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December 9, 2020

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RE: Discussion Paper on a Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution

Dear Ms. Séguin,

Thank you for the opportunity to provide input on the *Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution*. We commend the Government of Canada for making the reduction of plastic pollution a priority and bringing this issue to the forefront of the agenda at both the Group of 7 (G7), and the Canadian Council of Ministers of the Environment (CCME).

We are writing to you on behalf of the Municipal Resource Recovery & Research Collaborative (M3RC). M3RC is comprised of representatives from:

- Association of Municipalities of Ontario (AMO);
- City of Toronto;
- Regional Public Works Commissioners of Ontario (RPWCO); and
- Municipal Waste Association (MWA).

The purpose of M3RC is to develop and promote policies and programs on behalf of all municipalities in Ontario to support the transition to a circular economy. We understand the importance of this transition to protect our environment and support economic growth. M3RC does not usurp or replace the autonomy of individual municipalities but provides advice and recommendations to staff and municipal councils for consideration and action.

Plastic pollution is becoming an increasing area of concern for municipal governments. Costs are steadily increasing; household recycling performance has plateaued; and there is little emphasis being placed on recycling of industrial, commercial and institutional sources despite representing a larger amount of materials in the waste stream. Municipal governments are increasingly dealing with issues related to more material ending up in our environment, including our waterways, parks and communities; and many municipal governments are faced with limited landfill capacity.

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There is a lot of important work being undertaken by municipal governments but in general we lack the necessary levers to affect fundamental change. Most of the solutions that we have the ability to control are either end of the pipe solutions or lack regional and national scale that national initiatives would offer. Our solid waste infrastructure and increasingly our wastewater infrastructure cannot keep up with the pace of change related to the packaging and products placed into the market and their end-of-life management requirements.

We believe the Government of Canada has an important role to play including:

- Supporting a national framework for producer responsibility;
- Supporting end markets for recycled commodities (e.g., mandatory minimum content requirements, tax incentives and procurement practices);
- Setting national targets and allowing for proper measurements; and
- Taking targeted action where problems remain.

National Framework for Producer Responsibility

Shifting responsibility for end-of-life management of products and packaging is essential to the *Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution*. Producers are in the best position to communicate directly with consumers about whether their products and packaging can be recycled and how to best collect them. They are also best informed to invest in the recycling collection and processing system necessary and to create markets to support their end use. This means making producers directly responsible for ensuring accessibility, continually improving both collection and recycling outcomes, allowing for competition to drive innovation both at the service provider and producer level, and ensuring transparency and direct accountability.

The Government of Canada has an important leadership role in helping to facilitate producer responsibility policies across the country. The goal would be to create a common framework upon which producer responsibility policies are established and managed. This common framework would establish:

- Definitions for the classes of products, packaging and materials to be regulated under provincial and territorial implementation and administration;
- Performance standards / measurement protocols for plastic management practices (e.g., measurement and reporting); and
- Administrative protocols for registration and reporting of plastic products and packaging supplied into the market, including a means to better centrally track e-commerce and on-line sales.

The framework is not meant in any way to usurp the provincial/territorial role in establishing what is designated and establishing specific targets. Common definitions, performance standards, measurement protocols, and administrative protocols that respect the role of the provinces and territories will:

- Create administrative efficiency and reduce transaction costs for all parties;

- Ensure better oversight, and enforcement (e.g., free-riders); and
- Allow for greater transparency and a better understanding of the effectiveness of various programs.

Supporting End Markets & Establishing Performance Standards

Municipal governments support the Government of Canada establishing minimum recycled content requirements as they help to create stable markets for recycled commodities. Municipal governments understand all too well the issues that are created when oil prices are low and companies revert to the use of virgin plastic resins.

Canada should follow the lead of US states¹ and the European Union² that have already established recycled content requirements for items like garbage bags, beverage containers, rigid non-food containers, etc. These requirements have the opportunity to drive increased investment in recycling and collection infrastructure by ensuring the steady demand for these resources.

Municipal governments also support the creation of national targets, that at a minimum match those already agreed to in other leading jurisdictions. By 2025, Canada should transform the plastic packaging sector by meeting the following targets:

1. Along with reduction efforts, all plastic packaging should be reusable or recyclable;
2. A 70% target for all plastic packaging to be effectively reused or recycled; and
3. A target of 50% average recycled content across all plastic packaging.

