

Single-use Plastics Prohibition Regulations

Technical Guidelines



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Canada 

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List of abbreviations and acronyms

CBSA	Canada Border Services Agency
CCME	Canadian Council of Ministers of the Environment
CEPA	<i>Canadian Environmental Protection Act (1999)</i>
ECCC	Environment and Climate Change Canada
HC	Health Canada
HDPE	High density polyethylene
ISO	International Organization for Standardization
Regulations	<i>Single-use Plastics Prohibition Regulations</i>
SUP	Single-use Plastic
PET	Polyethylene terephthalate
PLA	Polylactic acid
PP	Polypropylene
PVC	Polyvinyl chloride



A. Overview

A.1 Disclaimer

As this is not a legal document, the Regulations/and or the *Canadian Environmental Protection Act (1999)* (CEPA) take precedence in the event of an inconsistency between this document and the Regulations and/or CEPA.

A.2 Background

Plastic pollution litters our beaches, parks, streets, shorelines and other places Canadians value. It is harmful to our nature and wildlife and Canadians are demanding action.

On June 22, 2022, the Government of Canada published the *Single-use Plastics Prohibition Regulations* (the Regulations), in the *Canada Gazette*, Part II. The Regulations prohibit the manufacture, import and sale of six categories of single-use plastics (SUP) items, with a temporary exemption for export:

- Checkout bags
- Cutlery
- Foodservice ware containing expanded or extruded polystyrene, polyvinyl chloride, oxodegradable plastic or black plastic made with carbon black
- Ring carriers
- Stir sticks
- Straws

The purpose of the Regulations is to prevent plastic pollution by eliminating or restricting the six categories of SUPs that pose a threat to the environment.

The Government of Canada has enacted the Regulations to protect the environment, make it easier for Canadians to enjoy the benefits of clean natural areas, and help foster the transition to a circular economy.

The Government developed the Regulations using a management framework that draws from the best available science and evidence, including the [Science Assessment of Plastic Pollution](#). The Science Assessment presented a thorough scientific review of the occurrence and potential impacts of plastic pollution on human health and the environment, and enabled the Government of Canada to deliver on its commitment to ban harmful (SUPs). The Regulations also reflect broad consultations between 2020 and 2022 with industry, jurisdictions, civil society organizations, and thousands of individual Canadians.

The Government of Canada has committed to taking several actions to reduce plastic waste and plastic pollution. The Regulations are part of a comprehensive agenda to keep plastics in the economy and out of the environment. They reflect Canada's shared commitments with other jurisdictions domestically and internationally to prevent plastic pollution at the source, such as the Canadian Council of Ministers of the Environment's [Strategy on Zero Plastic Waste](#) and the [Ocean Plastics Charter](#).

A.3 Purpose of this document

The purpose of these guidelines is to provide information about the requirements of the Regulations to anyone who engages in the manufacture, import or sale of the six categories of SUPs that are included in the Regulations and who would therefore be subject to them.

These guidelines may be updated from time to time to improve clarity and to address issues with the implementation of the Regulations as they arise.

A.4 Intended audience

Anyone who may be subject to the Regulations is encouraged to familiarize themselves with the contents of this document. This may include the following:

- Manufacturers of SUPs
- Importers of SUPs
- Exporters of SUPs
- Sellers of SUPs (either online or in a physical location)
- Distributors of SUPs
- Restaurants and other food vendors
- Healthcare facilities and other care institutions
- Testing laboratories

A.5 Key terms for understanding the Regulations

A.5.1 Definition of “single-use”

Plastic items are considered single-use if they are designed to be discarded after being used once. The Regulations are intended to prohibit six categories of SUP items.

SUP checkout bags, cutlery and straws have reusable substitutes also made of plastic. Plastic stir sticks are all expected to be single-use and are therefore prohibited under the Regulations.

Please note that the Government is aware of the issue of plastic straws and cutlery that may meet the reusability criteria of the Regulations, but are essentially single-use in practice. Analysis is underway to determine how to address this issue, so that only items that will actually be reused are allowed.

A.5.2 Definition of “plastic”

Plastic is a broad category of synthetic chemicals (called polymers) that can have different sources, physical properties and additives. A number of sources can be used to help determine whether a material is considered a plastic. For example, the [Science Assessment of Plastic Pollution](#) includes a section on the composition, properties, and uses of plastics.

- Plastic resins commonly used in many of the SUP items subject to the Regulations include the following:
 - Polyethylene, including high-density and low-density polyethylene
 - Polypropylene
 - Polystyrene, including expanded and extruded polystyrene
 - Polyvinyl chloride

Other kinds of plastics subject to the Regulations include those not made from conventional feedstock (which are derived from oil and gas). These non-conventional plastics include those derived from feedstock such as corn or wood. Typical non-conventional plastics that are used in SUP items include:

- Polylactic acid
- Polyhydroxyalkanoates

Please note that there is no exhaustive list of plastics covered by the Regulations. This is because of the many different kinds of plastic that currently exist or that could be developed in the future.

