

September 13, 2024

Plastics Regulatory Affairs Division / Environmental Protection Branch  
Environment and Climate Change Canada / Government of Canada  
Via email : [RFP-FPR@ec.gc.ca](mailto:RFP-FPR@ec.gc.ca)

**RE: Federal Plastics Registry – Draft Guidance Document**

Thank you for inviting the Canadian Beverage Association (CBA) to provide feedback on the Federal Plastics Registry. Our comments are included below, and we would welcome the opportunity to discuss our thoughts further.

**Who we are**

The Canadian Beverage Association (CBA) is the national industry association for the Canadian non-alcoholic beverage sector. Together, the association represents over 60 brands of non-alcoholic refreshment beverages consumed in Canada and the companies that manufacture and distribute them. CBA members' facilities are located in every region of the country. The beverage industry sector directly and indirectly employs over 56,000 Canadians and contributes over \$5 billion to the Canadian economy.

**Written Response to ECCC language *in italics***

**General Comments**

The beverage sector is an accountable leader in the circular economy, with CBA members reporting details in multiple jurisdictions responsible for waste in Canada. We support any national based tools that support harmonization, reduce administrative burden and eliminate duplication of reporting streams. Furthermore, we support efforts that contribute to transparency and promote positive environmental outcomes. Overall, we are concerned by the lack of precision in the registry and guidance document as has been presented to industry. The registry duplicates reporting systems that are currently in place and as such represents significant regulatory and administrative burden without demonstrated utility as a mechanism to support positive environmental outcomes.

It is also extremely difficult to provide fulsome comments on a guidance document for a reporting scheme that is not available for preview or analysis. This speaks to the lack of precision and



consultation in this process—it simply is not ready to go live at this time. We reserve the right to expand, adjust or amend our comments when the technical tool is available to those obligated to report. A sector-by-sector FAQ would be helpful to support the proper determination of reporting responsibilities.

We also strongly endorse that all care should be taken to maintain confidentiality in the process, and the only publicly available data is shared in an aggregated/anonymized manner.

*This version of the document is focused on the first phase of reporting requirements – reports due in 2025 with 2024 data.*

We respectfully submit that data collection for 2024 is not feasible, given the late nature of the plastic registry release and the still in draft form technical documents. It is currently September 2024, and the final version of the guidance document will not be available before this year has essentially elapsed. A new data reporting requirement that was not previously captured under any scheme or system requires those with reporting obligations to invest time and resources in people, infrastructure and technology to ensure reliable and accurate data is reported. These resources are not currently in place and will represent an incremental cost of doing business for CBA members. We also learned at the August 27 webinar hosted by ECCC that the technical demonstration would not be ready until 'later in 2024'. Those who are obligated to report do not have sufficient time to put mechanisms in place to gather data that is required to meet reporting requirements as those requirements remain unclear. We strongly recommend that ECCC delay the initial phase of data collection and schedule reporting begin with data collected in 2025 and reported in 2026.

### *3.0 Persons Obligated to Report*

#### *3.1 Who is Obligated to Report*

*2) Producers of Plastic Products: A person that imports, manufactures, and places plastic packaging or other plastic products on the market in Canada. Producers can be brand owners, intellectual property holders, importers, manufacturers, or retailers, including marketplace facilitators and marketplace sellers*

And

#### ***"producer"***

*means (a) the producer is the brand owner or intellectual property holder who resides in Canada. (b) if there is no resident brand owner in Canada, then the producer is the first resident person in Canada to import or manufacture the product. (c) if there is no person as described in part (a) or (b) above, the producer is the Canadian retailer who supplied the product to the consumer. (d) if the producer is a*



*retailer and that retailer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller shall be deemed to be the producer.*

Please clarify the definition of producer and ensure that it is consistent across the scenario building exercises. We recommend that ECCC utilizes the exact definition of producer in Ontario Blue Box regulation O. Reg. 391/21: BLUE BOX<sup>1</sup> without addition of other details. This definition has been negotiated and agreed to by stakeholders.

The brand owner concept is introduced in the definition of 'producer', as an obligated party for reporting to the registry. That definition states that the producer is (a) the brand owner **or intellectual property holder** (as opposed to IP "owner") who resides in Canada. This is an unnecessary addition to the definition.

Section 3.2 of the guidance document is supposed to provide clarity on who is responsible for reporting but unfortunately complicates the determination. Section 3.2.1 asks if the person packaging products "*perform[s] this service for another brand owner that resides in Canada*". If yes, then the provision states that the resident brand owner is responsible for reporting to the registry. This provision ignores the notion of 'IP holder', which seems inconsistent with the ECCC proposed definition of producer.

Please include a reporting determination using the beverage industry as an example. Please include raw packaging material (including plastic 'blanks'), blow mold creation of packaging material such as a plastic beverage container, filling of packaging, retail packaging such as multipackage creation, shipping packaging such as palletization and retailer in the obligation determination.

