

## CTPA Response to HM Treasury's Consultation on Single-Use Plastics

### Background to the CTPA Response

#### Regulatory Framework

[CTPA, the Cosmetic, Toiletry and Perfumery Association](#), is the trade association representing the UK's cosmetics industry. Membership covers 80 - 85% of the UK cosmetics market by value.

In the UK and across the EU the manufacture and supply of cosmetic products is governed by the EU Cosmetic Products Regulation (EU No. 1223/2009) and its amendments [1], hereafter referred to as the Cosmetics Regulation. This Regulation and its amendments are directly applicable in all 28 EU Member States and EEA countries. The Cosmetics Regulation stipulates the requirements for labelling, safety assessment, product notification, good manufacturing practice (GMP) and ingredients for cosmetic products. The primary objective of the Cosmetics Regulation is maintaining a high level of human safety, and each cosmetic product must be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market. The Responsible Person is responsible for ensuring compliance with all aspects of the Cosmetics Regulation.

The Cosmetics Regulation is enforced in the UK via the UK Cosmetic Products Enforcement Regulations 2013 [2] which specifies the role of the authorities, the penalties and the enforcement process. The Competent Authority for implementing the Cosmetics Regulation in the UK is the Department for Business, Energy and Industrial Strategy (BEIS) and enforcement in the UK is carried out by Trading Standards.

A cosmetic product is clearly defined in the Cosmetics Regulation [1] as:

*"a substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours."*

The Recitals to the Cosmetics Regulation [1] also provide an indicative list of products that may fall within the scope of this definition:

*"Cosmetic products may include creams, emulsions, lotions, gels and oils for the skin, face masks, tinted bases (liquids, pastes, powders), make-up powders, after-bath powders, hygienic powders, toilet soaps, deodorant soaps, perfumes, toilet waters and eau de Cologne, bath and shower preparations (salts, foams, oils, gels), depilatories, deodorants and anti-perspirants, hair colorants, products for waving, straightening and fixing hair, hair-setting products, hair-cleansing products (lotions, powders, shampoos), hair-conditioning products (lotions, creams, oils), hairdressing products (lotions, lacquers, brilliantines), shaving products (creams, foams, lotions), make-up and products removing make-up, products intended for application to the lips, products for care of the teeth and the mouth, products for nail care and make-up, products for external intimate hygiene, sunbathing products, products for tanning without sun, skin-whitening products and anti-wrinkle products."*

#### Market Value

The UK cosmetics market was worth £9.7 billion at retail sales price in 2017 [3] and was the third largest cosmetics market in the EU [4].

The UK cosmetics industry employs 200,000 people. There are at least 320 cosmetic producers in the UK; many of these are small and medium-sized enterprises (SMEs). The UK has the fourth largest concentration of cosmetics SMEs in the EU. Every 10 workers employed by the industry will support two jobs in the value chain, such as professionals using cosmetics, beauticians, hairdressers and stylists [5].

### **The Importance of Cosmetic Products to Everyday Life**

CTPA has commissioned several pieces of work between 2004 and 2013 in order to determine if and how cosmetic products contribute to consumers' well-being.

CTPA has conducted research into the significance of self-esteem for society, which reveals the need for us to recognise the crucial role that self-esteem plays throughout our lives, as well as the positive benefits that our industry can have on self-esteem. A report, "Me, Myself and Work", commissioned from think-tank The Work Foundation, revealed that self-esteem is the key driver of growth and productivity in the UK workplace [6].

A YouGov survey [7] carried out on behalf of the CTPA (between 5-8 April 2013 on a sample of 2,069 adults in the UK, aged 18+, weighted to be representative of the adult population) investigated how people rate their self-esteem and the different factors that affect this. Feeling confident about one's appearance rated as the most important factor for building up self-esteem, above having a large group of friends, being financially successful and having a supportive family.

