



environmental
defence



August 30, 2023

Tracey Spack, Director
Plastics Regulatory Affairs Division
351 Boulevard Saint-Joseph
Gatineau QC K1A 0H3

Sent via email: plastiques-plastics@ec.gc.ca

Dear Ms. Spack:

Re: Consultation Document–Pollution prevention planning notice for primary food plastic packaging

Thank you for the opportunity to comment on the proposed pollution-prevention planning Notice for primary food packaging. Environmental Defence is a leading Canadian environmental advocacy organization that works to defend clean water, a safe climate, and healthy communities. Toronto Environmental Alliance is a non-profit organization working to build a green, healthy and equitable city for all and has advocated for zero waste policies at the municipal, provincial and national level for more than 30 years. Plastic Pollution Coalition is a non-profit communications and advocacy organization that collaborates with an expansive global alliance of over 1,300 organizations, businesses, and individuals to create a more just, equitable, regenerative world free of plastic pollution and its toxic impacts.

The undersigned organizations are pleased to support the initiative of the Notice for the Pollution-prevention Plan (P2 Plan). Canada's biggest – and very profitable¹ – grocery chains must be held accountable to reduce the pollution caused by single-use plastic food packaging. Further, it is reasonable and even necessary to expect them to implement operational changes to eliminate single-use plastic packaging as part of Canada's Zero Plastic Waste Agenda.

We respond to this consultation with the following priorities in mind:

- Elimination of packaging altogether where possible (especially for fruits and vegetables)
- Implementation of convenient and efficient systems for reuse/refill of packaging and containers, particularly "prefilled" products in which containers are returned for washing and refilling prior to being put back on the shelf.
- Packaging free of harmful chemical additives.

Environmental Defence's report published earlier this year, "Left holding the bag: a survey of plastic packaging in Canada's grocery stores,"² documented the ubiquity of single-use plastic packaging on the shelves of key grocery departments: baby food, pet food and produce. Plastic has replaced recyclable materials, such as glass and metal, and presents health hazards due to microplastic and chemical migration into the food it contains.

Public response to the report confirmed that Canadians are frustrated with how much single-use plastic they bring home from the grocery store, even with the federal ban on single-use checkout bags. Nearly 4,000 people have used an Environmental Defence tool to write a letter to the grocery chain CEOs demanding action on single-use plastic packaging. The initiative for a P2 Plan Notice is timely and we expect that implementation of the objectives proposed in the plan will be welcomed by the grocery chains' customers.

In our view, implementing changes to achieve the objectives in the proposed Notice should not cause an increase to food prices or food waste. Eliminating packaging from fruits and vegetables and introducing reusable and refillable packaging should

¹ Platt, Brian, "Canadian grocers grilled in Parliament over food price inflation," Bloomberg, March 8, 2023:
<https://www.bnnbloomberg.ca/canadian-grocers-grilled-in-parliament-over-food-price-inflation-1.1892969>

²Available at
<https://environmentaldefence.ca/report/left-holding-the-bag-plastic-packaging-in-grocery-stores/>

in fact lead to a reduction in operating costs.³ Furthermore, plastic packaging has been identified as a source of food waste, for example in situations where products are offered in multiples such that the customer cannot select the volume they require,⁴ demonstrating that plastic packaging does not consistently contribute to food preservation.

Further, we wish to emphasize that **implementing the Notice must not prevent the government from proceeding with regulation aimed at eliminating plastic waste and pollution, including expanding the bans as soon as possible on harmful single-use plastics.** Earlier this year, environmental organizations urged an expansion of the ban to include all takeout containers, bags other than checkout bags, produce stickers, polystyrene and polyvinyl chloride packaging, and films and pouches.⁵ Banning these harmful plastic manufactured items would be consistent with the planned Notice. Furthermore, where the Plans are not demonstrating effectiveness at further reducing plastic packaging waste at grocery stores, the government must take further regulatory action, such as prohibitions on plastic items and/or additives, as soon as possible prior to 2035.

Fine-tuning the proposed risk management objectives, targets and timelines for maximum environmental benefit (Section 4.4)

The most important outcomes that grocery chains can create to eliminate plastic packaging waste and related pollution are to:

- Eliminate packaging altogether where possible (especially for fruits and vegetables)
- Implement convenient and efficient systems for reuse/refill of packaging and containers, particularly “prefilled” products in which containers are returned for washing and refilling prior to being put back on the shelf.

