CPMA ACDFL
CANADIAN PRODUCE MARKETING ASSOCIATION
ASSOCIATION CANADIENNE DE LA DISTRIBUTION DE FRUITS ET LÉGUMES

August 30, 2023

Tracy Spack, Director
Plastics Regulatory Affairs Division
351 Boulevard Saint-Joseph
Gatineau, QC, K1A 0H3

Sent by email to: plastiques-plastics@ec.gc.ca

Re: Response to the Pollution Prevention Planning Notice for Primary Food Plastic Packaging - Targets for reduction, reuse, redesign, and recycled content | Impacts on Access, Affordability, Waste and Safety of Fresh Fruits and Vegetables

Dear Mrs. Spack,

The Canadian Produce Marketing Association (CPMA) and its members welcome the opportunity to provide comments to the Environment and Climate Change Canada's (ECCC) *Pollution prevention planning notice (P2 Notice) for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content*. This is in addition to our significant concerns shared with you May 2023 regarding the labelling and recycled content framework draft regulations which propose changes which will be a significant challenge for our sector to achieve at this time and will further stress an already challenged food supply, including adding cost at a time when Canadians are increasingly challenged to afford feeding their families.

As a point of reference, **CPMA wishes to express its formal objection to the deadline for submission of comments being only 30 days after the consultation paper was posted**. Given the novel application of the pollution prevention notice to such a broad scope as primary plastic packaging, and the specificity of the proposed risk management objectives related to fresh produce, CPMA considers the time allocated insufficient to fully consult its members during what is one of the busiest months of the year for the fresh produce industry. The very limited time provided is insufficient for the CPMA and its members to complete the research required to provide comprehensive data to demonstrate the impact of the proposed objective. Therefore, our comments are based primarily on the data that already exists around food waste and other key packaging considerations.

About CPMA

Founded in 1925, the CPMA is Canada's leading not-for-profit trade association representing member companies growing, packing, shipping, and selling fresh fruit and vegetables in Canada. In a sector that contributed nearly $15 billion to GDP in 2022, 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 problematic plastics. CPMA has deliberately taken a leadership role in this space through the work of our CPMA 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. This work is reflected in the industry's efforts to develop a Sustainable Packaging Guide for Food and Fresh Produce – an initiative supported by AAFC – a beta version of which has already been made available at www.sustainable-packaging.ca

The business and regulatory context within which Canada's fresh produce operates is critical to its success, especially given its reliance on highly complex global supply chains which deliver fresh produce to Canadians year-round. **Fresh produce packaging plays an integral role in the safe and efficient movement of fresh produce, and as such, the Government's proposed Pollution Prevention Notice and the associated risk management objectives applied to fresh produce will have direct impact on the availability and affordability of fresh produce across Canada**.

Our leading concerns are outlined below.

Regulatory Context in Canada - Pollution Prevention Notice, Related Plastics Regulatory Activities, and their Collective Impacts on the Fresh Produce Sector

- The produce industry is concerned that the pollution prevention (P2) notice as a policy instrument was never intended nor designed to be applied to such a broad scope as that defined by "primary food packaging". Consequently, any claims of past success in **applying the P2 is not a predictor of success in this instance given the broad and diverse scope that is "primary food packaging**" when compared to prior (and narrower) applications of the P2 policy instrument.

- Other plastics regulatory activities in Canada, notably the ongoing consultation on the regulatory framework for labelling and recycled content, **propose regulatory actions which are not congruent or compatible with the proposed risk management objectives (RMO)** in the draft P2 consultation document. This lack of congruence is notably the case with respect to fresh produce packaging and the proposed RMOs which have a direct impact on the fresh produce sector.

- **A leading example of the lack of congruence is the incompatibility between the proposed ban of plastic PLU stickers in the draft regulatory framework for labelling and recycled content, and the P2 RMO** to significantly increase the selling of produce in bulk form – an approach which would require an increase in the use of PLU stickers.

