

Developing rules for recyclability and compostability labelling and a federal plastics registry

WHAT WE HEARD REPORT



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Introduction

Plastics are an affordable and durable material used by Canadian businesses and individuals on a daily basis. Plastic products provide a benefit to the Canadian economy and to the quality of life of Canadians because of their high levels of versatility and functionality. However, Canadians are concerned about the high economic and environmental costs of plastic waste and pollution. To protect the environment and create the conditions for a circular economy, we must better manage plastics within markets and recycling infrastructure across Canada.

The Government of Canada is implementing a comprehensive plan to prevent plastic pollution and move toward the goal of zero plastic waste. In June 2022, the Government finalized the [Single-use Plastics Prohibition Regulations](#).

These regulations ban certain single-use plastics that:

- are found in the environment
- pose a threat of harm to wildlife and its habitat
- are hard to recycle, and
- have available alternatives.

The Government of Canada is bringing forward new measures to help keep plastics in the economy and out of the environment. In winter 2022, the Government consulted on proposed minimum recycled content requirements for certain plastic items. , On July 25, 2022, the Government launched 2 consultations on:

1. Developing rules for recyclability and compostability labelling
2. Establishing a federal plastics registry for producers of plastic products

The Government of Canada designed the two consultation papers to solicit feedback and information on the proposed approaches outlined in the documents from partners, stakeholders and interested parties.

Recyclability and compostability labelling

Although plastic packaging makes up approximately half of all plastic waste, less than 15% of plastic packaging is recycled. This stems in part from packaging design choices that limit recyclability and contaminate recycling and organics streams. Another contributing factor is the use of labels that provide inaccurate information to Canadians on whether an item should be put in a recycling or compost bin. In addition, compostable, biodegradable and biobased plastics behave the same as conventional plastics when littered in the environment. The end-of-life management of these plastics presents a variety of challenges to both the organics and conventional plastics waste streams.

Labelling rules would help to avoid or minimize plastic waste and reduce contamination in both conventional and organics waste streams.

Federal plastics registry

Extended producer responsibility (EPR) is a policy approach in which a producer is made responsible for the collection and management of products and packaging at the end of their life. EPR is essential to achieving zero plastic waste and reducing plastic pollution. Provinces and territories are providing leadership in developing and implementing EPR within their jurisdictions. These governments rely on timely and accurate data to measure the performance of existing EPR programs, as well as expanding EPR to cover new product categories.

Currently, EPR reporting requirements are inconsistent across Canada. Inconsistent data collection can lead to difficulties with data access and performance measurement, a lack of baseline data for future EPR policies and a lack of accurate verification and public reporting. Gaps in data collection can also lead to “free rider” problems, where compliant producers end up paying for materials recovery of non-compliant producers. A federal plastics registry would seek to resolve the issues created by inconsistent data. A registry would also provide a single point of harmonized data collection, covering a wide range of plastic products across provinces and territories. This objective aligns with the Canadian Council of Ministers of the Environment (CCME) [Guidance to Facilitate Consistent Extended Producer Responsibility Policies and Programs for Plastics](#). The development of the guidance was a commitment under Phase 1 of the CCME *Canada-wide Action Plan on Zero Plastic Waste* in support of EPR harmonization.

How we consulted

A public comment period on the recyclability and compostability labelling and federal plastics registry initiatives was open between July 25 and October 7, 2022. We notified over 1700 stakeholders of the publication of the consultation papers via email. In addition, Environment and Climate Change Canada's (ECCC) promoted the consultations using their social media accounts (see Figure 1 for an example).

Figure 1: Twitter post from July 25, 2022,



Long Description

Figure 1 provides a screenshot of a tweet published to the official Environment and Climate Change Canada Twitter account page on July 25, 2022. The tweet announces the opening of the consultation period on the federal plastics registry and encourages followers to provide their input on the development of the registry. The tweet explains that the registry would help to keep more plastics in the economy and out of the environment. The graphic associated with the tweet displays an individual at work on their laptop. It also outlines that those interested in the consultation should share their thoughts on the federal plastics registry by October 7, 2022.

