



August 30th, 2023

Attention:

Tracey Spack

Director, Plastics Regulatory Affairs Division Environment and Climate Change Canada (EEEC)

351 Saint-Joseph Boulevard

Gatineau, Quebec K1A 0H3

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 provide comments regarding plastic packaging for food.

As we noted on our last submission, Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is defined as 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. Research for [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. These statistics also do not show the drastic rise in plastic packaging as the data is based on weight and plastics may not weigh as much as the alternatives.

We are pleased that the EEEEC has been responsive to the strong demand from Canadians to move towards Zero Waste, and in particular Zero Plastic Waste. The proposal to develop a system for food plastic packaging is welcome as is better to actually reduce the input of packaging into the system than successfully recycle it. We hope that this feedback will assist in developing and strengthening our systems for a future where waste does not threaten the economy, human health and the environment.

Sincerely,

Sue Maxwell

Chair, Zero Waste BC

Feedback on the pollution prevention planning notice for primary food plastic packaging

General Feedback

- There is a need to reverse the change in packaging from easier to recycle materials (e.g. packaging made from one form of paper, glass or metal) to plastic as well as the use of plastic where no packaging was used before.
- We are concerned over the health risk from migration of chemicals to food from plastics, additives or food labels.¹ We are also concerned about ingestion of microplastics. and the use of any plastics with heat or acidic food.
- The use of multilayers of different plastics for food containers renders the plastics hard to recycle, contaminates recycling streams, and contributes to downcycling and wasting.
- Industry touts plastics as necessary to reduce food waste but we do not hold this to be an accepted truth
 - The 2022 WRAP study found (<https://wrap.org.uk/resources/report/reducing-household-food-waste-and-plastic-packaging>) that for many items plastic packaging may increase waste. It recommended selling produce loose to decrease the food wasted at home. A recent example where this was needed was seen in BC where the minimum plastic package of long English cucumbers at a neighbourhood grocery store (not a warehouse or bulk store) included six when the customer only needed one. The report also recommends to remove date labels unless proven to be effective for a specific food and to provide best practice guidance on storage. These recommendations are suitable for Canada as well.
 - Industry use of plastic (in particular, standardized plastic containers for produce) has also been found to increase food waste at the supply end where produce may be turned away for not fitting into the containers.²
- Industry also pushes plastics as being more climate friendly than other materials however this again is not universally true. Plastic is usually made from fossil fuels which it is widely acknowledged we need to phase out. The life cycle analyses that support this claim are also often based on an assumption of a global food chain transporting items long distances in single use containers rather than looking to move to more local food production that is available (and sometimes going to waste), and the use of reused or refilled containers. A move to reduce plastic use could be paired with a focus on making it easier for local farm products to be sold locally at large stores, which could also support local agriculture and enhance food security.

¹ <https://www.cbc.ca/news/canada/kitchener-waterloo/bps-food-labels-1.6792373>

² <https://www.theguardian.com/environment/2016/apr/19/tesco-changes-rules-on-kenya-green-beans-to-cut-food-waste>

- Produce stickers also need to be included as these have proliferated over the past decades and contaminate compost streams.
- Often plastic packaging has been used for the convenience of the store, not for the producer, the customer, the recycling or waste industry and certainly not for the environment. These plans should work to change this.
- The grocery industry is highly concentrated in Canada (also noted in the consultation document), often leaving the consumer with little or no choice to avoid the plastic packaging. It is also very profitable meaning that these companies are well positioned to be able to fund the changes required **without** raising their prices.
- Consumers cannot always tell what kind of packaging they are getting. One problematic example is boxes of tea that may have an outer plastic wrap, individual plastic wraps of each tea bag and the worst, actual plastic teabags. These plastic teabags not only often end up in compost streams by mistake but also release microparticles into the tea posing a risk to the environment, and likely to human health.³ Sweden and other countries show this labelling on their packaging. **Recommendation:** ensure labels show any plastic packaging that is not visible so consumers can make an informed choice. Ban plastic tea bags.
- Fast food chains are not included but would be a suitable candidate for a similar process. **Recommendation:** replicate this process for fast food chains
- Reusable containers that replace single use packaging should also be required to meet recycled content requirements.

