RECYCLING COUNCIL OF ALBERTA

October 7, 2022

Plastics Regulatory Affairs Division
Environment and Climate Change Canada
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Sent to e-mail: plastiques-plastics@ec.gc.ca

RE: Comments on Plastic Registry and Labelling

The Recycling Council of Alberta (RCA) has been Alberta's trusted voice on credible and effective waste prevention and diversion systems for more than 30 years. Our vision is a prosperous, waste-free Alberta enabled through a circular economy. RCA members include municipalities, recyclers, small and large businesses, not-for-profits, and others who share our vision for a strong Alberta underpinned by a circular economy.

Thank you for the opportunity to provide comment on the Government of Canada's proposal to establish a Plastics Registry and regulate plastics labelling for recyclability and compostability. To provide context for our submission, it's important to note, that in general RCA supports ECCC in its efforts to establish:

- a registry that will improve Canada-wide data transparency that enable accurate provincial and territorial (P/T) systems comparisons, identify plastics management gaps, and establish creative and effective solutions;
- consistent and accurate product and packaging labelling that will improve and restore consumer confidence in, and performance of, recycling systems.

In support of ECCC's efforts, in addition to providing responses to ECCC's questions, we offer the following constructive feedback to improve future regulations:

1. **The way ECCC has defined 'recyclable' and 'end markets' is problematic.** ECCC is defining these in the same way that industry does now -i.e., an item is recyclable when it reaches a stable end market, and an end market is the point in which plastic waste gains a positive market value in Canada. This point could be post Materials Recovery Facility (MRF) or post re-processor. This is problematic for several reasons: first markets have historically never been stable, so the point of 'recycling' would be in constant flux. Labels can be affixed to products or packages for years before they are finally consumed, and in that time the market could have fluctuated hundreds of times. This would result in labels that are "ephemerally' correct, and an ephemerally correct label will do little to engender or improve public confidence. This definition of recyclable also excludes actual recycling that is cost negative -if a material is reincorporated into a new product but a re-processor is paid by a municipality and then delivers a product at zero market profit to a viable end-use, that is still recycling. The definition of recycling should be the point at which a recycled raw material needs no further processing to be reincorporated into a new product or package. See the CSA Group[1] and

[1] Valiante, U., Gies, G., and E. Moreside, 2021. Defining Recycling in the Context of Plastics. A Principled and Practical Approach. Canadian Standards Association, Toronto, ON. Available at: https://www.csagroup.org/article/research/defining-recycling-in-the-

Government of Quebec's[2] definitions of recycling clear examples of recycling being measured at the point a recycled raw material can be used as a feedstock in the manufacture of new products or packaging.

2. **ECCC has stated the requirements for recyclability differently in different parts of its discussion document.**
    - On page 3, ECCC claims that one component of recyclability would be whether a material "is accepted in public recycling systems accessible to 80% of the population **in one or more of five regions across Canada**.
    - On page 18, ECCC says that it would establish a threshold where "80% population must have access to a collection system for an item **in each of the following (five) regions**".

    As a result, it's unclear what ECCC is consulting on. Further, this definition only considers residential accessibility (i.e., home accessibility) and not ICI accessibility (e.g., at-work, at-play accessibility). Regardless, the RCA offers the following suggestion: Since ECCC has stated that it is undertaking this work, in part, to support EPR systems across Canada that manage plastic products and packages, and since the Government of Canada can regulate labelling under both CEPA and the Consumer Packaging and Labelling Act (i.e., beyond plastic), we suggest that the Government of Canada require that:
    - Any product or package may only carry the label of recyclable if it is accepted for recycling and finally recycled through the recycling systems operated in every province or territory (P/T) in Canada that has established a regulated residential and/or ICI EPR requirement for specific packaging or products. Any items not collected and finally recycled by all regulated systems (including attachments and labels) may not carry the label or claim of recyclable.

