

Partial Business and Regulatory Impact Assessment of a proposed ban on the manufacture, supply and sale of wet wipes containing plastic

October 2023

Partial Business and Regulatory Impact Assessment

1. Title of Proposal

A ban on the manufacture, supply and sale of wet wipes containing plastic.

2. Purpose and intended effect

Background

This partial Business and Regulatory Impact Assessment (BRIA) accompanies the public consultation on the UK-wide proposal to ban the manufacture, supply and sale of wet wipes containing plastic, published on 14 October 2023. A ban is being proposed due to the negative environmental impacts associated with single-use plastic products, incorrect disposal, and the fact that there are already alternatives to wet wipes containing plastic. The proposed ban could cause some costs to business and government through familiarisation and enforcement costs, as well as to plastic wet wipe producers through a potential reduction of profits and a reduction in choice for consumers.

Objective

The UK-wide public consultation proposes banning the manufacture, supply and sale of wet wipes containing plastic. The objective is to reduce this source of single-use plastic litter, and reduce the negative impacts posed if these items are incorrectly disposed of and arrive in the environment.

To help tackle plastic waste, the UK and Devolved Governments have already banned microbeads in rinse-off personal care products. Additionally, the UK Government, Scottish Government and Welsh Government are legislating or have legislated to restrict the supply of single-use plastic products. In Scotland, in June 2022, it became an offence to manufacture and supply single-use plastic cutlery, straws, drink stirrers, plates, balloon sticks, and expanded polystyrene cups and food containers¹. In England, there is an intention to ban single-use plastic plates, trays, bowls, cutlery, balloon sticks and certain types of polystyrene cups and food containers by October 2023². In Wales, it will shortly be a criminal offence to supply or offer to supply single-use plastic plates, cutlery, drink stirrers, balloon sticks, and drinking straws, and expanded polystyrene cups and expanded polystyrene takeaway food containers³. Defra also supports the Water UK communications campaign to 'Bin the Wipe' and have written to the relevant producers and advertising authorities regarding the inappropriate labelling of wet wipes as 'flushable'.

Rationale for Government intervention

Plastic-containing wet wipes contribute to plastic pollution in our waters through incorrect disposal via toilets by consumers, or through littering. Plastic-containing wet

¹ [The Environmental Protection \(Single-use Plastic Products\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#)

² [Far-reaching ban on single-use plastics in England - GOV.UK \(www.gov.uk\)](#)

³ [The Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act | GOV.WALES](#)

wipes produce microplastics when they break down. The term ‘microplastics’ encompasses a wide range of synthetic particles of varying sizes, shapes, and composition and when released into the environment pose potential health risks to humans, wildlife, and the wider environment.

These negative outcomes associated with plastic-containing wet wipes are examples of negative externalities as the user of the wipe does not directly face the costs of their action (i.e. the pollution).

Stakeholder engagement has highlighted that the market is moving towards reducing the manufacture, supply and sale of plastic containing wet wipes and several retailers and producers have already made voluntary commitments to stop producing or selling wet wipes that contain plastic, showing that it is possible and commercially viable. As a result, there are suitable non-plastic wet wipe substitutes currently available, including moist toilet tissue and baby wipes.

Whilst the market is partially addressing the problem and businesses have innovated to develop plastic-free wet wipes, there remains some parts of the sector who continue to produce plastic-containing wet wipes (64% of wet wipes on the market contain plastic) hence the rationale for government intervention.

In October 2020 the Scottish Government launched a public consultation on items listed under Article 5 of the EU Single-Use Plastics Directive. Responses from this consultation supported the development of legislation banning some of the most problematic single-use plastic products, as noted above. Responses also provided evidence for further policy development, with 94% in favour of market restrictions on additional single-use plastic products, including wet wipes containing plastic⁴.

