



## Plastics Labelling- Feedback

October 5th, 2022

Attention:

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](mailto:plastiques-plastics@ec.gc.ca)

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 establish ensure accurate labelling of plastics.

We will tell you a little about our organization and then provide feedback on the consultation 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

The inaccurate labelling, and sometimes greenwashing, of plastics as recyclable is a significant problem. This results in businesses selecting materials and products based on inaccurate information, consumer frustration, communications challenges for local governments and contaminated recycling streams. We are pleased that the federal governments is looking to address this issue however, it seems like the proposed system may not rectify the key issues and be unwieldy.

We feel that there are several key issues to consider in the development of this:

- **Definitions:** for all of the work for the federal government, very clear definitions of what is considered recycling must be made. We recommend those from the Zero Waste International Alliance. Consideration of if a materials can be used for a similar use or is being downcycled should be factored in and the bar raised over time. Chemical recycling should not be considered as recycling. Concerns with chemical recycling are that it releases toxics into the environment, has a large carbon footprint, has not yet been proven to work at scale, cannot compete in the marketplace and does not fit in a circular economy.<sup>1</sup> Recycling must be about material-to-material flows in an energy-efficient way. Industry cannot be permitted to define recycling. Recycling includes collection, sorting, processing and crucially resale.

Similarly the paper refers to reprocessing but is unclear on what is counted as reprocessed and if it subtracts any materials processed but not recycled. The federal government should define the terms for each level of the hierarchy, ideally using internationally recognized definition such as those in the Zero Waste Hierarchy.

Collection can be done for recycling but also for reuse, repair, remanufacturing and refurbishing. Sorting should help to separate out those streams as well and should be considered when we talk about these systems.

- **Material type:** The goals should be to phase out non-recyclable and poorly performing types of plastic while setting a direction that gives industry time to course correct. There are a few types of plastics that have been consistently collected and successfully marketed for a second use (such as 1, 2, 5). These are the ones that should be considered for permission to use the recycling arrow symbol and associated words. The other ones such as any multilaminates, mixed plastics, etc. should not be allowed to be called recyclable. Some kinds may have sometimes been recyclable for niche uses but may contain harmful chemicals that should be gathered and not redistributed. It is

---

<sup>1</sup> Patel, D., Moon, D., Tangri, N., Wilson, M. (2020). All Talk and No Recycling: An Investigation of the U.S. "Chemical Recycling" Industry. Global Alliance for Incinerator Alternatives. [https://www.no-burn.org/wp-content/uploads/2021/11/All-Talk-and-No-Recycling\\_July-28-1.pdf](https://www.no-burn.org/wp-content/uploads/2021/11/All-Talk-and-No-Recycling_July-28-1.pdf)

important to base this on past markets rather than future markets to avoid delays to pursue new forms of unproven recycling methods or risk market manipulations to qualify as recycling. Proving an end market going forward puts the incentives in the wrong direction to try to use an unsalable product instead of phasing it out.

There should be a schedule that phases out non-recyclable forms of plastic over a short time frame where alternatives exist (alternatives would include reusables and other types of materials). A penalty fee should be used with the plastics registry for non-recyclable types of plastic materials and bans should be phased in for problematic types.

The federal government should do an analysis of claims to be able to recycle any products of mixed materials types including multiple types of plastics or multilaminates or those with plastic, and fibres or metals. Do not allow them to be deemed recyclable unless they meet a nation-wide accessibility target as well as a very high bar for the percentage of material that can be recovered and recycled (including the metal and fibre).

- **Access to collection:** A key component of this proposed labelling system is if the material can be collected in a region. While we agree that accessibility of recycling is a significant factor, we do not agree that it should be part of the labelling system.

Given the bar is low at 80%, that means that at any one time, 20% of the population in a region will have inaccurate information resulting in further confusion and a burden upon local governments (who are often looked to by residents to be the arbiter of what can be collected for recycling). In BC, many ICI sector organizations cannot recycle their materials because only residential sector is regulated for EPR and in smaller communities, there are no services for ICI packaging and paper products. Similarly for any communities not serviced by Recycle BC, there are often no services and Recycle BC is not responsible for all plastics types that may be labelled recyclable. This means that to use these percentages in BC, it would be hard to determine the denominator and the same product bought by a business could be unrecyclable while when purchased by a homeowner it would be.

There are also equity concerns with using a percentage. In BC, as EPR programs are initially mandated to collect 75% of the material, this has meant that more rural and remote areas of the province are often continually underserved. We need to ensure this does not spread across Canada to have a focus solely on service to urban communities.