- Three quarters (74%) of female respondents and almost half (49%) of men described cosmetics and toiletries as important to them for building their self-esteem.
- When asked which products were valued the most for building up self-esteem, deodorants and oral care products were rated most important by both sexes, followed by moisturiser and hair products.
- A third of female respondents reported that they would find it really hard to live without foundation or concealer, while one in four men valued aftershave for giving them that little, but important, lift in confidence.
- 88% of all respondents (and 96% of women) said they would find it hard to live without cosmetics and toiletries.

Similar results were seen across Europe in research conducted by Cosmetics Europe, the European Personal Care Association. 'Consumer Insights 2017' [8] was based on an online survey of 4116 consumers in April 2017 across ten EU Member States (Bulgaria, Denmark, France, Germany, Italy, Netherlands, Poland, Sweden and UK). The report shows that cosmetics and personal care products play an important role in building self-esteem and enhancing social interactions every day, with 80% of consumers identifying cosmetics and personal care products as important or very important in building up self-esteem.

500 million people across the EU use cosmetic products each day, adding to their personal self-esteem and thereby contributing positively to growth and productivity as well as to society as a whole.

## CTPA Response to the Call For Evidence

### The definition of single-use plastics

#### 1. How should the government define single-use plastics, and what items should be included and excluded, and why?

The definition of 'single-use plastic' is of critical importance.

'Plastic' must be defined in a scientifically robust manner. Recent UK legislation has banned plastic microbeads in certain cosmetic products. That legislation, Statutory Instrument 2017 No. 1312, [9] defined 'plastic' as follows:

*'plastic' means a synthetic polymeric substance that can be moulded, extruded or physically manipulated into various solid forms and that retains its final manufactured shape during use in its intended applications.*

In this response, CTPA has assumed the same definition of plastic would be used.

The definition of 'single-use' must also be clear, must not cause confusion and must not be expanded to all plastics in general.

The EU Commission has compiled a factsheet on 'A European strategy for plastics' [10] and has defined Single -Use Plastics as:

*'Single-use plastic items that are usually thrown away after one brief use. They are rarely recycled and are prone to end up as litter in the natural environment.'*

CTPA has therefore adopted this concept and defines 'single-use' as follows for the purposes of this consultation response:

*'Single-use' means an item intended for a sole consumer operation and made use of briefly only once before disposal.*

For instance, a plastic drinking straw or item of cutlery is used once before being discarded in exactly the same way as a plastic component in a motor car is used for a single purpose before being discarded. However, because the lifespan of the car is much greater than that of the straw or plastic fork, the item is made use of many times. Thus, it is the view of CTPA that 'single-use' should be defined such that it reflects the number of times the item may be *made use of* during its lifespan rather than whether the item performs a single function throughout its lifespan. A useful defining concept appears to be whether the item is intended to be used for a single or for multiple 'consumer operations'. Anything that can be closed (resealed) to keep for another use or is not completely consumed during one use is not to be considered as 'single-use'. Accordingly it is rare for a cosmetic product to be classed as 'single-use'. Therefore for the cosmetics industry a shower gel or shampoo for example in a plastic container that is re-sealed and used on subsequent days is not single use.

The Cosmetics Regulation does allow for the concept of single-use products, therefore by definition it cannot be assumed that all cosmetic products are classed as single-use. Cosmetic products have a minimum durability. If products do not last for 30 months they are labelled with a 'best before end' date. 'Best before' dating is not common as most cosmetic products are formulated to ensure they have a long shelf life - well over 30 months. For products with a shelf life of at least 30 months, they may be labelled with an 'open jar' symbol – known as the 'period after opening' (PAO). The PAO is not an expiry date, it is an indication to the user that once opened the product will not deteriorate to cause harm to human health within that time period. However, the Cosmetics Regulation states that the PAO requirement should not apply where the concept of the durability after opening is not relevant, that is to say for single-use products, products not at risk of deterioration or products which do not open.