In Defra’s 2021 public Call for Evidence on commonly littered single-use plastic items, 96% of respondents supported a potential ban on wet wipes containing plastic. Defra published a response to the Call for Evidence in February 2023.⁵

3. Consultation

Within Government

The text within this partial BRIA has been prepared in consultation with the UK Government, Welsh Government, and the Northern Ireland Executive.

The Marine Directorate has prepared this partial BRIA. Input has been sought from the Marine Directorate’s analytical unit, Scottish Government Legal Directorate, and the Constitution and UK Relations Division.

Public Consultation

A public consultation on the proposed ban, this partial BRIA, and a Strategic Environmental Assessment will be held from 14 October to 25 November 2023.

⁴ [Introducing market restrictions on single-use plastic items in Scotland – analysis of consultation responses \(www.gov.scot\)](https://www.gov.scot)

⁵ [Summary of responses and government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Business

The UK Government is conducting individual engagement interviews with relevant businesses prior to and during the consultation period, including those based in Scotland. These include manufacturers and retailers.

4. Options

Option 1 – introduce a ban on the manufacture, supply and sale of wet wipes containing plastic

Wet wipes containing plastic do not fully disintegrate in water or in the sewerage system if they are flushed down the toilet. If these wipes arrive in the environment they are a persistent and problematic source of marine litter.

We consider that the reduced risk of harm that would result from a ban on the manufacture, supply and sale of wet wipes containing plastic will potentially provide environmental benefits for the marine ecosystem as a whole, the species and habitats contained within, water quality, and built sewer infrastructure.

If a ban were introduced this would contribute to efforts by the Scottish and UK governments to work toward Good Environmental Status (GES) under the UK Marine Strategy, and contribute to other commitments to protect the marine environment.

Option 2 – reasonable alternatives

Business and public behaviour change measures have not solved the current issue. Wet wipes containing plastics are still manufactured, they are still purchased, and they are still disposed of down toilets and are littered. Sales of some wet wipe products are growing.

Alternative measures to reduce this form of pollution have failed, including:

- The inability of the market to move customers to plastic-free alternatives despite their availability,
- The lack of implementation of a voluntary plastic-free, flushable industry standard across manufacturers,
- The failure of behaviour change campaigns to stop inappropriate flushing of products, and
- Labelling of some products as 'flushable' or 'do not flush' causes confusion for the consumer, as these labels are voluntary, and are not consistently applied across all available products. Labelling is a reserved power, it is not within the power of the Scottish Government to enforce companies to brand products with 'do not flush' labels.

On this basis, we do not consider that there are any reasonable alternatives to the proposed ban on the manufacture, supply and sale of wet wipes containing plastic. Without the proposed ban, commitments made by the Scottish and UK governments to work toward GES under the UK Marine Strategy, and other commitments to protect the marine environment, are likely to be negatively impacted.

Option 3 – do nothing

Without the proposed ban on the manufacture, supply and sale of wet wipes containing plastic the current negative impacts on the environment will be likely to continue, if not to deteriorate further. Business and public behaviour change measures implemented to date have not altered the situation, and the use of wet wipes has increased due to the Covid-19 pandemic. Certain manufacturers have produced wet wipes that do not contain plastic and meet the Fine to Flush standard, but these are generally restricted to moist toilet tissue wipes, and there is no incentive or push to change the formulation of other types of wet wipe. Only a ban on the manufacture, supply and sale of wet wipes containing plastic will result in manufacturers changing to produce non-plastic wet wipes.

Without the proposed ban, wet wipes containing plastic will continue to be flushed down the toilet and littered, posing a threat to species, habitats, and overall biodiversity. Wet wipes that arrive in water bodies or in the sea will break down into micro and nano plastics, causing pollution and reducing the water quality status, which in turn will affect the species and habitats within the water body. Wet wipes that arrive in the sewer system will continue to cause blockages and potential damage to infrastructure. Without the proposed ban, commitments made by the Scottish and UK governments to work toward GES under the UK Marine Strategy, and other commitments to protect the marine environment, are likely to be negatively impacted.

