

## Single Use

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**From:** [REDACTED]@benders.co.uk>  
**Sent:** Friday 25 November 2022 10:02  
**To:** SingleUse  
**Subject:** Government of Ireland Consultation on draft regulations on an environmental levy on single use disposable cups

### Government of Ireland Consultation on draft regulations on an environmental levy on single use disposable cups

#### Response from:

Name of company: **Benders Paper Cups**

Contact submitting this response: [REDACTED], *Environment, Legislation & Marketing Manager*

Description of business: **Paper Cup Manufacturer**

Benders Paper Cups are a leading UK based manufacturer of paper hot supplying across the UK and continental Europe for the workplace, on-the-go and retail market channels. The company is privately owned and employs circa 140 staff at its Wrexham facility in North Wales.

Benders is nearly 120 years old, incorporated in 1899, and has always been a manufacturing business converting paper supplied in a range of table-top products to the UK and European catering markets.

Benders was originally based in North London, and moved to North Wales in 1984.

Benders began manufacture of cups in 1985; and is now dedicated to the manufacture of paper hot cups.

Benders are the number three paper cup manufacture in Europe, and the number one paper vending cup manufacturer.

Benders Paper Cups are a founding member of the Paper Cup Recovery and Recycling Group. A leading contributor to the Food Service Packaging Association Environment Programme, the Automatic Vending Association.

#### A - Comments on the documentation:

1) The accompanying notes imply the take up of reusable cups is much higher among the public than is the case with the Regulatory Impact Analysis estimating the total coffee market size and claiming an uptake of 25% of reusable cups when the figure is less than 2.5% from estimates supplied by coffee shops. It should be made clear to the public tests and trials of reusable cups have produced very mixed results.

2) A comparison with carrier bags is not relevant. The reference to carrier bags should mention the 90% decrease in carrier bag usage has resulted in an increase in the total volume of plastic being used by the remaining 10% of carrier bags versus the weight of plastic used prior to the charge . It should also be mentioned a very high proportion of bags for life are only used once or twice.

3) We agree with the RIA that a reuse target of 10-20 times for a reusable cup is achievable. However, 10-20 times is a far distance from the number of times an average reusable needs to be used in order to break even in terms of carbon versus the equivalent use of single use cups. According to CIRAIG, a sustainability research institute, cups need to be reused **between 100 and 250 times** to make them 'environmentally preferable to single-use cups'. What therefore follows in the RIA analysis is flawed and misleading.

4) No mention is made in the documentation of the 2022 Ireland Thinks Poll that found 63% of respondents do not support the levy.

5) The levy adding an average 7% to the cost of a coffee is being introduced because of the claimed presence in litter of paper cups used for hot drinks. To quote 'In its latest national litter survey published in June 2022, Irish Business Against Litter (IBAL) found that, while there has been a sharp fall in the number of litter black spots across the country, the prevalence of coffee cup litter remains high'. The Irish National Litter Pollution Monitoring System

however reveals all drinks cups represent 1.7% of Irish litter and only 0.0003% of the total Irish waste. Turning to the litter survey conducted for Ireland's Department of Environment, Climate and Communications, we find the statement is inaccurate with cigarette related litter at 48.4%, chewing gum 9.1% and drink cups at 1.7% and lids 1.6%. As a comparison sweets related litter is 8.7%. The consultation refers to a substantial increase in coffee cup litter but combined the increase versus the previous year is 0.1% with cigarette related litter up 1.9% and packaging as a whole the biggest decrease of -1.9%. The statement on paper cups in litter is misleading and if litter is the driving force for the levy why are you not taking action on cigarettes, chewing gum, confectionary packaging, receipts and bank slips? Eliminating litter requires action on all littered items as some litter attracts more litter.

Vending operator companies, those who provide, fill and maintain vending machines, automated retail and office coffee services, are with one or two exceptions, small or medium sized companies, often family owned, with a small administrative staff. Many such companies operate across both sides of the border.

The majority of hot drinks machines are located in business premises; providing the refreshment needs of workers in offices, factories and hospitals or providing hospitality in other locations such as hairdressers and garages. These are "closed sites" where the drinks are consumed on site and there is ready access to bins and recycling. In contrast to other retail channels – such as high street coffee shops – a single use beverage cup used in vending is much less likely to end up as litter outside a building.

Because drinks vending machines are used for the refreshment of workers in business and industry, workers tend to use them several times a day, as opposed to the more occasional purchase from the high street, so that the financial impact of any levy on the consumer would be more serious, of the order of a euro a day. Where there is a charge for a vended beverage, the average retail price across the industry is 46c<sup>2</sup>. The proposed 20c cup charge would be a nearly 50% increase in price for vended coffee. Many of the sites in which machines are used do not have facilities for washing up. Before single use cups are subjected to a levy, trials should be carried out to identify efficient ways of replacing them. Short term trials in the UK have demonstrated that this is not a "one size fits all" situation and a number of different approaches are needed to cover all the situations in which single use cups are currently used. It is also worth noting that reusable cups are not all the same as illustrated by the recent ban on so-called bamboo cups which are little more than melamine formaldehyde resin with a bamboo fibre filler and do not comply with Regulation 10/2011.

The vast majority of single use vending cups used in Ireland are paper cups with a thin polythene lining. These are recycled by a number of paper mills in the UK and it has been shown that recycling systems can collect a high quality single product stream. The fibre from paper cups collected through these streams is desirable for a number of uses from cardboard to high grade packaging products. The introduction of other types of cup does not improve the situation since the consumer cannot tell the difference between a polythene lining or one of PLA or acrylic, and many claims are made for the recyclability or composability of cups that cannot be substantiated. In particular composting facilities cannot tell the difference between one type of cup and another and so reject all.