3. **Regarding labelling of compostable plastics, we encourage ECCC to ban the use of compostable plastics altogether. There are several concerns:**
    - **Compostable plastics do not compost in large scale composting systems.** Current certification systems enable an item to be labelled as compostable if it can 'compost' in a system in 90-120 days. However, aside from windrow and static pile systems (seen in smaller communities), these composting techniques are not being used. Most large in-vessel systems in Canada have retention times of 21 days or less, which means in most cases compostable plastics will be screened out before or after composting has taken place.
    - **Compostable plastics will not degrade in anaerobic digestion (AD) facilities.** AD facility establishment is growing across Canada. AD facilities, typically pre-process organics using various techniques (e.g., Edmonton uses a trommel, Toronto has two systems -one uses a hydro-pulper and the other a press) to remove plastics before they enter the AD process. Even if the plastic were to pass through the AD system, it is not 'food for bugs' (i.e., it won't be consumed by anaerobic bacteria) and breakdown into organic

context-of-plastics/

[2] Government of Québec. Regulation respecting a system for the selective collection of certain residual materials. Available at: https://www.environnement.gouv.qc.ca/matieres/consigne-collecte/reglement-collecte-selective-version-administrative-en.pdf

digestate. Therefore, whether a plastic may "compost" or not becomes irrelevant.

- **Compostable plastics can harm recycling systems.** The public typically cannot tell compostable plastics from recyclable ones. If compostable plastics exist, they will leak into recycling streams hampering and harming the recycling of viable plastics. Their very existence threatens plastics recycling.
- **The term compostable encourages litter.** The public perceives the term 'compostable' to mean 'safe for the environment' and therefore safe to litter (e.g., safe to release as a balloon into the atmosphere). Compostable plastics do not compost when littered and are still available to harm wildlife through entanglement and ingestion. There are hundreds of studies showing how long even the thinnest compostable plastic bags remain intact in the environment.[3]
- **Compostable plastics do not add value to the composting process.** Composting should add value to soil. Compostable plastics have been shown to leave behind additives in the compost that add no value to the final compost and could be detrimental. Recycle BC states: "Most compostable container manufacturers have their own proprietary blend of additives that can change the properties of their material. These additives can change the way the plastic behaves in compost as well as what is left as a by-product. This reduces consistency between manufacturers and will be challenging for compost facilities and recyclers."[4]
- **ECCC should also regulate the term 'bioplastic' and "bio-based plastic'.** These terms are used on products and confuse the consumer. Consumers assume that anything with the word 'bio' is safe and can be littered or composted.
- **ECCC should also regulate the term 'flushable'.** There are no known plastic items that should meet the definition of flushable by the Canadian Water and Wastewater Association. Flushable plastics are costing municipalities $250 million annually in damages.[5] When these plastics do make it through the wastewater system, they result in biosolids contaminated with microplastics that are then applied to soils.[6]

Government of Canada Registry Questions	Recycling Council of Alberta Response
1. What objectives and potential benefits do you see from a federal plastics registry, and are they contingent on any conditions being met (for example agreements with provinces and territories)?	Benefits: • Create a complete and transparent accounting of plastics management from cradle to final disposition, whether that is disposal or reintegration in a circular

[3] Napper, I.E., and R.C. Thompson, 2019. Environmental Deterioration of Biodegradable, Oxo-biodegradable, Compostable, and Conventional Plastic Carrier Bags in the Sea, Soil, and Open-Air Over a 3-Year Period. Available at: https://pubs.acs.org/doi/10.1021/acs.est.8b06984

[4] Recycle BC, 2019. Compostable packaging and paper products. Available at: https://recyclebc.ca/wp-content/uploads/2020/06/Compostable-Packaging-2019-Research-Summary-Report_Final.pdf
[5] See Canadian Water and Wastewater Association at: https://cwwa.ca/advocacy/#flushable
[6] Koutnik, V.S, Alkidim, S; Leonard, J; DePrima, F; Cao, S; Hoek, E.M.V; and S.K. Mohanty, 2021. Unaccounted Microplastics in Wastewater Sludge: Where Do They Go? Available at: https://pubs.acs.org/doi/full/10.1021/acsestwater.0c00267

