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Tracey Spack  
Director Plastics Regulatory Affairs Division  
Environment and Climate Change Canada  
351 Saint-Joseph Boulevard Gatineau, Quebec K1A 0H3  
plastiques-plastics@ec.gc.ca

**RE: Response to the ECCC consultation paper towards Canada-wide rules to strengthen recycling and composting of plastics through accurate labelling**

Dear Ms. Spack:

On behalf of Ontario's more than 3,000 environment and cleantech firms, the Ontario Environment Industry Association (ONEIA) is writing to provide our comments on Environment and Climate Change Canada's (ECCC) consultation paper "Towards Canada-wide rules to strengthen recycling and composting of plastics through accurate labelling".

**About ONEIA**

Ontario is home to Canada's largest group of environment and cleantech companies. The most recent statistics from the federal government show that Ontario's environment sector employs more than 226,000 people across a range of sub-sectors. This includes firms working in such diverse areas as materials collection and transfer, resource recovery, composting and recycling solutions, alternative energy systems, environmental consulting, brownfield remediation, and water treatment – to name just a few. These companies contribute more than \$25-billion to the provincial economy, with approximately \$5.8-billion of this amount coming from export earnings.

ONEIA members are committed to engaging with governments as they develop policies and regulations that are consistent with our principles of sound science, a sound environment, and a sound economy. To that end, we convened a working group of ONEIA members to review the consultation paper and supporting materials and develop this submission.

**ECCC Compostability Consultation**

ONEIA understands that ECCC is committed to introducing labelling rules that prohibit the use of the chasing arrows symbol on plastics unless 80 percent of Canada's recycling facilities accept and have reliable end markets for these products. In addition, ECCC is seeking to address inaccurate biodegradability, degradability, and compostability claims for plastic products.

Before addressing the specific questions set out in the consultation paper, we would like to offer ECCC some general considerations.

The consultation paper mentions that "New labelling rules would prohibit the use of the chasing-arrows symbol and other recyclability claims on plastic products unless at least 80 percent of Canadians have access to recycling systems that accept and have reliable end markets for these products."

We encourage ECCC to consider the impact of this on organic waste processing facilities during the transition period. Also, ECCC will need to define the measures that will be applied to consumers or the incentives offered to increase their engagement and ensure that recyclable and compostable plastics end up in the right place for more efficient recycling and treatment systems.

The statement in the paper, “The new proposed regulations would also include rules requiring minimum levels of recycled plastic in certain products, on which the Government recently concluded consultation”, elicits a number of questions, including: Will there also be similar minimum levels for compostable plastics in certain products?; Will there be any published data for the certification requirements to have biodegradable or compostable plastics?; Does ECCC plan to engage waste processors as it defines these requirements?

The paper also states, “These measures will support both positive environmental and economic outcomes through reduced waste and pollution as well as new investments in innovation and recycling infrastructure.” Will the government also be looking at investment incentives in innovative plastics manufacturing, especially those that produce better compostable and biodegradable products?

**Question 1 – Are there any other objectives that ECCC should be seeking to achieve as it develops labelling rules for recyclability?**

ONEIA reviewed the objectives that ECCC outlined in the discussion paper, and we encourage ECCC to be more holistic when making statements such as, “reinforced public trust in recycling systems.” This sort of language implies that our recycling systems are flawed and culpable, when in fact, the brand owners, first importers, distributors and retailers are responsible for the production of products and packaging. The recycling supply chain can only receive these materials, determine if the materials can be recycled, and identify and invest in viable downstream markets.

**Question 2 – Is there more granular data that ECCC should be aware of regarding outcomes of specific kinds of plastic items or packaging in the recycling stream?**

ONEIA encourages ECCC to evaluate and use more granular data. Plastic is a general category and defining the different types of plastics is crucial to enable them to be effectively managed. Details on the degradability or lack thereof within each plastic type is important to understand. As well, multi-layered plastics are generally difficult if not impossible to recycle.

**Question 3 – Is the “chasing arrows” symbol commonly used for any other product categories beyond packaging? If so, which product categories? Are there special challenges to affixing a label on some type of packaging (e.g. films)? What are they?**

Yes, the chasing arrows symbol is used on many different products beyond packaging. However, most customers don’t pay attention to the symbol, and we don’t necessarily think that it is a required element for ECCC, especially if a transparent and accountable Extended Producer Responsibility (ERP) program is undertaken.

