



Recycled Plastic Content- Feedback

March 14th, 2022

Attention:

Tracey Spack

Director, Plastics Regulatory Affairs Division Environment and Climate Change Canada

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Dear Director Tracey Spack,

Thank you for all the work you have done to date to move towards Zero Waste and a Circular Economy, and for the opportunity to comment on the intention to require minimum recycled content in certain plastic manufactured items as noted in the *Canada Gazette*, Part I, Volume 156, Number 7: Government Notices February 12, 2022.

We will tell you a little about our organization and then provide feedback to the questions noted in the technical paper. Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. Our current resource consumption systems of linear-take-make-waste not only create waste and other forms of pollution, deplete resources, change land uses, and diminish biodiversity, but also generate a huge amount of greenhouse gases which constitute just some of the discharges that threaten the environment and human health. Here is the link the recently updated [Zero Waste Hierarchy](#) which should be followed when developing waste solutions. Research for our recent report, [A Zero Waste Agenda for BC](#), showed that from 2010 until 2018, diversion rates increased across BC but the disposal rate remained the same due to increased consumption (up 23% per capita) showing that we need to focus on redesign of systems, reduction and reuse rather than only recycling and composting.

We are pleased that the Ministry has been responsive to the strong demand to move towards Zero Waste, and in particular Zero Plastic Waste, from Canadians and hope that this feedback will assist in developing and strengthening our systems.

Sincerely

Sue Maxwell

Chair, Zero Waste BC



General Feedback

We appreciate that there is interest in recycled content and that raising demand for recycled plastic is an issue however, recycled content should not be the focus at this time. Using the Zero Waste hierarchy, first other steps need to be taken to decrease plastic use, establish what the projected feedstock could be and ensure the quality and supply of materials will be available. These include, in order¹:

1. Set binding overall plastic reduction targets for Canada (25% reduction in plastic packaging by 2025, 50% by 2030). Complement this with an overall reduction target for packaging waste by materials stream to avoid material substitution, reduce overall quantity of packaging and help phase out avoidable packaging. Ensure lightweighting and single use material substitution are not the primary methods to achieve the targets.
2. Phasing out subsidies for fossil fuel and plastics production and use.
3. Phasing out hard-to-recycle packaging in all forms with targets and timelines. Ensure only mechanically recyclable materials are used and that they are labelled appropriately.
4. Phasing out any harmful or potentially harmful additives and forms of plastic with targets and timelines. Along with this, conducting independent research into the risks posed by plastics.²
5. Ban unnecessary application of packaging or overpackaging (e.g. wrapping of fruits and vegetables, plastic wrapping of a cardboard packaging), and for single-use packaging for which packaging-free or reusable alternatives are largely in place, by 2030.
6. Creating incentives, programs and requirements for reusable and refillable packaging with targets and timelines. Set targets at minimum of 25% by 2025, 50% by 2030 for reusable packaging. This in combination with specific product category 2030 targets such as 75% for household cleaning products, 75% for beverages and 50% for cosmetics. Set a target of 100% of eat-in food and beverage packaging to be reusable for the hotels, restaurants and cafes as well as 75% of takeaway and delivery food and beverage by 2030. This would be coupled with standards on durability requirements.
7. Developing standards for what is defined as bioplastics and compostable plastic and determining what, if any, uses are approved. For approved uses, ensure the producers are part of extended producer responsibility programs for their products and that they are developing their own composting systems or paying for the use of ones that are capable of handling their product.
8. Raise the bar for Extended Producer Responsibility programs across Canada with a focus on those for packaging or products in plastic packaging or made from plastic. Ensure

¹ Many of these steps align with the recommendations in this policy briefing for the EU:

<https://rethinkplasticalliance.eu/wp-content/uploads/2022/02/1702-RPA-European-Grocery-Retail-Plastic-Policy-Briefing-V7.pdf>

² This report found that many of the potentially harmful materials were hardly studied.

<https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c00976>

there are EPR programs across the country and work on harmonization to the highest standard. Work on requirements for differential fees to drive progress on the Zero Waste Hierarchy while also placing more standards on what materials are allowed. Also ensure that these programs are building and financing the mechanical recycling infrastructure needed to gather and sort the plastic feedstock that would be required for fulfilling a recycled content mandate. Monitor contamination levels and publish results.

9. Ban waste exports of plastic.
10. Ban the use of chemical to fuel technologies for plastic and other forms of waste to avoid creating a loophole. Set criteria for which chemical recycling (material to material) would be permitted including material, energy and GHG balances and weigh this against the use of an easier-to-recycle material and mechanical recycling. Ban plastics going to cement kilns or other uses as energy.

Once these steps are completed, then there will be a smaller quantity of better-quality feedstock to manage and monitor. Ensuring that the industry is aware that recycled content regulations are coming in the future will help to drive work on the steps above.