A.5.3 Definition of “manufacture”

Manufacture is the activity of producing goods, in this case certain SUP items, from raw materials using manual labour, machinery, tools and biological or chemical processing or formulation. The Regulations prohibit the manufacture of all SUP items defined in Section 1 of the Regulations, including checkout bags, cutlery, foodservice ware, ring carriers, stir sticks and straws. The manufacture of single-use plastic flexible straws will still be permitted.

A.5.4 Definition of “import”

Import is the act of bringing in goods, in this case certain SUP items, into Canada from another country, via either land, sea or air. The Regulations prohibit the import of all SUP items defined in Section 1 of the Regulations, including checkout bags, cutlery, foodservice ware, ring carriers, stir sticks and straws. The import of single-use plastic flexible straws will still be permitted.

This includes the transportation sector, specifically the part of the sector that deals with the movement of people or goods across borders. This includes buses, trains, ships and planes that enter Canada, as follows:

All buses, trains, ships and planes entering Canada from other countries can have SUPs on board, as long as they are not provided to passengers while on Canadian territory, in Canadian internal waters or in Canadian airspace. These SUPs could be considered “in transit” and be exempt from the Regulations.

These buses, trains, ships and planes can also have SUPs as waste (if passengers have previously discarded them), since waste is also exempt from the Regulations.

A.5.5 Definition of “sale”

The Regulations prohibit the sale of all SUP items defined in Section 1 of the Regulations, including checkout bags, cutlery, foodservice ware, ring carriers, stir sticks and straws.

The prohibition on sale in the Regulations includes a range of legal activities that may go beyond the common understanding of the verb “to sell.” Section 3 of CEPA defines “sell” as including “to offer for sale or lease, have in possession for sale or lease or deliver for sale or lease,” and subsection 93(2) of CEPA states that “sell” includes “the transfer of the physical possession or control of a substance.” This means that no monetary exchange needs to take place in order for the activity to be considered a sale.

The Regulations prohibit the sale of a number of SUP items. This includes the following activities:

- Offer for sale or lease, could include
 - Placing a prohibited item in a container or dispenser for customers to take
 - Offering for sale or lease, either online or in a physical location

- Deliver for sale or lease, could include
 - Distributing samples of SUP items to a business
- Transfer of possession or control, could include
 - Providing a customer with a SUP item at the point of purchase, such as when buying take-out food

A.5.6 Definition of “export”

Export is the act of moving goods, in this case, certain SUP items, from out Canada into another country, via either land, sea or air. The Regulations contain a temporary exemption on manufacture, import and sale for the purpose of export for all six categories of SUPs defined in Section 1 of the Regulations. The exemption will be repealed 42 months after the Regulations are registered (December 20, 2025). Export of plastic single-use flexible straws will still be permitted.

This includes the transportation sector, specifically the part of the sector that deals with the movement of people or goods across borders. In particular, buses, trains, ships and planes that depart from Canada cannot be re-stocked with SUPs while in Canada and SUPs cannot be provided to passengers.

A.5.7 Definition of “transit”

Transit is the activity of passing through or across from one place to another. All six categories of SUPs defined in Section 1 of the Regulations are not prohibited if they are in transit through Canada and if they are accompanied by documents that prove that those SUPs are in transit.

“In transit” refers to the portion of an international transboundary movement of the six SUPs through the territory of a country that is neither the point of origin nor the final destination. Whether something is considered in transit has to do with shipping destinations of the SUPs at the time of entry into Canada. Cases where SUPs are warehoused in Canada and then sold/distributed to foreign customers are prohibited.

The following two scenarios illustrate what may and may not be considered “in transit”:

- SUPs are shipped from Europe to the Port of Halifax, where they are transferred to trucks that transport them to Toronto, where the SUPs are transferred to rail cars that transport them to British Columbia before being transferred to another truck, which transports them to their final destination in Seattle, Washington. While in Canada, these SUPs **are considered** “in transit”, and therefore are not prohibited.
- SUPs are shipped from Europe to the Port of Halifax, where they are transferred to trucks and transported to a Toronto-based destination. The SUPs remain on their pallets, shrink wrapped, and are stored in a distribution warehouse until such time as they are sold internationally (for example, to a company located in Seattle, Washington) and subsequently shipped accordingly (exported). While in Canada, these SUPs **are not considered** “in transit”, and therefore are prohibited.

A.6 Reference documents

The Single-use Plastics Prohibition Regulations can be consulted in the [Canada Gazette](#).

Other documentation related to the Regulations includes:

- [CEPA](#)
- [Order Adding Plastic Manufactured Items to Schedule 1 to the Canadian Environmental Protection Act, 1999](#)
- [Science Assessment of Plastic Pollution](#)
- [Guidance for Selecting Alternatives to the Single-use Plastics in the Single-use Plastics Prohibition Regulations](#)

B. Detailed technical guidelines on the six categories of single-use plastic items prohibited by the Regulations

The following definitions apply to both plastic manufactured items made up of 100% plastic, and plastic manufactured items that contain any amount of plastic and another material, such as layered materials.