ECCC held engagement sessions online to facilitate national participation. Consultation activities included:

- **Written comment period:** ECCC solicited written input by mail or email from all interested parties between July 25, 2022, and October 7, 2022;
- **Webinars:** ECCC hosted four webinars (2 English and 2 French). These webinars were open to all interested parties, and included a presentation from ECCC officials, a question-and-answer session; and
- **Technical discussion sessions:** ECCC hosted 6 technical discussion sessions to discuss specific issues with key partners and stakeholders, including industry, civil society organizations, experts, and other jurisdictions

For further information please visit the following links:

- [Share your thoughts: Development of rules to strengthen the recycling and composting of plastics through accurate labelling](#)
- [Share your thoughts: Development of a proposed federal plastics registry for producers of plastic products](#)

Please find the timeline of the consultation period below in Figure 2.

Figure 2: Timeline of consultation activities



Long Description

Figure 2 has a graphic that describes the timeline of the consultation period. Beginning at the top of the timeline:

- The consultation period began on July 25, 2022
- On August 30, 2022, we held overview webinars on the federal plastics registry
- On September 8, 2022, we held overview webinars on recyclability and compostability labelling

- On September 13, 2022, we held a discussion session on recycling systems and end markets
- On September 15, 2022, we held a discussion session on products subject to EPR
- On September 22, 2022, we held a discussion session on products not subject to EPR
- On September 23, 2022, we held a discussion session on compostability labelling
- On September 29, 2022, we held a discussion session on registry reporting
- On October 5, 2022, we held a discussion session on plastic packaging
- The consultation period ended on October 7, 2022

Who participated

Participation was high across each of the consultation opportunities described above. There was representation from a broad range of industry sectors, non-governmental organizations, governments and individuals. The Government of Canada wishes to thank everyone who provided input.

The following section provides a breakdown of who participated in the consultations.

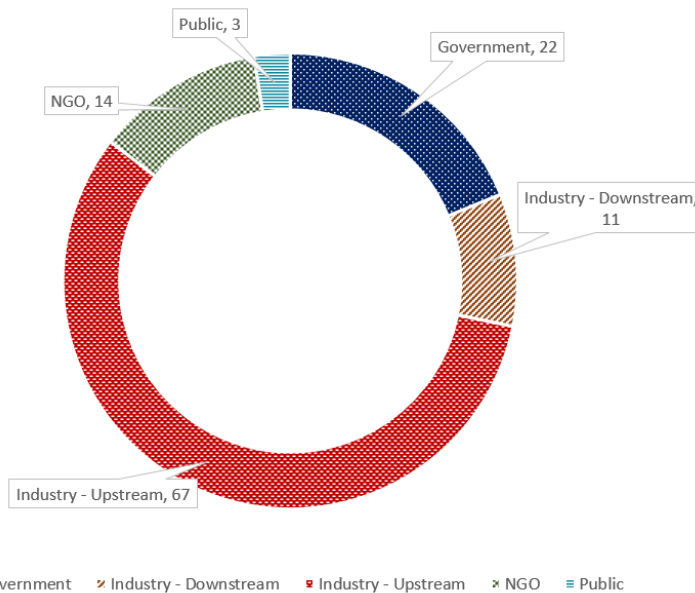
Written comments on the consultation papers

The Government received 118 written comments on the recyclability and compostability labelling consultation paper. The Government also received a total of 83 written comments on the federal plastics registry consultation paper, representing the views of stakeholders and partners in the following categories (see Figure 3):

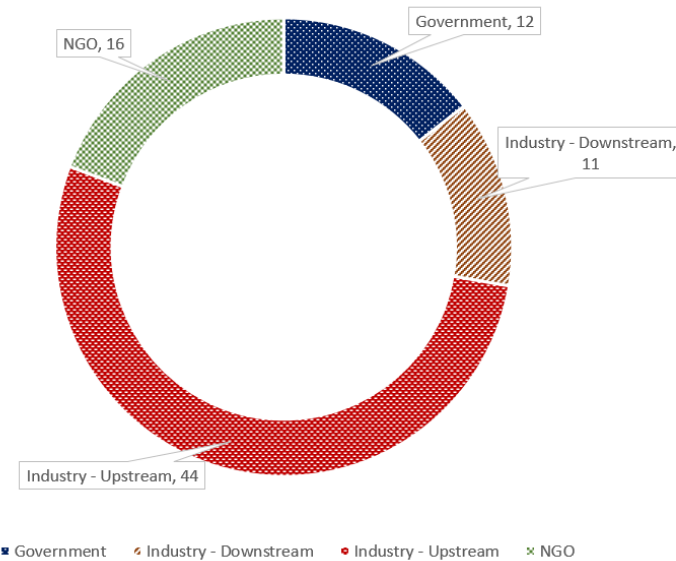
- **Industry—upstream:** majority of comments were from companies, industry associations and others representing the views of entities dealing with plastics earlier in their life cycle, such as oil and gas producers, manufacturers, or producers
- **Industry—downstream:** some industry stakeholders represented the views of entities that manage plastics at end-of-life, such as recyclers
- **Government:** written comments were received from governments across Canada, including provinces, territories and local governments
- **Non-governmental organizations (NGO):** most NGOs were environmentally-focused or committed to improving the circularity of plastics
- **Other:** a few written comments were received from the public