Hot drinks machines can take cups of different sizes and the size of cup offered is generally agreed between the client and the machine operator company. The machine has sensors in the cup station which recognise that a cup is present. This allows the use of a reusable cup, but the sensors may not be located in such a way as to distinguish between a 175ml cup and a 220ml cup. The cup tray will allow excess liquid to drain away but a 175ml reusable cup that has received 220ml hot liquid will be full to the top and difficult to carry safely. The boiler in a fresh brew hot drinks machine is controlled to around 95 °C and the dispensed drink will be around 90 °C.

We do not support the introduction of charges or bans on single use products based on strong evidence of their benefits and call for this legislation to be withdrawn, especially at a time when foodservice retailers face an uncertain future, not having recovered to pre covid trading levels and now faced with a cost of living crisis resulting in the rapidly diminishing disposable income of their customers.

We call on the Irish government prior to any legislative programme to ensure impact studies, including

environmental real world Life Cycle Assessments and economic impact studies on the impact for Irish retailers, have been conducted and all submissions received considered carefully including assumptions made on reuse cycles.

## **B - Comments on the legislation:**

Our comments on the legislation are below. Parts of the legislation will create confusion among retailers. We therefore ask for businesses to be involved further in legislation as together with their customers they are most impacted by it and to avoid these areas of confusion.

### **3 (1) a - Imposition of a levy point**

The levy is to be applied to cups solely used to be used to serve hot drinks. It should be made clear that any retailer serving a hot drink in a cup designed for cold drinks who doesn't charge the levy will not be fined for not doing so. Serving a drink in a cold drinks cup could happen if they run out of cups designed for hot drinks.

### **5 - Excepted Items**

It should be made clear the use of hot drinks cups for food (eg peas in a fish and chip shop) is an excepted item. We appreciate this is implied in 3.1.a but we have heard from retailers who are confused.

### **6. Charging the levy and evidence of charging**

Definition of an 'accountable person' is required. Should the person be above a minimum age? There are many instances of family owned businesses where people under the age of 18 may be serving because they are stepping in temporarily for an adult and there is the possibility mistakes may be made in not charging the levy. The sex of the accountable person should be described in a gender neutral way.

### **7. Itemisation of levy**

This clause requires a receipt to be issued which the customer may decline. Indeed receipts are an identifiable littered item. The levy should be recorded for internal accounting but there should be no requirement to issue a paper receipt or similar to a customer and this clause should be removed.

The majority of hot beverage vending machines are operated on "free vend". These machines are not fitted with a payment system so there is no mechanism to charge the consumer the 20c per cup. Many of the sites in which these free vend machines are located would not have the administration necessary to account to the government for the levy. These machines, and indeed most modern automatic drinks machines, can use either a single use cup or a reusable cup but automatic machines fitted with a payment system would not have the technology necessary to alter the price of the drink depending on the cup. Payment systems used in vending machines do not have the facility to issue a receipt and clearly no receipt would be issued where a machine is operating on free vend.

### **8. Exclusion of employees**

This clause is very difficult to follow and needs to be simplified especially bearing in mind the multi ethnic ownership of foodservice businesses.

### **10 1-5 Returns & Payment**

An 'accountable person' requires further definition. As an example should this person be a director/owner/part owner of the business? Will the collection agent write to a named person in the business nominated to deal with the collection agent? If not there is a possibility letters from the collection agent simply addressed to the business may be seen as junk mail or similar and not opened.

Is 10.3 intended to refer to businesses with more than one outlet? In this instance should a return be made by each of the premises or should a return be made by the business as a whole?

### **11 1.a Records**

The record keeping required does not take into account cups that become damaged in transit or storage or are spoiled because they've been stored in damp conditions, or a customer requesting an additional cup is used because they struggle to hold a hot item, or cups which are used to prepare a coffee which is then transferred to the customers' own cup. This can occur if the capacity of the customers' cup is not marked on their cup.

## 12 Estimation in the case of non payment

The procedure for appealing an estimate in the event of not providing a return within the required time is not made clear. Similarly, where an appeal regarding the person not being the accountable person is made in 14 days, the Collection Agent should be required to acknowledge receipt of that appeal within seven days. This section is very important to those businesses where there is a single owner and no full time employees where it may arise the owner is ill and the business is forced to close temporarily. There is also the possibility of businesses temporarily being closed for refurbishment.

## 13 Estimation in the case of underpayment

The Collection Agent should be required to acknowledge appeals within 7 days of receipt of the appeal.

## 14. Proof of notice in relation to over estimation

Does this include damaged cups? What of cups used to prepare the coffee which is then poured into a reusable? Is the latter exempted?

## 17. 2 Powers of Officers

We are unsure why reference is made to plastic carrier bags.

3 & 4: An adult employed/owning the business should be required to be present. From time to time the only person in the premises may be under 18 years old. This could also apply to kiosks and stalls and which are not referenced in the legislation.

19.2 The person should be aged over 18.

General:

Premises, although set out in the Act of 2022, should be set out and defined clearly:

Do premises include those where hot drinks are provided at no cost such as to employees in cold premises and waiting rooms?

Do the regulations apply to charities who might run fetes and fairs and sell tea, coffee and mulled wine?

Consideration should be given to producing guidance notes in a number of languages representing the ethnically diverse make up of the foodservice retail sector.

References:

1: AVA 2021 Annual Census

2: European Vending and Coffee Service Association Vending Market Report 2021

3: AVA Research

Kind Regards

  
*Environment, Legislation & Marketing Manager*

**Benders Paper Cups**

Mob: 

E-Mail: @benders.co.uk

Web: [www.benders.co.uk](http://www.benders.co.uk)



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