



environmental  
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ecojustice

February 13, 2024

Federal Plastics Registry  
Plastics Regulatory Affairs Division  
Environment and Climate Change Canada  
351 Saint-Joseph Boulevard  
Gatineau, Quebec K1A 0H3

Sent via Email: [plastiques-plastics@ec.gc.ca](mailto:plastiques-plastics@ec.gc.ca)

***Re: Notice of intent to issue a notice under section 46 of the Act with respect to reporting of certain plastic products for 2024, 2025 and 2026***

To whom it may concern:

We are pleased to provide comments on the above-referenced Notice of Intent to create a plastics registry in Canada.

Plastics pose a significant pollution problem, both in Canada and around the world. Despite recognizing the problem, the amount of plastic made and put on the Canadian market has been rising. Statistics Canada has found that plastics used in Canada increased by 20 per cent between 2012 and 2019,<sup>1</sup> an enormous increase considering the growing research on the harmful effects of plastics for the environment and human health.

While the Statistics Canada data is helpful in identifying the overall trends in plastic production, use and disposal in Canada, it is based on estimates and not on reported data from the persons who control plastic production, imports, exports,

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<sup>1</sup> Statistics Canada, *Pilot Physical Flow Account for Plastic Materials 2019, 2023*, available at <https://www150.statcan.gc.ca/n1/daily-quotidien/230309/dq230309e-eng.htm> .

sale and disposal in Canada. Notably, registry data would permit more accurate data on the types of polymers used in particular product categories as well as more precise information on plastics used across the Canadian economy.

Furthermore, data on certain types of plastics available via provincial Extended Producer Responsibility (EPR) programs are helpful but not comprehensive.

The Registry will enable a detailed understanding of the relationship of plastics with various sectors of the economy across Canada, necessary to implement effective measures to eliminate plastic waste and pollution. This is not only relevant for national and subnational policy on plastics and pollution, but also for implementation of a global instrument, currently under negotiation, related to plastic pollution.

### **Data gaps that the Registry will fill**

#### Who reports to the registry

By obligating reporting from Producers and providers of services at end of life of a plastic product, the Registry will include a broader range of information on the full lifecycle of plastics than is known today.

#### *Recommendations for added reporting obligations for Registry:*

- **Producers must be responsible for reporting not only what they put on the market for end consumers** (which is typically what is required for provincial EPR programs) **but also the business-to-business packaging and products**, including products that never reach an end consumer, and what happens to them at end of life. This requires a broad definition of “put on the market,” including any product that was manufactured even if the actual product was kept off the market for any reason after it was made.

Specifically, this means that a food supplier to a retail chain would report on primary, secondary and tertiary packaging imported or produced. The retail chain would be responsible for reporting end-of-life outcomes for all of this packaging. Furthermore, an industrial establishment importing parts or equipment into Canada must also be responsible for reporting all of the plastic products and packaging that are used in the import, manufacture and sale of these products – and not simply the product and packaging that reaches the end consumer.

Reporting must include business-to-business packaging, as well as unsold products sent for destruction and duty drawbacks.<sup>2</sup> Producers at every step of the value chain must be required to report on all of the information required in Schedule 4 (7) of the products they produce, whether these are the subject of an existing provincial EPR program or not.

These requirements fill important gaps in data<sup>3</sup> for “industrial, commercial and institutional” waste that is not covered under provincial EPR programs. It may be useful to require persons who report to the registry to indicate whether or not the material they are reporting is subject to a provincial EPR regulation.

- A key component of the lifecycle of plastic is currently missing from the categories of reporting to the registry: **primary resin production**. Plastic enters the environment, notably in the form of pre-production pellets, even before it is made into other products and sold to consumers.<sup>4</sup> **We urge the government to add Primary Resin Production to Part 3 of Schedule 1.**

#### What is reported to the registry

Schedule 4, Part 1 lists the information to be provided respecting items listed in Schedule 1.

Requiring reporting on both the type of polymers being used in the products as well as the product category will fill in data gaps on the types and mixes of plastics used in different types of products. This key information is missing from the Statistics Canada data. This data could help better pinpoint the need for redesign of products and packaging and the elimination of problematic materials where safe substitutes are known to exist.

However, a gap that remains in the proposed data reporting is the other intentionally-added chemicals that are integral to plastic resin and products, which can leach during use and end-of-life treatment and contaminate recycling streams, with negative impacts on human health and the environment.