If a percentage were to be used, it should start at 80% and rapidly escalate from there giving producers time to develop (and fully fund) the infrastructure needed to be

allowed to continue using some forms of plastic. Any percentage used should be nationwide.

There are other methods to drive the bar higher on collection and recycling infrastructure fully funded by producers and these should be pursued instead.. One is to increase the fee charged under the plastics registry for plastics sent to jurisdictions without fully funded EPR programs on a schedule designed to eventually make it more cost effective for stewards to manage their own materials even if not regulated than to pay the penalty fee.

- **Actual recycling levels:** this labelling work needs to sync with the plastics registry and following what happens to the materials once collected. Data needs to be tracked on the degree of contamination in collected materials as well as the portion that does not get recycling or is not salable and why.
- **Funding of collection:** tied into accessibility is also the funding for the infrastructure. Rather than trying to use a labelling system as a way to persuade producers to provide the end-of-life infrastructure for their products, add direct requirements (for example, to use the recycling label, a producer must be part of the appropriate EPR program that fully funds the needed infrastructure or through the plastic registry fees). The federal government should also work with the provinces and territories to accelerate increasing EPR requirements.
- **Contaminants** -where other materials contaminate the plastic and make it hard to use the material again, the whole product cannot be considered recyclable. This would include additives, dyes, and labels or caps of other materials. In future, it could also apply to products made of different materials that are glued together or cannot easily come apart for recycling.
- **Consumer information** -require the producer to state if the item is recyclable but also if it not. The labelling needs to be as clear as possible for consumers. As the proposed system will be hard to administer and could have numerous loopholes, this could further erode public trust in recycling. Ultimately, the label needs to tell the truth as many have very little faith in industry claims and this trust needs to be rebuilt.
- **Incentivize reusable non-toxic packaging** -this should be one of our key aims and so labelling, the registry and other tools should be used to focus on this across Canada.

### Compostable Plastics

These materials are used in a series of products that many well-meaning businesses selected and customers used without fully understanding their impacts. They are banned in some

communities and despite being certified, would not break down in most municipal systems. Compost collection systems are usually operated or financed by local governments. EPR programs are meant to pay the full costs of processing materials. Local government systems are designed usually for food and yard waste and do not usually meet the time and temperature conditions under which compostable materials are certified. One commenter noted compostable plastics should be labeled as “Not-compostable in most municipalities”

Similar to above, any quantification of the degree of access will be inaccurate. Even more so that other types of plastic packaging, compostable plastics for takeout ware, etc. are a parasitic use of municipal composting systems. Given that for single use applications, reusables (and if no other substitute, even fibre) would be preferred, there are limited applications where the compostable label would be needed for consumers. The term compostability should be used for paper-based products only, not for plastics.

Key steps to eliminate the need for this labelling would be to ban stickers on produce and encourage washing of bins rather than the use of bin liners.

Uses that may be suitable for compostable plastics would be for durable products where the labelling would be done internally to allow for proper processing through EPR programs that would disassemble the products once collected as a whole product. The standard of compostability would then be set to match the facilities paid for and operated by the producers. The footprint of the compostable plastic would then also be taken into consideration and ideally would use truly waste materials rather than purpose-grown crops from distant geographies.

Given that these forms of plastic have been over-marketed, the government will need to provide communications materials and education on the reality of compostable plastics and why they are a problem. Local governments and composting facilities may wish to assist with this.

Going forward, a clear definition of what is compostable, (developed independent of industry) is required.

Please ban the use of the term biodegradable (or any other form of “degradable”) in this context similar to what other jurisdictions have done.

## **Consultation Paper**

Please find this feedback on the questions laid out in the consultation paper in addition to what we have noted above :

1. Objectives: The goal should be to make it very clear if an item is recyclable or not (by material) with other tools used to make it recyclable by geography. Another goal should be to minimize all plastic packaging.

6. We support the regulation of the use of the chasing arrows as a sign of recyclability as well as the term recyclable, recyclability and how the resin codes are used.

8. Include on the label if the items need to be rinsed (i.e. mayonnaise jars).

9. For public trust, it will be important to highlight where materials go, publicize prosecution of false recyclers and ban waste exports. Incentivize local processors coming on line.

10. Design features should include keeping the design simple with only one kind of material per container, show how the data is verified about recycling, have a call-in number to report false claims and have the government (not business or a PRO) be responsible for it.

