



February 13, 2024

Tracey Spack
Director, Plastics Regulatory Affairs Division
Environment and Climate Change Canada
351 Saint-Joseph Boulevard

Gatineau, QC, K1A 0H3

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

Re: ECCC's [Notice of Intent to issue a Section 46 Notice for the Federal Plastics Registry](#) to create an inventory of data in the *Canada Gazette, Part I*. Specifically the notice of intent to issue a notice under section 46 of the Act with respect to reporting of certain plastic products for 2024, 2025 and 2026.

Dear Ms. Spack,

The Canadian Produce Marketing Association (CPMA) welcomes the opportunity to respond to the **Notice of intent on introducing a Federal Plastics Registry**.

Further to the CPMA's response to the initial Environment and Climate Change Canada (ECCC) Technical Paper on the Federal Plastics Registry, the CPMA remains of the view that a Federal Plastics Registry for plastic packaging is not warranted based on several issues which have emerged since our May 18, 2023 letter:

- 1) Currently, EPR programs are well underway in all Provinces and becoming national in breadth further supporting industry claims the Federal Registry is redundant. Furthermore, *momentum by industry to establish a harmonized "National Produce Responsibility Organization" in Canada (i.e. Circular Materials) has the potential to make the collection of information requested through a national plastics registry attainable without the need to establish a new redundant and costly Federal system.*
- 2) The proposed Federal Registry will be onerous on manufacturers and stewards (brand owners/first importers) as it will require recyclability information (i.e. end-of-life treatment of packaging materials) which is not only not currently available to them but, is also rapidly evolving province-by-province. This type of information is collected in aggregate and maintained by a certified Provincial Producer Responsibility Organization (PRO) which represents producers in fulfilling Provincial EPR obligations.
- 3) This Registry will add significant cost to industry, which the final consumer will ultimately bear at a time when Canadian families are finding it extremely difficult to make ends meet. These added costs will exacerbate the already high inflation rates in Canada.

CPMA believes these factors have been insufficiently considered in ECCC's efforts to initiate a Federal Plastics Registry on top of the expanding Provincial EPR initiatives which have been funded and supported by industry. We remain steadfast that the most practical approach must be based on enhanced and formalized collaboration with the provinces (and industry), recognizing provincial jurisdiction as well as industry's role in EPR programs.

For convenience, we have included our prior comments from our May 18, 2023 submission in APPENDIX 1.

GENERAL COMMENTS

CPMA is supportive of harmonized Extended Producer Responsibility (EPR) across the country. We believe it must be consistent, comprehensive, transparent, and under the leadership of the provinces and industry partners. We believe that a provincially harmonized EPR system, nationwide, is the only practical way to provide the necessary base for a plastics circular economy in Canada. In this effort, we would support the efficient collection of data required to achieve a circular economy and the zero plastic waste agenda – building on the existing provincial-level data collection requirements. Consequently, we oppose any requirement that would duplicate, and by extension put at risk the quality of, data that is submitted as part of provincially regulated EPR programs.

A separately supported federal EPR data collection program duplicates Producer Responsibility Organization (PRO) data submissions to EPR programs in existence or currently being established in the provinces. We hold that the role of ECCC should be to support and coordinate with provincial jurisdictions through the Canadian Council of Ministers of the Environment (CCME) to achieve harmonization in an administratively cost-efficient manner. This is a matter of provincial jurisdiction and should continue to be, as EPR programs must still meet and satisfy local needs.

We strongly encourage the federal government to support its CCME provincial counterparts, rather than creating a new duplicate data collection program that further burdens industry with no apparent additional benefits in return for the added costs. The framework for a national database is already developing through Circular Materials, which is collecting and managing data reporting in the majority of provincial EPR programs as a PRO or service provider. The CPMA strongly supports this industry-led national harmonization exercise.

Furthermore, the Federal Plastics Registry creates an unlevel playing field for plastics and the users who rely on the unique benefits that plastics packaging products provide. Provincial EPR programs cover all types of substrate materials. The federal government is arbitrarily putting additional reporting requirements only on plastics and plastic packaging, despite many instances in which plastics demonstrate greater life cycle benefits when compared to alternative materials in the marketplace.