5. Sectors and groups affected

The whole population of Scotland is likely to be affected by the proposed ban, whether directly or indirectly, as protecting and improving the health of our environment and oceans is of benefit to all.

Consumers may be impacted initially by a reduction in product choices as plastic wet wipes are removed from the market. This impact is expected to reduce over time as some producers switch to producing wet wipes that do not contain plastic. Evidence from commissioned work suggests that there is not a significant price difference between wet wipes that contain plastic and those that do not. Therefore, we do not expect there to be any direct price impacts on consumers over the long term. Furthermore, stakeholder engagement has indicated that retailers have not received negative feedback from customers regarding alternative products to wet wipes that contain plastic.

Option 1 would affect the population in a positive way, as a ban would help to protect our environment, water quality, and sewer infrastructure, as well as benefit our communities, economy, health and wellbeing.

Option 2 will affect the population in a negative way, as reasonable alternatives have been shown not to make a discernible difference, and therefore the negative impacts from this single-use plastic item would continue.

Option 3 will affect the population in a negative way, as the situation would not improve, and may deteriorate, and therefore the negative impacts from this single-use plastic item would continue.

6. Benefits

Option 1 – introduce a ban on the manufacture, supply and sale of wet wipes containing plastic

A ban will help prevent litter entering the environment, will help prevent micro and nano plastic pollution in our seas, and may help to reduce blockages and damage to built sewer infrastructure. A ban would contribute to efforts by the Scottish and UK governments to work toward GES under the UK Marine Strategy, and contribute to other commitments to protect the marine environment.

Option 2 – reasonable alternatives

No additional benefits are expected to arise from this policy option. Conversely, as no reasonable alternatives have been shown to be effective, it is likely there would be negative consequences of allowing this type of single-use plastic item to continue to be manufactured and used, with the risk that a proportion will become marine litter.

Option 3 - do nothing

No additional benefits are expected to arise from this policy option. Conversely, without a ban, it is likely there would be negative consequences of allowing this type of single-use plastic item to continue to be manufactured and used, with the risk that a proportion will become marine litter.

7. Costs

The information in this section has been taken from the Economic Annex, produced for the UK-wide consultation on the proposed ban, both of which can be read at <https://consult.defra.gov.uk/wet-wipes-1/wet-wipes-containing-plastic> Information and data presented is at the UK level. Information for individual nations is not available.

Market Overview

In a Defra-commissioned report, Valpak have given market insights using their Environment Product Information Centre (EPIC) database and through engagement with key stakeholders such as EDANA UK and Recoup. Table 1 shows the total individual wet wipes sold in the UK⁶. Childcare wipes make up over half of all wet wipe sales, with just under 18.5 billion (60%) placed on the market in 2021.

⁶ Defra commissioned report by Valpak

Table 1: Total quantity of wet wipes placed on the market in the UK

Product Category (millions)	2019	2020	2021
Childcare	20,462	16,813	18,477
Cleaning	5,232	7,154	7,190
Cosmetic	1,750	1,197	1,205
Healthcare	30	89	59
Optical Care	81	66	79
Personal Hygiene	3,208	3,028	3,525
Pet Care	16	12	14
TOTAL	30,780	28,359	30,549

Table 2 shows wet wipe retail unit prices by category. Cosmetic wipes are generally the most expensive whilst childcare and personal hygiene wipes are the cheapest.

Table 2: Unit price of wet wipes⁷ (plastic and non-plastic) by category in 2021

Product Category	Min Price Per Wipe	Max Price Per Wipe
Cosmetic	£0.10	£0.16
Pet Care	£0.11	£0.11
Healthcare	£0.09	£0.11
Cleaning	£0.08	£0.10
Optical Care	£0.07	£0.07
Personal Hygiene	£0.05	£0.06
Childcare	£0.05	£0.06

Potential Impacts

This section will discuss possible impacts to business, if a ban were to come into force (Option 1), including the topics of:

- Familiarisation costs
- Direct loss of profits
- Small and micro business impact assessment
- Medium business impact assessment
- Material costs

If Option 2 or 3 were enacted, i.e. a ban did not come into force, there would be no additional costs or savings to business.