**Question 5 – What are the processes and timelines for designing and implementing changes to labelling (e.g., lifespan, costs, marketing considerations)?**

ONEIA understands the processes and timelines that brand owners currently undertake to design and implement changes in labelling. However, given the current environment, we suggest

that ECCC adopt a more prescriptive approach in requiring brand owners to undertake changes to their labelling, otherwise, the timelines for these changes could be delayed or stretched out considerably.

**Question 8 – What kinds of information would make it easier for individuals to prepare and sort plastics for recycling adequately?**

ONEIA recommends that ECCC consult with the material recycling facility (MRF) equipment providers on this matter. Most plastic recycling occurs at MRFs and the optical sorters that are used in these facilities segregate various plastic streams. The companies that make and operate this equipment would be valuable sources for this type of information.

**Question 9 – Is there any other information that ECCC should be aware of regarding levels of public trust or confidence in recycling systems, links between recyclability labelling and public trust, or links between public trust and levels of participation in recycling systems?**

As outlined earlier, ONEIA believes that ECCC should take a balanced approach to public trust, and the considerable responsibility that rests with the brand owners, first importers, distributors and retailers. They create and market products and packaging to the public, and should be providing appropriate marketing and consumer information related to how these materials are to be recycled.

**Question 11 – Could more accurate labels be used in sorting facilities to improve outcomes? If so, how?**

ONEIA recommends that ECCC work with the equipment vendors that provide technology in sorting facilities to define product labelling requirements that will ensure the accuracy of plastics segregation and allow for proper and effective recycling.”

**Question 14 – Do companies currently identify what is collected for recycling when developing recyclability labelling? If so, how?**

ONEIA is not aware of companies that identify what is collected for recycling when developing recyclability labelling.

**Question 17 – What kind of information should be sought as part of the initial survey and assessment of what is accepted for recycling across Canada?**

As part of its assessment, ONEIA recommends that ECCC look at market potential and consider the downstream markets for the materials that are currently being recycled and what factors make these markets work effectively.

**Question 18 – Are there any other factors that ECCC should consider in developing an approach to determine whether a North American end market exists for a particular plastic item?**

ONEIA would like to see ECCC collaborate with other areas of government to address procurement rules that will create markets for recycled plastics such as a recycled plastic content mandate.

**Question 19 – Are there any particular categories of plastics that likely do not have North American end markets? Why?**

ONEIA believes that single use plastics such as plastic bags have limited markets in North America. We also feel that there are limited markets for multi-layered films and plastics made from resin types that have degradability challenges.

**Question 20 – Are there any other factors that ECCC should consider in developing an approach to determine whether a North American end market for a particular plastic item is reliable?**

ONEIA recommends that ECCC seek to understand which plastic streams are not being recycled and whether they can be changed or modified to facilitate new markets that could be developed to manage these revised streams in a reliable manner.

**Question 21 – Is there any data on end-of-life outcomes for compostable plastics and other types of biodegradable or degradable plastics that ECCC should be aware of as it develops labelling rules?**

ONEIA recommends that ECCC consider whether compostable plastics and other types of degradable plastics will break down in the natural environment (soil and water). Regardless of whether these materials are received in composting and/or anaerobic digestion facilities, processing will lead to small pieces of plastics getting into the end products that will likely be used in agriculture. Therefore, these materials must be able to degrade in the natural environment within a short period of time.

**Question 22 – Are there any other objectives that ECCC should be seeking to achieve through compostability labelling rules? If so, what are they and why are they important?**

ONEIA has participated in various consultations on compostable products and packaging. ONEIA continues to raise the question of the intent of these products. We believe that compostable products and packaging should be used in situations that support the diversion of organic waste from landfill. These products should be used in plates, utensils, etc. but should not be permitted for items such as shoes, alcohol bottles, etc. Often claims of compostability are an attempt to avoid EPR requirements and cost avoidance by the brand owner, first importer, distributor and/or retailer.