	economy. • Create an accepted Canada-wide language to compare system management results. This includes creating transparency around terms such as what is considered 'final recycling' vs. sorting/cleaning. • Build public trust in recycling systems by being able to track plastics management in Canada and exported. Contingencies: • The definition of recycling varies between provinces (e.g., Quebec requires materials be finally processed whereas Ontario requires material to be sorted and sold to market). These definitions are embedded in their regulations and dictate how their programs report in annual reports. P/T buy, while not necessary for federal reporting, will be essential to reduce confusion and encourage updates to regulations.
2. Are the product categories described in this document characterized accurately? For example, should any sub-categories be separated out and included as product categories in their own right, or should any categories be combined?	• Construction waste will include packaging (e.g., plastic film, plastic wrap). Suggest including C&D packaging in the packaging 'sector' as this is fundamentally different than C&D products like vinyl flooring or PVC piping.
3. Are there any other product categories that could be include within the scope of a federal plastics registry?	• Single-Use Products and Personal Hygiene Products that are not caught by P/T packaging and paper product recycling systems and are commonly littered or flushed. E.g., ○ wipes (cleaning and personal), diapers, cotton swabs, feminine products (e.g., tampon applicators). Many of these items are commonly flushed; ○ party supplies (e.g., balloons); ○ cigarettes (butts). • Durable products, especially those excluded in many recycling systems (e.g., 10L + reusable water jugs, laundry baskets, toys). • If an item can be labelled with a plastics resin code, it should be included in the

	registry.
4. What other sources of information should be considered by the registry to improve understanding of Canada's plastics economy?	• Exports of mixed recyclables or low grade recyclables (which have an acceptable level of contamination). • Plastic pellets 'lost' from recyclers or during transport. (See operation Clean Sweep). • Retailer overstock products sent for secure destruction.
5. Should the Government adopt a producer hierarchy approach as presented in Figure 2? If so, should the hierarchy presented be modified in any way? Why?	• Yes -a hierarchy is important to ensure data is collected accurately at the highest order. However, P/Ts have been working to update definitions to ensure they can enforce their systems. P/T agreement should be sought on the hierarchy chosen to ensure that internet sales can be accounted for.
6. Could a product have different obligated producers in different provinces or territories (for example a brand owner in one province, and a different first importer in another province)? If so, how should a federal plastics registry account for these differences?	• Yes. A national retailer could ship from an Ontario warehouse to stores across Canada, for example. • A federal registry should seek to collect data at the highest point in the hierarchy in a similar manner to stewardship programs.
7. Should the Government create thresholds for small businesses? If so, what should those thresholds be, and which activities should small businesses be exempted from doing?	• No. Almost 2/3 of Canadian businesses are SMEs. De minimis thresholds create inaccuracies in data that could be significant and nullify the benefit of the registry. Instead of exempting these businesses, consider modified / easier reporting to reduce regulatory burden.
8. How should a federal plastics registry account for the fact that producers may engage multiple producer responsibility organizations for different provinces and territories?	• This question is curious. Producers are careful not to duplicate reporting because to do so is a cost centre. We aren't sure why this is being asked as it doesn't naturally follow from the "reporting via third parties section'.
9. Are there any important considerations the Government should be aware of as it explores possible cost recovery options?	• n/c

10. Should the Government allow producers to fulfill any cost recovery obligations through producer responsibility organizations? If so, how would the Government ensure that each producer is contributing to cost recovery according to its obligations (for example related to any different fee structures linked to product design, product origins and supply changes, or product category contributions to plastic waste or pollution)?	• n/c
11. Is there a free rider issue for online marketplaces in Canada? If so, what is the extent of the problem and how could it be mitigated through a federal plastics registry?	• n/c. This is best answered by PROs.
12. Is there a free rider issue for couriers in Canada? If so, what is the extent of the problem and how could it be mitigated through a federal plastics registry?	• n/c. This is best answered by PROs.
13. Are there any special considerations the Government should take into account to protect CBI?	• n/c
14. Which mechanisms could be used to facilitate collaboration between federal, provincial and territorial governments? Are there any mechanisms in particular that could also help reduce the administrative burden on producers?	• n/c
15. What should the Government be aware of in implementing a federal plastics registry system according to the plan outlined in this paper (for example feasibility, cost)?	• The goal is data transparency. The Statistics Canada disposal and diversion information is based on 'survey' information. In general, this information is less accurate than information that is audited and Statistics Canada disposal and diversion data has been criticized, as a result. The Federal government may want to consider options to acquire audited data or do periodic spot checks on the data acquired.
16. How quickly after Phase 1 data is required to be reported could producers provide the information outlined above for Phases 2-4?	• n/c