⁷ These include the costs of top selling wet wipe products from each category across five major supermarkets and high street retailers. This is sourced from Valpak.

Business impacts

In a Defra-commissioned research project, Valpak estimated that 99% of wet wipes placed on the market in the UK were manufactured domestically in 2019. Following the implementation of any ban, we would expect businesses to choose the course of action which maximises their profit function. Though there is potential that for some producers this may mean ceasing production of wet wipes, we would also expect some producers to move to production of the next most profitable alternative for their business and switch to producing non-plastic wet wipes.

Where producers switch to producing other items, there is likely to be some one-off capital investment cost associated with making this switch. In an extreme scenario, all plastic-containing wet wipe producers could choose to buy entirely new production capital, in order to produce wet wipes using alternative materials. Defra is seeking views on this expectation through the consultation.

Familiarisation costs

Producers, wholesalers, and retailers of the banned items will also face one-off familiarisation costs, from the time taken to read and understand legislation that has come into force and subsequently make business decisions relating to the ban. Some of this could involve decisions relating to altering production processes or adjusting business plans and supply chains. Familiarisation costs are likely to be minimised by single-use plastic bans having been in the public domain for a significant amount of time and therefore many businesses would have anticipated this proposed ban, however this does not negate the need to familiarise themselves with the detail. In the UK 25 Year Environment Plan⁸, published in January 2018, the UK Government committed to eradicating avoidable plastic waste by 2042. Then, in November 2021, Defra published a call for evidence on commonly littered and problematic plastic items, where wet wipes were explicitly mentioned as an item of interest⁹. This found that 96% of respondents stated that they would support a ban on wet wipes containing plastic. A summary of responses and the UK Government response to this call of evidence was published in January 2023¹⁰.

This cost has been monetised using the following figures and assumptions:

- Categories of businesses likely to be affected by the ban were identified using Standard Industrialisation Codes¹¹ (SIC).
- It is difficult to estimate how many businesses within each SIC code currently manufacture, supply or sell wet wipes containing plastic. Therefore, a conservative assumption has been used that all businesses within the selected SIC codes will be impacted by this ban and will face familiarisation costs.
- It is estimated that familiarisation would take 30 minutes of one full time employee's time per enterprise under the central sensitivity. However, sensitivity analysis has also been undertaken where the low scenario

⁸ [The UK Government 25 Year Environment Plan](#)

⁹ [Call for evidence on commonly littered and problematic plastic items](#)

¹⁰ [Single-use plastic: banning the supply of commonly littered single-use plastic items - Consultation outcome - Summary of responses and government response](#)

¹¹ [Office for National Statistics UK business: activity, size and location table 4](#)

assumes 15 minutes and the high scenario assumes one hour to account for uncertainty. This was costed at the median average hourly wage for each businesses category¹² plus 22% non-wage labour costs¹³ which accounts for national insurance contributions, pension contributions, allowances and benefits on top of basic salary.

Under the central scenario, it is estimated that the one-off familiarisation costs are £382,000. This is illustrated in Table 3. The low and the high scenarios estimate the familiarisation cost to be £191,000 and £573,000 respectively¹⁴.