To proceed now without the above steps could lock us into a level of material throughput that is unsustainable. The primary goals need to be decreasing material use and the speed of its throughput and then we can work on increasing the percentage recycled. This will not only address the waste issue but also decrease GHG emissions. It will also allow time for the global plastics treaty to be developed which may also impact the volume and types of plastics available.

Questions from the Technical Paper

Please find this feedback on the questions laid out in the technical paper

1. Should any product categories be added to or removed from the proposed scope?
 - As single use items should be diminished, recycled plastic should be used for durable goods rather than single use packaging. For the following categories:
 - Beverage containers, non-food bottles, Non-bottle non-food rigid containers and trays, Foam packaging (also include goals to switch to a renewable source (fibre for example) - first set goals for reduction and refill.
 - Non-food flexible packaging -set targets to phase this category out through switching to refillables, reusables or a material that is currently recycled and has a market
 - Garbage bags -try to decrease the need by reducing waste and encouraging bagless systems.

- Waste bins - make sense for inclusion as they are a durable good but care is needed to ensure that the way targets are met is not to make many unnecessary bins when the goal is reduce overall waste and need either smaller or fewer bins. In addition, many communities have been switching to automated systems which require specific types of bins so making sure that the waste bins are the ones in demand and not the old forms (of which many communities may have a surplus from the changeovers).
 - Consider the addition of targets for durable goods other than waste bins.
 - Primary Food packaging is noted for exclusion-the goal should be to use food packaging to make more food packaging. The fact that existing systems cannot meet this quality level shows that new regulations on packaging and EPR programs need to be implemented and held to a standard where they the materials could be recirculated for the same use. This category should be added a later time but the regulation could include that date now which then sets a target for EPR programs to need to be able to fill that demand as well as time for the necessary regulations on plastics and chemical additives to be enacted. Policy considerations for chemicals in food packaging can be seen at <https://unwrappedproject.org/food-packaging-chemicals-policy-recommendations> and <https://unwrappedproject.org/chemicals-in-food-packaging>.
 - Product Application Exclusions that are based on the lower quality or possible contamination of plastic with a harmful material should highlight areas where regulations are first needed to eliminate or reduce the contamination with harmful materials so that a recycled resin would be the same as a virgin resin in all regards. Concerns around the circulation of toxic materials in plastics can be seen at <https://ipen.org/news/plastic-poisons-circular-economy>.
 - A separate system and de minimus threshold may make sense for small business at the start. If enacted, to avoid a shift to worse forms of plastic (that may then become cheaper) or creating a permanent loophole, there should be scheduled steps to slowly lower the base level until all businesses have to meet the same requirements.
2. What actions could government take to facilitate an increase in recycled content for primary food packaging?
- As noted above, packaging may be the easiest target but the primary focus has to be first reducing all forms of single use packaging, then reducing plastic packaging and then using the recycled plastic for those forms of packaging that cannot be substituted or in use for reusable forms of returnable containers. Once the volume, contamination and hard-to-recycle issues are addressed, the remaining feedstock should make it easier for the percentage of recycled content to be higher. Using recycled content for durable goods (not single use) should be the key aim.

3. Are there other product applications for which the use of recycled content is not feasible or permissible due to legal or other requirements or potential risks for human health or the environment?
 - Public trust in the use of recycled plastic will be important. We appreciate that there are some existing acts and regulations that will limit the toxicity of recycled plastic but extra care should be taken to ensure that no harmful chemicals are cycled back into new products. For this reason, problematic additives, such as bisphenols, PFAS, phthalates and pigments, and all forms of polystyrene and polyvinyl chloride need to be phased out and excluded from recycled materials. A comprehensive list should be developed based on the precautionary principle. A system of standardized labelling should be enacted to show what is in the materials and auditing and testing of materials should also be a component.
4. Should special consideration be given to certain types of reusable plastic packaging? Please provide rationale.
 - Reusable packaging should be excluded if enacting the policy soon but could be included if the ten steps noted at the beginning are completed first. The rationale is that we need reusable packaging now but the systems to reduce the harmful chemicals in the plastic feedstock will take time. Clear definitions of what is reusable are needed. We wish to encourage reusable systems and should be encouraging the use of non-plastic materials.
5. Should certified compostable plastics be exempted from the Regulations, either for all or only some product applications, or not? Please provide rationale.
 - Compostable plastics -as noted below for biobased plastics, they should be discouraged until standards are set. The single use products should also be discouraged (such as organic bin liners). However, to ensure that they are not made from materials that either could have been food or from land that could have been in its natural state or used as agriculture, it would be important to ensure the feedstock is agricultural waste rather than crops grown for this purpose.
6. Which option for biobased “drop in” resins, or any alternative option, should be adopted in the Regulations, and why? Should consideration be made to allowing only certain types of feedstocks (sources of biobased resin) for exemptions?
 - Biobased plastics -as noted in the feedback on the single use item bans, there should be standards made for biobased plastics before starting to include them in regulations or encouraging their use. Given the lack of labelling requirement for these, it seems challenging to set targets or requirements for them when it will be

difficult to know their scale of use, nor where they are ending up or should end up in the waste systems. At this time, they should be discouraged until the regulatory system can be set up. We do not think any of the options should be adopted at this time and their use should be temporarily halted until the regulations can be developed.