B.1 Single-use plastic checkout bags

B.1.1 Items are covered by this definition

The Regulations (Section 1) define SUP checkout bags as:



A plastic manufactured item, made entirely or in part from plastic, that is formed in the shape of a bag that is designed to carry purchased goods from a business and

- whose plastic is not a **fabric*** as defined in section 2 of the [Textile Labelling Act](#); or;
- whose plastic is a **fabric*** as defined in section 2 of the [Textile Labelling Act](#) that will break or tear if the bag is
 - used to carry 10 kg over a distance of 53 m 100 times; or
 - washed in accordance with the washing procedures specified for a single domestic wash in the International Organization for Standardization standard [ISO 6330](#), entitled Textiles—Domestic washing and drying procedures for textile testing, as amended from time to time.

**Fabric: means any material woven, knitted, crocheted, knotted, braided, felted, bonded, laminated or otherwise produced from, or in combination with, a textile fibre.*

SUP checkout bags have typically (but not exclusively) been given to customers at the point of sale to help the customer carry their purchased goods from businesses. This definition also includes plastic bags used to carry and deliver takeout food or drinks from a restaurant. Other terms used to describe SUP checkout bags include shopping bags, carryout bags and grocery bags.

B.1.2 Plastic bags not prohibited by the Regulations

Other plastic bags

The following plastic bags are not intended to be prohibited by the Regulations if they do not meet the definition of SUP checkout bags. This means the following types of bags are not impacted by the Regulations:

- Bags intended to hold organic waste meant for composting
 - Note that single-use plastic checkout bags are prohibited and cannot be manufactured, imported or sold for this use
- Bags to hold items intended for recycling, commonly used in household or commercial recycling bins
- Bags intended to hold garbage meant for landfill or incineration, commonly used in household or commercial garbage bins
- Bags to package fruit, vegetables, candy, grains, nuts and other loose bulk food items, commonly used in grocery stores (also known as produce bags)
- Bags to package meat, poultry or fish, whether pre-packaged or not
- Bags to wrap flowers or potted plants
- Bags to protect prepared foods or bakery goods that are not pre-packaged

- Bags to protect newspapers or other printed materials left at a person's residence or place of business
- Bags to protect clothes after professional laundering or dry-cleaning
- Bags to protect used tires taken off vehicles and placed in a person's vehicle

**The above list is not exhaustive, and only serves to provide examples*

Fabric checkout bags

Fabric is any woven, knitted, crocheted, knotted, braided, felted, bonded, or laminated material produced from, or in combination, with a textile fibre.

Checkout bags made of fabric containing synthetic textile fibres made of petroleum products (plastic) can continue to be manufactured, imported and sold if:

- they will not break or tear if used to carry 10 kg over a distance of 53 m 100 times, and
- they will not break or tear if washed in accordance with the washing procedures specified for a single domestic wash in the International Organization for Standardization standard [ISO 6330](#)

B.1.3 Coming into effect of the prohibitions

The prohibitions on SUP checkout bags come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities are presented below:

- Manufacture and Import – December 20, 2022
- Sale – December 20, 2023
- Export – December 20, 2025

B.2 Single-use plastic cutlery



B.2.1 Items are covered by this definition

The Regulations (Section 1) define SUP cutlery as:

A plastic manufactured item, made entirely or in part from plastic, that is formed in the shape of a fork, knife, spoon, spork or chopstick, and that

- contains polystyrene or polyethylene, or
- changes its physical properties after being run through an electrically operated automatic household dishwasher 100 times.

The SUP cutlery prohibited by the Regulations are:

- Forks
- Knives
- Spoons
- Sporks and
- Chopsticks

SUP cutlery has typically been made from polystyrene or polyethylene; however, items made from other plastic resins may also be available. These items have normally been given to customers of restaurants or any food vendors (such as with takeout meals) and could also have been bought in bulk at retail stores (e.g., for birthday parties or barbecues). They have also often been used in various institutional settings such as hospitals and schools.

B.2.2 Plastic cutlery not prohibited by the Regulations

Plastic cutlery made from a resin other than polystyrene or polyethylene and that can be washed in an electrically operated household dishwasher 100 times without causing changes to its physical properties is considered reusable.