Government of Canada Registry Questions	Recycling Council of Alberta Response
1. Are there any other objectives the Government should be seeking to achieve as it develops labelling rules for recyclability?	• It is odd that ECCC claims it is establishing this system to support EPR systems, but that this goal is absent from its objectives. We recommend ECCC return focus to protecting and supporting existing diversion systems, especially regulated EPR systems. • To be credible, assessment must be approved by an accredited and unconflicted third party. The Government of Canada should consider the Recoup (UK model) for full transparency and to keep costs low. It is a registered charity, an accredited third party, it operates a recycling accreditation system, it tests recyclability, it undertakes reports, and it works across sectors and stakeholders to advance recycling in the UK.[7] • Re: the definition of recyclable, recyclability should be determined not by scrap value but by whether a material is returned to a 'raw state' that is capable of being reincorporated into a new product or package. Anything less is greenwashing. By ECCC's proposed definition, a mixed bale could be sold for a positive market value (as they did pre-National Sword), be shipped offshores for cheap processing in Malaysia, have 90% of it disposed while high value commodities are sorted out, and still be labelled as recyclable. • To be labelled as recyclable, the entire package should be recyclable: body, label, enclosures, and attachments. • Labels and adhesives should not disrupt the recycling process. • The package should not easily disrupt the recycling process of similar streams that is cannot be easily sorted from (e.g., PVC).
2. Is there more granular data the Government should be aware of regarding outcomes of specific kinds of plastic items or packaging in the recycling stream?	• The Association of Plastics Recyclers (APR) and Recoup are leading organizations assessing plastics recycling. They have a list of already tested plastic designs that are known to be recyclable. They also clearly identify where plastics must be individually tested to be determined as recyclable.

[7] See Recoup at https://www.recoup.org/

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 (for example, films)? What are they?	• Yes. Many durable plastic products -e.g., garbage cans, laundry baskets, plastic durable cups, many toys (such as those sold at the Dollar Store).
4. Is there any data (for example, market data) the Government should be aware of regarding the use and prevalence of the "chasing arrows" symbol on packaging and other plastic product categories?	• n/c
5. What is the process and timeline for designing and implementing changes to labelling (for example, lifespan, costs, marketing considerations, and implementation timelines)?	• n/c
6. Is there any other data the Government should be aware of regarding the accuracy of recyclability labelling on plastic packaging or other product categories?	• We encourage ECCC to review Prep Design –the testing system that underlies the On-Pack Recycling Label (OPRL) and Australasian Recycling Label (APR) labelling systems. • We also encourage ECCC to review the APR Design Guide.
7. Are there any other factors that can impact a plastic item's recyclability, beyond the factors listed above?	• Lack of consumer understanding that to be recyclable items must be clean, dry, and separated. Acceptability is moot if the item is contaminated with food. • Consumer confusion about the difference between compostable and recyclable. • Labels and adhesives can turn a recyclable plastic body non-recyclable. • Barriers -these melt at different temperatures. Only APR barriers should be used. • Mixed material products. All of the materials may be recyclable individually, but unrecyclable when mixed.
8. What kinds of information would make it easier for individuals to prepare and sort plastics for recycling adequately?	• A universally accepted recycling symbol. See OPRL for the years of research they have conducted on labelling.[8] Canada should have its own 'trusted' label for recyclability because the chasing arrows is not trusted by the public. A reset on trust is needed with a new label.