## Assessing single-use plastics

### 2. What are the most important problems associated with single-use plastics, and why?

Plastic is a useful material which confers many benefits when used as packaging, as component parts of packaging or as items to be used in association with the product. In the case of cosmetic products, the primary container may be made of plastic but, as explained above, unless this is a single-dose delivery container it would not be considered 'single-use plastic'. In the same way, the use of plastic for the lid of a glass jar or the use of plastic for a brush or applicator would not be 'single-use' if intended to be used multiple times before being disposed of.

It is important to remember the purpose of packaging. The main aim for packaging is to protect its contents from spoiling, so protecting the consumer, and to enable the consumer to safely store and use the product over time. It must be strong enough to:

- withstand transport and storage;
- fit on shelves in supermarkets or other retailers;
- look attractive to the people who might buy it; and
- stay looking good and be serviceable throughout its life, which for cosmetics may be several months or even years.

Cosmetic packaging must also be labelled with specific legally required information, including a list of ingredients and, where necessary, how to use the product safely.

By law, packaging must also be able to be recovered, which includes recycling, and manufacturers must pay for this. The EU Directive on Packaging and Packaging Waste [11] requires packaging to be minimised and not to contain any hazardous materials which affect recovery, and sets steadily increasing targets for the amount of packaging to be recovered and recycled.

CTPA helps member companies to understand their responsibilities and, in the early implementation phase of the Packaging and Packaging Waste Directive, worked with packaging specialists, Trading Standards and organisations such as INCPEN, EUROOPEN, the Packaging Federation, Valpak, WRAP etc. to ensure that the role of cosmetic packaging was understood and that companies were able to

set-up the relevant data capture processes in order to comply and register with waste recycling schemes in the UK and elsewhere through Europe.

In practice, 'single-use plastic' is a rare part of the cosmetics industry and its products. However, such items do exist and examples would be single-dose shampoo sachets if made of plastic, cleansing wipes if the wipe itself is made with a content of plastic fibres, wrapping film used in transportation of products or the containers for products such as hair dyes that are intended to be used in a single application as well as any single-use ancillary items such as mixing spatulas or protective gloves. The issues they potentially present would appear to be the same as those presented by single-use plastic in any other area: if there is failure to capture the plastic immediately after use, then there is the potential for littering. However, we are not aware that this is the case for any single-use cosmetic product.

Cosmetic and personal care products are generally used in the bathroom and/or bedroom and tend to be disposed of in household waste (waste bins or recycling). Therefore such packaging is not usually associated with littering. However, CTPA is aware that recycling from the bathroom is less frequent than from the kitchen, for example. A campaign to improve consumer recycling and responsible disposal of waste from the bathroom (such as not flushing it down the toilet) would be welcomed, and CTPA and its members would be willing to help in creating and promoting any such campaign.

The vast majority of plastic packaging used in cosmetic and personal care products is **not** single-use. Such packaging is also generally readily recyclable, if the correct infrastructure is in place.

**•Which polymer types are particularly problematic?**

WRAP (Waste & Resources Action Programme) [12] has carried out work which suggests that PVC, plastics with degradability additives and some black plastics which prove difficult to be identified and separated in waste management facilities are the most difficult plastics to recycle. The presence of these in the mixed plastic results in a lower grade of recycled material containing black or brown flecks.

**•Which items are particularly problematic?**

Considering cosmetics and personal care products, CTPA foresees possible issues with multi-laminate materials such as sachets and wipes (depending on composition i.e. only if they contain plastic fibres). Wipes are not generally recycled, owing to hygiene reasons, and although wipes are not cosmetic products they are closely associated with cosmetic use. Please note that there are already campaigns, such as the 'flushability' campaign from EDANA, the International Association for Nonwoven Products [13] to promote correct disposal of wipes and guidance to Industry on 'Do not flush' labelling

**3. Are there more environmentally friendly alternatives, currently available or possible in the future, to these types of single-use plastic items or their manufacturing processes, and can they still offer similar benefits?**

This will be dependent on the use of the product, the content of the product and its performance. Individual manufacturers will need to ensure their packaging is chosen appropriately.

