



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 (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 includes 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; or
 - (b) in the case of moulded packaging — the packaging is used to protect an item that —
 - (i) weighs 45 kg or more; or
 - (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: A ban applies to the supply of degradable plastic items from 1 September 2023. This includes expanded plastic packaging that is degradable.

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. The APCO 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 July 2024 or later will need to comply.

The ban only applies to business-to-consumer (B2C) expanded plastic packaging, or to business-to-business (B2B) product packaging where the product is bound for supply to a consumer in Western Australia (WA) (i.e. to be sold or supplied by a WA retailer or organisation to a WA consumer). Exceptions are outlined in section 3.2 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 kilograms
- packaging for products where the packaging is a permanent part of the product’s carry case or kit
- ‘foam boxes’ for fresh produce and bulk cold home-delivered meal services where there is an opportunity for collection and reuse
- packaging retained by a business after the installation of consumer goods by a licensed installer
- specialist packaging for medical applications (e.g. organ transport or pharmaceuticals)
- packaged products manufactured before 1 July 2024.



Identifying fragile and precision products

Expanded plastic packaging may be used to protect items that have been identified by the manufacturer as being fragile or precision products and require protective packaging that complies 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 risk without expanded plastic protective packaging
- 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 suitable 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.

Hybrid packaging with reduced single-use plastic content is considered the next best approach.

The Government of Western Australia 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.

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 their checklist and case studies of alternatives)
- [WA Plan for Plastics single-use plastic bans 2022–25: Comprehensive guide for business.](#)