12. Calling it public recycling is misleading for many provinces. In BC, it is an EPR program who is responsible for residential materials while ICI is not yet regulated. Residential programs will have a fairly similar suite of materials/products generated while it can vary widely in type and relative volumes of materials across the ICI sector. In BC (and likely elsewhere), outside of the large urban areas, plastic recycling services for ICI is quite limited (except for beverage containers which are regulated for all sectors).

13. While we do not agree with the percentage approach, it should be noted that collection events should be considered a marketing or awareness-raising exercise rather than a viable ongoing collection system and should not count as such.

16. Public is the wrong way to phrase this. Rules do change and can be nuanced. In BC for the EPR PPP, it has slowly increased acceptance of materials after initial standardization. In one case, material is collected to see if it can be recycled but is currently being burned. Some kinds are collected only through depots even if curbside collection is provided and it may not be recycled. A great deal of work has been done by local governments and Recycle BC to have residents understand what can be collected and how so there is concern that labelling changes could undo some of this, create further confusion and not allow for nuances.

19. There are not likely to be markets at scale for multilaminates, expanded polystyrene, tetrapaks and plastics contaminated by brominated fire retardants, BPA and other contaminants. The past markets for plastics 3, 4, 6 and 7 should be analyzed but are unlikely to show historically robust markets and equivalent uses of the materials (We can only use so many plastic park benches).

22. Other objectives the Government should be seeking to achieve through compostability labelling rules are:

- to have the highest possible quality compost that we would all feel comfortable having our food grown in
- to reduce single use items and encourage returning to reusables
- to ensure local governments are not required to subsidize processing of packaging or products in their compost systems
- to minimize confusion over what is a “good” package and what is possible to compost
- to ensure highest and best use of materials
- to minimize environmental footprints of materials (all compostable material should come from actual crop waste and never from purpose grown crops to make the material)

23. It is a good idea to consider all forms of packaging and products (can be phased). Consider all forms of packaging (including those that are not consumer-facing) to prepare for lead up to ICI EPR. Include imports and all packaging regardless of business size as there will still be a consumer wondering what to do with it at the end.

24. Approach 3 should be selected as it would have the widest impact, the least confusion and be the least open to other new confusing terms that industry may switch to. Use the experience from food labelling to predict and pre-empt new confusing phrases.

25. An obligatory system is required to be effective with six months given to get rid of existing stock and an allowance for a further six months to use stickers to cover unsuitable labels. After that the director should be given the power to make decisions on other stock to avoid unnecessary waste. The government should pay attention to what is already in place in other jurisdictions and what is proposed and harmonize as long as it is moving towards the highest possible standard in the quickest possible time frame (race to the top).

27. Approach 2 is preferred with a review in five years to see if problems need to be addressed.

29. Approach 2 aligns with the public’s perception of what this means and what is done in other jurisdictions.

32. The government should focus on the highest and best use of materials, lower environmental footprint and a return to reusables where possible.

34. The existing tools would need to be reviewed to see if they would meet the needs with this new standard as in the past if something was in theory recyclable or compostable, that was sufficient. The focus to move back to reusables must be included. The government could review its own tools and update them. Where legacy ones exist, additions could flag that where the information is out of date.

35. We agree that the government should develop its own gold standard best practice information including on types of materials that are recyclable so producers can design products to avoid mistakes (such as poor material choice or lids, caps and labels of other materials, etc.).

36. Local governments need a voice as they are often the ones running or procuring services from composting operations and setting the guidelines for what can be collected (as well as still financing collections and processing of materials and bearing the brunt of costs from non-recycled/composted materials). First Nations communities also need to be represented as they experience similar challenges or may be missed entirely from the dialogue. Industry experts are going to be needed but must be there to share information to help improve the situation and not obstruct the work. Citizen representation would also be good to evaluate if the changes are expected to reasonably work for the public. Communications and behaviour change experts would be suitable as well. Of course, underpinning it all, there needs to be voices for the environment as well.

37. A communications /behaviour change campaign should be co-developed with the partners (provinces/territories/local governments/ Indigenous governments/ENGOS/EPR programs, etc.) and fanning out to business and chamber associations.

38. Other performance metrics should include:

- Government surveys of packaging on shelves across Canada
- Waste composition studies of all streams (recycling, compost and waste)
- Improved recycling stream outcomes -ensure burning materials and chemical recycling to fuel is counted as disposal (and a failure of the system)
- Decrease in total amount of packaging
- Increase in the use of reusables