Figure 3: Sectoral breakdown of the number of comments submitted

Comments received for labelling consultation paper



Comments received for registry consultation paper



Long Description

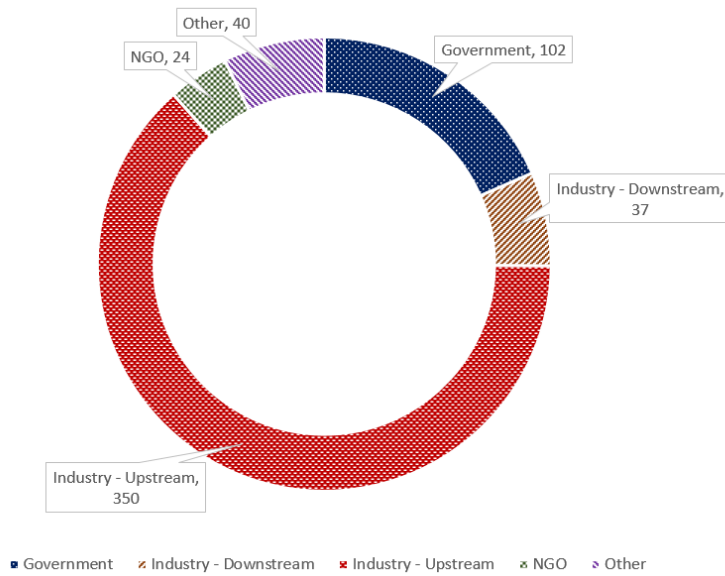
Figure 3 has two donut graphs, which provide a sectoral breakdown of the number of comments submitted during the consultation period. Of the 118 comments received on the labelling paper, 68 were from industry - upstream, 22 were from government, 14 were from NGO, 11 were from industry – downstream and 3 were from the public. Of the 83 comments received on the registry paper, 44 were from industry - upstream, 16 were from NGO, 12 were from government and 11 were from industry - downstream.

Webinars

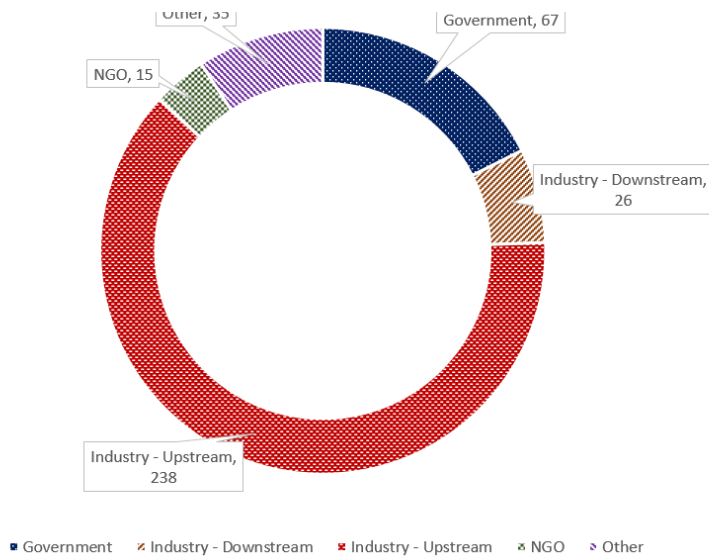
Webinars were virtual and open to anyone who registered. Figure 4 (below) shows the number of participants for each webinar and a breakdown by stakeholder group. A total of 553 people attended labelling webinars in English and French. A total of 381 people participated in the English and French registry webinars.