In the case of hair dyes for example, the sale of multi-dose containers to professional salons already takes place but this format would not be appropriate for home consumer use. The supply of the correct grade of single-use protective gloves is an important safety measure both to prevent staining of the hands and to minimise the risk of adverse skin reactions.

**•Should the government encourage biodegradability in plastics, and if so, how?**

Advancements in plastics and their degradation are to be encouraged but what the material degrades to, how long this takes, the environmental safety of any resultant material, the conditions required for such biodegradability and the impact that this material may have in current recycling infrastructure all need to be considered. For example, degradation in a marine environment may not necessarily provide a solution and may even be considered worse than correct disposal in landfill.

It is important that consumers understand that biodegradable plastics are not plastics that can be discarded/littered: it remains essential to include correct information on disposal after use on packaging.

**4. Are there single-use plastic items that are deemed essential by their nature or application, which cannot be substituted or avoided?**

We would consider the packaging of hair dyes, their gloves and applicators are essential owing to the oxidative nature of the products and their once-only application.

Some people with certain medical conditions rely heavily on wipes as they have an essential role in maintaining hygiene, particularly where mobility is reduced or if the body's normal defence mechanisms are compromised.

Amenity products are often single-use products provided in hotels and leisure facilities for convenience, and also where travelling with liquids has security implications. If there are any single-use amenity products for use in the shower/bath, these could not be replaced with glass for reasons of safety, as mentioned above; and sachets, owing to the complexity of lamination, could not foreseeably be replaced by another material.

## The life cycle of single-use plastics

**5. What factors influence the choice of polymer, or combination of polymers, in the production of single-use items?**

It must be remembered that although all plastics are polymers, not all polymers are plastic: for example starch and DNA are non-plastic polymers. However, when considering what plastic material to use, the following considerations will be given for cosmetic products:

- compatibility with the product;
- functionality of the material;
- protection of the product;
- regulatory compliance;

- consumer expectation and use habits;
- cost of materials; and
- minimum order quantities.

**•Can you provide data on the production and use of single-use plastic items you produce?**

As an association, CTPA does not have these data.

**•What proportion of the polymers you use or sell do you import and export respectively?**

As an association, CTPA does not have these data.

**•What proportion of the single-use plastics you produce do you export?**

As an association, CTPA does not have these data.

**6. What proportion of the plastic that you produce is made of recycled plastic, and what are the barriers to increasing this?**

As downstream users of single-use plastics, CTPA and its members are unable to provide information on this.

**7. What proportion of the plastic that you produce is commercially recyclable and what are the barriers to increasing this and improving the grade it can be recycled to?**

Some members have indicated that over 50% is commercially recyclable. However, barriers to recycling include the ability to segregate small packaging in recycling centres of different commodity types.

There are added challenges due to fragmentation of different recycling and collection schemes between regions within the UK. A standard approach is needed to reduce confusion and help consumers recycle.

**8. In your opinion, how can the tax system or charges play a role in delivering better environmental outcomes at this stage?**

It is the view of CTPA and its members that Packaging Recovery Note (PRN) reform rather than taxation is more beneficial, as it places a greater emphasis on recyclability. Any tax system, whether PRN or note could be used to enhance the UK recycling programmes to better segregate materials.

However, when much of the issue with 'single-use' plastic is littering due to incorrect and/or indiscriminate disposal, penalties solely aimed at industry could be disproportionate. Consumer education and incentives are key parts to tackling single-use plastic waste. For example, information on what can and cannot be recycled and how to best prepare materials for recycling.

**•What interventions should be implemented, and why?**

As an association, CTPA does not have these data.

**•What behavioural effect would these interventions have, both on this stage in the supply chain, and more broadly? N/A**

•What would be the impact on your business? N/A

## *Retail*

**9. What factors influence the design and specifications you make for the single-use plastic items you sell, and what are the barriers to using alternatives?**

•In what way, and to what extent, do the decisions of producers and consumers influence the choice of single-use plastics you use in the items you sell?