³ Upstream, “Reuse Wins,” 2023:

⁴ WRAP, *Reducing household food waste and plastic packaging*, 2022:

<https://wrap.org.uk/sites/default/files/2022-02/WRAP-Reducing-household-food-waste-and-plastic-packaging-Full-report.pdf> ; Wohner, Bernhard et. al,

“Packaging-related food losses and waste: An overview of drivers and issues,” *Sustainability*, 2018:

https://circularanalytics.com/fileadmin/user_upload/Packaging-Related-Food-Losses-and-Waste_Bernhard-Wohner_2018.pdf

⁵ See

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

- Ensure that all packaging introduced under the plan is free of harmful chemical additives.

The comments below are intended to ensure the Notice will lead to these risk management outcomes.

Establish a 2023 baseline for use of single-use plastic packaging

We recommend that the government include, as part of the Plan requirement, reporting from each of the chains on the sales volume of all goods in single-use primary food plastic packaging for 2023 and, by weight, all business-to-business packaging received in the store in 2023. These measures can serve as the baseline from which to measure progress on Plan implementation.

Timelines

The timelines for the proposed Plans and targets are generally acceptable, as long as the government commits to acting expeditiously with regulation if the objectives are not being met without waiting until the end of the proposed Plan implementation in 2035. To that end, **we propose that the interim target timelines in the proposal – 2026, 2028 and 2030 – be accompanied by public reporting from the government on the extent to which the risk management objectives in the Notice are being met.** Further, if they are not being met, the government report should include consultation on regulation to address any gaps.

Fruits and vegetables

We support the targets proposed in the consultation of at least 75 per cent bulk or plastic-packaging free by 2026 and 95 per cent by 2028. **Further, we recommend requiring that at least two-thirds of these targets be met by eliminating packaging altogether, which would mean that more than 60 per cent of produce would be package-free by 2028** and minimize the risk of regrettable substitutions.

Eliminating packaging for produce could be supported by adoption of reusable shipping packaging throughout the supply chain, which could serve to reduce food waste.⁶

⁶ Singh et. al., "Packaging's role in sustainability: reusable plastic containers in the agricultural-food supply chains," in Worley, et. al., eds, *Organizing Supply Chain Processes for Sustainable Innovation in the Agri-Food Industry*, Emerald Group Publishing Ltd, 2016.

Primary food plastic packaging

Where packaging cannot be eliminated altogether, the next best alternative is reuse-refill of packaging. A shift to reuse-refill must be convenient, affordable and widely available to have an impact. In our view, the approach most likely to be successful on a broad scale are shared systems, using standardized packaging across the chains that are pre-filled and available to customers on store shelves or via delivery, with a convenient return system for the empty containers to allow for sanitizing and refilling prior to being restocked.

We make the following recommendations to strengthen the risk management objectives related to primary food plastic packaging:

- **Exclude “compostable” packaging from the target for all primary food plastic packaging.** “Compostable” plastic packaging is confusing to consumers and not widely processed in Canada. Municipalities should not be expected to manage an increase in packaging materials in organics programs designed to divert food and other organic material from landfill/ incinerators and to produce healthy soil amendment. Including “compostable” plastics in the target will simply encourage the use of this problematic material. If it is truly a niche application as proposed in the consultation document, compostable packaging would not contribute meaningfully to the target in any case.
- **Ensure that the products within a reuse-refill system that account for at least 50 per cent of the proposed targets are *food* products.** While we support flexibility for the chains to use reuse-refill systems on non-food products to achieve a portion of the target, we urge the government to ensure that at least half of the objective is met with reusable/refillable food packaging.
- **Ensure that at least half of products included in a reuse-refill system are high-sales volume products and that this option is available in at least 90 per cent of the chain’s locations.** Although using sales as the measure for achieving the target does seem the most straightforward way of assessing whether an objective is met, it could also lead to unintended consequences if stores prioritize their high-price but not necessarily high-volume sales for reuse-refill to minimize operational changes. Requiring half of the products in the reuse-refill targets to be among the most highly sold product types – for example beverages and staples – would prevent this unfortunate outcome. Further, ensuring that reuse-refill systems are available across virtually all the stores of a chain is the best way to result in

accessibility to all customers.

