September 2023:
 - plastic stemmed cotton buds
 - plastic pizza savers
 - single use plastic bowl
 - single use plastic plate.
- From 1 March 2022:
 - expanded polystyrene cups, bowls, plates and clamshell containers
 - oxo-degradable plastic products.
- From 1 March 2021:
 - single use plastic drinking straw
 - single use plastic cutlery
 - single use beverage stirrer.

There is also a [guideline for assessing prohibited plastic cutlery](#) under the SUP Act.

Beyond September 2023, the South Australian Government will prohibit further single-use plastic products within the SUP Act's definition of prohibited plastic products. Further information can be found at <https://www.replacethewaste.sa.gov.au/>.

This guideline will be updated as necessary when and if additional products are included.

Disclaimer

This publication is a guide only and is not a substitute for reading the legislation. It seeks to explain, in a helpful and accessible way, some relevant considerations in the assessment of whether a product is a prohibited single-use plastic product. You may wish to seek further information from the EPA itself regarding your possible obligations and, where appropriate, seek your own legal advice.

Further information

The [Replace the Waste](#) website is available for information regarding the development of the legislation and provides supporting advice and resources to provide alternative products.

Future prohibitions are also listed on this website.

Retailers, suppliers and distributors of products that might meet the definition of a prohibited plastic product in the SUP Act are able to provide samples of their products to the EPA to undertake an assessment and provide a determination on those products.

Legislation

[Online legislation](#) is freely available.

General information

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