RECOMMENDATIONS

Harmonize Existing EPR Systems

CPMA does not support the establishment of a new duplicate federal plastics registry platform when this information already resides with provincial/territorial jurisdictional responsibilities in their EPR programs. Obligated producers already report on plastics they introduce into the economy through regulated provincial EPR programs. Obligated producers have already funded these databases and should not be obligated to report and fund a duplicate federal registry platform, which would add cost to consumers, taxpayers, and the economy, without providing additional benefits.

CPMA is supportive of a harmonized, consistent, standardized, and transparent registry across all EPR programs in Canada that will assist obligated industry and PROs in making investment decisions to recycle and capture more types and volumes of plastics to supply the circular economy and the manufacture of new products.

Recommendation #1:

The federal government should support data harmonization by funding the provinces/territories, who have jurisdictional responsibility over recycling and waste resources, through the Canadian Council of Environment Ministers (CCME).

- Funding would assist in harmonizing already established industry/PRO databases across Canada with one database.
- The existing PRO funded databases and data collection systems provide an opportunity to utilize existing systems that can be expanded to collect new data points.
- It is essential that industry and PROs are partners in this process to leverage their expertise and region-specific insights in implementing such systems efficiently, as well as their head start on established reporting systems.

Standardize Definitions of Parties Obligated to Report

The definitions proposed, including the definition for *Brand Owner*, are similar to existing definitions in use by PROs across Canada. However, as recognized in the consultation paper, there are some variations by region across Canada. Harmonization of these definitions must be a key goal to improve reporting accuracy and eliminate administrative confusion for obligated parties required to report. This is especially important for the fresh produce industry, in which brand owners exist across the entirety of the produce supply chain, and can include:

- **Growers/Farmers:** These are the individuals or companies that cultivate and produce the fresh produce on their farms.
- **Packers:** These are companies that specialize in packaging and preparing the fresh produce for distribution. They may also handle sorting, grading, and labeling.
- **Distributors/Wholesalers:** These are companies that purchase large quantities of fresh produce from growers or packers and distribute them to retailers, restaurants, and other buyers.

- Importers/Exporters: In the case of international trade, importers and exporters are involved in bringing fresh produce from one country to another. They handle the logistics, customs, and compliance requirements.
- Retailers: These are the stores or supermarkets where consumers purchase fresh produce. Retailers may have their own private labels or work with specific brands to sell fresh produce.

Recommendation #2

Through the CCME, the provinces, territories, and industry/PROs must work to harmonize a definition of obligated reporting parties with the critical input of the industry/PROs to ensure a level playing field is maintained between producers. This definition would apply to existing programs and in areas where programs are still yet to be established.

Harmonize Data Reporting Requirements Across Canada

The proposed federal plastics registry obligates producers to report annually on plastics placed in the Canadian economy, by collecting and reporting upstream and downstream data on the life cycle of plastics in Canada. Obligated parties will report on the quantity of plastic products they place in the Canadian marketplace, how these products are diverted, recycled, reused, repaired, incinerated, imported, exported, and sent to landfill at end-of-life.

Currently, obligated parties already report on the volume of plastics (and other materials and products) they place in the Canadian economy through their provincial PRO. However, many of the proposed data reporting requirements are beyond the resources, reach and expertise of most producers to report their individual plastics products management performance. Obligated parties who currently report plastic volumes to provincial EPR programs through their designated PRO will also be challenged to ensure the accuracy of critical data well beyond their reach, such as downstream disposal data.

The expertise and the resources for accurate data collection and reporting reside with the designated PRO within each provincial EPR program. The new data reporting requirements create an onerous level of administration and complexity that will be extremely challenging for obligated reporting parties and PROs to comply. These new reporting requirements, if the data is even available, will add cost to the whole system, consumers, and businesses of all sizes.

Recommendation #3

The collection of data, its management and registry should be led by provinces and territories in partnership with PROs through the harmonized EPR programs. The PROs will act on behalf of their members in reporting available data ensuring it is openly available without compromising individual producer confidentiality.