Comments by section:

1. Purpose

We are encouraged by the number of grocers and food brands committing to reduce plastic waste but commitments without follow through have been made before so requiring plans and implementation is a vital step and needs to be as strong as possible. This will help level the playing field between those that are leading, those that make announcements without action and the laggards.

We hope that the planning requirements will use the Zero Waste hierarchy and emphasize redesign, reduction, and reuse/refill over recycling. There should also be a preference for non-plastic materials that do not interact with food (such as glass) for the reuse-refill systems. We also hope that ECCC will do any of its own research required rather than accepting industry conclusions. This research should also be underpinned by the principles used in the Zero Waste Hierarchy and those of the UN Sustainable Development Goals. Grocers in the EU have been

³ <http://kinampark.com/T-Polymers/files/1.%20Introduction%20to%20polymers/Hernandez%202019%2C%20Plastic%20teabags%20release%20billions%20of%20micro%20and%20nanoparticles%20into%20tea.pdf>

held to higher standard and started earlier on this journey so the ECCC should look to what can be learned from Europe and anticipate and close loopholes.

Content of the P2 Plans

- Support that organizations have the flexibility to determine their own best course of action.
- Support the requirement for organizations to provide information.

Who will be required to develop a plan

- Support the intention to not capture small businesses, independent grocers, speciality food stores, convenience stores, farmers markets, etc. at this time but a review in five years should be done to see if an expansion is needed should the intended goals of decreased plastic waste not be reached.
- Also support sharing the learnings from the experience of the large stores after two-three years so that the smaller operators can benefit from it.

Activities to address in a plan

- Ensure that the plans must cover all packaging that has any plastic in it (i.e paper bags with plastic windows, foil bags layered with plastic, use of plastic tops on glass bottles, etc.)
- Support inclusion of both food product lines and food packaged in store or for delivery.
- Support the inclusion of both food for consumers and businesses.
- We recommend adding a Plan objective requiring transparency and disclosure on additives used in food contact packaging and, in particular, any substitute packaging adopted under a Plan. Such a requirement could inform chemicals management policies and support measures under the *Canadian Environmental Protection Act (CEPA)* for assessing, managing, and reporting on toxic substances and classes of toxic substances and identifying substances that are capable of becoming CEPA-toxic. The grocery P2 Plans should have the objective of identifying and eliminating PFAS, phthalates, bisphenols, fluorinated polymers, brominated flame retardants, chlorinated paraffins, and benzotriazole UV stabilizers from food packaging. Reporting provisions and objectives related to plastics additives will enable and support safer substitution initiatives by retailers and will provide information Health Canada needs on chemical substances in food packaging.
- While the intention is to require large grocers to conduct these changes, as these businesses often also own and control food distribution services like wholesalers, it is important to note this will impact smaller independent stores. The large stores should make commitments to ensure that their actions towards reduction, reuse and refill systems do not further limit competition and any reuse-refill systems (at the wholesale level or further up) should be open source, non-branded and available to the independent stores as well. Set the expectation that grocery chains explore common packaging and return systems for high-volume packaged food products. A shared reuse

system using standardized packaging, as exists among Canada’s major beer brewers, is an effective way to ensure cost-effectiveness and widespread access to reuse and refill across Canada. It is also convenient for customers since standard containers provide more flexibility and less confusion for returns.

