

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Comments Provided to Federal Government on Recycled Content, Labelling Rules, and Registry for Plastic Products

Date: July 18, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, this report **BE RECEIVED** for information.

Executive Summary

In November 2018, through the Canadian Council of Ministers of the Environment (CCME), the federal, provincial and territorial governments adopted the Canada-wide Strategy on Zero Plastic Waste. The same organizations also adopted a Canada-wide Action Plan on Zero Plastic Waste to implement the Strategy. Numerous steps and actions have been taken with respect to the management of plastics.

City staff have been working with the Association of Municipalities of Ontario (AMO), Regional Public Works Commissioners of Ontario (RPWCO), Municipal Waste Association (MWA) and the City of Toronto acting as one entity called the Municipal 3Rs Collaborative (M3RCs). This includes providing comments through consultations and holding proactive conversations with the Federal Government about plastics.

As part of the most recent public consultation on the Strategy on Zero Plastic Waste, released April 18, 2023, Council directed staff on May 16, 2023 to:

- provide written feedback on the proposed plastic regulatory framework and technical document through the federal government process by the May 18, 2023 deadline;
- provide a copy of the written submission to the Civic Works Committee at a future meeting; and
- provide a copy of the written submission to the Environmental Stewardship and Action Community Advisory Committee for information as part of ongoing discussions dealing with Blue Box transition in London.

The City of London's two-part response is attached in Appendix C. In general, City staff are supportive of the direction the Federal Government is heading with respect to plastics management and addressing the impacts past management decisions have caused.

Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of waste diversion and waste management in its 2023-2027 Strategic Plan for the City of London specifically in the strategic area of focus Climate Action and Sustainable Growth. On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022, Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 5, Transforming Consumption and Waste as Part of the Circular Economy.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Relevant reports that can be found at www.london.ca under Council meetings include:

- Updates: Blue Box Transition and Next Steps (January 10, 2023 meeting of Civic Works Committee (CWC), Item #2.2)
- Updates: Blue Box Transition and Next Steps (June 21, 2022 meeting of CWC, Item #2.4)
- Comments on Environmental Registry of Ontario (ERO): Proposed Blue Box Regulation (November 17, 2020 meeting of CWC, Item #2.1)
- Response to the Association of Municipalities of Ontario (AMO) Regarding Transition of Recycling (May 26, 2020 meeting of CWC, Item #2.4)

1.2 Background

In regard to waste and resource management policy development, changes and directions, City staff are grateful for the work undertaken and shared by the Association of Municipalities of Ontario (AMO), Regional Public Works Commissioners of Ontario (RPWCO), Municipal Waste Association (MWA) and the City of Toronto acting as one entity called the Municipal 3Rs Collaborative (M3RCs). This ensures that comments are regularly submitted on behalf of municipalities in regard to policies, regulations and legislation regarding waste management and the circular economy.

City staff are active members of M3RCs via RPWCO including being co-chair of the RPWCO Waste Subcommittee. City staff also participate with MWA.

In some cases, comments will also be sent directly by the City of London after approval by Committee and Council. However, the time available to read, review and respond to matters from regulatory authorities, the Province of Ontario and the Federal Government often does not provide enough time for individual municipalities, like London, to respond directly.

In November 2018, through the Canadian Council of Ministers of the Environment (CCME), the federal, provincial and territorial governments adopted the Canada-wide Strategy on Zero Plastic Waste., the Strategy takes a circular economy and lifecycle approach to plastics and provides a framework for action in Canada. The Strategy also builds on the Ocean Plastics Charter that was adopted by Canada, France, Germany, Italy, the United Kingdom, and the European Union in 2018.

The federal, provincial and territorial governments also adopted a Canada-wide Action Plan on Zero Plastic Waste to implement the Strategy. The Plan sets out tangible actions and clear timelines to better prevent, reduce, reuse, recover, capture and clean up plastic waste and pollution in Canada.

Regarding the work completed and ongoing over the last five years at the Federal Government regarding the reduction and management of plastic waste, the City of London has been mostly engaged via M3RCs. This has included written responses and direct dialogue with Federal Government staff.