In support of Recommendation #1, data collection and reporting requirements should both enable and leverage efforts towards a nationally harmonized ERP system in Canada. In place of establishing a Federal Plastics Registry, the Federal Government should work with CCME and other key partners such as the Canada Plastics Pact to advance the harmonization of data reporting requirements.

Ensure that Current and Future Downstream Options are Reflected in Data Reporting Requirements

The challenge of collecting national data is the evolving nature of the plastics eco-system – from the origin and source of materials to the nature of waste management systems and related technologies. Changes in both material volumes, but also in pathways available for materials to be redirected, will require that national data reporting frameworks be flexible and responsive to emerging pathways for recycling, reuse, incorporation of PCR content, as well as to alternative end-of-life outcomes such as incineration, composting, or advanced recycling such as chemical recycling or in-situ biochemical recycling.

An example is the technical paper reference to incineration of plastics for energy recovery, which is not recognized as recycling. However, “incineration for energy recovery” should be collected as a separate data point from plastics that are “incinerated with no energy recovery”. With new advanced plastic recycling technologies being commercialized to produce new recycled plastic feedstocks, coproducts of this technology will result in syngases that will divert plastics from landfill, which should be recognized as a separate data point.

Recommendation #4

National data collection should seek to account for the growing variety of downstream options available such as, but not limited to: 1) incineration for energy recovery; 2) incineration without energy recovery; 3) syngases produced from advanced recycling technologies; 4) specialty polymers from advanced recycling technologies, 5) other emerging end-of-life pathways.

Fresh Produce Sector-Related Concerns

CPMA supports the efficient collection of data required to achieve a circular economy and the zero plastic waste agenda. We do not, however, support the requirement for producers to double-report, via a federal plastics registry, information that has already been submitted and managed as part of the provincially regulated EPR programs. We reiterate our position that, given ongoing efforts by provincial EPR stakeholders to harmonize at a national level, a federal registry is unnecessary and duplicates provincial and industry efforts.

In addition to the comments and recommendations outlined above, CPMA wishes to highlight fresh produce sector-related concerns with a national data collection initiative.

Supply chain risks due to lack of national harmonization

As outlined in Recommendation #2, the current lack of a harmonized definition for “brand owner” or “producer”, when combined with the diversity in waste management systems across Canada, increases the risk in data reporting for the fresh produce industry. The introduction of a Federal Plastics Registry on top of existing provincial reporting requirements will significantly compound this risk. Fresh produce supply chains are optimized to distribute product in a timely manner to ensure food quality and minimize food waste, resulting in fresh produce being distributed into various provinces, as demand dictates. The lack of harmonization results in an undue burden for the fresh produce industry, in which differences in product and related packaging destination would need to be accounted for on a near-daily basis.

Definition of primary packaging

The produce industry has concerns with the definition of “primary packaging” as proposed: *plastic packaging designed to come into direct contact with the goods it contains*. Produce is distributed in both bulk and packaged forms, with bulk produce frequently distributed using plastic RPCs – reusable packaging containers. The current definition would result in RPCs being considered as primary packaging, which they are not, given RPCs are used exclusively for business-to-business transactions. Any definitions for primary packaging should focus on business-to-consumer transactions, given that the disposal of primary packaging is dependent on consumer behaviour. The primary packaging definition must therefore exclude RPCs given their B2B application.

Lack of accounting for emerging material innovations

The produce industry is actively pursuing a diversity of packaging and related material innovations and end-of-life strategies to increase the sustainability of the produce supply chain. Consequently, national data collection efforts need to reflect the emergence of innovative materials, including a growing interest in compostable and biodegradable materials.

The proposed Federal Plastics Registry overlooks or misrepresents these material innovations. An example is the definition used to describe “biodegradable” materials, which makes insufficient differentiation between the applicable environments such as soil, aqueous or landfill. These are fundamentally different forms of “biodegradable” materials that cannot be treated as equal, given their significant differences in end-of-life pathways. The current definition, which references that biodegradables are “plastic products that will break down, fragment or biodegrade in the environment”, is an oversimplification of a growing group of complex materials.

