



## Federal Single Use Plastics Prohibition Regulations and Guidance- Feedback

March 1<sup>st</sup>, 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 proposed Regulations and/or the associated Regulatory Impact Analysis Statement in the *Canada Gazette*, Part I, December 25, 2021.

We will tell you a little about our organization and then provide feedback in the same order as the *Intentions 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 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](#) as well. A recent report that we coauthored, [A Zero Waste Agenda for BC](#), found that despite progress in expanding recycling and composting services across BC and the ensuring increase in diversion rates, the disposal rate remained constant and this change represented a 23% increase in consumption of materials per capita in a span of just eight years. It highlighted the need not just to change materials and divert them but to really address overconsumption of materials at the higher levels of the hierarchy for which the federal government is uniquely positioned to do.

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. We also hope that this will be part of a suite of policies and programs to decrease both plastic and single use items.

Sincerely

Sue Maxwell

Director, Zero Waste BC



Please find this feedback on the items in the *Canada Gazette*, Part I, December 25, 2021.

## 1 Objective

The objective to “prevent plastic pollution by eliminating or restricting the manufacture, import, and sale of six categories of SUPs that pose a threat to the environment” could be strengthened by expanding this to other categories of SUPs as noted in our submission on the Discussion paper and elsewhere (disposable cups and lids, beverage bottles and caps, disposable dishware, cotton swabs, coffee pods, plastic cigarette filters, and balloon sticks) as well as key forms of plastic (oxo-degradable plastics, plastics labelled ‘biodegradable’ or ‘compostable’, black and dark coloured plastics, plastic packaging made of mixed materials, plastic that have problematic additives, such as bisphenols, PFAS, phthalates and pigments and all forms of polystyrene and polyvinyl chloride). If this is not possible at this time, consider making this a framework regulation (such as BC’s Recycling Regulation) whereby other categories can be added as further research is done to support the bans of these additional types as well as others.

## 2 Description

Ideally this is broadened to include:

- Foodservice ware made from all plastics including “compostable” plastics
- All forms of plastics used to hold together or package beverage containers

There should also then be performance criteria for foodservice ware to ensure that plastic liners are not used for forms of foodservice ware that are mainly fibre-based.

### Prohibitions and Exceptions

Plastics are entering the water globally and impact oceans and marine life globally, thus Canada should not only stop imports and domestic use of these single use plastics, but also stop the export of these products as well. This should not be an exception. Canada will be more likely to convince other countries to follow suit if it can set a good example.

### Coming into force

These regulations should come into force by the end of 2022. The industry has been well informed of this coming regulation which was originally promised to come into effect in 2021. Two years is too long to wait. As the Background section notes, many companies have already made changes in advance of the regulation, similar regulations are occurring world-wide and it is well-supported by the public. To wait longer will mean that industry will have to deal with a proliferation of different regulations that municipal and provincial governments may bring into effect in the meantime as many are waiting for a harmonized federal approach.

### 3 Regulatory Development

#### Non-conventional plastics

The Department is to be commended for treating single use plastics made from non-conventional plastics the same as other plastics but there is concern that the direction to build a knowledge base around their use could lead to a loophole in the regulation. The key outcomes to pursue is first, a decrease in all single use items regardless of material composition and secondly, full producer responsibility to manage the items at end of life. In no cases should municipal facilities be expected to handle any single use items as these facilities are not designed for that nor compensated for that service. It also risks contaminating the quality of the soil amendment produced.

#### Accessibility concerns

The proposed exemptions address the needs of some Canadians and achieves the balance of protecting the environment. After one year of implementation, the Department should review this aspect to ensure that the exemption is not being used inappropriately.

#### Canada's international trade commitments

Canada should work to phase out aspects of all trade commitments that hinder its protection of the environment, including those that in any way would preclude banning exports of SUPs.

#### Unintended social, economic and environmental effects of substitute products

The recognition of the environmental impacts of substitutes is appreciated, however carbon taxes, pollution regulations of pulp mills and vehicle emission standards have not and will not address these concerns sufficiently. We request that the federal government roll out a campaign to encourage the switch to reusables as a companion to the enactment of this regulation. Ensure the regulations do not result in regrettable substitutions or result in the use of more plastic such as more durable throwaway plastic parading as reusable or substitutions for the banned items that are also made of plastic (i.e. plastic wrap instead of six-pack rings).