On May 16, 2023, Council resolved that:

That the following actions be taken with respect to the public consultation, released April 18, 2023, from the Environment and Climate Change Canada's "Strategy on Zero Plastic Waste":

- a) the Civic Administration BE DIRECTED to provide written feedback on the proposed plastic regulatory framework and technical document through the federal government process by the May 18, 2023 deadline;
- b) the Civic Administration BE DIRECTED to provide a copy of the written submission to the Civic Works Committee at a future meeting; and,
- c) the Civic Administration BE DIRECTED to provide a copy of the written submission to the Environmental Stewardship and Action Community Advisory Committee for information as part of ongoing discussions dealing with Blue Box transition in London. (2023-D22)

2.0 Discussion and Considerations

2.1 Recycled Content and Labelling Rules for Plastics

Appendix A contains the Table of Contents for the document entitled *Recycled Content and Labelling Rules for Plastics: Regulatory Framework*. The purpose of the document is noted as:

“This document outlines a regulatory framework for plastic packaging and certain single-use plastics that includes recycled content requirements and labelling rules for recyclability and compostability. It is intended to provide an updated and more detailed overview of the regulatory approach the Government is proposing for the draft regulations, which are currently under development. This regulatory framework has taken into account the significant feedback we received from partners, stakeholders and the public during consultations on these proposed rules and requirements. The draft regulations are targeted for publication in *Canada Gazette*, Part I, before the end of 2023, which will be followed by a further consultation period before the regulations are finalized. Partners and stakeholders are invited to review this document and provide feedback before May 18, 2023.”

2.2 Federal Plastics Registry is Needed

Appendix B contains the Table of Contents for the document entitled *Consultation Paper: A Proposed Federal Plastics Registry for Producers of Plastic Products*. The purpose of the document is noted as:

The Government of Canada has committed to supporting provincial and territorial extended producer responsibility (EPR) efforts by establishing a federal plastics registry and requiring producers to report on plastics in the Canadian economy. A federal plastics registry will support adoption of EPR rules in Canada that are consistent, comprehensive and transparent. The registry will also support the implementation and monitoring of other measures that are part of the Government’s zero plastic waste agenda, including recycled content requirements for plastic products. A plastic registry would improve the efficiency and effectiveness of EPR as it is practised in Canada and increase value recovery rates, keeping plastics in the economy and out of the environment. This would help achieve the goal of zero plastic waste, which could eliminate \$500 million in costs, reduce greenhouse gas emissions by 1.8 megatonnes, and create 42,000 direct and indirect jobs.

The purpose of this consultation paper is to seek stakeholder input as the Government develops this registry. Partners, stakeholders and interested members of the public are invited to provide comments.

2.3 City of London Response

The City of London’s two-part response is attached in Appendix C. In general, City staff are supportive of the direction the Federal Government is heading with respect to plastics management and addressing the impacts past management decisions have caused.

3.0 Financial Impact/Considerations

There are no financial impacts/considerations to London taxpayers associated with this report. There will be financial impacts/considerations, costs and benefits, as this process moves forward.

Conclusion

In general, City staff are supportive of the direction the Federal Government is heading with respect to plastics management and addressing the impacts mismanagement has caused.

Prepared and Submitted by: Jay Stanford, M.A., M.P.A. Director, Climate Change, Environment, and Waste Management

Recommended by: Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager, Environment & Infrastructure

c Environmental Stewardship and Action Community Advisory Committee

Appendix A Table of Contents - Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper

Appendix B Table of Contents – Technical Paper: Federal Plastics Registry

Appendix C Submission to Federal Government

APPENDIX A

Table of Contents - Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper

1. Introduction
 - 1.1 Canada's zero plastic waste agenda
 - 1.2 Packaging, single-use plastics, and the circular economy
2. Overview of the framework
 - 2.1 Federal measures
 - 2.2 Provincial and territorial measures
 - 2.3 Impacts
3. Scope of application
 - 3.1 Regulated parties
 - 3.2 Application to plastic packaging and SUPs
 - 3.3 General exemptions
4. Recycled content requirements
 - 4.1 Special rules on regulated parties
 - 4.2 Scope
 - 4.2.1 Categories of packaging subject to recycled content requirements
 - 4.2.2 Sub-categories excluded from recycled content requirements
 - 4.3 Levels of recycled content required and timelines
 - 4.4 Demonstrating compliance
 - 4.4.1 Method for demonstrating compliance
 - 4.4.2 Compliance verification
 - 4.5 Acceptable sources of secondary plastic
 - 4.5.1 Reporting and recordkeeping
5. Recyclability and compostability labelling rules
 - 5.1 Scope
 - 5.2 Prohibited activities
 - 5.3 Measuring recyclability
 - 5.3.1 Overview of recyclability measurement test
 - 5.3.2 Criterion 1: collection
 - 5.3.3 Criterion 2: sorting
 - 5.3.4 Criterion 3: re-processing
 - 5.4 Recyclability labelling requirements
 - 5.4.1 Recyclability categories
 - 5.4.2 Recyclability labels
 - 5.4.3 QR codes
 - 5.5 Compostability labelling requirements
 - 5.6 Timelines
 - 5.7 Technical guidelines
6. Next steps

APPENDIX B

Table of Contents – Technical Paper: Federal Plastics Registry

1. Introduction
 - 1.1 Background
 - 1.1.1 Why a federal plastics registry is needed
2. Parties obligated to report
 - 2.1 Provincial and territorial definitions of a producer
 - 2.2 Aligning a national producer definition with provincial and territorial definitions
 - 2.2.1 Federal producer definition
 - 2.2.2 Small businesses
 - 2.3 Reporting by parties other than producers
 - 2.3.1 Other service providers
 - 2.4 Reporting process flowchart
 - 2.5 Reportable administrative information
 - 2.6 The keeping of records
3. Data to report
 - 3.1 Rules for small businesses
 - 3.2 Residential versus industrial, commercial and institutional sources of plastic waste
 - 3.3 Resin types
 - 3.4 Categories and subcategories
 - 3.4.1 Category: packaging
 - 3.4.2 Category: electronics and electrical equipment
 - 3.4.3 Category: construction
 - 3.4.4 Category: automotive
 - 3.4.5 Category: white goods
 - 3.4.6 Category: agriculture
 - 3.4.7 Category: textiles
 - 3.5 Calculating data points
 - 3.5.1 Calculating plastics placed on the market
 - 3.5.1.1 Specific component identification method
 - 3.5.1.2 Average bill of materials method
 - 3.5.1.3 Fixed-factor calculator method
 - 3.5.2 Other data points
 - 3.6 Developing open standards for plastics data
 - 3.7 Verifying data
4. Confidential business information
 - 4.1 Claiming confidentiality
 - 4.2 Review and disclosure of confidential information
 - 4.3 Information generally not expected to be confidential
5. Phased implementation approach
6. Next steps

APPENDIX C

Submission to Federal Government



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

May 18, 2023

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

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

Re: City of London Comments on Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper and Technical Paper: Federal Plastics Registry

On behalf of the City of London, please find below comments on the above two consultation opportunities. Thank you for this opportunity to comment.

The City of London's previous comments on this matter were contained in a submission dated October 7, 2022 from the Association of Municipalities of Ontario (AMO), the City of Toronto and the Municipal Waste Association through the Municipal Resource, Recovery and Research Collaborative (M3RC). At that time we collectively stated that we "are supportive of the Government of Canada's goal of generating robust data through the federal plastics registry, and to make that data available to all stakeholders through an open data platform."

Recycled Content and Labelling Rules for Plastics: Regulatory Framework Paper

This regulatory framework is essential for moving forward with proper systems to increasingly prevent valued plastics items from becoming a waste or litter.

3. Scope of Application

Supportive. It is key that this section is aligned with provincial approaches and strengthen them where possible. Duplication and redundancy will pose unnecessary costs on industry.

4. Recycled Content Requirements

Supportive.

