

MEMORANDUM

WMPSC-C 19-2023

Subject: Regulatory Framework Paper and Technical Paper to Advance the Plastics Circular Economy

Date: June 26, 2023

To: Waste Management Planning Steering Committee

From: Heidi Levitzky, Waste Management Services Advisor

The purpose of this memorandum is to update the Committee regarding Environment and Climate Change Canada's (ECCC) regulatory measures to advance the plastics circular economy.

In the spring of 2022, ECCC launched two consultations in support of its Zero Plastic Waste Agenda:

1. Consultation paper: A proposed federal plastics registry for producers of plastic products.
2. Consultation paper: Towards Canada-wide rules to strengthen recycling and composting of plastics through accurate labelling.

Niagara Region provided two written submissions on October 6, 2022 to ECCC in response. On April 19, 2023, ECCC released the succeeding publications which were followed by another public comment period that ended May 18, 2023.

1. [Technical Paper: Federal Plastics Registry](https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/technical-paper-federal-plastics-registry.html) (https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/technical-paper-federal-plastics-registry.html)
2. [Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper](https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/recycled-content-labelling-rules-plastics.html) (https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/recycled-content-labelling-rules-plastics.html)

Niagara Region's feedback from previous consultations were incorporated into the Papers, including recommendations around categories for bulky plastics, standardized graphics, clear and consistent labeling, and labelling rules that address difficult to manage materials such as compostable plastics.

1. Technical Paper: Federal Plastics Registry

Niagara Region did not submit a response as our main concern was for the implementation timeline to better align with extended producer responsibility (EPR) timelines, but ECCC has noted this will not change recognizing that sectors not accustomed to EPR obligations may need more time to comply.

2. Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper

Niagara Region submitted the following comments to Environment and Climate Change Canada (ECCC) on May 18, 2023:

1. Monitor and measure recycling contamination (residue rates) to discern if labeling has improved the recycling process efficiency.
2. Accessibility consultations needed to ensure labels meet the needs of all Canadians.
3. Compostability criteria must include element of access to recovery program to reduce consumer confusion and open doors for EPR regulations for compostables. ECCC has suggested the 80% rule for recycling, which entails 80% of the population can recycle their item in their programs (i.e. blue box), 80% of materials can be sorted for recycling, and 80% of materials sent to processors can be re-processed. In addition to an updated standard, Niagara Region recommend applying a similar program for compostable products comparable to the recyclability criteria
4. Inclusion of Industrial, Commercial and Industrial sector (IC&I), and amendment of the Environmental Protection Act, 1990, 3Rs Regulations (O. Regulations 101/94, 102/94, 103/94 and 104/94).

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.

Respectfully submitted and signed by

Heidi Levitzky

Waste Management Services Advisor

Appendices

Appendix 1 Niagara Region Response recycled content and labelling Regulatory Framework Paper

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May 18, 2023

VIA EMAIL: plastiques-plastics@ec.gc.ca

Tracey Spack

Director General, Plastics Regulatory Affairs Division

Environment and Climate Change Canada

351 Saint-Joseph Boulevard

Gatineau, Quebec K1A 0H3

Dear Ms. Spack:

**RE: Niagara Region Response - Recycled content and labelling rules for plastics:
regulatory framework paper**

Niagara Region appreciates the opportunity to comment on Environment and Climate Change Canada's (ECCC) regulatory framework paper: *Recycled content and labelling rules for plastics*. Niagara Region is pleased to be provided with further clarification and additional details that will advance the circularity of plastics in the economy. Please see Niagara Region's supplementary recommendations below.

1. Monitor and measure recycling contamination (residue rates) to discern if labeling has improved the recycling process efficiency.
2. Accessibility consultations needed to ensure labels meet the needs of all Canadians.
3. Compostability criteria must include element of access to recovery program to reduce consumer confusion and open doors for EPR regulations for compostables.
4. Inclusion of Industrial, Commercial & Industrial sector, and amendment of The Environmental Protection Act, 1990, 3Rs Regulations (O. Regulations 101/94, 102/94, 103/94 and 104/94).

1. Monitor and measure recycling contamination (residue) rates to determine if labeling and EPR has improved the efficiency of the recycling process.

In the ECCC “Economic Study of the Canadian Plastic Industry, Markets and Waste” report, one key barrier to the recovery of plastics was process losses in the sorting (residue/contamination). The 2021 Blue Box Residue Rate for Ontario was 12.26%, which represents lost opportunity in revenue, interruption in circularity, increased recycling machinery maintenance, and decreasing landfill capacity. For example, reusable bags are often #5 Polypropylene and marked with the “chasing arrows” (Mobius loop), and is a major contaminant which we would expect to improve with the new legislation and clearer messaging. If residue data and specifically residue audits were required as an additional data source, the effectiveness of the labelling changes could be assessed, and adjusted if required.