This means the following types of cutlery may continue to be manufactured, imported and sold*, provided they meet the performance criteria above:

- Reusable cutlery made of thick plastic, other than polystyrene or polyethylene, often marketed as camping cutlery
- Reusable silicone cutlery used for infant feeding
- Reusable plastic utensils used for cooking or preparing food (like ladles and mixing spoons)
- Reusable plastic measuring spoons

**The above list is not exhaustive, and only serves to provide examples*

B.2.3 Coming into effect of the prohibitions

The prohibitions on SUP cutlery come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities are presented below:

- Manufacture and Import – December 20, 2022
- Sale – December 20, 2023
- Export – December 20, 2025

B.3 Single-use plastic foodservice ware

B.3.1 Items are covered by this definition

The Regulations (Section 1) define SUP foodservice ware as:



A plastic manufactured item, made entirely or in part from plastic, that

- is formed in the shape of a clamshell container, lidded container, box, cup, plate or bowl;
- is designed for serving or transporting food or beverage that is ready to be consumed, and;
- contains expanded polystyrene foam, extruded polystyrene foam, polyvinyl chloride, a plastic that contains a black pigment produced through the partial or incomplete combustion of hydrocarbons or an oxo-degradable plastic.

SUP foodservice ware prohibited by the Regulations includes any plastic manufactured item that meets **all three of the criteria above (a, b and c)**. These are items that have typically been given to customers at restaurants, food vendors and grocery stores to hold a variety of food and beverages for takeout or to-go meals. However, criterion b of the definition of SUP foodservice ware extend to any activity involving the serving or transporting food and drink. This means that after the coming into force of the prohibition on sale, Canadians would not be able to buy SUP foodservice ware and use it at home or social settings. For example, SUP plates made from polystyrene foam could not be purchased from a retailer and used at a social barbeque dinner. SUP foodservice ware purchased before the coming into force of the prohibition on sale could still be used by Canadians after this date.

More information about each of the criteria is provided below. Where appropriate, non-exhaustive examples of the types of foodservice ware that may be subject to the Regulations are provided:

- **For criterion a) formed in the shape of:**

- Clamshell containers
 - Containers that have two halves joined by a hinge that allows the container to be opened and closed
 - Includes containers for either hot or cold food
- Lidded containers
 - Containers that have separate lids (not joined by a hinge)
 - Includes containers for either hot or cold food
 - Include large lidded containers for soups to smaller lidded containers for dressings, sauces or condiments
- Boxes
 - Includes boxes in direct contact with food or those used to transport food already in other containers

- Cups
 - Includes cups with or without handles
 - Includes cups made for hot or cold liquids
- Plates
 - Are typically flat or concave and used to serve solid food
 - Sometimes given with takeout meals, but does not have to have food on it when it is sold/provided to a person
- Bowl
 - Are typically round and meant to serve liquids such as soups, sauces or stews
 - Sometimes given with takeout meals, but does not have to have food on it when it is sold/provided to a person

• **For criterion b) designed for:**

- Serving or transporting food or beverage
 - Containers for serving or transporting food or beverage that people can either eat or drink from directly, regardless of whether or not people choose to eat or drink from the container
 - For example, if a customer picks up a takeout meal in a foodservice ware container it must meet the requirements of the Regulations, even if the customer puts their takeout meal on their own plate once they get home
- Ready to be consumed
 - Food or beverages are considered “ready to be consumed” when a person who purchases/receives the food or beverage can consume it immediately once it is received
 - This applies regardless of whether a person chooses to eat/drink the food or beverage immediately or if they choose to take additional steps to further prepare the food or beverage, such as adding ketchup to fries or milk and/or sugar to coffee
 - This includes prepared food or beverages purchased from, among others, quick service restaurants, grocery stores, and convenience stores
 - Food or beverages are considered “ready to be consumed” if they do not need any freezing, refrigerating, cooking, boiling, heating, microwaving, toasting, grilling/barbequing, or frying before they are eaten or drunk
 - This applies regardless of whether a person chooses to eat/drink immediately once they get the food/beverage
 - Food or beverages that are considered “ready to be consumed” also include raw or uncooked food that can be eaten straight away
 - This includes foodservice ware used for pre-cut/prepared fruits and vegetables

• **For criterion c) contains:**

- Expanded polystyrene (EPS) foam
 - A rigid plastic, usually white, having a smooth surface, and made of polystyrene beads
 - Common uses include cold cups, plates and bowls
- Extruded polystyrene (XPS) foam
 - Most commonly referred to as Styrofoam, having a rough texture and made of polystyrene crystals
 - Common uses include plates, insulated beverage cups, clamshell food containers, and trays
- Polyvinyl chloride
 - Otherwise known as PVC, a synthetic thermoplastic material made by polymerizing vinyl chloride
 - Common uses include clamshells for fruits, cake boxes, salad containers
- A plastic that contains a black pigment produced through the partial or incomplete combustion of hydrocarbons
 - Also known as “carbon black”, and is added to many plastic foodservice ware containers to give them a black colour
 - Common uses include black plastic food containers, usually covered with a plastic transparent lid

- A plastic that contains any additive that, through oxidation, leads to chemical decomposition or to the fragmentation of the plastic material into micro-fragments
 - Also known as “oxo-degradable plastics,” “oxy-degradable plastics,” and “oxo-biodegradable plastics,” among other terms
 - The oxo- or oxy-degradable plastic has the same appearance as plastic, making it difficult to differentiate and has many uses such as containers, plates, boxes, etc.