As mentioned previously, we would consider the packaging of hair dyes, their gloves and applicators essential owing to the oxidative nature of the products and their once-only application. Consumers like the ease, flexibility and economy of colouring their hair at home without the need to attend a salon. However, it must be stressed that we are not aware packaging from such products is being littered.

Some people with certain medical conditions rely heavily on wipes as they have an essential role in maintaining hygiene particularly where mobility is reduced or if the body's normal defence mechanisms are compromised. Wipes have to be strong enough to last for their intended use without disintegrating. Again, we cannot make the assumption that wipes are plastic waste.

Amenity products are provided for convenience, especially as travelling with liquids has security implications, and for safety to avoid the use of glass.

Sachets are packaged as such for safety and stability reasons but owing to the complexity of lamination cannot foreseeably be replaced by another material.

The correct disposal of all of these important items is crucial and should be encouraged.

**10. Can you provide data on the volumes and costs of different types of single-use plastic used? N/A**

**11. Have you taken any steps to address the environmental impact of the single-use plastic items you sell, including their end-of-life? N/A**

•Can you provide evidence of the effect these actions have had? N/A

**12. In your opinion, how can the tax system or charges play a role in delivering better environmental outcomes at this stage?**

A separate tax will add complexity given the existence of the Packaging Extended Producer Responsibility schemes.

For the downstream user of plastics, such as the cosmetics industry, we should encourage consumers to correctly dispose of products after use with better labelling and information being available.

•What interventions should be implemented, and why?

Please see previous replies.

•**What behavioural effect would these interventions have, both on this stage in the supply chain, and more broadly?** N/A

•**What would be the impact on your business?** N/A

## Consumption

### 13. What factors influence consumers' choices related to single-use plastic items?

Consumers may choose to use single-use cosmetic products such as sample sachets, to have confidence that the product is suitable for them before making a purchase.

Convenience will be the main driver influencing decisions about using amenity products (such as those provided in hotels) and wipes, although hygiene is also an important factor. However for wipes, their use may be essential for some for health and hygiene, as explained previously, and should not automatically be associated with plastic.

In the case of hair dyes and their associated mixers and protective gloves, owing to the inherent mode of action and for protection purposes, the home consumer has little alternative as explained above.

•**How can the government encourage the re-use of these items?**

Certain single-use hygiene products, such as wipes, cannot be reused for reasons of public health. It is important to encourage consumers to dispose of them correctly. There is clear on-pack labelling to advise whether products can be flushed or should be disposed of with household rubbish.

Similarly, the gloves supplied with cosmetic products should not be re-used for safety reasons.

Re-using empty cosmetic containers for other purposes ought not to be encouraged, not just because there is a risk of contamination if any cleaning of the container was inadequate but also any retained labelling would be inappropriate for any new use.

The solution should be to encourage the capture of the plastic after use and appropriate recycling of the plastic materials themselves.

### 14. What are the barriers to consumers choosing alternatives to single-use plastic items, and how responsive would consumers be to price changes?

Home hair dyes may be used in preference to always visiting a hair salon because of cost and convenience. A consumer wishing to dye their hair may not have the option of selecting a similar product in alternative packaging so would be greatly impacted by any price change. Oxidative (permanent) hair dyes are based on chemistry that requires the mixing of the two components just ahead of use.

Consumers require wipes to be strong enough not to disintegrate during use but, as we have discussed before, such items are considered everyday essential by many.

Sachets and amenity products are often free to consumers, so consumers would not feel any impact associated to a price increase and therefore not change their behaviour. However, producers may introduce charges to consumers or these types of products may no longer be offered in the UK market.

**15. In what way, and to what extent, do the decisions of producers and retailers influence consumer choice?**

Consumers are purchasing the product within packaging so if producers are able to use alternatives, the consumer would not be negatively impacted. However, by bringing attention to the recyclability of their products, retailers can enhance education and provide greater consumer choice.