- The release by the Government of Canada of what many in the produce sector consider unrealistic risk management objectives has led to considerable concerns by the produce sector, both in Canada, and internationally, leading to **an expectation that a growing and increasingly challenging regulatory burden could adversely impact Canada's standing as a preferred destination for fresh produce**.

Proposed Pollution Prevention Notice Risk Management Objectives – Concerns & Impacts

- The proposed RMOs outlined in the P2 consultation document, notably the following prescribed for fresh produce packaging:

  Fresh fruits and vegetables are distributed and sold in bulk and/or in plastic-free packaging – at least 75% by 2026; at least 95% by 2028

  do not reflect any current produce sector targets, nor do they appear to be based on the realities of the produce supply chain. In addition, the **proposed RMOs appear to impose an additional burden on the fresh produce package when compared to other primary food packaging**. The basis for this more aggressive target setting appears arbitrary as no evidence has been provided by ECCC to support these decisions. **The proposed targets also fail to account for ongoing efforts in the food and produce sector to reduce the environmental impacts of primary food packaging** through an ongoing focus on increasing the recyclability and actual recycling of fresh produce packaging.

- The proposed risk management objective has been received by both domestic and international fresh produce industry stakeholders as highly problematic, if **not reflecting a total lack of understanding of current and evolving realities of the fresh produce sector supply chain**, both domestic and international. As noted by one retail member: Up to 65% to 75% of all fresh produce is currently sold in plastic packaging, with upwards of 40% of that fresh produce not suitable for bulk distribution or sale. (Items such as strawberries, blueberries, raspberries, packaged salads, baby carrots and many others simply cannot be sold bulk.) Consequently, the proposed target is seen by many as indicative of a serious lack of due diligence on the part of ECCC. This is undermining ECCC credibility, both domestically and internationally, and by extension the Government's broader commitment to working with industry to pragmatically address the challenges of plastic waste.

- The fresh produce industry feels strongly that any **RMOs applicable to the fresh produce sector must reflect the current realities of the global produce supply chain**, to avoid undue unintended consequences. These impacts could include undue costs to transition to non-plastic packaging for example – costs potentially in the tens or hundreds of millions which could increase the cost to consumers.

- **Other impacts of concern include increases in food waste, GHG emissions, and food safety**, all of which will require significant investments to ensure that these risks are mitigated.

- **Although reuse is a priority outcome as outlined in the P2 Consultation Paper, it has very limited if any applicability to fresh produce packaging at this time.** The use of consumer supplied containers has been generally discouraged by both the retail industry and public health units due to concerns with the practice, including potential unintended contamination of containers due to lack of proper cleaning and sanitizing by the consumer (e.g. bacterial, viral, mold, chemical, foreign matter, etc.) that could result in consumer illness, product spoilage, increase in product recall investigations, unwarranted store liability, etc. Food safety is a top priority for both industry and government and there is a very real concern that both reuse and bulk sales of certain produce items could undermine

the regulatory requirements of the Safe Food for Canadians Regulations. If the reusable container is being handed to an employee to fill, potential transfer of contaminant from a container to employee and/or department food surface (e.g. meat, deli, bakery, produce) is a risk. Lastly, although not related to food safety, concerns related to product labelling, quantity and pricing e.g., for product sold by weight, requiring allowance of proper tare for random containers must be addressed.

- Section 4.5 of the Consultation Document states that P2 plans are to "Develop and implement measures to reduce the environmental impacts of primary food plastic packaging waste along the value chain to the greatest extent practicable". The produce sector is concerned by the lack of detail on what will be the basis, ranking and/or weighting to assess if "to the greatest extent practicable" was achieved given the balance of competing considerations, notably food safety; extension of shelf-life and reduction of food waste; food security; transportation and food waste emissions as well as other environmental impacts and costs including resulting overall costs to consumers. **Given the importance of these considerations when selecting produce packaging, the industry is concerned by the lack of detail on how these competing packaging considerations will be accounted for during the monitoring and reporting of P2 plans and progress against targets**.