- **Require the setting of a target for the return of containers and packaging in a reuse-refill system.** Numerous studies confirm that reuse is the most effective way to reduce waste, water use, greenhouse gas emissions and material use as long as there is an effective system that ensures containers are reused many times.⁷ Grocery chains must be required to outline in their Plans how they will ensure reusable packaging stays in circulation and is reused many times. This includes setting targets of at least 80 per cent for return of reusable packaging for refilling by 2030 and 90 per cent by 2035, which ensures that systems are set up to get containers back for recirculation. The chains must also be required to report annually on return rates for refillable packaging and how many times each package is refilled.
- **Set the expectation that grocery chains explore common packaging and return systems for high-volume packaged food products.** A shared reuse system using standardized packaging, as exists among Canada's major beer brewers, is an effective way to ensure cost-effectiveness and widespread access to reuse and refill across Canada. It is also convenient for customers since standard containers provide more flexibility and less confusion for returns. As with the standard brown beer bottle – which achieves exceptional return rates of more than 95 per cent across Canada⁸ – customers can easily identify standard containers and better ensure they get back to where they need to go to be refilled.

⁷ Recyc-Québec, Life cycle assessment of beverage containers, 2015: <https://www.recyc-quebec.gouv.qc.ca/sites/default/files/documents/acv-contenants-biere-rapport-2015.pdf> ; Coehlo, Patricia Megale et. al, "Sustainability of reusable packaging: Current situation and trends," *Resources, Conservation & Recycling: X*, 6, 2020:

<https://www.sciencedirect.com/science/article/pii/S2590289X20300086#bib0053>; Parametric Lifecycle Assessment of reusable and single-use restaurant food container systems (2023, University of Michigan); Reloop/Zero Waste Europe, *Review of the Environmental Impact of reusable versus single-use packaging*, 2020: https://zerowasteurope.eu/wp-content/uploads/2020/12/zwe_reloop_report_reusable-vs-single-use-packaging-a-review-of-environmental-impact_en.pdf.pdf_v2.pdf

⁸ Reloop, *Who Pays What*, 2020: <https://www.cmconsultinginc.com/wp-content/uploads/2021/02/WPW-2020-FINAL-JAN-30.pdf>

Harmful chemicals

We recommend adding a Plan objective requiring transparency and disclosure on additives used in food contact packaging and, in particular, any substitute packaging adopted under a Plan. Such a requirement could inform chemicals management policies and support measures under the *Canadian Environmental Protection Act* (CEPA) for assessing, managing, and reporting on toxic substances and classes of toxic substances and identifying substances that are capable of becoming CEPA-toxic. The grocery P2 Plans should have the objective of identifying and eliminating **PFAS, phthalates, bisphenols, fluorinated polymers, brominated flame retardants, chlorinated paraffins, and benzotriazole UV stabilizers from food packaging.** Reporting provisions and objectives related to plastics additives will enable and support safer substitution initiatives by retailers and will provide information Health Canada needs on chemical substances in food packaging.

Business-to-business packaging

While the consultation document makes a reference to business-to-business packaging, it does not propose targets for elimination of single-use plastic packaging in this sector, perhaps due to a lack of data about the extent and impact of business-to-business packaging. **We therefore recommend that, as part of the Plan, grocers be required to report as part of their interim progress reports on how much single-use packaging they receive from other businesses and any measures taken to eliminate this packaging in their supply chains.** This data should be used to identify regulatory and policy tools to eliminate single-use packaging from grocery supply chains as well as possibilities for expanding reuse in business-to-business packaging systems.

Ensuring transparency and grocery chain accountability

Grocery chain reporting under the P2 Plan must be robust and publicly-accessible to ensure that the public is able to review progress on plan implementation and outcomes on an annual basis. Any requests for time extensions or waivers must be made public with an opportunity for the public to comment, and the decision on such a request should be published. Further, “non-confidential information” that will be made available to the public must be defined in the broadest possible sense to ensure that the public has the ability to assess progress on the plans. A lack of transparency would result in a loss of credibility for the Plans.

We support the measures recommended by Ecojustice to ensure that there is full public accountability in the P2 Plans.

Conclusion

We thank you for the opportunity to participate in this consultation and we look forward to reviewing the draft Notice. We are happy to meet with you to discuss the above comments at your convenience.

Sincerely,

Karen Wirsig, Senior Program Manager, Plastics
Environmental Defence
kwirsig@environmentaldefence.ca

Emily Alfred, Waste Campaigner
Toronto Environmental Alliance
emily@torontoenvironment.org

Dianna Cohen, Co-Founder & CEO
Plastic Pollution Coalition
dianna@plasticpollutioncoalition.org