



Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018

Guidance on the expanded plastic packaging ban

Purpose

This document provides guidance for manufacturers, distributors, retailers and wholesalers considering the use of expanded plastic packaging, including for fragile and precision products.

It provides guidance about how the Department of Water and Environmental Regulation (the department) will administer the expanded plastic packaging ban under the Environmental Protection (Prohibited Plastics and Balloons) Regulations 2018.

Background

Regulation 17F outlines the ban on expanded plastic packaging and its exceptions, which include packaging for fragile and precision products:

17F. Offence to supply prescribed expanded plastic packaging

- (1) A person must not, in the course of conducting a business or undertaking, supply prescribed expanded plastic packaging. Penalty for this subregulation: a fine of \$5,000.
- (2) Subregulation (1) does not apply to the supply of prescribed expanded plastic packaging if:
 - (a) the packaging is used to protect an item that is designed to be used for medical or scientific purposes
 - (b) in the case of moulded packaging – the packaging is used to protect an item that –
 - (i) weighs 45 kg or more
 - (ii) has been identified by the manufacturer as being fragile and requiring protective packaging that complies with a standard specified by the manufacturer.

Under Part 1 (3BB) of the Regulations, expanded plastic packaging is defined as follows:

- (1) Prescribed expanded plastic packaging means any of the following made wholly or partly from expanded plastic:
 - (a) loose-fill or void-fill packaging
 - (b) packaging for a pre-packaged food or drink product other than a non-perishable pre-packaged food product
 - (c) packaging (moulded packaging) that is moulded to protect a specific item.



- (2) Prescribed expanded plastic packaging includes packaging referred to in subregulation (1) that is made wholly or partly from expanded plastic that is biodegradable plastic.
- (3) Despite subregulations (1) and (2), prescribed expanded plastic packaging does not include the following:
 - (a) packaging that is a degradable plastic item
 - (b) a reusable cooler box
 - (c) a lid for a reusable cooler box.

Note: From 1 September 2023, a ban applies to the supply of degradable plastic items. This includes expanded plastic packaging that is degradable, i.e. any expanded plastic packaging that contains additives designed to increase the rate of fragmentation.

About the ban

The ban aligns with the direction of the Australian Packaging Covenant Organisation (APCO) moulded expanded polystyrene (EPS) phase-out [roadmap](#) (EPS roadmap) while also capturing other expanded plastics. APCO also acknowledges in its EPS roadmap that “expanded polyethylene (EPE) and expanded polypropylene (EPP) are not acceptable as they are even more problematic to recycle than EPS”.

Banned from 1 July 2025

From 1 July 2025, the ban applies to moulded or cut expanded plastic packaging in all forms. This includes, but is not limited to EPS, EPE, EPP and ethylene-vinyl acetate (EVA). Only packaged products with a manufacturing date of 1 March 2025 or later will need to comply.

Note: The date of manufacture deadline has been extended to support regulatory transition. Products manufactured or supplied after 1 March 2025 will be required to comply with the 1 July 2025 ban commencement unless they are exempt through other means as detailed below.

The ban does **not** apply to:

- flexible foamed plastic wraps and sleeves
- packaging for fragile and precision products
- packaging for products weighing more than 45 kg (excluding the packaging weight)*
- packaging for products where the packaging is a permanent part of the product’s carry case or kit
- packaging for a previously purchased product in transit for repair
- ‘foam boxes’ for fresh produce and bulk cold home or from store-delivered meal services where there is an opportunity for retailer collection and reuse
- packaging retained by a business after the installation of consumer goods by a professional installer
- specialist packaging for medical applications (e.g. organ transport or pharmaceuticals)
- moulded expanded plastic packaging used to repackage repaired goods supplied before the enforcement date



- packaging for the building and construction industry
- packaged products manufactured before 1 March 2025
- packaging sent between businesses as detailed below.

* This exception includes products where the standard base model is over 45 kg, but consumer selection may remove some aesthetic elements that reduce the total product weight below 45 kg, or where there is a shared packaging solution with a lighter weight model.

Business-to-business (B2B) exclusion

The ban only applies to business-to-consumer (B2C) expanded plastic packaging. A business can be considered a consumer when receiving the packaged goods as a consumer for its use. Exceptions are outlined below.

The APCO EPS roadmap defines B2B packaging as:

Packaging used for the containment, protection, or handling of a product where the end-customer, **prior to the packaging reaching end-of-life**, is a business or institution.