AMO and many municipalities (with some variations) have endorsed a position to adhere to the waste hierarchy and the premise that recovery be considered a higher use in the waste hierarchy than disposal. It is recognized that this is not equivalent to reduction, reuse or recycling, but this could be used to better manage materials than disposal while the supply chain adjusts to achieve the targets listed above.

In order to measure these targets, the Government of Canada should be working to ensure provincial and territorial governments produce annual data on packaging reuse, waste generation, disposal, diversion, related processing capacity and project current capacities against future demand to ensure continued progress to meet provincial targets.

¹ For example California requires recycled content to be used in garbage bags. (<https://www.calrecycle.ca.gov/buyrecycled/trashbags>), checkout bags (<https://www.calrecycle.ca.gov/plastics/carryoutbags>), rigid plastic packaging containers (<https://www.calrecycle.ca.gov/plastics/rppc>) and beverage containers (<https://www.calrecycle.ca.gov/bevcontainer/bevdistman/plasticcontent/>). Other examples can be found in Oregon (<https://www.oregon.gov/deq/recycling/Pages/Rigid-Plastic-Containers.aspx>),

² European Union *Directive on the reduction and impact of certain plastic products on the environment*. Link: https://www.consilium.europa.eu/en/press/press-releases/2019/05/21/council-adopts-ban-on-single-use-plastics/?utm_source=dsms-auto&utm_medium=email&utm_campaign=Council+adopts+ban+on+single-use+plastics# has established minimum recycled requirements for beverage containers. In the UK, the dairy industry with assistance WRAP from has significantly increased recycled content in their HDPE bottles plans to reach 50%. (<https://www.wrap.org.uk/content/hdpe-plastic-bottles>).

Managing Single-Use Plastics

Municipal governments understand the important role unavoidable single-use plastics play in our communities. They do, however, need to be able to be collected and managed properly at the end-of-life. As mentioned, producer responsibility policies and other mechanisms like minimum mandatory recycled content requirements will help to ensure this. Where single-use products and packaging items cannot be managed properly and where alternatives can be used, municipal governments support the use of restrictions, bans or requirements that reduce the risk of plastic pollution (e.g., tethered lids). These tools tend to be strong levers and regulatory instruments so they should be used cautiously to avoid unintended consequences or create new challenges (i.e. do not want alternatives that result in greater harm).

The Government of Canada should also consider other mechanisms to reduce the use of other single-use plastics that are not listed in the Discussion Paper as the proposed items and restrictions are insufficient to achieve the desired outcomes of the zero-plastic waste strategy.

Advertising Claims

Municipal governments remain extremely concerned about the claims companies are making in the market and the direct impact these claims have on municipal infrastructure and in turn property taxpayer costs. There is wide-spread use of "recyclable," "compostable," and "flushable" on products and packaging that cannot be properly managed by existing municipal infrastructure, including integrated waste management systems and facilities and is leading to major cost increases for municipal governments. We simply do not have the same advertising budgets as large multi-national brand holders and companies.

We note that the Ellen MacArthur Foundation has addressed some of these claims related to compostable packaging:

A packaging or packaging component is compostable if it is in compliance with relevant international compostability standards, and if its successful post-consumer collection, sorting, and composting is proven to work **in practice and at scale**.³ (emphasis added).

The guidance is clear that "Compostable packaging needs to go hand in hand with appropriate collection and composting infrastructure in order for it to be composted in practice. Therefore, when claiming compostability in the context of a specific geographical area (e.g., on-pack recycling labels, public communications), it is important to take into account the local context and available systems in place as outlined in ISO 14021 ..."⁴ Therefore to be reported as compostable, it must be proven to work in practice and at scale.

The Government of Canada has a key role to play in enforcing its own rules (e.g., Canadian Standards Association's environmental claims: A guide for industry and

³ Ellen MacArthur Foundation. *New Plastics Economy Global Commitment*, page 15. Link:

<https://www.ellenmacarthurfoundation.org/assets/downloads/13319-Global-Commitment-Definitions.pdf>

⁴ Ibid.

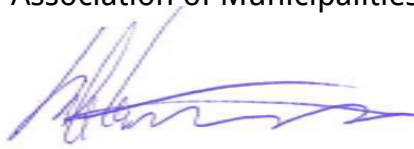
advertisers from 2008). We would urge the Government of Canada to undertake an investigation related to misleading practices about the proper management of products and packaging at the end-of-life.

Thank you for the opportunity to provide comments on the *Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution*. We look forward to continuing to participate in this important initiative and assisting where possible.

Sincerely,



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