B.3.2 Plastic foodservice ware not prohibited by the Regulations

The following plastic foodservice ware are excluded from the definition of SUP foodservice ware and are **not impacted by the Regulations** as long as they are:

Not in one of the shapes in criterion a):

- Plastic trays without a lid, typically used for raw meat, fish and vegetables, wrapped in plastic film
- Flexible plastic packaging or wrapping that is used for food that is ready to be consumed

Not designed for serving or transporting food or beverage that is ready to be consumed as in criterion b):

- Plastic foodservice ware containing frozen food that requires preparation (baking in the oven, heating in a microwave or toaster) before it can be consumed
- Containers made out of plastic that contain raw meat or fish that is not ready to be eaten before preparation or is not meant to be consumed directly from the container
- Cups or containers used by hospitals and care institutions to provide medication to their residents and/or patients
- Containers used for the long-term storage of food, typically found in the middle aisles of a grocery store, for example, peanut butter, apple sauce, olives, chips

Does not contain one of the prohibited plastics in criterion c):

- Paper and fibre-based coffee cups with a plastic lining, so long as the plastic lining does not contain any expanded polystyrene, extruded polystyrene foam, PVC, carbon black or any oxo-degradable plastics
- Clamshell containers, lidded containers, boxes, cups, plates or bowls made from non-prohibited kinds of recyclable plastics, like polyethylene terephthalate (PET), high density poly ethylene (HDPE) or polypropylene (PP)
- Clamshell containers, lidded containers, boxes, cups, plates or bowls made from non-conventional or compostable plastics such as polylactic acid (PLA)

The above list is not exhaustive, and only serves to provide examples

B.3.3 Coming into effect of the prohibitions

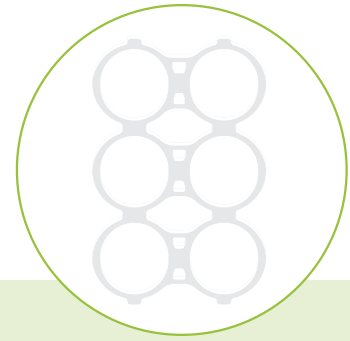
The prohibitions on SUP foodservice ware come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities are presented below:

- Manufacture and Import – December 20, 2022
- Sale – December 20, 2023
- Export – December 20, 2025

B.4 Single-use plastic ring carriers

B.4.1 Items are covered by this definition

The Regulations (Section 1) define SUP ring carriers as:



A plastic manufactured item, made entirely or in part from plastic, that is formed in the shape of a series of deformable rings or bands that are designed to surround beverage containers in order to carry them together.

SUP ring carriers (often known as “six-pack rings”) have been used to package and transport beverage containers such as aluminum cans and plastic bottles. They can be stretched out of shape and have typically been made from low-density polyethylene. They have been used to hold all sorts of bottles and cans that can carry food and beverages such as alcoholic or non-alcoholic drinks, nutrition supplements, and infant food.

B.4.2 Plastic ring carriers not prohibited by the Regulations

Rigid plastic beverage holders are excluded from the definition of SUP ring carriers, as they do not have deformable rings or bands surrounding the beverage container. Rigid plastic beverage holders typically attach to the top of the beverage containers by snapping on or with bendable teeth-like parts.

B.4.3 Coming into force of the prohibitions

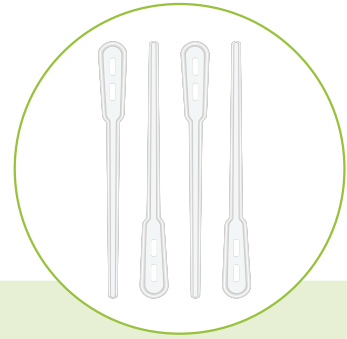
The prohibition on SUP ring carriers come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities are presented below:

- Manufacture and Import – June 20, 2023
- Sale – June 20, 2024
- Export – December 20, 2025

B.5 Single-use plastic stir sticks

B.5.1 Items are covered by this definition

The Regulations (Section 1) define SUP stir sticks as:



A plastic manufactured item, made entirely or in part from plastic, that is designed to stir or mix beverages or to prevent a beverage from spilling from the lid of its container.

SUP stir sticks are known by various names such as stirrer, mixer, or muddler, among others. Typically, these have been provided to customers where beverages such as coffee, tea, hot chocolate, or cocktails are served so customers can stir or mix their beverages. They are also sold in bulk in retail stores.

The Regulations also prohibit stir sticks that are designed to prevent a beverage from spilling or dripping out of the lid of its container. These are known by various names such as stoppers or plugs and have typically been provided to customers where beverages such as coffee, tea or hot chocolate are served so customers will not spill their beverages.

B.5.2 Plastic stir sticks not prohibited by the Regulations

All types of plastic stir sticks are prohibited by the Regulations.

