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Industry association strikes back at proposed EU ban on oxo-degradable plastics

by: Clare Goldsberry in Sustainability, Materials on April 01, 2019



Opa might be a Greek word for celebration, but no one is celebrating at the Oxo-Biodegradable Plastics Association (OPA; London). A proposed ban on oxo-degradable plastics was “attacked” in the European Parliament on March 27 by British Member of the European Parliament (MEP), Stuart Agnew. “Parliament has not been made aware that if we accept the reference to oxo-degradable plastics in article 5 we would be evading the European Union’s own rules for banning

substances. These are set out in articles 68 to 73 of the REACH regulation, and we cannot just ignore them,” said Agnew.

“The Commission has acted under article 69 to request the European Chemicals Agency (ECHA) to study oxo-degradable plastics because the Commission thought that they created microplastics. ECHA has not completed its study but did advise on Oct. 30, 2018—10 months into the study—that it was not convinced that microplastics are formed.

“If, and only if, ECHA were to recommend a restriction, it would have to be considered by two committees under articles 70 and 71, and there would have to be a public consultation, before any restriction could be implemented. None of this has been done. The reference to oxo-degradable plastics, therefore, must be removed from article 5 before the directive is published in the *Official Journal*.”

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ECHA has made no findings against oxo-biodegradable plastics, but the OPA is concerned in case people should think that this legislation applies to oxo-biodegradable plastics, said OPA.

To recap how this process started: In December 2017, the Commission mandated its scientific experts (ECHA) under article 69 of the REACH regulation to study “oxo-degradable” plastic. The Commission did this in the mistaken belief that it creates microplastics, because it had failed to understand the evidence of many scientists, including Swedish professor Ignacy Jakubowicz, one of the world’s leading polymer scientists, that: “The degradation process is not only a fragmentation, but is an entire change of the material from a high-molecular-weight polymer to . . . oxygen-containing molecules, which can be bioassimilated.”

On Oct. 30, 2018, ECHA advised that it was not convinced that microplastics are formed by oxo-biodegradable plastics, and it is important to note that at about that time the Environment Committee of the Parliament decided to bypass ECHA and insert a ban directly into the draft directive, said OPA’s information.

This draft legislation, therefore, is not based on a proper investigation of the science. Worse still, no impact assessment has been done as required in such cases, and by seeking to legislate in this way the EU is evading its own legal procedures under the REACH regulation (articles 68 to 73). These were enacted to ensure that the science is properly understood and that all stakeholders are properly consulted before any legislation is passed, OPA stated.

The draft directive (Recital 15) is intended to ban plastic that “does not properly biodegrade and, thus, contributes to microplastic pollution in the environment, is not compostable, negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit.”

“It is, therefore, important to be clear that it is not intended to ban plastic that *does not* contribute to microplastic pollution and *does not* negatively affect the recycling of conventional plastic, whether compostable or not. It could not apply, therefore, to oxo-biodegradable plastic, which is scientifically proven,” stated OPA.

Oxo-biodegradable plastic (OBP) has been studied by scientists for many years, claims OPA, and in 2018 a former deputy judge of the High Court in England, Peter Susman, QC, was asked to review the scientific evidence. He concluded that:

- OBP does facilitate the ultimate biodegradation of plastics in air or sea water by bacteria, fungi or algae within a reasonable time, so as to cause the plastic to cease to exist as such, far sooner than ordinary plastics, without causing any toxicity;
- the benefit is obvious of reducing future contributions to the scourge of plastic pollution of land and sea;
- OBP is compatible with composting and recycling.

The OPA represents more than a thousand companies worldwide who manufacture, supply and use additives to make oxo-biodegradable plastics, which convert as they escape into the open environment into materials that can be biodegraded by bacteria. The additives are mandatory for a wide range of plastics in 10 countries, including Saudi Arabia, United Arab Emirates and Pakistan.