5. Recyclability and compostability labelling rules

Supportive. In our experience, clearly identifying Prohibitive activities (5.2) is key. Measuring recyclability (5.3) has been done in Ontario for years for the residential sector. Consistency (standardization) in how measurement programs are completed between a Canada-wide framework and provincial systems will improve efficiencies for all.

5.3.3 Criterion 1: collection

Supportive. This section will impact municipalities and local businesses the most as we are the closest level of government to the consumer from a collection services perspective.

In Ontario, it is key that the Federal framework recognize that extended producer responsibility legislation is in place. What is currently described in this section may suggest a separate collection system for plastics needs to be available. Wording should be provided that refers to multi-material collection systems are acceptable.

5.4 Recyclability labelling requirements

Supportive. As part of implementing the framework it is key that educational information from labelling is also applied to labelling information on recycling bins. This will be up to recycling systems operators and where bins are to be located.

5.5 Compostability labelling requirements

Concerns have been identified. Labeling requirements for compostable items continue to cause some concerns for local governments in Ontario based on ongoing discussions with Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association (collectively known as the Municipal 3Rs Collaborative – M3RCs).

As previously documented in the November submission, it is a complex challenge to manage these products in the existing organics processing infrastructure given how diverse it is. While the requirements point to demonstration of successful in-field composting at one facility in Canada, this would not mean it successfully can be processed at the majority of facilities and existing infrastructure. For example, in a number of anaerobic digestion facilities these compostable items may be screened out of the process with conventional plastics and result in increased process residues and operating costs.

We would suggest that the criteria for labelling an item as compostable be modified to consider the following thresholds:

1. Is the product accepted for collection in >80% of households?
2. Can the product be successfully composted/processed in existing, operating organics infrastructure?

A standard that replicates on-site performance at organics management facilities needs to be applied to these products to support the environmental claims being made to ensure these items can be effectively sorted by consumers into the proper stream and that the infrastructure can manage them successfully. The current proposal of demonstrated success at one facility in Canada would not address the significant issues that have been experienced in Ontario and other parts of Canada.

Information received by the City of London suggests that Environment and Climate Change Canada and the Province of Ontario completed a study to examine compostable products performance in aerobic composting and anaerobic digestion facilities. The results of this study would be valuable to inform this discussion. We would urge both Environment and Climate

Change Canada and the Ontario Ministry of the Environment, Conservation and Parks to release the study findings as part of this consultation process.

5.6 Timelines

Supportive.

Technical Paper: Federal Plastics Registry

Supportive. This Technical Paper will be very important for the producers of plastics items. We want to express our support for the rationale stated by the Federal Government in the report:

“1.1.1 Why a federal plastics registry is needed

The registry will serve to improve our knowledge of plastic waste, value recovery, and pollution across Canada. It will provide important information to inform the government on future compliance promotion and enforcement activities and will help to identify gaps in the plastics value chain where further government action may be required. The registry would be a key source of information that the Government of Canada will use to support the implementation and monitoring of different measures that are part of the government’s zero plastic waste agenda. A federal plastic registry would standardize the data that is collected on provincial and territorial Extended Producer Responsibility (EPR) programs and provide useful information for stakeholders, government and Canadians. Furthermore, it will support provincial and territorial EPR programs in force or under development, and provide useful baseline data to provinces and territories when expanding EPR into new product categories.”

Most plastic items have an important role in society. Their proper management is essential to reduce impacts and prevent future challenges. Consistent action across Canada will allow for economic development opportunities as part of the circular economy, create economies of scale and common approaches that are easier to understand for the consumer.

Thank you again for this opportunity to comment. We look forward to participating directly or indirectly in the next steps. Please do not hesitate to contact Jay Stanford if you require further details (519-661-2489, ext. 5411 or jstanfor@london.ca).

Sincerely,



Kelly Scherr, P.Eng., M.B.A., F.E.C.
Deputy City Manager
Environment & Infrastructure



Jay Stanford, M.A., M.P.A.
Director, Climate Change, Environment &
Waste Management