#### Ban is not comprehensive enough

We agree that the ban is not comprehensive enough and this stems from the narrow focus on macroplastics and wildlife, as well as the requirement for substitutes. To address these issues, we encourage the government to continue its research into the harms from plastics, in particular, both microplastics and leaching of chemicals from plastics, as well as to consider not just if a single-use substitute exists, but also if the product is truly needed at all (for example, balloon sticks) or if there is a reusable option (for example, refillable water bottles). The draft regulation correctly points out that substitutes are available however, to minimize the overall

environmental footprint of the services that SUPs performed, it is important to discourage a one-to-one substitution by SUNPs (as is assumed for most of the SUP use noted in Table 7) and instead, focus on decreasing demand for all single use items, with SUNPs being used only when necessary. Also, if the goal is to stop the harm from plastics, switching to SUP ring carriers made from recyclable plastics or plastic film or foodware made from recyclable plastics will not achieve this. It is not clear that the definitions used for each item are sufficient to prevent harmful forms of plastic being used and they should be strengthened to err on the side of caution (more plastic restricted rather than less and clearly restricting single use with a preference for reusables).

### Creation of national standards

It is unfortunate that these are not included as part of this regulation. More jurisdictions (recently California) are looking at developing standards for what can be considered recyclable and hopefully Canada will follow suit (and not just for bio-based plastics). The CCME Strategy for Zero Plastic Waste notes several times the need to develop standards and it is not restricted to solely those for bio-based or compostable plastics. In addition, the regulation seems to assume a high degree of substitution with fibre-based single use items. Often these may come with a plastic layer or some other additives that may make it problematic for composting or recycling. Standards will be needed to guide retailer purchasing choices as well as consumers on where to put these materials for disposal. Steps should be taken to develop comprehensive standards soon.

### Instrument choice

While the Government is basing the risk on interactions with macroplastics and wildlife, the precautionary principle would dictate that we also take care around microplastics and all life forms and as such, would aim to minimize plastic use starting with all single use items. The definition of what is environmentally-problematic should be extended to also consider the role of microplastics and leachate of chemicals from plastics into living beings and the environment.

With regard to value recovery, even for those materials that can easily be recycled and that have good market value, a target should be set that industry has to meet for recycling (like-material and use to like-material and use) in five years, that if not met, could result in more product types being added to this ban. This would provide an incentive for producers to improve and fund the existing recycling systems or to choose more sustainable ways of delivering products and services. In no way should “advanced recycling”, chemical recycling to fuel, plasmification, gasification, pyrolysis or any other system that uses the material for energy rather than putting it back into the usable cycle be considered recycling nor an acceptable handling of this material. Loopholes such as those will lock Canada into endless plastic use at the expense of the environment.

## 4 Regulatory Analysis

### Benefits and Costs

The regulation should be paired with a comprehensive strategy to decrease demand (such as requiring all take out services to have customers opt in to any additional components such as cutlery, condiments and napkins and the provision of reusable options) rather than merely substitute it with another form of single use product. This could include aspects of “innovation and scaling up new technologies and business practices” and “consumer education and promoting low-waste lifestyles” noted under *Strategic environmental assessment -Mitigation and enhancement*.

A good single use item reduction strategy should result in decreased use of all single use items and increased use of reusables which would have the additional benefit of decreasing waste management costs throughout the system (from retailers and restaurants to local governments). Another benefit is that this may also spur further environmentally beneficial behaviours and practices such as reduced use of other problematic SUPs that are not yet banned. The analysis as currently done seems to predict increased use of SUNPs as substitutes and highlights the problems with the single use item system.

The benefits do not include all the reduced harms from decreased environmental and human exposure to plastics.

The reduction of litter of all types including of substitutes should be addressed. The beverage container deposit system started as a litter reduction policy and this could be applied to commonly found types of litter to ensure the SUNPs do not become litter as well.

### Regulatory cooperation and alignment

We hope that this regulation will create a baseline of banning single use products but that other jurisdictions such as provinces and local governments are permitted to be more progressive and ban additional products and sooner. We also hope that the federal government will pay close attention to international progress on this issue and consider adding other product types, categories and requirements to keep pace with international leaders over time, or better yet, strive to have Canada be a leader in this.

## 5 Strategic environmental assessment

### Follow Up and Monitoring

We encourage the direction noted here, in particular, continuing to monitor the development of science on the impacts of plastic pollution. We also think there should be an annual review of the regulation with a view to banning additional plastic manufactured items and additives

according to the hazard they pose to the environment and/or human health. The policy should be monitored to see if it having the desired outcomes and tweaked accordingly.

## **6 Enforcement**

We are pleased that there is a plan to enforce this regulation.

### **Feedback on the Guidance for Selecting Alternatives to the Single-Use Plastics**

While well intentioned, this document may have too much jargon and not be clear enough to be of use for the intended audience. The City of Vancouver has put together some clear guidance for many of the items and perhaps that could be used as an example. In addition to this document, perhaps a website section could be dedicated to helping businesses and others so that more information could be added as new issues are addressed or resources developed.