

Plastic single-use cotton buds and plastic single-use bowls exemption 2022
Plastic Reduction and Circular Economy Act 2021

Notice granting an exemption under section 61

I, Tony Chappel, Chief Executive Officer, on behalf of the Environment Protection Authority, grant the following exemptions from section 9(1) of the *Plastic Reduction and Circular Economy Act 2021* for the supply of plastic single-use cotton buds and plastic single-use bowls, under section 61 of the Act:

1. Exemption for the supply of plastic single-use cotton buds and plastic single-use bowls – not sold to members of the public

A person is exempt from section 9(1) of the Act for the supply of plastic single-use cotton buds, or plastic single-use ***bowls***, if the items supplied are:

- (a) not sold, or available for sale, to members of the public;
- (b) supplied to a person who uses the items for ***medical, scientific*** or ***forensic*** purposes, or to enable the supply to a person who uses the items for ***medical, scientific*** or ***forensic*** purposes; and
- (c) for plastic single-use ***bowls***—not supplied for serving food or beverages to people.

The following conditions apply to this exemption:

- (1) A manufacturer, producer or wholesaler who supplies plastic single-use cotton buds, or plastic single-use ***bowls***, must undertake due diligence to ensure that supply will meet clause 1.

2. Exemption for the supply of plastic single-use cotton buds – first aid kit or testing kit

A person is exempt from section 9(1) of the Act for the supply of plastic single-use cotton buds that are supplied as part of a first aid kit or a kit used for ***medical, scientific*** or ***forensic*** testing.

Definitions

- (1) In this notice:

Act means *Plastic Reduction and Circular Economy Act 2021*.

bowl has the same meaning as in section 3 of Schedule 1 to the Act, but also excludes an ***expanded polystyrene food service item***.

expanded polystyrene food service item has the same meaning as in section 4 of Schedule 1 to the Act.

forensic includes, but is not limited to, matters relating to law enforcement.

medical includes, but is not limited to, matters relating to veterinary medicine, but excludes cleaning ears and cosmetic purposes.

Examples of use for *medical* purposes in this Notice:

- (a) Use of plastic single-use cotton buds at medical, dental or care facilities for clinical care, management or treatment of patients or care residents.
- (b) Use of plastic single-use **bowls** at medical facilities or veterinary practices to control or prevent infection, such as in surgery or where animals are in isolation.

scientific includes, but is not limited to, matters relating to testing or analysis conducted in a laboratory accredited by the National Association of Testing Authorities.

- (2) Words and expressions in this notice have the same meaning as in the Act, unless otherwise defined.
- (3) To avoid doubt, there is no limit on the number of plastic items that can be supplied under the clauses in this notice.
- (4) Notes do not form part of this exemption.

When this exemption commences

This exemption commences on 1 November 2022. The EPA intends to review this exemption in two years from the date of commencement, but retains its discretion to review it at any time. The EPA may vary or revoke this exemption by a further notice published in the NSW Government Gazette at any time.

Note: During the two years after the date of commencement, the EPA suggests suppliers consider actively monitoring for suitable alternatives, trialling potential alternatives and transitioning to suitable reusable or sustainable alternatives.

Power under which this exemption is made

This exemption is granted under section 61 of the Act.



Tony Chappel
Chief Executive Officer
Environment Protection Authority

Date: 6 September 2022