¹² [Office for National Statistics 'Earnings and hours worked', gross hourly pay 2022](#)

¹³ [RPC short guidance note - Implementation costs August 2019.pdf \(publishing.service.gov.uk\)](#)

¹⁴ Estimates are given to the nearest £1,000

Table 1: UK Familiarisation cost monetisation

SIC code & Industry description	Number of businesses	Median hourly pay (£)	Assumed familiarisation time	Familiarisation cost	Non-labour wage adjusted (1.22 multiplier) familiarisation cost
2229: Manufacture of other plastic products	2,425	£13.12	30 minutes	£15,908	£19,408
4649: Wholesale of other household goods	5,000	£13.52	30 minutes	£33,800	£41,236
4673: Wholesale of wood, construction materials and sanitary equipment	5,345	£12.63	30 minutes	£33,754	£41,179
4711: Retail sale in non-specialised stores with food, beverages or tobacco predominating	32,715	£10.77	30 minutes	£176,170	£214,928
4719: Other retail sale in non-specialised stores	7,935	£10.50	30 minutes	£41,659	£50,824
4775: Retail sale of medical and orthopaedic goods in specialised stores	1,775	£13.61	30 minutes	£12,079	£14,736
					£382,311

Estimating total revenue for the UK's wet wipe retail market

The UK retail revenue of wet wipes produced domestically can be estimated using the total individual wet wipes placed on the market that were produced domestically multiplied by the unit price.

The number of wet wipes placed on the market that were produced domestically in the UK has been calculated by adjusting Valpak's total wet wipes placed on the market figure by Valpak's estimates for the UK's net trade of wet wipes.

The total units placed on the market by category is multiplied by the price by category to estimate UK wet wipes retail revenue (Table 4). The low and the high scenario are calculated using the minimum and maximum price by wipe respectively. The central estimate is the midpoint of the low and high estimate. Childcare wet wipes make up over half of the revenue market share with an estimated £1,011m in 2021.

Table 4: Estimated UK retail revenue of wet wipes produced domestically

UK Retail revenue (£m)	2020			2021		
	Low	Central	High	Low	Central	High
Cleaning	573	645	717	572	644	715
Cosmetic	120	156	192	120	156	192
Healthcare	8	9	10	5	6	6
Personal Hygiene	152	167	182	175	193	210
Pet Care	1	1	1	2	2	2
Optical Care	5	5	5	5	5	5
Childcare	842	926	1,011	919	1,011	1,103
TOTAL	1,701	1,909	2,117	1,798	2,016	2,233

Estimating profit loss for producers

A ban would have a direct impact on businesses producing plastic wet wipes leading to a loss of profits. This is considered a direct impact to business as it is an immediate and unavoidable ('first round') impact resulting from a ban¹⁵. This impact will therefore be considered within the equivalent annual net direct cost to business (EANDCB) calculation.

There is a possibility that some producers may choose to cease production, however it is expected that some producers will move to the next most profitable alternative. It is acknowledged that any switch in production is likely to result in lower total profit, otherwise producers would have already made this switch. But it is reasonable to expect a proportion of the lost profit to be recouped through production of other items. This would be an indirect impact and will not be considered within the EANDCB calculation.

¹⁵ As set out in RPC guidance: [RPC case histories - direct and indirect impacts March 2019 1 .pdf](#) (publishing.service.gov.uk)

To monetise this, the estimate for annual retail revenue for all wet wipes that were manufactured in the UK is used as a starting point, and the calculations work backwards through the supply chain, removing the assumed profit margin at each stage of retail, wholesale, and production. The central estimate for annual retail revenue for all wet wipes that were manufactured in the UK is shown in Table 4 as £2,016m. This estimate is then multiplied by the estimated retail markup. The retail markup is calculated using 2020 Annual Business Survey (ABS) Data¹⁶ for Standard Industrial Classification (SIC) code 47 “Retail trade, except of motor vehicles and motorcycles”. Turnover net of purchases of goods, materials and services is calculated as a proportion of turnover, giving an estimated retail markup of 18.1%. The retail revenue is then multiplied by the retail markup to estimate a wholesale revenue of £1,650m.

A similar step is taken again to estimate the producer revenue, by accounting for the wholesale markup. The wholesale markup is calculated using 2020 ABS data for SIC code 46 “Wholesale trade, except motor vehicles and motorcycles”. Again, using turnover net of purchases of goods, materials and services is calculated as a proportion of turnover. This results in an estimated wholesale markup of 15.8% which can be multiplied by the estimated wholesale revenue to estimate a producer revenue of £1,389m.