The Need to Account for Competing Produce Packaging Considerations

- **Fresh produce packaging is a complex activity**, requiring that packaging provide key performance characteristics to ensure food safety, food quality, minimize food waste, and ensure food affordability – all the while seeking to reduce the environmental impacts during the production, use and disposal of the packaging in question.

- The above includes the challenging balance of mitigating plastic waste while also ensuring that GHG emissions are not increased due to packaging material choices, undue increases in food waste which can further contribute to GHG emissions, or a combination thereof. **The produce industry is increasingly making investments in the use of Life Cycle Analysis methods to assess and inform its packaging decision making.**

- Although the P2 consultation document acknowledges the existence of these competing packaging considerations, **it fails to provide guidance in how these considerations will be balanced and accounted for in setting and evaluating the progress against the RMOs for fresh produce**. An over-emphasis on addressing the concerns with plastic waste, to the detriment of the balance of other key considerations, risks undermining the effectiveness and integrity of the fresh produce supply chain in Canada.

- The fresh produce industry is a leader in developing tools and best practices to help identify and move towards more sustainable forms of packaging – efforts which include the development of sustainable packaging guidance for the industry at large, as well as sustainable packaging requirements from Canada's leading retail brands. Industry lessons learned are also increasingly shared to help the sector balance the numerous considerations central to effective fresh produce packaging. These **industry efforts and related investments appear to be largely overlooked or not considered in the development of the draft RMOs** outlined in the P2 consultation document.

- Given the importance of key considerations in fresh produce packaging such as food safety, minimizing food waste, and ensuring food affordability – amongst others – the P2 consultation document and the related **RMOs for fresh produce do not appear to have been dutifully informed by consultation with other key federal department stakeholders**, including AAFC & CFIA. Given the importance of balancing these competing considerations, any RMOs for fresh produce packaging should be developed through comprehensive consultation with other key federal departments.

Adverse Impacts on Fresh Produce Waste

- **Fresh produce packaging plays an integral role in enabling the effective transportation of fresh produce from the farmer's field to Canadian's homes**. Fresh produce packaging performs several important functions, ensuring that food safety is maintained, while also seeking to minimize food waste in transit, during storage, on store shelves, and in Canadians' homes. Significant investment has been made in the assessment, selection, and optimization of fresh produce packaging to deliver the desired packaging performance.

- Substantive and near elimination of current plastic packaging technology – many increasingly sustainable as measured by their recyclability and actual recycling rates – would lead to significant increases in fresh produce waste. Current levels of fresh produce waste is approximately 11% within the retail sector – with many fresh produce commodities seriously concerned that the near total removal of plastic packaging and transition to bulk and/or non-plastic materials would dramatically impact the capacity to ensure freshness and avoid undue loss of moisture, thus leading to significant loss of produce quality to the point of the produce being unsuitable for consumption. **Substitution of plastic packaging with non-plastic options including fiber have shown a reduction in shelf life of sensitive produce (e.g., berries) by upwards of 40%**. Furthermore, **tests conducted by produce industry stakeholders assessing non-plastic produce packaging have shown upwards of 30% additional cost to the consumer, while also seeing increased food loss within the supply chain.**

- Additionally, a not so obvious impact of migrating away from plastic to non-plastic packaging is the impact on increased produce waste arising from consumers being unable to visually inspect produce prior to purchase. **There are several examples where adopting non-plastic/non-transparent packaging has reduced consumer purchasing due to being unable to see and inspect the produce, leading to a net increase in food waste on store shelves**. This effect on consumers should not be underestimated when considering packaging alternatives.

- It must also be noted that **the fresh produce industry is increasingly taking action to mitigate GHG emissions through changes in its operations, the selection of appropriate packaging materials and designs, as well as in the minimization of fresh produce waste.** GHG emissions that arise from increases in fresh produce waste – waste which is frequently directed to landfills, leading to increased methane emissions – are an important component of the fresh produce's overall GHG emissions. The proposed risk management objectives present a significant risk in increasing GHG emissions through a return to bulk transportation and/or the adoption of non-plastic packaging which increases fresh produce loss during transit, in storage, or on store shelves. Unfortunately, organics recycling (i.e., industrial composting) facilities are not ubiquitous across Canada – and are therefore not available to help mitigate this impact.