Some businesses may supply the same packaged products for retail purchase to the public as well as for use in workplaces. This would be considered a B2C product. In these instances, an exception to the ban exists if the product is installed by a professional installer, and the moulded expanded plastic packaging is retained by this installer or is retained and disposed of as part of construction or set-up activity.

To support the use of this exception, businesses are encouraged to indicate to installers or product users the appropriate way to handle and dispose of product packaging and whether it should be commonly retained by the installer or business.

Identifying fragile and precision products

Expanded plastic packaging may be used to protect items that the manufacturer has identified as fragile or precision products that require protective packaging that comply with a standard specified by the manufacturer.

The manufacturer does not need to seek an exemption to operate under this provision. The WA supplier or retailer needs to identify basic details on any product packaging that uses expanded plastic, stating its fragility claim, the test type and a contact for the product packaging. If expanded plastic is used, the department expects the manufacturer to be able to provide documentation that demonstrates:

- a decision has been made that the product could be functionally damaged in transit and/or present a safety risk¹ without expanded plastic protective packaging

¹ This includes where expanded plastic may be required for the transport of a dangerous good, in accordance with the Australian Dangerous Goods Code.



- the standard of protection that needs to be met, such as Australian Standard transport tests (drop tests, vibration tests or rough handling tests), International Safe Transit Association (ISTA) tests for packaged products, international standard packaging performance tests, or brand owner tests
- that alternatives to expanded plastic packaging have been explored; if at least two compliant packaging alternatives (e.g. moulded cardboard, hybrid card and air pillows) fail to provide the standard of protection (determined above), this would be sufficient evidence that expanded plastic packaging is required.

Note: Product information obtained when undertaking compliance procedures will always be treated confidentially.

In addition, there are some product types which are identified as fragile due to the nature of their weight and precision equipment. These are listed in Appendix 1. This list will be reviewed as EP-free packaging options increase.

Note: When testing alternative packaging, consider the alternative designs and materials that can be introduced in existing manufacturing processes and transport logistics. For some items, viability of alternative packaging may require further innovation, research and volume prior to becoming comparable to existing process efficiency in an automated factory. Please contact the department to discuss your processes and arrangements.

Hybrid packaging with reduced single-use plastic content is considered the next best approach. However, this is not mandated through regulation.

The State Government will continue to be guided by APCO's work on EPS packaging. In line with WA's waste hierarchy (as outlined in the *Waste Avoidance and Resource Recovery Strategy 2030*), the ban aims to encourage the avoidance and minimisation of expanded plastic packaging. It also supports the use of alternatives such as durable (plastic or other) packaging designed for reuse and packaging that is certified compostable or readily recyclable.

Evidence of compliance for fragile and precision products

Where expanded plastic is deemed necessary for the packaging of a product, retailers, suppliers and distributors are encouraged to seek written confirmation and relevant documentation from manufacturers. Retailers should seek and retain such documentation from 1 July 2025. In keeping with APCO's product stewardship, evidence should also be available on request to identify a means of collection recovery for the consumer.

Fragility testing of alternatives is not intended to be duplicated or repeated for different models or like products. Like-for-like fragility evidence can be used where there is similarity between the design and construction of products. For example, testing for one type of appliance (e.g. a rangehood) would not need to be repeated for all model types. For further information, and information regarding potential exemptions, please contact the department.

Packaging alternatives

To identify options for packaging redesign and suitable alternatives to expanded plastics, more information is available in the following documents:



- [Stage 2 ban - Plan for Plastics - Expanded plastic moulded packaging](#) fact sheet
- APCO [EPS roadmap](#) (specifically view the checklist and case studies of alternatives)
- [WA Plan for Plastics single-use plastic bans 2022–25: Comprehensive guide for business.](#)

Appendix 1: Product types currently permitted to use non-compliant packaging under a general application of the regulatory exemption for fragile products

- Refrigeration equipment with pre-charged refrigerants
- Air-conditioners with pre-charged refrigerants
- Large mirrors and vases
- Bespoke or one-off sculptural glass and art applications
- Heavier weight electronic appliances as per the class exemption SUPXXXXX/24/1

Note: These classes of products are currently permitted to use expanded plastic packaging under regulatory exemption for fragile products or the class exemption for heavy electronic goods; hence, the 1 March 2025 manufacturing date does not apply.