Annual Business Survey Data for SIC code 22 ‘manufacture of rubber and plastic products’ is used to calculate an estimate of producer profit margins. Turnover net of purchases of goods, materials and services and net of employment costs is calculated as a proportion of turnover, giving a producer profit margin of 16.2%. Multiplying producer revenue by the producer profit margin gives an annual producer profit estimate of £225m.

This methodology assumes that all wet wipe supply chains contain wholesalers. Our stakeholder engagement has indicated that larger retailers may source their wet wipes directly from producers¹⁷. This would lead to a higher estimated producer profit as the wholesale markup is bypassed. Under an extreme scenario where all retailers source wet wipes directly from producers, producer profit is estimated to be £268m.

These figures are for all wet wipes sold in the UK. This is then multiplied by the profit estimates by the proportion of wet wipes sold in the UK made of plastic to estimate the profit from plastic wet wipes production.

Small and micro business assessment

Defra will be conducting a UK-wide small and micro business assessment, detail of which will inform the Final BRIA. To estimate the market share held by businesses of different sizes the turnover data¹⁸ by SIC codes published by the Office for National Statistics (ONS) has been used. The proportion of turnover by “G: wholesale and retail trade; repair of motor” can be used as a proxy for the market share split of wet

¹⁶ Non-financial business economy, UK regional results: Sections A to S - Office for National Statistics

¹⁷ Defra are seeking to gather further evidence on this at consultation

¹⁸ Enterprises by employment and turnover size - Office for National Statistics (ons.gov.uk) – Note that there is currently an error on the webpage and excel datasheet describing the data as covering enterprises in England when it is in fact UK data.

wipe retailers/wholesalers and “C: Manufacturing” turnover split can be used as a proxy for the market share split of wet wipe manufacturers. This market split is displayed in Table 5.

Table 5: Turnover market share of affected businesses by employment size band for the UK

UK Market share by turnover	Employment size band			
	Micro (0–9 employees)	Small (10–49 employees)	Medium (50–249 employees)	Large (250 or more employees)
G : Wholesale and retail trade; repair of motor	12%	17%	20%	50%
C : Manufacturing	5%	9%	18%	68%

Note that some of the large manufacturing turnover was not included in the ONS dataset to avoid disclosure by deduction. Therefore, the percentages above likely underestimate the market share of the large manufacturers.

These market share split estimates can be applied to business impact estimates to assess the impact that the ban will have on small and micro businesses.

Medium business assessment

Table 6 shows the turnover market share of the ONS definition of medium businesses (50-249 employees), which is 20% of market share in wholesale and retail sectors and 18% in manufacturing.

The Better Regulation Framework guidance classifies medium businesses as businesses within the employment band of 50-499 employees. As ONS data is unable to provide an estimate for the number of businesses with an employment size band between 50-499, Nomis data has been used to provide an approximate estimate. Table 6 shows the number of businesses in the UK within the SIC codes that have been identified as being affected by the ban, obtained through Nomis data¹⁹. 950 businesses are within the employment band and SIC codes that have been identified as potentially impacted by the proposed ban. Data on the turnover split of businesses within this employment size band is not available.

¹⁹ Nomis, UK business counts – entered by industry and employment size band and filtered for 2022.

Table 6: Number of businesses in the UK within SIC codes affected by the ban within the 50-499 employment size band

Number of businesses in UK by employment band and sector (SIC 4)	Medium (50-499 employees)
2229 : Manufacture of other plastic products	205
4649 : Wholesale of other household goods	170
4673 : Wholesale of wood, construction materials and sanitary equipment	285
4711 : Retail sale in non-specialised stores with food, beverages or tobacco predominating	180
4719 : Other retail sale in non-specialised stores	85
4775 : Retail sale of cosmetic and toilet articles in specialised stores	25
Total	950

Material costs

Defra-commissioned market research suggests that the material wet wipes were made from was not a significant impact in the retail price of wet wipes. The intended use of the wet wipes was a much more significant factor on the price e.g. cosmetic wet wipes were more expensive than childcare wet wipes. Therefore, it is assumed that a ban on plastic wet wipes will not lead to a higher material cost impact. Defra are seeking views on this assumption through the consultation.