B.5.3 Coming into force of the prohibitions

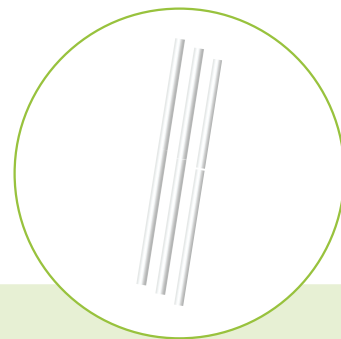
The prohibitions on SUP stir sticks come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities are presented below:

- Manufacture and Import – December 20, 2022
- Sale – December 20, 2023
- Export – December 20, 2025

B.6 Single-use plastic straws

B.6.1 Items are covered by this definition

The Regulations (Section 1) define SUP straws as:



A plastic manufactured item, made entirely or in part from plastic, that is formed in the shape of a drinking straw and that

- contains polystyrene or polyethylene or
- changes its physical properties after being run through an electrically operated household dishwasher 100 times.

SUP straws have typically been given to customers of restaurants, bars and other food vendors with drinks and have also been bought by Canadians in bulk at various retail stores. SUP straws that are attached to or are sold with/ accompany the packaging of certain types of beverage containers (such as those attached to juice boxes, bags or pouches) are also prohibited under the Regulations.

B.6.2 Plastic straws not prohibited by the Regulations

Manufacture and import of SUP flexible straws are not prohibited under the Regulations, but sale of SUP flexible straws is only permitted in specific circumstances (see section [B.6.4](#) for more information on these exceptions). These flexible straws are considered more accessible than straight straws as they can bend and maintain their position. The Regulations define SUP flexible straw as:

A single-use plastic straw that has a corrugated section that allows the straw to bend and maintain its position at various angles.

In addition, plastic straws made from a resin other than polystyrene or polyethylene and that can be washed in an electrically operated household dishwasher 100 times without causing changes to their physical properties are considered reusable.

B.6.3 Coming into force of the prohibition

The prohibitions on SUP straws come into effect over a period of 42 months from when the Regulations were registered. The timelines for the coming into force dates for different activities and different SUP straws are presented below:

- Manufacture and Import – December 20, 2022
- Sale – December 20, 2023
- Sale of flexible straws packaged together with a beverage container - June 20, 2024
- Export* – December 20, 2025

** After this date the export of flexible straws would need to adhere to the conditions for sale as described in section B.6.4*

B.6.4 Exceptions to the Regulations - Flexible Straws

Single-use plastic flexible straws

The Regulations make six exceptions (section 4 and subsections 5[2], 5[3], 5[4], 5[5], and 5[6] of the Regulations) for **SUP flexible straws**. As stated in [B.6.2](#), SUP flexible straws are required for accessibility purposes.

Five of the six exceptions are designed so that the Regulations will not prevent the availability of SUP flexible straws on the Canadian market as they do not prohibit their manufacture or import, nor their sale under certain conditions. An additional, time limited exception provides additional time for regulated parties to transition away from the SUP flexible straws attached to beverage containers. The first five exceptions are detailed below.

Exception for manufacture and import

The Regulations (Section 4) state that

A person must not manufacture or import single-use plastic straws, other than single-use plastic flexible straws.

This exception means that businesses are not prevented under the Regulations from manufacturing or importing SUP flexible straws (as defined in [B.6.2](#)). SUP straws that are not flexible are prohibited under all circumstances.

Exception for sale in certain settings (home and social settings)

The Regulations (Subsection 5(2)) state that

A person may sell single-use plastic flexible straws in a non-commercial, non-industrial and non-institutional setting.

This exception is required since the prohibition on sale in the Regulations includes a range of legal activities that may go beyond the common understanding of the verb “to sell”. CEPA defines “sell” as including “the transfer of the physical possession or control of a substance” (see [A.5.5](#) for more information on the definition of sale). Consequently, this exception means that Canadians will not be prevented by the Regulations from offering SUP flexible straws to others in a family or social situation. For example, parents would not be prohibited under the Regulations from giving a SUP flexible straw to their child. Canadians would be able to offer SUP flexible straws to family and friends at home, at a picnic, or at a restaurant.

Note that this exception is specific for individual home or social settings or situations, and **does not apply to sale in a commercial, industrial or institutional setting**:

- Restaurants would still be prohibited from providing SUP flexible straws to customers, as that would be considered sale in a commercial setting and therefore prohibited. However, a customer is not prohibited under these Regulations from providing a SUP flexible straw to another person in their group.

Exception for business-to-business sales

The Regulations (Subsection 5(3)) state that:

A business may sell a package of 20 or more single-use plastic flexible straws to another business.

This exception means that businesses are not prohibited under the Regulations from selling SUP flexible straws in packages of twenty or more to another business. This includes all the meanings of “sell” described in [A.5.5](#). This exception means that supply chains (e.g., manufacturers, importers or distributors) would not be prevented under these Regulations from providing SUP flexible straws to retailers and care institutions. More details on these exceptions are below.