ONEIA has also stated numerous times that food waste recycling typically includes pre-processing to ensure that inorganic contamination is removed from the organic waste to allow the materials to be effectively digested or composted to produce energy and fertilizer/compost. Therefore, most inorganic materials that are put into the green bin including compostables end up getting screened out from these facilities to ensure the long-term viability of the organic waste processing. However, these segregated streams could be directed back to the compostable products' brand owners to manage.

There is a steady transition towards the anaerobic digestion of food waste processing in lieu of composting. ONEIA recommends that ECCC take this into consideration when defining standards for compostable products and packaging. In other words, materials that are deemed "compostable" by ECCC are also "digestible". This should be incorporated into the standards.

**Question 23 – Are there any limitations or exclusions or additional elements that should be incorporated into these categories included in the scope of application? If so, why?**

ONEIA believes that ECCC has effectively categorized the scope of application.

**Question 24 – Which of the above approaches for the kinds of recyclability claims that should be subject to labelling rules (1, 2, 3) should ECC adopt and why? Is there another approach ECCC should adopt instead?**

ONEIA believes that ECCC's third proposed approach is the best option and would have the greatest potential to provide consistent information to consumers.

**Question 25 – If an obligatory system is adopted, what should ECCC consider in order to minimize costs to industry while maximizing environmental outcomes (e.g., appropriate timelines, cumulative impacts of different labelling requirements)?**

ONEIA believes that the obligatory system should come into effect at the end of 2024 and should set a country wide standard that must be followed.

**Question 27 – What should be the minimum standards to ensure consumers can easily access and use information on a label (e.g. size, font, location, text size, symbols)? Why?**

ONEIA supports ECCC in considering the second approach.

**Question 30 – Should there be any criteria for determining a third-party certification is adequate to ensure compostability in Canadian composting facilities? If so, what should be the criteria and why?**

ONEIA strongly recommends that ECCC recognize that most of the source separated green bin organic waste in Canada is being processed in anaerobic digestion facilities and therefore digestibility standards are more important than compostability standards. This is the direction that the industry has moved and it is important for government to recognize. However, we are amenable to third party certification being utilized.

**Question 31 – Are there existing third-party certification programs that would ensure compostability in Canadian composting facilities? If so which?**

The Biodegradable Products Institute (BPI) and the Bureau de normalisation du Quebec (BNQ) have certification programs in place or under development. However, as outlined above, we don't think using such programs would be entirely effective since the majority of the green bin organic waste in Canada is being processed through anaerobic digestion.

**Question 34 – What kinds of changes would be needed to existing tools, guidelines, and programs to meet the new labelling rules? How could ECCC help facilitate these changes to ensure existing tools, guidelines and programs can continue to be used?**

ONEIA recommends a centralized database/clearing house for information for all parties involved in the labelling.

**Question 35 – Are there any other kinds of tools and guidance that ECCC should consider developing to support the industry and facilitate compliance with labelling rules?**

ONEIA recommends that ECCC organize a technical committee of experts to advise on the development of tools and guidance as they are developed and updated.

**Question 36 – If a technical committee of experts is established, what should be its composition and what should be its role in development of tools and guidance?**

ONEIA recommends a balanced committee of experts that includes brand owners, first importers, distributors, retailers, plastic waste collection firms, government officials from various levels of government, plastic sorting firms, and recyclers of plastics.

**Question 37 – How should ECCC work with partners and stakeholders to spread awareness and promote compliance with labelling rules including disclosure requirements?**

ONEIA is concerned with the use of the term “promote compliance” as it implies that compliance will not be mandatory and will not be backed up with the tools needed to impact bad actors. We would stress the importance of policy that forces change in this sector rather than implementing targets or policies that do not have any teeth associated with non-compliance.

**Question 38 – Are there any other performance metrics that ECCC should consider in tracking progress and evaluating success?**

As outlined earlier, ONEIA believes that the granular details matter, and therefore we recommend that ECCC break down the tracking by polymer types so all stakeholders can effectively track success.

ONEIA appreciates the opportunity to provide our comments and suggestions and is ready to work with ECCC and other areas of the government to advance Canada’s efforts to strengthen recycling and composting of plastics through accurate labelling. We welcome the opportunity to discuss our position and recommendations further. Please contact our office at [info@oneia.ca](mailto:info@oneia.ca) or at (416) 531-7884 should you have any questions.

Yours truly,



Michelle Noble,  
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