- Increases in fresh produce waste is both a societal concern due to the aversion to food waste, as well as an economic one. Costs incurred through the loss of fresh produce inventory in transit, in storage or on store shelves would be amortized over the balance of fresh produce sold. **It is estimated that every 1% increase in food waste would result in a financial loss of at least 4% in revenue. Any such cost impacts would exacerbate existing and growing concerns with food affordability – on top of the adverse environmental impacts of increased food waste.**

- Based on preliminary analysis of the proposed RMO for fresh produce, **it is estimated that upwards of 1 million tonnes of fresh produce could be lost per year if plastic produce packaging was restricted based on the proposed RMO and timeframe**. The financial value of this lost produce could be upwards of $5B per year. Furthermore, given the lack of organics recycling capacity across Canada, a significant percentage of this increased produce waste would be directed to landfills, contributing to the creation of landfill gas in the form of methane.

Adverse Impacts on Fresh Produce Quality and Availability

- **Canadians spend $4 out of every $5 on imported fresh produce, due in large part to our limited growing seasons for fresh produce, as well as a limited climate which can only support certain types of produce.** Consequently, Canadian harmonization of fresh produce packaging and supply chain best practices provides Canada with access to high quality and diverse array of fresh produce year-round. Substantive changes to Canada's fresh produce packaging requirements as proposed in the P2 Notice would significantly and adversely impact the availability of high-quality produce to Canada.

  Canada's already very problematic, and often unnecessary, labelling regulations have already placed significant pressure on exporters to Canada; the fresh produce objective in the P2 Plan represents a tipping point for many international shippers. **Initial discussions with foreign and international produce stakeholders have indicated that the adoption of the proposed risk management objectives for fresh produce packaging would very likely result in major fresh produce suppliers choosing to no longer ship to Canada or they would add significant premiums to the product to account for operating separate packing and inventory lines to serve the Canadian market.** Compliance with the proposed targets for many is seen as nearly impossible. With Canada representing only a portion of the business for some foreign growers, many suppliers would withdraw from Canada given bulk shipping is not an option, there are no viable non-plastic packaging, or non-plastic packaging would incur upwards of a 30% cost increase over plastic packaging.

- There would be adverse impacts on domestic fresh produce producers who rely on recyclable plastic packaging to deliver high-quality produce to Canadians. Some domestic production would very likely transition to export markets where the cost to export would be cheaper with no restrictions on packaging. The erosion of both domestic and international fresh produce would lead Canadians to seek alternatives in other types of food, potentially moving to more prepared/processed foods – **a move that would have adverse impacts on Canadian's health and wellbeing.** Studies have indicated that a reduction in the consumption of fresh produce would have severe negative health impacts, including an increase in cases of type 2 diabetes, cardiovascular disease, obesity, and some cancers.

Adverse Impacts on Fresh Produce Affordability

- Canadians are significantly concerned with the cost of living, most notably the cost of quality foods such as fresh produce. **The proposed risk management objectives would result in an increase in fresh produce waste, and a loss in fresh produce availability – both of which would result in a significant increase in cost** to Canadians as a net loss in total available fresh produce would drive up prices.

- Furthermore, investments made in fresh produce packaging technology and materials such as fully recyclable plastic packaging would require replacement with alternative packaging equipment, as well as the purchasing of alternative packaging forms and materials, many of which are currently more expensive than leading recyclable plastic packaging. Additional costs such as the need to modify or supplement operating facilities to accommodate the change in packaging processes – bulk processing or non-plastic packaging processes – would lead to **increased costs for growers – and ultimately consumers**. It should be noted that many fresh produce grower/packers have already made significant financial investments in packaging lines and other equipment to enable packing in more sustainable plastic packaging as part of their overall sustainability efforts. **At a time when there are significant concerns about the long-term viability of the Canadian farm as farmers retire and struggle to enable business continuity, nullifying these investments will put further financial pressure on farmers, undermining an already challenging situation in Canada.**

- **The cost of non-plastic options that can meet the performance of leading plastic packaging are currently in the order of three to four times higher**. Growers will bear this cost, and with limited capacity to fully pass these additional costs to consumers, the implementation of non-plastic packaging will adversely impact grower's bottom line.