Exception for retail sales

The Regulations (Subsection 5(4)) state that

A retail store may sell a package of 20 or more single-use plastic flexible straws to a customer if

- the customer requests straws, and
- the package is not displayed in a manner that permits the customer to view the package without the help of a store employee.

This exception means that retailers (e.g., grocery stores or pharmacies) are not prohibited under the Regulations from selling packages of 20 or more SUP flexible straws to a customer provided the customer requests them.

Retailers are also required to keep SUP flexible straws out of customers’ view. The Regulations do not prescribe where retailers must keep the packages of SUP flexible straws, as long as they are out of view. For example, possible locations include behind the customer service counter, behind a cash register, or in the back with their other inventory. Retailers are also not prevented from making it known that SUP flexible straws are available upon request in their stores. This could be done via in-store signage or advertising (e.g., in flyers).

Online retail stores must also adhere to these requirements regarding the sale of SUP flexible straws. Similar to SUP flexible straws in retail stores, online retailers are not prevented under the Regulations from making it known that packages of SUP flexible straws are available, for example, by including them in a list of products on their website. However, packages of SUP flexible straws cannot be listed as recommended products to customers when they buy or search for other products online, nor can they be listed as items bought by other customers. The customer should have to specifically search for packages of SUP flexible straws to reach their location in the online store.

The Regulations do not prohibit any person in Canada from requesting the purchase of SUP flexible straws from a retailer nor do they require any person to provide any documentation to a retailer to purchase them.

Retailers, whether online or in store, **are not required to:**

- Ask a customer to confirm whether they have a disability or otherwise need a SUP flexible straw
- Ask a customer for any information on the type of disability or accessibility need they have
- Verify whether a customer has a disability or a need for SUP flexible straws

Exception for beverage containers

The Regulations (Subsection 5(5)) state that

A retail store may sell a single-use plastic flexible straw to a customer if the straw is packaged together with a beverage container and the packaging was done at a location other than the retail store.

This exception means that retailers are not prohibited by the Regulations from selling beverage containers that have a SUP flexible straw attached until **June 20, 2024**.

Exception for sale in care institutions

The Regulations (Subsection 5(6)) state that

A hospital, medical facility, long-term care facility or other care institution may sell single-use plastic flexible straws to patients or residents.

This exception means that hospitals, medical facilities and other care institutions are not prohibited from providing SUP flexible straws to their patients or residents. The non-exhaustive information below illustrates the different types of institutions captured by this exception:

- **Hospitals:**
 - Includes any facility or portion of a facility that provides treatments to patients, including acute, rehabilitative or chronic care, that may have the following services:
 - accommodation and meals at the standard or public ward level and preferred accommodation if medically required
 - nursing
 - ambulatory care
 - laboratory, radiological and other diagnostic procedures and services, together with the necessary interpretations
 - drugs, biologics and related preparations when administered in the hospital
 - operating rooms, case rooms and anaesthetic facilities, including necessary equipment and supplies
 - radiotherapy
 - physiotherapy
- **Medical facility**
 - Includes offices and clinics where physicians, surgeons, dentists, nurses and/or other health professionals offer health services to patients.

- **Long-term care facility**
 - Includes nursing homes, rehabilitation facilities, inpatient behavioural health facilities, adult day care centres, assisted living facilities
- **Other care institutions**
 - This term is intended to capture facilities similar to the others listed before it, and include those facilities:
 - Hospices
 - Laboratories and other places where medical specimens are collected
 - Mental health and addiction treatment centres

Please note that this exception does not apply to private foodservice companies that operate within the premises of the above-mentioned institutions nor does this exception apply to child care centres (e.g. daycare centres).

C. Coming into force dates summary

A summary of the timelines for the coming into force dates for different SUPs and activities is presented below:

- **for check-out bags, cutlery, foodservice ware, stir sticks, straws**
 - manufacture and import - December 20, 2022
 - sale - December 20, 2023
 - export - December 20, 2025
- **for ring carriers**
 - manufacture and import - June 20, 2023
 - sale - June 20, 2024
 - export - December 20, 2025
- **for SUP flexible straws packaged together with a beverage container**
 - sale - June 20, 2024
 - export - December 20, 2025

D. Testing and analysis to determine the physical characteristics of single-use plastic items

For the application and enforcement of these Regulations, SUP items may need to be tested and analyzed. The Regulations include specific parameters that some SUPs must meet to be considered single-use. These parameters must be analyzed by accredited laboratories, as this is the standard the Government of Canada uses to verify compliance with the Regulations. This testing only applies to the following SUPs, as each have specific criteria¹ to determine whether the item is considered single-use:

- checkout bags
- cutlery
- flexible straws
- straws

For foodservice ware, testing will be used to determine whether the item contains carbon black or oxo-degradable plastic.

Note that before December 20, 2025, SUP items that are manufactured, imported or sold for the purposes of export are not required to be tested by an accredited laboratory.