**16. In your opinion, how can the tax system or charges play a role in delivering better environmental outcomes at this stage?**

Any revenue should be used to support research and innovation in plastics, help create a cohesive recycling collection strategy throughout the country together with campaigns for consumer education and improvements to the infrastructure for recycling.

Transparency in the taxation or charge is essential to direct funds to where they are required.

**•What interventions should be implemented, and why?**

To avoid excessive cumbersome taxation, interventions should be linked to the reform of the PRN system. A double tax on packaging would not only be disproportionate but also increase red tape, which seems contrary to the objectives of Better Regulation.

**•What behavioural effect would these interventions have, both on this stage in the supply chain, and more broadly? N/A**

**•What would be the impact on consumers?**

Applying extra taxes to what may, for some people, be everyday essential items, seems a regressive action.

**•Are there specific items the government should be focussing on?**

As mentioned previously, improving household refuse collection, standardisation within local authorities, consumer education and recycling infrastructure will all have an impact on the recycling or correct disposal of plastic packaging.

Environmental standards should be based on intended or foreseeable disposal of product including a review of biodegradability definitions.

For appropriate biodegradable replacements to be considered as alternatives, perhaps some form of standard for biodegradability as well as quality standards for sorted plastic waste and recycled plastics could be created.

By focusing on what independent surveys show to be the biggest problems in terms of waste plastic in the environment, minimum resources could be used for maximum impact.

## Discarding and waste treatment

### **17. What are the barriers to the collection of single-use plastics and more environmentally friendly methods of waste treatment, including barriers to any existing technologies?**

There is currently a lack of consistency in the collection of household waste and the recycling facilities available.

Where quantities are comparatively small, such as sachets and amenity products, the economic viability of recycling them must be considered.

### **18. In your opinion, how can the tax system or charges play a role in delivering better environmental outcomes at this stage?**

Any funds should be re/invested in recycling systems and education to perpetuate the circular economy.

Funding should also be used to increase sustainable use of plastics by improving recycling and environmental awareness which will lead to greater innovation and creation of jobs.

#### **•What interventions should be implemented, and why?**

As already mentioned, PRN reform rather than taxation is more beneficial as it places a greater emphasis on recyclability.

Consumer awareness can be enhanced by improved labelling and education.

#### **•What behavioural effect would these interventions have, both on this stage in the supply chain, and more broadly?**

Revenue can be used to support research and innovation in plastics, and recycling technologies and harmonised country-wide recycling.

#### **•What would be the impact on Local Authorities and business?**

With improved systems and facilities, recycling can be encouraged at a more local level to perpetuate change.

## References

- [1] L342/59 "[Regulation \(EC\) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products \(recast\)](#)"
- [2] Statutory Instruments 2013 No. 1478 "[The Cosmetic Products Enforcement Regulations 2013](#)"
- [3] The Cosmetic, Toiletry and Perfumery Association "[Cosmetics Industry in Figures](#)" Kantar Worldpanel April 2018
- [4] Cosmetics Europe – The Personal Care Association 2017 Market Statistics (under preparation)
- [5] The Cosmetic, Toiletry and Perfumery Association "[Getting the Best from Exiting the EU](#)"
- [6] Andy Westwood – The Work Foundation "[Me, Myself and Work. Self-esteem and the UK labour market](#)" October 2004
- [7] YouGov survey among 2069 UK adults aged 18+ carried out between 1 - 5 April 2013
- [8] Cosmetics Europe – The Personal Care Association "[Consumer Insights 2017](#)" April 2017
- [9] Statutory Instrument 2017 No. 1312 "[The Environmental Protection \(Microbeads\) \(England\) Regulations 2017](#)"
- [10] European Commission – "[A European Strategy for Plastics in a Circular Economy](#)" 16 January 2018
- [11] [European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste](#)
- [12] WRAP ([Waste and Resources Action Programme](#))
- [13] EDANA – The international association for nonwoven products "[Flushability](#)"