- **Additional costs would also be incurred if imported fresh produce was shipped in plastic, requiring repacking in Canada**, adding significant repacking costs through repackers – costs which would flow to the end consumer – while also leading to delays in the supply chain, impact to product quality & freshness, as well as an increase in food spoilage.

- **Although discussions are preliminary, it is estimated that cost impacts could range in the tens to hundreds of millions of dollars per year. These costs would be passed on to the consumer.**

Adverse Impacts on Fresh Produce Safety & Health

- Ultimately, **food safety is of paramount importance in the growing, cultivation, distribution, storage, and sale of fresh produce**. Fresh produce packaging plays an integral role in ensuring that food is safe and of a quality that Canadians have come to expect.

- The proposed risk management objectives propose a move away from the current portfolio of fresh produce packaging which has been assessed, selected, and optimized to minimize food waste and maximize shipping efficiencies – all the while ensuring that fresh produce remains safe for consumption. **The potential risks arising from an increase in bulk distribution and sale would have to be mitigated through significant changes in supply chain practices which would lead to significant cost increases**.

- At this stage of discussion with produce sector stakeholders, **there is a concern that the proposed risk management objectives could significantly hinder industry's capacity to meet food safety requirements embodied in the Safe Food for Canadians Regulations.**

- Furthermore, **there is an ongoing need to ensure that invasive pests and plant disease threats are mitigated – risks mitigated by the appropriate choice of packaging**. As such, there is concern that for some commodities, if placed in alternate packaging or shipped bulk, this would lead to Canadian domestic production requiring increases in pesticide use or dramatic decreases in production yields and therefore food available to Canadians and for export, further contributing to food price increases.

Other Adverse Unintended Consequences

- The diversity of fresh produce means each produce type is a packaging challenge that much be optimized to minimize food waste while ensuring food safety. The proposed risk management objective effectively bans the use of plastic packaging for fresh produce – requiring the industry to make trade-offs within a complex packaging portfolio which would lead to unintended risks, costs and impacts on domestic and international supply chains. The subsequent impacts on both imports and exports of fresh produce in and out of Canada would likely result in trade issues for growers across Canada.

- Secondly, **the proposed risk management framework would impact Canada's foodservice industry which also relies on product in consumer/retail packaging to meet foodservice establishment needs – particularly small to medium sized businesses.** Again, given the complexities of packing lines, shipping, optimization of quality and food safety, decisions around packaging would be made for all items regardless of the destination use/market. Within retail operations, it is common for items to be cut and packaged for consumer convenience; indeed, or those Canadians who rely on fresh cut produce due to disabilities, restricting packaging as proposed could lead to a loss of access and/or loss in ease of use.

- Lastly, **there is ongoing concern that the migration from recyclable plastic packaging to non-plastic packaging may produce no net environmental benefit – or may in fact lead to a worse outcome.** The fresh produce industry is increasing its reliance on Life Cycle Analysis to assess the total carbon footprint of packaging options – thereby ensuring that packaging alternatives minimize overall GHG emissions, from production through to disposal. Non-plastic packaging is not necessarily a superior choice, especially when complex paper/fiber compositions are required to provide performance equivalent to plastic packaging. In addition, the adoption of non-plastic packaging does not guarantee recycling or redirection of discarded packaging from landfills. The recyclability of non-plastic packaging is a function of the packaging composition AND the state of local waste collection and material recycling facilities. In addition, food contamination can result in non-plastic packaging being directed to landfills. Furthermore, according to a US EPA study conducted, plastic bags use 40% less energy to produce and generate 80% less solid waste than paper. The study also revealed a pound of plastic takes 91% less energy to recycle as compared to a pound of paper. Recycling paper is also much more water intensive than plastic. Alternatives to plastics are heavier, which will increase the cost of transportation and directly reduce transportation capacity. These are but examples of the unintended consequences of adopting non-plastic options without considering the broader environmental consequences.