8. Regulatory and EU Alignments

This will be assessed under the Final BRIA, taking into account responses received through the consultation.

Intra-UK trade

This will be assessed under the Final BRIA, taking into account responses received through the consultation.

International trade

Yes. If a ban on the manufacture, supply and sale of wet wipes containing plastic were brought into force, this would have an impact on any international trade in these commodities that currently occurs. This will be assessed under the Final BRIA, taking into account responses received through the consultation.

EU alignment

A ban on wet wipes containing plastic would go further than EU policy in this area, and is certainly not deviating from this.

9. Scottish firms impact test

The UK Government is conducting individual engagement interviews with relevant businesses prior to and during the consultation period, including those based in

Scotland. These include manufacturers and retailers. This will be assessed under the Final BRIA, taking into account responses received through the consultation.

10. Competition assessment

This will be assessed under the Final BRIA, taking into account responses received through the consultation.

11. Consumer assessment

Consumers may be impacted initially by a reduction in product choices as plastic wet wipes are removed from the market. This impact is expected to reduce over time as some producers switch to producing wet wipes that do not contain plastic. Evidence from commissioned work suggests that there is not a significant price difference between wet wipes that contain plastic and those that do not. Therefore, we do not expect there to be any direct price impacts on consumers. Furthermore, stakeholder engagement has indicated that retailers have not received negative feedback from customers regarding alternative products to wet wipes that contain plastic.

12. Test run of business forms

It is not intended that a ban would result in the introduction of new business forms.

13. Digital impact test

99% of wet wipes placed on the UK market in 2019 were produced domestically. The proposed ban would be applicable to both offline and online sales, and to sales both within the UK and from international sources. The proposed ban would cover the manufacture, supply and sale of these goods. If the Scottish Government proceeds with legislation, we will notify the World Trade Organization (WTO) under the Technical Barriers to Trade (TBT) Agreement. The notification period will inform potential exporters in other countries that businesses and customers in Scotland would be unable to purchase their products for use or supply at the point legislation is enabled.

14. Legal aid impact test

It is not expected that the ban on plastic in wet wipes will have any impact on the current level of use that an individual makes to access justice through legal aid or on the possible expenditure from the legal aid fund. This is because any legal decision impacted by the proposed legislation will largely affect businesses rather than individuals.

15. Enforcement, sanctions and monitoring

Existing data sources will be used to monitor the number of plastic wet wipes on sale in the UK following the implementation date of any ban, excluding those for exempted purposes. The number of plastic wipes on sale is the key objective of this policy and will be used as a proxy to assess the broader outcomes; namely the reduction as a source of marine litter, and the reduction in micro and nano plastics

being released into the environment, as well as the potential reduction in blockages in the sewer infrastructure. We will utilise existing data sources to monitor these outputs and outcomes.

The success of the policy is dependent on compliance from all parts of the supply chain, excluding those exempted. The assumption within the policy is that limited enforcement is required to achieve a high level or total compliance.

Subject to the outcome of the consultation, Scottish Ministers can introduce secondary legislation under section 140 of the Environmental Protection Act 1990 which was previously used to draft the Environmental Protection (Microbeads) (Scotland) Regulations 2018. It is anticipated that enforcement will be undertaken by Trading Standards through Local Authorities.

16. Implementation and delivery plan

Each of the four nations will devise their own implementation and delivery plans. Scottish Government plans will be assessed under the Final BRIA, taking into account responses received through the consultation.

