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Submitted by email to: [ContenuRecycleRecycledContent@ec.gc.ca](mailto:ContenuRecycleRecycledContent@ec.gc.ca)

**RE: Environment and Climate Change Canada (ECCC) Consultation process for the development of recycled content for certain plastic manufactured items regulations under the Canadian Environmental Protection Act, 1999, published in *Canada Gazette I*, Volume 156, Number 7**

The Canadian Produce Marketing Association and its members welcome the opportunity to provide comments in regard to the Environment and Climate Change Canada [consultation process for the development of recycled content regulations](#).

#### **About CPMA**

CPMA is a 96-year-old not-for-profit trade association representing member companies growing, packing, shipping and selling fresh fruit and vegetables in Canada. In a sector supporting roughly 249,000 jobs across Canada, our members are responsible for 90% of fresh produce purchased by Canadians. This submission reflects a complex supply chain that works tirelessly to provide fresh fruit and vegetable across Canada.

The Canadian produce industry continues to be deeply engaged across all segments of the supply chain to reduce and mitigate the use of plastics. CPMA has deliberately taken a leadership role in this space through the work of our [CPMA Plastic Packaging Working Group](#) and as an implementation partner with the [Canada Plastics Pact](#) to assist the produce industry in navigating the highly complex goal of utilizing plastic packaging in the most economically and environmentally responsible means possible while also considering the food safety and food security implications of reducing the use of plastics for fresh produce.

The CPMA Plastics Packaging Working Group was established in May 2019 to begin the process of identifying a path forward to address the use of plastics within the produce sector, including identifying efforts already undertaken by industry, determining best practices, and developing an industry-supported roadmap to maintaining food quality and safety while reducing the environmental impact of plastics.

In December 2019, the CPMA Plastics Packaging Working Group released a *Technical Report and Roadmap*, detailing steps we are taking to achieve our vision of keeping plastics in the economy and out of the environment. This means driving plastic packaging innovation while also working to increase recycling rates and explore other sustainable packaging alternatives, like composting and packaging reuse. In June 2020, the Plastics Packaging Working Group published the *CPMA Preferred Plastics Guide*. This guide is intended to help inform and support CPMA members in their

packaging decision making processes, and will be updated as developments in packaging materials, design and recycling capabilities warrant. A more comprehensive *CPMA Material Selector Guide* was published in November 2020, designed to help our members choose the packaging materials that can provide the food safety and shelf life benefits they need to keep fresh fruit and vegetables on Canadian tables while making the least environmental impact.

Current Working Group efforts are focused on the creation of additional resources to inform industry decision-making and to address sustainability concerns with PLU stickers used on bulk produce through supporting a transition to the use of industrially compostable stickers. In addition, a national pilot project is underway to develop a strategy that will encourage effective pathways to migrate from current packaging with limited recyclability to an array of sustainable packaging form factors and related materials. The work done on this project will also include the consideration of barriers to desired food and produce packaging in particular circumstances or conditions. This pilot, undertaken in partnership with Food and Beverage Canada, will help to advance the collective efforts of Canada's produce and food sector in reducing the environmental impacts of food and produce packaging.

It has been noted in the Canadian Strategy on Zero Plastics that "Achieving the vision of a circular economy for plastics will require that actions be taken in many areas, in some cases to enhance current performance, and in others, to transform and adopt new practices and behaviours." CPMA, with the support of our members and allied partners, hopes to advance efforts within our sector to ensure we have a vision based on sound science and business best practices that allows the opportunity for the produce industry to identify, prioritize and implement systems-wide changes.

### General Comments

On behalf of the fresh fruit and vegetable supply chain, CPMA offers our support to the Government of Canada's efforts to reduce and mitigate the use of unnecessary and problematic plastics in Canada. CPMA and our members are ready and willing to be active partners in finding effective and workable solutions to this complex systems problem, which is plastics waste and pollution.

#### Complex Systems Change Needed:

- It is important to recognize that regulation alone will not be effective in shifting the plastics system, either within Canada or globally. Instead, for impactful change to occur, Canada must also address the challenge of fragmented collection systems across the country that do not effectively collect and recycle the materials currently in circulation that could be kept and utilized in the circular economy. Without this critical infrastructure in place, industry transitions to recyclable or compostable packaging materials will be rendered futile.
- CPMA strongly supports the government's desire to support the growth of new and innovative technologies that further the goals of environmental protection and the transition to a circular economy. CPMA also supports the government's recognition that, to secure investments, recyclers need certainty that there will be buyers for the plastic they recycle.
- Product performance standards for plastic products and packaging can contribute significant value to generating a sufficient, stable and predictable supply of materials to support a viable secondary plastics markets and investments in recovery infrastructure in Canada.

#### Collective Approach on Post-Consumer Recycled Content:

- Federal and provincial alignment and cooperation is necessary to enable the necessary recycling systems across Canada. The Government's efforts relative to single-use plastics (SUP) prohibitions and increasing post-consumer recycled (PCR) content in certain plastic manufactured items must therefore be complemented by

efforts to dramatically improve both the infrastructure to support PCR availability (i.e. recycling), as well as consumer education.