D.1 Using an accredited laboratory for testing and analysis

When a laboratory is used for testing, section 7¹ of the Regulations requires that the laboratory be accredited under:

- ISO/IEC 17025 standard, entitled General requirements for the competence of testing and calibration laboratories, by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement, or
- the province of *Quebec's Environment Quality Act* at the time that the analysis or testing is conducted.

The Regulations set the parameters for the tests that will be used by the Government to verify compliance of SUPs placed on the Canadian market.

D.2 Testing methods for single-use plastic items

The Government is currently developing methods for the SUP items that require testing. These methods allow regulated parties to understand how ECCC assesses products for compliance with the regulatory requirements. When completed, methods are made available upon request.

The Regulations do not set out specific test methods for determining whether products meet the definitions. Regulated parties have the responsibility to ensure that their products meet the requirements of the Single-use Plastics Prohibition Regulations. A regulated party may identify different test procedures and/or equipment and is responsible for ensuring those procedures and equipment are suitable for the specified requirements.

¹ More information on these criteria can be found in [section B](#).

The methods below can be requested by emailing PlastiquesUU-SUPlastics@ec.gc.ca:

- *ECCC-01 - Determination of Changes to Physical Properties of Plastic Cutlery and Straws Following Domestic Dishwashing (v1, April 2023)*
ECCC uses this method to test plastic cutlery and straws that do not contain polystyrene or polyethylene to determine if they meet the definitions of single-use set out in the Regulations.
- *ECCC-02 - Checkout Bag Laundering (v1, August 2023)*
ECCC uses this method to subject plastic fabric checkout bags to a single domestic washing cycle to determine if they meet the applicable requirements set out in the Regulations.
- *ECCC-03 - Determination of Damage to Plastic Checkout Bags Following Cyclic Load Testing (v1, August 2023)*
ECCC uses this method to test plastic fabric checkout bags to determine if they meet the applicable carry requirements of the Regulations.

E. Record keeping for export

Any person that manufactures for the purpose of export, or that imports for the purpose of export must keep records. The Regulations require that these records are kept in Canada, for a period of 5 years from the day on which the manufacture or import took place, so they can be inspected immediately upon request. This record keeping requirement helps ensure that these SUP items are not ending up on the Canadian market, where they would be prohibited.

E.1 Record keeping for manufacturers and importers

Section 8 of the Regulations requires any person who manufactures or imports any SUP items subject to the Regulations **for the purposes of export** to keep records and documents. Record keeping requirements for importers of SUP items are different than those for manufacturers.

Manufacturers are required to keep records of:

- the common or generic name and the trade name, if any, of the item
- the quantity of the item manufactured at each manufacturing facility
- the date of manufacture of the item
- the date the item was exported and the quantity exported or, if it has not yet been exported, the date on which it is intended to be exported and the quantity intended to be exported, and
- the name of the entity, if any, to which the item is sold in Canada for subsequent export

Importers are required to keep records of:

- the common or generic name and the trade name, if any, of the item
- the quantity imported of the item
- the date the item was imported
- the copies of the bill of lading, invoice and all documents submitted to CBSA respecting the import of the item
- the date the item was exported and the quantity exported or, if it has not yet been exported, the date on which it is intended to be exported and the quantity intended to be exported, and
- the name of the entity, if any, to which the item is sold in Canada for subsequent export

E.2 Keeping and providing records to enforcement officers

All of the records kept in accordance with the Regulations must be held at the person's principal place of business in Canada or at any other place in Canada where they can be inspected. Records can be stored in either physical (for example, paper format) or electronic format. Records that are stored electronically must be saved on a server located in Canada and must be readily accessible on a computer at the regulated party's place of business in Canada.

Records may be subject to inspections to ensure they are complying with the Regulations. During an inspection, enforcement officers may request to review any and all paper and/or electronic records kept under these Regulations. It is your responsibility to ensure that these records are available immediately upon request.

E.3 Period for keeping records

Subsection 9(1) of the Regulations requires that regulated parties keep all records for five years after the date on which the record, either physical or electronic, was created. For example, if a record was created on January 1, 2025, the Regulations require regulated parties to keep the records in Canada until January 1, 2030.

E.4 Moving records

Subsection 9(2) of the Regulations requires that regulated parties notify the Minister, in writing, if the records are moved to a new location within Canada. Regulated parties must notify the Minister within 30 calendar days (not business days) and provide the Minister with the new address in Canada where the records are being kept.

Please note that this requirement applies for both physical and electronic records. For example, if a business keeps its records electronically (accessible upon request on a computer in their office) and is moving to a new office in Canada, the business must notify the Minister of this move. This is because the computer where the records are accessed from has moved (and therefore the records are considered moved as well).

To update the civic address where records are kept, you can use one of the following methods to notify the Minister:

1. By mail to:

Plastics Regulatory Affairs Division,
9th floor,
351 Saint-Joseph Boulevard,
Gatineau, QC K1A 0H3

2. By email to: PlastiquesUU-SUPlastics@ec.gc.ca