A Lack of Alignment with Zero Plastic Waste Objectives & The Circular Economy

- The **RMOs proposed for fresh produce packaging appear to disregard the Government's broader objectives toward achieving Zero Plastic Waste**. The fresh produce-specific RMO that fresh fruits and

vegetables are distributed and sold in bulk and/or in plastic-free packaging – at least 75% by 2026, at least 95% by 2028 – implies that increasingly recyclable and recycled plastic packaging would not be an acceptable sustainable packaging strategy.

- In addition to the proposed RMO being unattainable, there is **significant concern given the apparent change in the government's Zero Plastic Waste Agenda as it applies to fresh produce packaging**. The proposed risk management objective for fresh produce packaging fundamentally disregards the Zero Plastic Waste policies and related circular economy strategies that have shaped the packaging industry's efforts over the past several years. Proposing that upwards of 95% of fresh produce should, by 2028, be distributed and sold in bulk or plastic-free packaging ignores the fresh produce industry's commitment and investments to increasing the use of fully recyclable plastic packaging – a leading sustainable packaging strategy for the fresh produce sector both in Canada and abroad. Given fresh produce packaging is only 2% of total packaging in Canada, this objective is both baffling, and, it would appear from recent conversations with ECCC officials, unsupported by data and impact analysis.

- Seeing Canada's fresh produce sector being subject to a fundamentally different policy outcome than other packaging categories – including other foods as well as non-foods seems both arbitrary and very ill-advised. The **proposed risk management objective would isolate and severely limit the fresh produce sector's ability to adopt cost-effective packaging technologies** that allow for the effective and safe distribution and sale of fresh produce.

- Given the fresh produce industry's current efforts to increasingly adopt and migrate to recyclable packaging (i.e., mono-material construction, more recyclable resins, etc.), the **proposed RMO would be detrimental to and not aligned with the fresh produce sectors efforts over the past several years** – an effort which aligns with the efforts of other jurisdictions across North America, and internationally, to support a circular economy. Examples of industry leading best practices include fresh produce clamshells made from the most recycled plastic in the world – PET – and containing upwards of 50%, and in some instances 100% post-consumer recycled content in select applications. Additionally, such clamshells meet the Association of Plastic Recycler's guidelines, and can be recycled with the same technology used to recycle plastic (PET) beverage containers. Other examples the sector's efforts includes the light-weighting of recyclable plastic packaging resulting in 35% less plastic being used while not compromising packaging performance.

- The proposed RMOs for the produce sector imply that the produce sector should be subject to objectives that do not align with Zero Plastics Waste strategy, circular economy objectives, including the Golden Design Rules as outlined by the Consumer Goods Forum – a leading guidance document used by the fresh produce sector for several years now. The **proposed RMOs for fresh produce would undermine and negate the produce industry's endorsement and adoption of the Golden Design Rules to fresh produce packaging in 2022.**

Trade Implications

- With 4 out of every 5 dollars spent on fresh produce in Canada spent on imported products, any regulatory actions – P2 or others – which create **unique packaging requirements for Canada risks eroding Canada's standing as a key market for global fresh produce**.

- These risks to Canada include reduced availability of fresh foreign-sourced produce year-round, significant increases in food costs, and the potential that Canada becomes a secondary market for fresh produce. With over 50% of produce coming from the US for example, the introduction of restrictive packaging requirements would put a significant portion of Canada's fresh produce supply at risk.

- There are also risks that onerous domestic packaging requirements may incent some domestic produce producers and suppliers to consider foreign markets as a preferred destination for their product if domestic packaging requirements and related costs and risks are overly onerous or a disincentive to sell into Canada.