Objectives, targets and timelines

- Reuse-refill - Require the setting of a target for the return of containers and packaging in a reuse-refill system. Numerous studies confirm that reuse is the most effective way to reduce waste, water use, greenhouse gas emissions and material use as long as there is an effective system that ensures containers are reused many times.⁴ Grocery chains must be required to outline in their plans how they will ensure reusable packaging stays in circulation and is reused many times. This includes setting targets of at least 80 per cent for return of reusable packaging for refilling by 2030 and 90 per cent by 2035, which ensures that systems are set up to get containers back. The chains must also be required to report annually on return rates for refillable packaging and how many times each package is refilled.
- Ensure to set the reuse-refill target by products sold not just number of product lines so that there is a clear incentive to tackle the high sales volume products.
- Set the expectation that grocery chains explore common packaging and return systems for high-volume packaged food products. A shared reuse system using standardized packaging, as exists among Canada’s major beer brewers, is an effective way to ensure cost-effectiveness and widespread access to reuse and refill across Canada. It is also convenient for customers since standard containers provide more flexibility and less confusion for returns. In addition to the P2 Plans, the ECCC should also host workshops to facilitate collaboration on developing a common system among all parties including smaller grocers and other in the supply chain.
- A target should be set for the sales of locally produced food which will increase resilience, support local economies and local jobs. Local producers are also more likely to be able to handle reusable containers.
- We support the targets proposed for fruits and vegetables in the consultation of at least 75 per cent bulk or plastic-packaging free by 2026 and 95 per cent by 2028. Further, we recommend requiring that at least two-thirds of these targets be met by eliminating

⁴ Recyc-Québec, Life cycle assessment of beverage containers, 2015: <https://www.recyc-quebec.gouv.qc.ca/sites/default/files/documents/acv-contenants-biere-rapport-2015.pdf> ; Coehlo, Patricia Megale et. al, “Sustainability of reusable packaging: Current situation and trends,” Resources, Conservation & Recycling: X, 6, 2020: <https://www.sciencedirect.com/science/article/pii/S2590289X20300086#bib0053>; Parametric Lifecycle Assessment of reusable and single-use restaurant food container systems (2023, University of Michigan); Reloop/Zero Waste Europe, Review of the Environmental Impact of reusable versus single-use packaging, 2020: https://zerowasteurope.eu/wp-content/uploads/2020/12/zwe_reloop_report_reusable-vs-single-use-packaging-a-review-of-environmental-impact_en.pdf.pdf_v2.pdf

packaging altogether, which would mean that more than 60 per cent of produce would be package-free by 2028 and minimize the risk of regrettable substitutions.

- We encourage inclusion of non-food products in the plan for reuse-refill targets, but recommend setting very high targets so the intended reduction of food plastic packaging still occurs.
- The plan requirements should work to avoid substitution with other materials where no packaging is required. Targets should be set for packaging elimination.
- While the consultation document makes a reference to business-to-business packaging, it does not propose targets for elimination of single-use plastic packaging in this sector, perhaps due to a lack of data We recommend that, as part of the plans, grocers be required to report as part of their interim progress reports on how much single-use packaging they receive from other businesses and any measures taken to eliminate this packaging in their supply chains. This data should be used to identify regulatory and policy tools to eliminate single-use packaging from grocery supply chains as well as possibilities for expanding reuse in business-to-business packaging systems
- We are expecting that the criteria for what counts as recyclable will reflect the feedback for labelling regulation and ensure that any plastic deemed recyclable by ECCC will need to meet a very high standard for access to recycling collection and processing.

4.5 Factors to consider

We strongly oppose the use of the Waste Management Hierarchy as shown in figure 1 as the basis for developing plans. That hierarchy shows energy recovery as a component of value recovery. Studies show that when organizations pursue energy recovery it is an inefficient way of saving energy as more energy can be saved by pursuing the elements further up the hierarchy. Waste to energy also releases all of the GHGs from the energy in plastic immediately whereas storage of plastic in landfill does not release GHGs in this timeframe and our response to the climate crisis dictates that we cease putting GHGs into the atmosphere. Pollution, human health and environmental health are also concerns.⁵ Allowing energy recovery to be seen as a goal will mean that the actions taken will not be as strong as they otherwise would be and it could delay action. We recommend the use of the [Zero Waste Hierarchy](#) as best practice.

Other factors:

- PFAS -need to strengthen the regulation on this when considering unintended consequences of substitutions and ensure that the underlying intention of regulation around plastics (i.e. minimizing the risk of harm) is met.⁶
- Recycling standards - we have previously commented that the standards for what is considered recyclable should be stronger (see our letter dated May 16, 2023).