Figure 4: Webinar attendance by stakeholder group

Labelling webinar attendance (French and English)



Registry webinar attendance (French and English)



Long Description

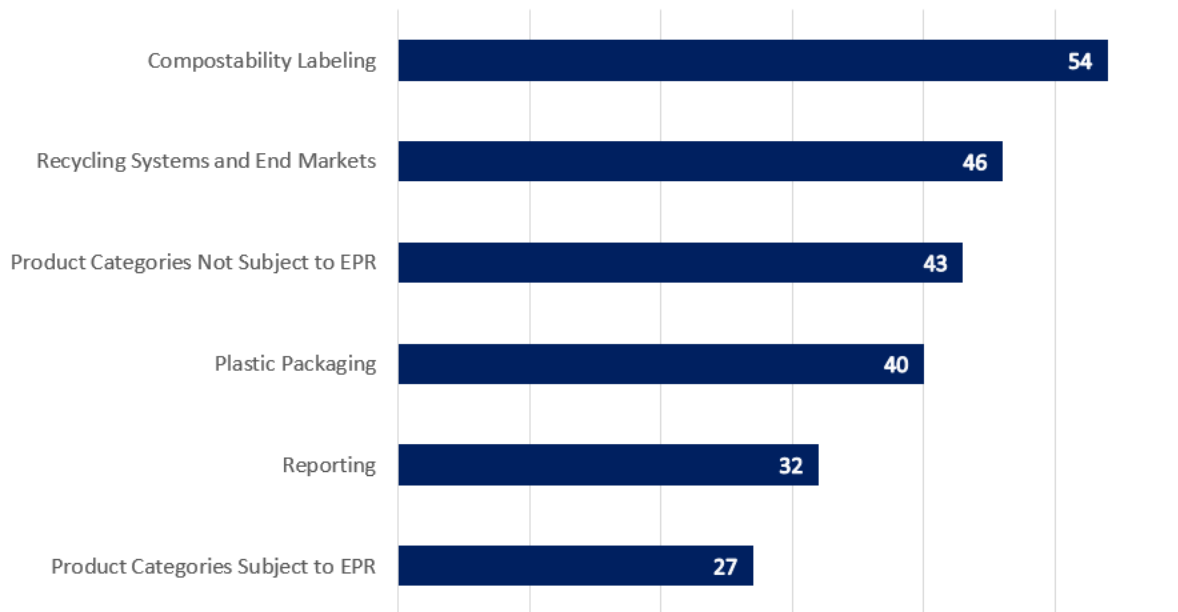
Figure 4 has two donut graphs that visualize the number of stakeholders who attended the both the French and English labelling and registry webinars. Of the 553 attendees at the labelling webinars, 350 represented industry – upstream, 102 represented government, 40 represented other organizations, 37 represented industry – downstream and 24 represented NGO. Of the 381 attendees at the registry webinars, 238 represented industry – upstream, 67 represented government, 35 represented other organizations, 26 represented industry – downstream and 15 represented NGO.

Technical discussion sessions

For the targeted technical discussion sessions, invitees discussed key issues related to labelling and the federal plastics registry with one another in breakout rooms. A total of 242 people attended 6 technical discussion sessions. As shown in Figure 5 below, there were:

- 46 participants in the September 6, 2022, discussion session on recycling systems and end markets
- 27 participants in the September 15, 2022, discussion session on registry reporting for products subject to EPR
- 43 participants in the September 22, 2022, discussion session on registry reporting for product categories not subject to EPR
- 54 participants in the September 23, 2022, discussion session on compostability labelling
- 32 participants in the September 29, 2022, discussion session on reporting and accessing data
- 40 participants in the October 5, 2022, discussion session on plastic packaging and design