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<sup>2</sup> JTL Squared and Avaanz, *A roadmap to reducing single-use plastic packaging at source: submitted to Oceana Canada*, June 2023

<sup>3</sup> Canada Plastics Pact, *Canadian Plastic Packaging Flows*, 2021, available at <https://plasticspact.ca/wp-content/uploads/2021/10/PPP-Foundational-Research-on-Canadian-Plastics-Packaging-Flows-May-2021-final.pdf>

<sup>4</sup> Corcoran et. al, “A comprehensive investigation of industrial plastic pellets on beaches across the Laurentian Great Lakes and the factors governing their distribution,” *Science of The Total Environment*, Volume 747, 2020, <https://www.sciencedirect.com/science/article/pii/S0048969720347562>

### *Recommendations for added reporting to the Registry*

- **We urge the government to require producers to report on the classes of chemical additives that are in each of the primary resins and/or products (if the chemicals are added after the resin production stage). Such classes must include: bisphenols, PFAS, brominated flame retardants, fillers, colourants and phthalates.**
- **We also recommend that the list be amended to include a requirement to report on “the total quantity in tonnes of plastic that is reused.”**

### Imports and Exports

The Canadian plastics market is highly integrated with the US market, and with other international trading partners, at all phases of the life cycle,<sup>5</sup> from primary resin production to product manufacturing and waste and recycling. While Canada is a signatory to the Basel Convention on Hazardous Waste and is implementing the plastic waste amendments to that Convention, polluting Canadian plastics waste continues to end up in other countries, including those in the Global South, where they create environmental and health problems.<sup>6</sup>

Canadian firms produce resins and products that are exported to other countries, including products that will be the subject of an export ban as part of the single-use plastics prohibition regulations starting in 2025.

Furthermore, Canada imports more than just conventional products to be put on the Canadian consumer market, but also plastics waste—notably from the United States—for disposal and/or other treatment in Canada.

We believe including more comprehensive import and export data in the Registry will allow policy-makers to better understand plastics at all phases of its life cycle, and address pollution from production, use and disposal activities more effectively. Including more fulsome import and export data will also support global control measures currently being negotiated for a global instrument on plastic pollution.

### *Recommendations for adding import and export categories to the Registry:*

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<sup>5</sup> Environment and Climate Change Canada, *Economic Study of the Canadian Plastic Industry, Markets and Waste*, 2019, [https://publications.gc.ca/collections/collection\\_2019/eccc/En4-366-1-2019-eng.pdf](https://publications.gc.ca/collections/collection_2019/eccc/En4-366-1-2019-eng.pdf)

<sup>6</sup> See, for example, Radio-Canada, “Les sales secrets du recyclage du papier Canadien,” February 2022, <https://ici.radio-canada.ca/recit-numerique/3600/papier-pollution-inde-recyclage>

- **Exports of primary resins, products and non-hazardous plastic waste must be reported in the Registry.** Non-hazardous waste exports can be as defined under the Basel Convention and not otherwise covered under the Canadian regulations on the transboundary movements of hazardous waste. This would include mixed household and commercial wastes, as well as sorted plastic scrap that is suitable for recycling.
- Specifically, **exports can be added to Schedule 4 (7) in the following ways:**
  - a) to d) should include reporting on total amounts produced or imported AND the amount “placed on the Canadian market” (in the broad sense of that term). The difference between produced and imported and “placed on the Canadian market” would allow a determination of the amount of plastic product exported.
  - f) to o) should include reporting on whether the material was exported for disposal or treatment, as well as the final destination country if exported.
  - Reporting should be required on the amount of plastic in exports of any scrap, including paper bales, if plastic accounts for more than 2 per cent of the bale by weight.

#### End of life categories

The categories for reporting on end-of-life are much improved over the consultation document. However, it is not clear where use as fuel in a cement or other kiln would be included in the options in Schedule 4 (7).

*Recommendation to add an end-of-life category to Schedule 4 (7):*

**We recommend that an option be added to Schedule 4 (7) that covers refuse used as a fuel in an industrial process, such as cement or other kiln.**

#### Data Transparency

The Notice states that “The Minister intends to publish, in part, information on resins and plastic products in response to the notice” [emphasis added].

*Recommendation on data transparency:*

**We recommend that the Minister publish *all* of the information provided in response to the notice, not just *some* of the information. The Minister must read section 52 of CEPA narrowly so as to allow only very limited**

**exceptions to data disclosure on the basis of confidentiality. Plastics are harmful to human and ecological health, and as such Canadians deserve to have access to the information on plastics collected pursuant to this Notice. The right of access to information about products that could harm human health and the environment must be treated as paramount.**

We thank you for the opportunity to comment on this draft notice. Feel free to contact us for any clarification or for further information on our comments.

Sincerely,

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