[8] OPRL, 2020. What consumers want. Available at: https://www.oprl.org.uk/wp-content/uploads/2020/09/What-Consumers-Want-7-Key-Research-Insights-On-Engaging-Consumers-In-Recycling.pdf

9. Is there any other information the Government 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?	• See footnote "4" below.
10. What kind of design features on plastic items or information on labels would be most effective in helping strengthen public trust in recycling systems?	• See footnote "4" below. • In part, the public distrusts recyclability labelling because of the exceptions for location and situation. For Canadians to rebuild trust, recycling 'rules' should not vary by location across Canada. This is why we are suggesting linking the definition of recyclable to items that are collected by ALL regulated systems across Canada. The message is then simple: recyclable in all P/T regulated systems.
11. Could more accurate labels be used in sorting facilities to improve outcomes? If so, how?	• n/c
12. What are the major differences between what is accepted in public recycling programs and what is collected for recycling from ICI locations that the Government should consider?	• See Canada Plastics Pact new study set to be released in October 2022 entitled: British Columbia Industrial, Commercial and Institutional Packaging and Paper Products Baseline Report: Waste Flows Study.

13. Does the regional market breakdown reflect the current situation in Canada? Are there alternative ways to establish 80% population thresholds?	• We recommend the term recyclable mean:
	  ○ Accepted by all regulated EPR systems in Canada for the item category in question.
	  ○ Material is finally recycled into a raw material state that may be used directly (without further processing) in the production of new products or packaging.
	• See how Quebec defines recycling.
	• See CSA Group's definition of plastic recycling.[9]

14. Do companies currently identify what is collected for recycling when developing recyclability labels? If so, how?	• n/c
15. How could labelling rules provide accurate information to residents of rural, remote or Northern communities where recycling programs may operate on different models (for example, drop-off depots) or may not be present at all?	• By 2030, all P/Ts have committed to having except regulated EPR systems in place for packaging and paper products, except Prince Edward Island and Nunavut. Prince Edward Island has a provincially operated system that requires mandatory recycling. Further, Quebec will have systems in place

[9] CSA Group, 2021. Defining Recycling in the Context of Plastics - CSA Group. Available at: https://www.csagroup.org/article/research/defining-recycling-in-the-context-of-plastics/

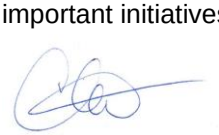
	for ICI PPP as well. This is why we suggest linking recyclability to acceptance in all P/T regulated EPR systems across Canada, whether residential or ICI. • Leave communication on 'where to recycle locally' to the P/T system operators. Public messaging on clean and dry are universal.
16. How often do acceptance rules for public recycling programs change, and why?	• This question will be moot when EPR systems are in place across Canada. Producers will work towards harmonized acceptance lists for systems -they already are.
17. What kinds of information should be sought as part of the initial survey and assessment of what is accepted for recycling across Canada?	• We suggest you work through CCME to assess which materials are collected in which jurisdictions, understanding that the list of what is collected should harmonize in any jurisdiction that has implemented EPR for PPP.
18. Are there any other factors the Government should consider in developing an approach to determine whether a North American end market exists for a particular plastic item?	• Measure at the point a material becomes a recycled raw material capable of being used in new products, and then this question is moot.
19. Are there any particular categories of plastics that likely do or do not have North American end markets? Why?	• Problematic plastics: flexible plastics, PVC, other plastics, mixed plastics, plastics with incompatible barriers, plastics with incompatible adhesives or labels. .
20. Are there any other factors the Government should consider in developing an approach to determine whether a North American end market for a particular plastic item is reliable?	• n/c
21. Is there any data on end-of-life outcomes for compostable plastics and other types of biodegradable or degradable plastics, the Government should be aware of as it develops labelling rules?	• See footnote 2. • See Compost Manufacturing Alliance[10].
22. Are there any other objectives the Government should be seeking to achieve through compostability labelling rules? If so, what are they and why are they important?	• We do not believe any plastics should carry the label of compostable. Compostable plastics are a known disruptor to recycling and composting systems. • If plastics were to be labelled as compostable, they should come with 'do not litter' symbols.