***"Residential" vs "institutional, commercial and industrial (ICI) waste stream"***

Please clarify and precisely define items to be considered as residential versus ICI. During the webinar, several examples were shared where there is ambiguity and ECCC did not have a clear answer. A decision tree for items would be helpful.

Examples of streams that would need to be clarified:

- A resin supplier is resident in the US. The empty bottle supplier is resident in Canada, imports resin and sells to Beverage Bottler. Bottler fills bottles with product. Bottle sells to franchisee. Franchisee sells to distributor. Distributor sells to customer. Customer sells to retailer. Palletized product is wrapped with plastic pallet wrap and collected at the retail outlet.

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<sup>1</sup><https://www.ontario.ca/laws/regulation/r21391>



- Who is obligated to report?
- What is to be reported?
- Commercial vehicles and computers are purchased from US suppliers and imported to Canada. These are used and not resold or “put on the market”.
  - Who is obligated to report?
  - What is to be reported?
  - What End of life reporting is required?
- Commercial vehicles, computers, etc. are purchased from Canadian suppliers for internal use and not “placed on the market”
  - As above.
- T-shirts or other promotional items made with plastic components are “given away to staff, customers, consumers”
  - What are the reporting obligations?

Please clarify how duplication/multiple reports will be avoided when the same material is reported by multiple obligated parties, ie supplier of packaging, filler of packaging, retailer, waste service providers and plastics recyclers. What are the checks and steps to avoid this?

Please define what ‘reasonably available’ data means for reporting and include a process for indicating data that is not ‘reasonably available’. What are the expectations of acquiring supply chain data, and to what degree does ECCC propose an obligated reporter compels suppliers and customers to share previously uncollected and unrecorded data?

Please clarify if fibre-based/poly-coated/laminate packaging is included in scope of the Plastics Registry.

#### **Comments on Specific Phases:**

##### **Phase 1(2025)**

###### *Plastic packaging, filled and unfilled*

CBA members can report on consumer facing plastic packaging that is placed on the market. Current reporting methodologies for provincial programs can be used. The differences across the reporting schemes will have to be actively managed and will require people and technology not currently resourced. Any national registry should seek to harmonize reporting requirements across the country and therefore decrease, not increase, regulatory and administrative burden.



*Electronic and Electrical Equipment*

CBA members do not currently track or capture plastic material in electronic and electrical equipment, including beverage dispensers, refrigerated coolers and vending machines. This will need to be resourced according to the technical requirements of the reporting system not currently available. It is information that may not be 'reasonably available'.

*Single-use or disposable products*

CBA members can report on Single Use Disposal Products placed on the market. Current reporting methodologies for provincial programs can be used. The differences across the reporting schemes will have to be actively managed and will require people and technology not currently resourced. Please clarify if fibre-based/poly-coated/laminate products, such as cups, is included in scope of the Plastics Registry.

**Phase 2 (2026)**

*Plastic packaging, filled and unfilled*

CBA members do not track and do not have a mechanism in place that captures all plastic packaging shared between customers and used within facilities with respect to IC and I requirements. This is particularly relevant if suppliers are not resident to Canada. This data may not be 'reasonably available'.

CBA members do not have data to complete reporting on end of life for plastic packaging for materials placed on market. Some provinces with EPR we could acquire from the DRS or PRO but reporting categories are not consistent with Federal Plastics Registry. In other jurisdictions programs are managed by the provincial government and data is not readily available.

*Single-use or disposable products*

Manufacturers would have to manage important safety equipment, including Personal Protective Equipment if supplier is not resident to Canada. Members currently do not track or have a mechanism in place that would capture this. This data may not be 'reasonably available'.

*Tires and Commercial Vehicles*

CBA members are part of a North American supply chain. They do not have a mechanism to track the Plastic Components in Vehicles and Tires if the supplier is not resident to Canada. This data may not be 'reasonably available'.

*Construction*

CBA members are part of a North American supply chain. CBA members do not have a mechanism for reporting on Construction Materials used in new builds and renovations if a supplier is not resident to Canada. This data may not be 'reasonably available'.



**Phase 3 (2027)**

*Electronic and Electrical Equipment*

CBA members do not currently track or capture the end life of individual plastic components in electronic and electrical equipment, including beverage dispensers, refrigerated coolers and vending machines. Reporting at the equipment unit level is in place in for some provincial jurisdictions and operates as a closed-loop recycling system to manage the end-of-life for equipment, including refurbishment and unit recycling. These programs do not track the individual plastic constituents as part of the recycling stream. This will need to be resourced according to the technical requirements of the reporting system not currently available. It is information that may not be 'reasonably available'.

We are happy to discuss these comments and other details at your convenience.

Sincerely,

Mark Dekker PhD  
Sr Director, Scientific and Regulatory Affairs  
Canadian Beverage Association