7. Which option for defining sources of recycled content based on pre-consumer or post-consumer recycled resin, or any alternative option, should be adopted in the Regulations, and why?
 - The goal is to get the maximum amount of high-quality resin back into circulation. It is important to understand the scale of pre-consumer waste when setting targets to ensure the regulation effects change and not just provides credit for something that should already be occurring (use of pre-consumer materials). If pre-consumer material is included, then the percentage requirements must be raised to reflect 100% of pre-consumer material being added to the target for postconsumer material and this may vary by category. This approach should be taken if there is any concern that excluding pre-consumer material could result in a loophole. Ideally pre-consumer waste is reduced first.

8. Are there any environmental or technical reasons to consider excluding any particular methods of recycling plastic? Please provide evidence, where possible.
 - Do not allow chemical recycling as a system and do not allow it to count as recycled content. Recycling does not include creating fuel. Recycling is putting a material back into the same material for the same uses. Mechanical recycling is what this regulation should focus on as it exists and can be improved. Chemical recycling to fuel should be banned to ensure that actual reduction of material throughput and then circularity of the materials used can occur. To allow chemical recycling to count may result in significant delays due to the R&D that would be needed to produce a functioning plant at scale. Chemical recycling also needs to be tested against existing systems -how much material and energy needs to be added versus what is gained as well as what the GHG balance is. In addition, there may be higher risks with this form of process relating to pollution, emissions and worker safety. If the challenge is what to do with hard-to-recycle plastics, phase them out by regulation rather than building systems to accommodate them. Some key reports to consider can be found at <https://www.nrdc.org/sites/default/files/chemical-recycling-greenwashing-incineration-ib.pdf>; https://files.worldwildlife.org/wwfcmprod/files/Publication/file/54fnztys8g_Chemical_Recycling_Implementation_Principles_2022_.pdf?_ga=2.228719070.351323773.1643300795-1340214611.1643300793&mkt_tok=MjExLU5KWS0xNjUAAAGCP_YjS1WhV1vII7W96

[8QFgHA06oC-s_a-N9gCNQ8OXzUycAUzA17KfjPNNHMdM8jKDUUnHgasYNxtEWRLgY7RZZ4_KUDc7aCMnntSmJ6N9p8Bvq-o](#) and <https://www.no-burn.org/chemical-recycling-resources/>.

9. Do you agree in principle with allowing the use of a mass balance method for measurement and reporting of recycled content? If not, please explain why.
- Use the model that has the most accountability and is easy to verify (likely controlled blending). It is important to have producers start to take responsibility for their products and to really know what is in them rather than being able to outsource to various manufacturers with little insight into what items are made of. When averages are used, it can allow for extremes. We have seen this in BC when targets were set for collection of EPR materials where some materials could be over 90% and some under 10%. It is important to ensure underperforming systems or materials change rather than allowing them to continue if outweighed by better performers. In addition, the closer that producers can be to the actual production of the materials, the more likely they may be to change to a reusable form of packaging (for example, such as if it became too costly or difficult to get sufficient recycled content).
10. Should additional chain of custody methods be allowed? Please provide rationale.
- There should be one system to follow for simplicity and accountability. The Book and Claim system should not be allowed as it does not meet the test for accountability, verification and transparency.
11. Do you agree with the proposal to require annual reporting of recycled content use by product category? If not, what alternative reporting system would you propose to verify compliance with the requirements? Please provide rationale.
- Set a firm annual accounting period with penalties for failing to meet the target and possibly rewards for exceeding it (if needed). An annual system is less administrative work than something more frequent and may align with accounting systems.
12. If you are a business that may be subject to the Regulations, would you expect to encounter any challenges with implementing any of the chain-of-custody methods of measurement (for example, administrative impacts)? N/A
13. What evidence requirements, at minimum, would be needed to ensure compliance with minimum recycled requirements?

- Evidence should be receipts for materials and some evidence that the materials were used in the manufacture of new products. Material testing should be regularly performed by government auditors (funded by producers) at unscheduled times and without advance notice. There should also be evidence of safety and so there should also be regular toxicity sampling at the plastic and product manufacturing sites (paid for by the producer but results to go directly to the government) to ensure that toxic materials are not re-entering the plastic stream. While there may be consideration of blockchain system, the massive energy expenditures associated with this need to be considered and less energy intense systems used.

14. 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? N/A