[10] See Compost Manufacturing Alliance at: https://compostmanufacturingalliance.com/

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?	• No. It should apply to all regulated PPP and SUP material in Canada, regardless of source (residential or ICI).
24. Which of the above approaches for the kinds of recyclability claims that should be subject to labelling rules (1, 2, 3) should the Government adopt, and why? Is there another approach the Government should adopt instead?	• Approach 3: apply to any claim on a recyclability label. Like the term organics, for Canadians to trust labels relating to recyclable or compostable, then there needs to be clarity that the rule applies to all labels. Universal application is the only way to prevent greenwashing through exceptions.
25. If an obligatory system is adopted, what should the Government consider in order to minimize burden on industry while maximizing environmental outcomes (for example, appropriate timelines, cumulative impacts of different labelling requirements)?	• Consider working with existing labelling systems such as How2Reycyle or ORPL, if they are willing, to establish a Canadian version of an existing system. Multiple labelling systems create confusion.
26. Are there any other kinds of plastic items that may warrant special rules or exemptions from labelling rules under an obligatory system? Why?	• n/c
27. What should be the minimum standards to ensure consumers can easily access and use information on a label (e.g., size, font, location on the package, text size, required symbols)? Why?	• See OPRL research (footnote 6). OPRL has conducted significant research into reviewing which types of labels (including the information and font) the best public outcomes.
28. Are there any other considerations besides components and regions that may require qualified recyclability information?	• n/c
29. Would there be any unintended consequences of prohibiting the use of the "chasing arrows" symbol for any purpose other than to refer to recyclability?	• n/c
30. Should there be any criteria for determining whether a third-party certification is adequate to ensure compostability in Canadian composting facilities? If so, what should be the criteria and why?	• To be compostable, the material should be tested for compostability in all major compost facility types in Canada. i.e., To be labelled as compostable it should be able to be composted (including adding value to soil) in facilities with the shortest retention time and all AD facilities (e.g., City of Edmonton and City of Toronto). Since we believe this is not possible to achieve, this would negate any plastic products from being labelled as compostable in Canada.
31. Are there existing third-party certification programs that would ensure compostability in Canadian composting facilities? If so, which?	• No. BPI and BNQ are both inadequate. They allow retention times from 90-120 days. Most retention times in compost

	facilities are 21 days or less.
32. Are there any other principles or other important considerations the Government should take into account in developing rules for compliance and compliance verification?	• n/c
33. Are there any other kinds of potential compliance mechanisms the Government should be aware of as it develops rules for labelling?	• n/c
34. What kinds of changes would be needed to existing tools, guidelines and programs to meet the new labelling rules? How could the Government help facilitate these changes to ensure existing tools, guidelines and programs can continue to be used?	• n/c
35. Are there any other kinds of tools and guidance the Government should consider developing to support industry and facilitate compliance with labelling rules?	• n/c
36. If a technical committee of experts is established, what should be its composition and what should be its role in the development of tools and guidance?	• Consider the model established by RECOUP in the UK. It is unconflicted, brings in appropriate experts, and is well-respected.
37. How should the Government work with partners and stakeholders to spread awareness and promote compliance with labelling rules, including disclosure requirements?	• Consider working with regulators in each province with a regulated EPR system. These programs often require 'registration' with the regulator. Deny registration in programs if the labelling is incompatible with the law.
38. Are there any other performance metrics the Government should consider in tracking progress and evaluating success?	• Consumer trust in labelling • Consumer participation in regulated recycling systems. • Residual rates at MRFs and re-processors. • Amount of recycled raw material in existing regulated recycling systems.

Thank you for the opportunity to provide input into ECCC's consultations on proposals to develop and implement a plastics registry and a labelling system for compostable and recyclable plastics. These are important initiatives. We look forward to further opportunities to help inform ECCC's roll out of these important initiatives.



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