Figure 5: Technical discussion session attendance



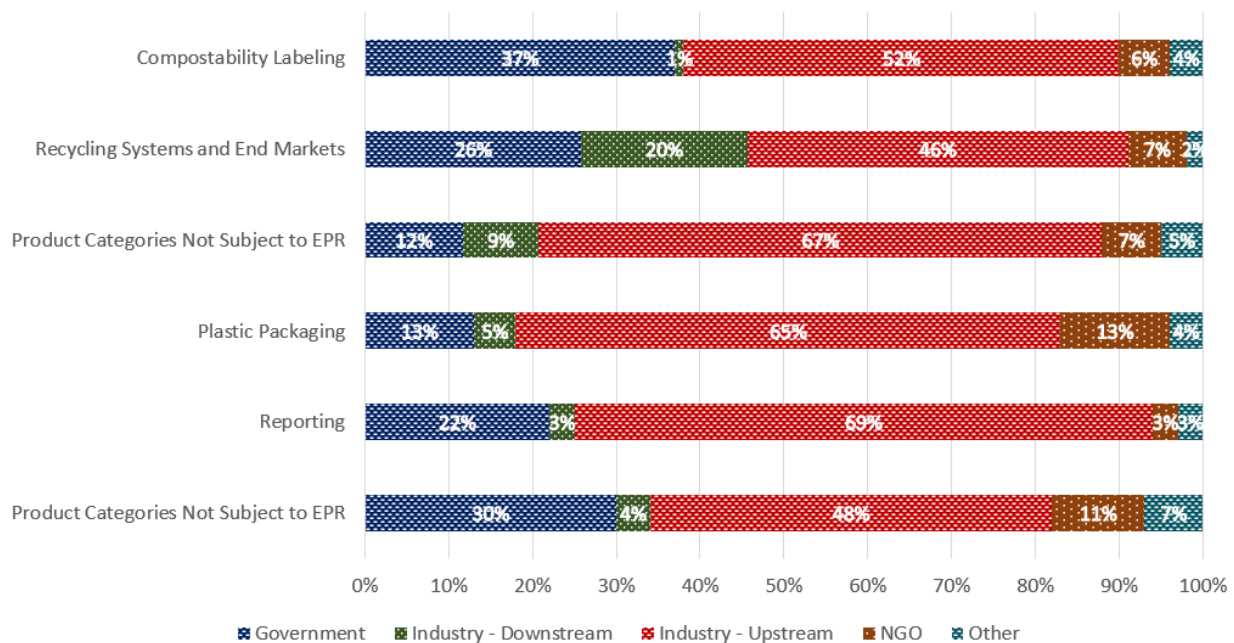
Long Description

Figure 5 is a series of horizontal bar graphs that show the levels of attendance across each of the 6 technical discussion sessions.

- The compostability labelling discussion had the most participants at 54
- The recycling systems and end markets discussion had 46 participants
- The product categories not subject to EPR discussion had 43 participants
- The plastic packaging discussion had 40 participants
- The reporting discussion had 32 participants
- The product categories subject to EPR discussion had 27 participants

Attendance at the engagement sessions included a mix of industry stakeholders (representing both upstream and downstream sectors), NGOs, and federal, provincial/territorial and municipal officials, among others. Figure 6 below shows the breakdown of attendance at each session:

Figure 6: Sectoral breakdown of technical discussion session attendance



Long Description

Figure 6 has a series of disaggregated horizontal bar graphs that detail the percentage breakdown of sectoral attendance across the 6 technical discussion sessions.

Of the attendees at the discussion on compostability labelling:

- 37% were from government
- 1% were from industry - downstream
- 52% were from industry - upstream
- 6% were from NGO
- 4% were other

Of the attendees at the recycling systems and end markets discussion:

- 26% were from government
- 20% were from industry - downstream

- 46% were from industry - upstream
- 7% were from NGO
- 2% were other

Of the attendees at the discussion on the product categories not subject to EPR:

- 12% were from government
- 9% were from industry - downstream
- 67% were from industry - upstream
- 7% were from NGO
- 5% were other

Of the attendees at the discussion on plastic packaging:

- 13% were from government
- 5% were from industry - downstream
- 65% were from industry - upstream
- 13% were from NGO
- 4% were other

Of the attendees at the discussion on reporting:

- 22% were from government
- 3% were from industry – downstream
- 69% were from industry - upstream
- 3% were from NGO
- 3% were other

Of the attendees at the discussion on product categories subject to EPR:

- 30% were from government
- 4% were from industry - downstream
- 48% were from industry - upstream
- 11% were from NGO
- 7% were other

What we heard

This section presents a summary of comments received on the proposed rules for recyclability and compostability labelling of plastic items and the federal plastics registry as outlined in the consultation papers. It summarizes a large number of comments received, and is not intended to be attributed to specific organizations or individuals.