Defra will monitor the implementation of this policy through engagement with key stakeholder groups such as trade associations and the NHS. Early indications of unintended consequences would include greater than expected impacts to businesses of implementation, lack of availability of non-plastic wet wipes for consumers, and a disruption in supply for exempted purposes.

17. Post-implementation review

The effect of the proposed ban will be reviewed through the abundance of wet wipes found as marine litter on Scottish beaches.

18. Summary and recommendation

In summary, Option 1 is being recommended.

By introducing a ban on the manufacture, supply and sale of wet wipes containing plastic, it is considered that the reduced risk of harm that would result will potentially provide environmental benefits for: the marine ecosystem as a whole, and the species and habitats contained within; water quality, through a reduction in micro and nano plastic pollution; and the built sewer infrastructure, through a potential reduction in blockages and damage to infrastructure.

If a ban were introduced this would contribute to efforts by the Scottish and UK governments to work toward Good Environmental Status under the UK Marine Strategy, and contribute to other commitments to protect the marine environment.

Declaration and Publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: 

Date: 05/10/2023

Minister's name: Lorna Slater

Minister's title: Minister for Green Skills, Circular Economy and Biodiversity

Scottish Government Contact point: Anne Saunders WWSEAandBRIA@gov.scot

Next steps

The consultation on the proposed ban on the manufacture, supply and sale of wet wipes containing plastic can be read at <https://consult.defra.gov.uk/wet-wipes-1/wet-wipes-containing-plastic>. Responses to the consultation on the proposed ban should be submitted via the online form at <https://consult.defra.gov.uk/wet-wipes-1/wet-wipes-containing-plastic> or in writing to Consultation Coordinator, Defra, 2nd Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX, by 25 November 2023.

The consultation on this partial Business and Regulatory Impact Assessment is now open, along with the accompanying SEA Environmental Report. Views and opinions on this are now invited and should be provided by 25 November 2023.

Please send comments on the SEA and partial BRIA via:
WWSEAandBRIA@gov.scot

Or send by post to:
Wet Wipe SEA and BRIA
Scottish Government
Area 1B North
Victoria Quay
Edinburgh
EH6 6QQ

Following the consultation period, the responses received will be analysed, and a Post-Adoption Statement and a Final BRIA will be prepared. These documents will explain how issues raised in the SEA and partial BRIA, and associated views in response to the consultation, have been addressed.

Privacy Notice

Who we are

We are the Marine Directorate of Scottish Government. Our head office is located at Victoria Quay, Edinburgh, EH6 6QQ.

Why we need your personal information?

We are seeking views on this partial BRIA. If you contact us for this reason you might be including some personal information, such as your name or email address. We do not need this information for the purposes of informing the Final BRIA, but if you do supply these we have a duty to process that information in accordance with the law.

What we do with your data

We will use your comments sent via email or post. We will collate all the information received this way, which will help inform the next steps in this area. All responses will be anonymised.

Where personal data is received by email or letter, only the information required to inform the BRIA will be extracted. Personal data, such as email addresses, postal addresses, and any other information which can identify an individual, will be deleted at the end of this project as it is not necessary for our purpose.

How long is your data kept

We only keep your personal information for the minimum amount of time necessary, until the end of this project, once the proposed ban has been introduced, or a decision is otherwise taken on the ban.

What are your rights

You have a right of access to any personal data we hold about you by making a [Subject Access Request \(SAR\)](#).

In addition, if you believe that the data we hold is inaccurate or incomplete you can ask us to update our records by contacting dpa@gov.scot

To find out more about the rights you have over your personal data, please visit the ICO website [Your data matters | ICO](#)

Complaints

If you have concerns about the way we process and handle your personal information, in the first instance you should raise your concerns with our Data Protection Officer by email to DataProtectionOfficer@gov.scot

If you feel that your data has been collected or processed unlawfully, you have the right to raise a complaint with the Information Commissioners Office:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: www.ico.org.uk
You can also [report any concerns online](#)



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Any enquiries regarding this publication should be sent to us at

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