2. Accessibility consultations needed to ensure labels meet the needs of all Canadians

Niagara Region thanks ECCC for providing sample infographics for the proposed recycling label which already incorporates some better/best practices for accessibility, such as high contrast, black text on a white background (or vice versa) and sans serif fonts. Niagara Region staff provide the following additional points for consideration in developing the final regulation:

- Sans serif font at a size of 18 or larger is considered large print and would be a best practice for accessible font size and type
- Ensure QR code is a reasonable size and high contrast; QR codes are not considered accessible to people with blindness or low vision.

Niagara Region recommends ECCC collaborate with internal and external accessibility experts and leverage the *CSA/ASC B651:23 Accessible design for the built environment* that details design standards regarding signage (section 4.6). This standard can be used to achieve an ideal label that could be considered an accessibility best practice, including the development of a “compostable” label. Niagara Region recommends consultations be conducted prior to developing the regulation.

In addition, recycling information could be stamped into the plastic on some containers as well as found on the label. In this case, if the label is removed or ripped off a user will still know what to do with the packaging. Any objectives should include optimizing the amount of recyclable products that may be removed from landfills. A central objective needs to be standardizing labelling across the country in order to allow producers to

have one standard versus standards on an individual province/territory basis. This will simplify the system for producers and public.

3. Compostability criteria must include element of access to recovery program to reduce consumer confusion and open doors for EPR regulations for compostables

ECCC has suggested the 80% rule for recycling, which entails 80% of the population can recycle their item in their recycling programs (i.e. blue box), 80% of materials can be sorted for recycling, and 80% of materials sent to processors can be re-processed. In addition to an updated standard, Niagara Region recommend applying a similar program for compostable products comparable to the recyclability criteria such that: A product labelled as compostable:

- Is accepted for collection in programs servicing at least 80% of Canadian households and;
- The product can be successfully processed/composted in all commercial and industrial types of existing operating organics infrastructure located in Canada.

Applying specific criteria has the potential to reduce consumer confusion in areas where programs do not yet exist and provides opportunity to explore application of EPR to compostable products and packaging. By setting the framework, ECCC demonstrates a commitment to ensuring these costly programs and infrastructure investments to manage compostable plastics are covered by the manufacturers and producers who want to label their products as compostable.

4. Inclusion of IC&I sector, and amendment of The Environmental Protection Act, 1990, 3Rs Regulations (O. Regulations 101/94, 102/94, 103/94 and 104/94)

As noted in the report “Developing rules for recyclability and compostability labelling and a federal plastics registry – what we heard”, published on the government’s website, many stakeholders put forward that labeling should apply to all products and packaging, including industrial, commercial and institutional (IC&I) sectors. The IC&I sector has been identified as a key waste generator for plastics and plastic packaging. According to Statistics Canada estimates, the IC&I sector is responsible for 65% of the 25 million tonnes of waste generated annually in Canada, diverting only 19% of it. To truly achieve zero plastic waste, effective collection and recycling of all plastic waste from all sources, including IC&I, is necessary.

Ontario is in the process of implementing EPR through O. Reg 391/21: Blue Box (Blue Box Regulation) under the Resource Recovery and Circular Economy Act, 2016 (the RRCEA) for management of residential Blue Box materials. Requirements for the IC&I

sector to reduce waste and recover resource are under O. Reg 102/94, O. Reg 103/94 and O. Reg 104/94 (3Rs Regulations). Under the Strategy for a Waste Free Ontario: Building the Circular Economy (<https://www.ontario.ca/page/strategy-waste-free-ontario-building-circular-economy>) the province has set an objective to “Enable Efficient and Effective Recovery Systems” with an action item to “Amend the 3Rs Regulations to increase resource recovery across all sectors” but no information about timelines or consultation has yet been released. These regulations define what is accepted in recycling programs in Ontario.

Until transition to EPR is complete and possibly beyond, some municipalities, including Niagara Region, may continue to accept materials from IC&I properties not included in the Blue Box Regulation. Niagara Region currently offers this service to smaller IC&I properties (under three stories) to provide consistency between residences and the workplace and to help organizations reduce their environmental footprint. We have created an environmental program specific to businesses: Rethink Your Waste at Your Workplace. This recognition program includes an educational component and rewards businesses that make efforts to maximize their waste diversion efforts. In Niagara Region’s experience, smaller IC&I properties often have similar requirements to residential properties in terms of materials (same acceptable materials but potentially in larger quantities).

We thank you for the opportunity to share our municipal perspective and look forward to continued engagement on future measures to advance the plastics circular economy.

Sincerely,



Catherine Habermebl,
Director, Waste Management
Niagara Region