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Submitted by email to: [ec.plastiques-plastics.ec@canada.ca](mailto:ec.plastiques-plastics.ec@canada.ca)

**RE: Environment and Climate Change Canada (ECCC) Consultation on proposed single-use plastics prohibition regulations, published in *Canada Gazette I*, Volume 155, Number 52**

The Canadian Produce Marketing Association and its members welcome the opportunity to provide comments in regard to the Environment and Climate Change Canada consultation on [proposed Single-Use Plastics Prohibition 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.

#### 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.
- 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 Proposed Regulatory Text: Risk of Application of Draft Regulations to Produce Packaging

CPMA's primary concern with the proposed regulatory text is related to the interpretation of "foodservice ware", and the risk that the regulation could be interpreted as being applicable to packaged produce requiring no preparation (e.g., "ready to be consumed"). As per the draft regulations:

*The proposed regulations would apply to the following categories of plastic items:*

*SUP foodservice ware made from or containing problematic plastics, which encompasses plastic manufactured items*

- *formed in the shape of a clamshell container, lidded container, box, cup, plate, or bowl,*
- *designed for serving or transporting food or beverage that is ready to be consumed without any further preparation, and*
- *made from or containing the following materials:*
  - *polystyrene foam, including expanded and extruded polystyrene,*
  - *polyvinyl chloride,*
  - *the additive "carbon black," which is an additive used as a black colour pigment for plastic manufactured items that is produced through the partial or incomplete combustion of hydrocarbons, or*
  - *oxo-degradable plastics, which are plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;*

The use of the term "foodservice ware" implies that the regulations would apply to "fast food" and other "take-out" services, and it is indicated that the proposed prohibition applies only to a select group of materials (e.g., PS, PVC, etc.). However, there is a risk that, within the context of a retail operation with "take-out" services adjacent to, or intermingled with, packaged produce (e.g., packaged berries, cut fruit or other ready-to-eat produce), select produce packaging not intended for take-out or "foodservice" could be subject to the proposed regulations.

**Recommendation:** To provide greater clarity and predictability, CPMA recommends that the proposed regulations exempt the packaging of fresh produce in whatever form.

## 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 on proposed Single-Use Plastics Prohibition Regulations.

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

Regards,

A handwritten signature in black ink, appearing to be 'R. Lemaire', followed by a horizontal line.

Ron Lemaire  
President, CPMA