Concerns with the Pollution Prevention Notice Consultation Process

- Canada's fresh produce industry formally objects to the overly compressed timelines for consultation provided by ECCC – during one of the busiest months of the year for the produce sector. Given the lack of familiarity with the P2 policy instrument, and the prescriptiveness of the various RMOs outlined in the consultation document, **a 30-day consultation period is not sufficient to ensure effective and dutiful consultation with the fresh produce sector**.

- The overly aggressive and non-realistic RMOs proposed for fresh produce packaging, combined with the compressed consultation period, creates the impression that the Government of Canada is not serious about dutifully consulting the fresh produce sector to ensure that relevant and effective RMOs are proposed. Under the Guidelines for Effective Regulatory Consultations from The Treasury Board of Canada Secretariat, consultation with industry should be meaningful, open, balanced, transparent, and accountable. **It is unclear how the compressed timelines and proposed RMOs respect the spirit of the TBS Guidelines on Effective Regulatory Consultations** – notably given the numerous plastics regulatory activities currently underway, and the need to provide comments that account for the interdependencies of the proposed regulatory actions currently under consultation.

- Furthermore, the apparent lack of due diligence is compounded by the fact that the fresh produce industry at large was consulted in August - one of its busiest months of the year - with only 30 days to fully comprehend the complexities of the P2 Notice as a policy instrument, and fully assess the impacts the proposed risk management objectives and their potential impacts on the fresh produce sector. Since it is anticipated that the Regulatory Impact Analysis Statement (RIAS) that will accompany the *Canada Gazette I* state of this effort will reflect actual industry impacts, it is crucial that it reflect the realities of those impacts, including data from industry – **30 days during the domestic growing season is vastly insufficient to amass and aggregate that data.**

- There is growing concerns both in Canada and abroad that the regulatory burden arising through the combination of the labelling & recycling content framework, combined with the proposed P2 applied to primary food packaging, alongside a proposed plastics registry and evolving provincial EPR programs and municipal regulatory initiatives, will hinder rather than achieve the desired environmental outcomes. The **P2 applied to primary food packaging must avoid contributing to this growing regulatory burden.**

- **Given the statement by Government officials that poor or non-compliant performance under a P2 plan could lead to regulatory action, it is critical that proper and dutiful consultation with the produce sector be undertaken prior to establishing RMOs.**

Recommended Actions

Canada's fresh produce industry is seriously concerned that the proposed P2 notice and the proposed RMOs outlined in the consultation document, if adopted, **would significantly disrupt, if not irreparably damage Canada's fresh produce sector**. The livelihood of the Canadian fresh produce sector, and Canadian's access to fresh produce year-round is at risk if the P2 notice proceeds as proposed.

Consequently, we strongly recommend the following actions:

- Given the above concerns, it is requested that **fresh produce packaging be exempt from the application of a P2 notice for primary food packaging, pending proper due diligence** in regard to the current efforts by the fresh produce industry, and any existing and potential RMOs to be considered under the P2 notice.

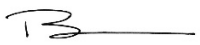
- **Direct engagement with the produce sector to review the industry's current efforts** to understand the fresh produce industry and supply chain in Canada, address the environmental concerns with fresh produce packaging, and balance key packaging considerations such as minimizing food waste, minimizing GHG emissions, and ensuring food affordability.

- Given the lack of congruence between the regulatory framework for recycled content and labelling and the P2 RMOs in relation to fresh produce packaging, it is **recommended that any requirements to address concerns with respect to PLU stickers be considered in the scope of the P2 notice for primary food packaging**. Although not packaging per se, PLUs are an integral component of the produce supply chain and any plans to mitigate pollution from PLUs, including the contamination of industrial composting streams, would be better addressed through inclusion in a P2 plan.

On behalf of its members, the CPMA is appreciative of the opportunity to provide comments to the Environment and Climate Change Canada consultation on the Pollution prevention planning notice (P2 Notice) for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content.

Please advise if you have any questions regarding these comments.

Regards,



Ron Lemaire
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