⁵ Zero Waste Europe (2018). <https://zerowasteurope.eu/2018/02/9-reasons-why-we-better-move-away-from-waste-to-energy-and-embrace-zero-waste-instead/>.

⁶ Zero Waste Europe (2023). https://zerowasteurope.eu/wp-content/uploads/2023/07/zwe_jul23_exec_summary_safety_food_packaging.pdf

- Compostable plastics - we recommend that compostable plastics not be included as a suitable substitute and not count towards a reduction in plastic. The challenges in ensuring the food packaging sold into a local market remains in the local market (particularly as this is targeted to the large stores which can often draw consumers from smaller towns for shopping trips), the need to educate the local population on the correct way to dispose of the packaging and the confusion of having different systems in different regions make it very problematic to include compostable plastics.
- Baseline data - ECCC should ensure that it has solid data on the baseline amount of food plastic packaging currently used and source it itself to fill in any gaps or to verify assumptions.
- As for any system, it is important to ensure that there is transparent reporting, monitoring of activity and effectiveness, and enforcement. We encourage the use of third party audits like for financial reporting (and already used in the BC EPR system) to ensure accurate reporting. We agree that the ECCC should require reporting and we encourage ECCC to publish the individual results with a goal of facilitating information sharing on best practices and a race to the top for the organizations. Further, “non-confidential information” that will be made available to the public must be defined in the broadest possible sense to ensure that the public has the ability to assess progress on the plans. A lack of transparency would result in a loss of credibility for the Plans.
- There is a need for financial penalties for failures that are higher than the savings from inaction.
- The ECCC should also provide its own report on the effectiveness of these measures (at the interim target timelines of 2026, 2028 and 2030) and we wish to emphasize that implementing the Notice must not prevent the government from proceeding with regulation aimed at eliminating plastic waste and pollution, including expanding the bans as soon as possible on harmful single-use plastics. Earlier this year, environmental organizations urged an expansion of the ban to include all takeout containers, bags other than checkout bags, produce stickers, polystyrene and polyvinyl chloride packaging, and films and pouches.⁷ Banning these harmful plastic manufactured items would be consistent with the planned Notice. Furthermore, where the Plans are not demonstrating effectiveness at further reducing plastic packaging waste at grocery stores, the government must take further regulatory action, such as prohibitions on plastic items and/or additives, as soon as possible prior to 2035.

Plan timing

12 months to develop the plan is a short amount of time but immediate action is required. However, ten years is a long time for a plan to endure. We recommend holding to the 12 month time frame for the plan to be completed and start of implementation but add options to have

⁷ See <https://www.greenpeace.org/canada/en/press-release/56084/environmental-health-orgs-and-businesses-call-on-canada-to-expand-the-single-use-plastics-ban/>

an initial plan to start implementing and then update and strengthen plans based on experience and results.

Select discussion questions

2 What are the potential impacts to supply chain relationships, costs, and other obstacles associated with this approach?

We emphasize that the existing system is problematic (in terms of market concentration, food costs, food waste, challenges for food producers due to power imbalance with grocers, etc) so consider that some challenges that will be raised by producers may lead to better systems. Also note that these companies are very profitable and thus can afford to implement robust plans and should be tasked with a redesign of the system.

3 What else is needed to advance reuse in grocery stores?

Consumer education on the role the consumer can play -ideally the large grocers pay for a collective education programs that is overseen the government or third party at arms-length from the large grocers.

5 What performance metrics should the Government of Canada consider in tracking progress and evaluating success?

Amount of food plastic packaging currently in use, trajectory of previous food plastic packaging statistics, % by food category of packaging-free food/other forms of packaging, % of packaging for which the large grocer has contributed to an EPR program; % of reuse by food category; amount of plastic packaging offered on site and trajectory (note where decreases are due to external policy such as federal/provincial/territorial/municipal bans); data on direct packaging versus secondary packaging.