What we heard on the recyclability and compostability labelling consultation

- Many stakeholders commented that the proposed 80% threshold for acceptance in collection systems for recyclability labelling was too high. They also commented that a phased-in approach would better align with the adoption of EPR across Canada
- Some stakeholders said recyclability labelling should apply to all products and packaging, including industrial, commercial, and institutional packaging
- Both industry and government stakeholders commented that the Government of Canada should not interrupt the implementation of provincial EPR programs. They also commented that alignment and harmonization within existing EPR regulations should be prioritized
- To allow for a phase-in period, some stakeholders asked that all new plastic products on the Canadian market not be required to adhere to recyclability labelling regulations before the end of 2026
- Many stakeholders commented that the recyclability labelling requirements should be phased in over an extended period. This is similar to the approach taken in California, where labelling rules would be implemented over a 10 year period
- Several stakeholders noted that labelling rules could standardize and harmonize packaging materials across Canada's regions
- Industry stakeholders in particular commented that the Government should seek alignment with other jurisdictions, including the United States and Europe, to harmonize recyclability labelling rules with international markets and trading partners
- Stakeholders commented that regulating the recyclability labelling of plastics could lead to competitive inequalities between the plastics industry and industries of other material types, such as fibres, glass, and metals
- Some industry stakeholders questioned the use of the *Canadian Environmental Protection Act*. They argued that the Competition Bureau is better placed to address inaccurate recyclability and compostability labelling
- There was consensus that labelling alone would not be enough to significantly increase recycling rates. Investments are also needed in recyclability and compostability innovation and infrastructure across Canada
- Many stakeholders agreed with the Government's proposal to prohibit the labelling of compostable plastic products as "biodegradable", "degradable" or similar terms. They cited public confusion with these terms, and the inability of recycling facilities and organics facilities to process these materials
- Stakeholders recognized the value of third party standards and certifications for compostable plastics, as a means to provide a level playing field for industry. The certifications would also provide greater assurance to facilities on the materials they are receiving
- Many stakeholders suggested that compostability standards for plastics should align with the operating needs and conditions of Canadian organic waste processing facilities.

They noted the importance of field testing to verify the break-down of compostable plastics in facilities, outside of controlled laboratory conditions

- Some stakeholders suggested the Government of Canada should consider acceptability threshold criteria. They also suggested standards for compostable plastics in anaerobic digestion facilities and home or backyard composters

What we heard on the federal plastics registry consultation

- Many stakeholders agreed that EPR data harmonization would be beneficial for expanding and improving recycling across Canada. However, there was consensus that the Government should try to avoid duplicating processes with provincial and territorial reporting systems
- Some stakeholders expressed a desire for a centralized portal that adheres to open data principles and that provides more detail than current EPR reporting systems.
- Industry stakeholders emphasized that there are large gaps between current data gathering practices and those required to support the registry. They also mentioned that some data may not be available to producers
- Industry stakeholders expressed concerns about how a federal plastics registry would protect confidential business information. They also expressed concerns about how the publication of this data without sufficient aggregation could affect fair market competition
- Some stakeholders also advised expanding the scope of the registry to capture other data points (for example, primary resin production, presence of additives) and material types (for example, paper, metals)
- There was general agreement that a federal plastics registry could collect valuable data to support existing provincial EPR programs. The registry could fill gaps, and allow EPR to expand to capture new product categories and new sources of waste (such as institutional, commercial and industrial packaging)
- Provincial governments highlighted that jurisdictions could not rely solely on the federal system to replace their own reporting systems, as many EPR programs capture materials beyond plastic (paper, metal, etc.)
- Some stakeholders argued that the proposed timelines for implementing the registry were too long, and that all reporting should be phased in by 2026. Other stakeholders argued the opposite stating that longer timelines are necessary to allow producers to build data collection systems and to allow EPR programs to mature
- Stakeholders generally agreed that a producer hierarchy should be used. A producer hierarchy assigns the responsibility to report to the registry to the entity with the most control over a product's design and marketing
- Small business exemptions from registry reporting were broadly supported. Stakeholders advised that the definition of small business and applicable thresholds require further consideration

Next steps

The Government intends to publish the proposed regulatory framework for labelling rules and recycled content requirements for public comment in spring 2023.