Lack of coordination with other national initiatives

Given the importance of harmonization, the produce industry actively supports a range of national initiatives, including efforts to develop new recycling definitions (led by CSA), and efforts to harmonize EPR systems at a national level (led by Circular Materials). There appears to be no coordination between the proposed Federal Plastics Registry and these parallel national harmonization efforts. Given the importance of harmonization for the produce industry, the apparent lack of coordination may result in undue risks such as misaligned definitions, or divergent data collection and related requirements between jurisdictions.

Overly aggressive timelines and regulatory burden

The produce industry is actively pursuing efforts towards an increasingly circular economy. However, the Federal Plastics Registry proposes to collect data for packaging as of 2024. This appears premature given final data requirement will only be known once the Government posts regulations in *Canada Gazette Part II* at some undefined date. This proposed timeline implies that the industry has access to and is already collecting data for 2024; industry must be provided with sufficient time after any regulations to determine how best to collect the required data.

Furthermore, in addition to packaging and single-use or disposable products data being proposed for calendar year 2024, agricultural and horticultural products – another key category of relevance to many fresh produce stakeholders – is proposed for calendar year 2025. Given the lack of clarity on what data will be required, how the data will be used, the absence of any apparent benefits, and the duplication of effort with provincial EPR data collection exercises, there is serious concern that this will contribute to an already heavy regulatory burden on Canada’s produce industry.

We trust that our comments will assist in the development of an open plastics registry database that will be useful in capturing and recycling more types of plastics and greater volumes to become feedstocks into the circular economy.

CPMA welcomes the opportunity to comment on the proposed Federal Plastics Registry and would be pleased to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line.

Ron Lemaire
President

APPENDIX 1: CPMA COMMENTS ON PLASTICS REGISTRY – MAY 18 2023 SUBMISSION

- The CPMA is concerned with the potential for duplication of reporting activities for members reporting both into provincial EPR systems alongside a federal registry. The proposed registry provides insufficient justification for a national registry rather than focus on the harmonization of provincial EPR reporting requirements. Without a clear benefit to industry for the added reporting into a federal plastics registry, this will be considered an administrative burden with undue costs and related risks. Benefits such as linking the federal plastics registry to the production of guidance documents to industry on labelling requirements nationally and/or regionally would be seen as a positive step in justifying the added reporting burden. A Federal Registry could also reduce the burden on industry if it acted as the central repository for information on the current state of collection, sorting and re-processing, avoiding the need for individual firms to provide such information on their respective websites accessed via QR codes.
- Although the CPMA supports the concept of an open standard for plastic data, experience with other open and international standards reveals that such open standards exercises are very technical and require considerable industry consultation to “get right”, otherwise they will fail to provide the necessary framework for effective and efficient data collection. As an example, the current reporting framework does not appear to address circumstances where mixed material packaging is utilized. Fresh produce utilizes a mix of monomaterial and mixed material packaging – a consideration which should be reflected in open standards for plastic data.
- Irrespective of the open data standard established for plastics data collection, standards should avoid technology lock-in, thereby allowing industry to leverage existing and planned supply chain management systems and related investments.
- CPMA is concerned that there is insufficient differentiation in the data collection of packaging used in food contact applications vs. non-food contact applications, resulting in a loss of insight and understanding of the state of the food-contact packaging applications and sectors (all subject to food-grade resin requirements) vs. applications and sectors where food-grade materials are not required. Plastics data collection should seek to identify the underlying applications to inform future decisions – both government and industry – on increasing the sustainability of the overall packaging ecosystem.
- The CPMA supports the Government’s recognition of needing to account for confidential business information when collecting plastics data. Packaging information can, in some cases, provide important and competitive insights into supply chain volumes, variations in imports or exports, or other strategically valuable numbers. The identification of what packaging information is considered confidential and sensitive for the produce sector should be accounted for before imposing any reporting requirements.
- Although the CPMA supports a phased implementation approach for data reporting, the proposed timelines are considered very ambitious given the current state of plastics data reporting vs. the proposed and comprehensive approach, combined with the lack of an established open standard for plastic data. Furthermore, the proposal for Phase 1 reporting to begin June 1, 2025 implies that plastics data would need to be collected for the period starting June 1, 2024, introducing significant risk and cost to industry to effectively be ready to start collecting data less than one year after the final regulations and reporting requirements are published.