- Without a concerted effort in both areas, efforts to ban certain packaging forms, and to improve the PCR content of others, will never achieve the targets set. It is also imperative that the Government of Canada take both a leadership role, as well as a coordinating role, in providing mechanisms to incentivise and support consistency across the country.
- CPMA strongly encourages the Government of Canada to promote the use of common standards, best practices, and consumer and industry education at a national level to create a harmonized approach to increasing recycled-content and reduce the impact on the environment. Without formalized national coordination to support provincial and territorial implementation, Canada's success in these efforts may be hindered.

### Global Context:

- The Government of Canada should monitor and identify emerging international standards which will have direct and indirect impact on the effectiveness of packaging-related initiatives in Canada. Given that a large percentage of fresh produce trade is international in nature, a large portion of produce packaging traverses borders.
- International standards, guidelines and trade considerations are especially important to ensure that any changes to Canadian packaging requirements do not adversely impact the importation of foreign produce in the winter season or the export of Canadian produce during growing season. An ongoing global assessment can help position Canada as a leader in supporting a transition to a circular economy, while avoiding the creation of market access barriers for Canadian industry.

### Legislative Tools

- The Federal Government must continue to investigate more fit-for-purpose regulatory levers to reduce problematic plastics and, more importantly, incentivise a circular economy. The current mechanisms being utilized do not provide the long-term benefits necessary to create the true systems-level change which is necessary to effectively address the environmental impacts of plastics in Canada.

### Comments on Technical Issues Paper and Consultation Questions

#### **2.1 Food Contact Exemption (Related Consultation question: Q2 - What actions could government take to facilitate an increase in recycled content for primary food packaging?)**

The Technical Issues Paper directly references the existing regulations applying to food contact, as below:

*The Regulations would not replace other existing or future requirements, which would continue to apply to certain types of plastics, plastic products and packaging. For example, food chemical safety is a consideration when using recycled, biobased or compostable plastics in food contact applications. The use of these plastics, as with any other material in food packaging, must comply with the safety provisions of the Foods and Drugs Act and Regulations. In addition, the Prohibition of Certain Toxic Substances Regulations, 2012 prohibit the manufacture, use, sale, offer for sale or import of certain toxic substances, as well as products containing them. Any material containing the substances covered by those Regulations would be prohibited from being used as recycled content, unless the substance is incidentally present or another exemption applies.*

As a result, the proposed scope of PCR content regulations in both the short-term (2025) and longer-term (2030) would effectively exempt the application to packaging in direct contact with food, including non-bottle rigid containers and trays, foam packaging, film and flexible plastic packaging.

Although CPMA supports this exemption, given the challenges of securing food-grade recycled content, the produce industry remains committed to migrating towards increased uses of PCR content in produce packaging.

**Recommendation:** CPMA recommends that any PCR regulations consider the potential impacts that increasing recycled content across non-food contacting plastic manufactured items could have on providing access to PCR for food-contact applications (e.g., availability, quality, cost, etc.). To this end, draft regulations should seek to collect information to better understand these impacts, informing future revisions of the regulations and the eventual application to food-contact applications.

### **2.2 Achievability of 50% by 2030 (Not related to a specific consultation question)**

Although the produce industry supports increasing PCR content in produce packaging, the feasibility of achieving 50% PCR by 2030 hinges on several key factors, both upstream and downstream from the point of contact with consumers. The range of packaging applications, resin choices and packaging form factors are not identical to one another and hence may not be able to sustain 50% PCR content by 2030 without some major investments in infrastructure, consumer education to increase recovery, and/or other regulatory or incentive instruments.

**Recommendation:** CPMA recommends that both short-term and long-term PCR content targets at any level (50% or other) take an incremental approach to set achievable early-stage targets, and provide the information necessary to assess the feasibility and related challenges or barriers to achieving the next increment target for PCR content.

### **2.3 Import Considerations (Related consultation question: Q14 - If you are an importer of plastic products, what must be considered to obtain the required evidence for recycled content verification from overseas manufacturers? What other ways could importers demonstrate compliance?)**

Given the exemption to food-contact packaging, our main concern with regard to imported plastic products is primarily the assurance that any PCR content incorporated into food-contact packaging does not adversely impact the food-grade quality of the packaging.


**Recommendation:** Similar to the above recommendation under 2.1, CPMA recommends that any PCR regulations consider the potential impacts that increasing recycled content across imported non-food contacting plastic manufactured items could have on providing access to PCR for imported food-contact applications (e.g., availability, quality, cost, etc.). Draft regulations should therefore seek to collect information to better understand these impacts, informing future revisions of the regulations and the eventual application to imported food-contact packaging applications.

## CPMA RESPONSE | ECCC Consultation 2022

On behalf of its members, the CPMA is appreciative of the opportunity to provide comments to the Environment and Climate Change Canada consultation process on the development of recycled content regulations.

Please advise if you have any questions in regard to these comments.

Regards,



Ron Lemaire  
President, CPMA