Draft instruments for both the labelling and recycled content rules, and the federal plastics registry, are targeted for publication in the *Canada Gazette*, Part I before the end of 2023. The Government of Canada will use the information received during the public comment period in the development of the final instruments.

Appendix: consultation questions

The following questions were included in the discussion paper to help focus input:

Recyclability labelling

1. Are there any other objectives the Government should be seeking to achieve as it develops labelling rules for recyclability?
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?
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?
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 or other product categories?
5. What is the process and timelines for designing and implementing changes to labelling (for example, lifespan, costs, marketing considerations)?
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?
7. Are there any other factors that can impact a plastic item’s recyclability, beyond the factors listed?
8. What kinds of information would make it easier for individuals to prepare and sort plastics for recycling adequately?
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?
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?
11. Could more accurate labels be used in sorting facilities to improve outcomes? If so, how?
12. What are the major differences between what is accepted in public recycling programs and what is collected for recycling from industrial, commercial, and institutional (ICI) locations that the Government should consider?
13. Does the regional market breakdown reflect the current situation in Canada? Are there alternative ways to establish 80% acceptance thresholds?
14. Do companies currently identify what is collected for recycling when developing recyclability labelling? If so, how?
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?
16. How often do acceptance rules for public recycling programs change, and why?
17. What kinds of information should be sought as part of the initial survey and assessment of what is accepted for recycling across Canada?
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?
19. Are there any particular categories of plastics that likely do not have North American end markets? Why?
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?

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?
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?
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?
24. Which of the approaches for the kinds of recyclability claims that should be subject to labelling rules should the Government adopt, and why? Is there another approach the Government should adopt instead?
25. If an obligatory system is adopted, what should the Government consider in order to minimize costs to industry while maximizing environmental outcomes (for example, appropriate timelines, cumulative impacts of different labelling requirements)?
26. Are there any other kinds of plastic items that may warrant special rules or exemptions from labelling rules under an obligatory system? Why?
27. What should be the minimum standards to ensure consumers can easily access and use information on a label (for example, size, font, location on the package, text size, required symbols)? Why?
28. Are there any other considerations besides components and regions that may require qualified recyclability information?
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?
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?
31. Are there existing third-party certification programs that would ensure compostability in Canadian composting facilities? If so, which?
32. Are there any other principles or other important considerations the Government should take into account in developing rules for compliance and compliance verification?
33. Are there any other kinds of potential compliance mechanisms the Government should be aware of as it develops rules for labelling?
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?
35. Are there any other kinds of tools and guidance the Government should consider developing to support industry and facilitate compliance with labelling rules?
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?
37. How should the Government work with partners and stakeholders to spread awareness and promote compliance with labelling rules, including disclosure requirements?
38. Are there any other performance metrics the Government should consider in tracking progress and evaluating success?

Federal plastics registry

1. What objectives and potential benefits do you see from a federal plastic registry, and are they contingent on any conditions being met (for example agreements with provinces and territories)?
2. Are the product categories described in this document characterized accurately? For example, should any subcategories be separated out and included as product categories in their own right, or should any categories be combined?
3. Are there any other product categories that could be included within the scope of a federal plastic registry?
4. What other sources of information should be tracked by the registry to improve understanding of Canada's plastics economy?
5. Should the Government adopt a producer hierarchy approach as presented in Figure 2 of the consultation document? If so, should the hierarchy presented be modified in any way? Why?
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 plastic registry account for these differences?
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?
8. How should a federal plastic registry account for the fact that producers may engage multiple producer responsibility organizations for different provinces and territories?
9. Are there any important considerations the Government should be aware of as it explores possible cost recovery options?
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)?
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 plastic registry?
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 plastic registry?
13. Are there any special considerations the Government should take into account to protect confidential business information (CBI)?
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?
15. What should the Government be aware of in implementing a federal plastic registry system according to the plan outlined in this paper (for example feasibility, cost)?
16. How quickly after Phase 1 data is required to be reported could producers provide the information outlined for Phases 2–4?