

# PROVINCIAL PACKAGING REGULATIONS - Passing the responsibility to the Producer

What is a package? According to the Canadian Council of Ministers of the Environment (CCME) "Packaging refers to all materials, fabricated containers and other components used in the containment, protection, movement and display of a product or commodity. The environmental effects of packaging extend beyond disposal - resources and energy are consumed and pollutants are released during production and transportation of packaging".

Try to think of your last few shopping trips and the items you purchased groceries, hardware, pharmacy, doesn't matter. Now think not of the item itself, but how it was packaged. The goods we buy are supplied from a global market. Products need protection in transit and modern multi-material packaging ensures freshness, safety and reduction of damage. But once we open the package and get the item in our hands to use or consume, what happens to the package?

In years past, most packaging was disposed in whatever local waste management system existed. In most regions of Canada disposal meant landfill. By the 1980's the prevalence of packaging waste became a concern for long-term waste management planning. Some materials, like wood pallets and cardboard, were a real threat to landfill capacity because they're difficult to compact and interfere with the compaction of other surrounding wastes.

Concern over packaging is not new. As Canada's population grew and became increasing urbanized, concern increased. In 1990, the CCME developed and endorsed the National Packaging Protocol (NaPP), a voluntary agreement with industry to reduce packaging waste. Though there were no official regulations or control measures, real reductions were achieved on targeted wastes.

Also in the 1990s, some solutions involving the recycling of individual packaging types were introduced. Deposit-return systems for some beverage containers (adopted provincially) and out-right bans or surcharges on landfilling of cardboard (at the municipal level) are examples of initiatives that led to reductions of packaging in the waste stream. Many other programs emerged. Most were based on volunteerism with industry support. The Alberta Dairy Council created a collection program for dairy containers with municipal partnership. The Alberta Used Oil Management Association (AUOMA) was first to develop a program for the collection of used-oil containers and equivalent programs now exist across Canada. Agricultural pesticide containers are now collected and recycled in a nation-wide program administered by CleanFARMS. While steps like these were helpful in reducing the targeted packaging, they could not slow the increasing volumes of packaging challenging waste managers. With the exception of cardboard, the rest of these examples involved Extended Producer Responsibility (EPR). This is a concept that, whether voluntary or guided by back-stop regulation, directs the manufacturers or first-importers of all products in the marketplace to be responsible for their

packaging. They become stewards of their own packaging to the market and responsibly manage the packaging post-market/post-use.

Stewardship systems may feature hidden support fees, visible fees and/or a government mandated "eco-fee" or disposal fees, but in the end, funding to support collection, transportation and responsible disposal is borne by the end-user. In some cases, deposit fees may be collected at point of sale and refundable on package return. Deposits can incentivize users to act in the interest of the environment but do not cover program cost. There are now many effective programs nationally and provincially, but they do not and can not cover all of the remaining "homeless" packaging. More action is required.

In 2009, CCME approved a Canada-wide Action Plan for Extended Producer Responsibility and also announced a Canada-wide Strategy for Sustainable Packaging. While the Ministries move toward a country-wide standard, individual provinces are moving toward development of their own packaging stewardship regulations. In 2012, not all provinces have issued a regulation. In the case of those that have, no two provinces have issued matching regulations. This uneven approach will provide headaches for importers, manufacturers and distributors as the specific actions and economic commitment required to comply will vary.

The chart below illustrates these variances and outlines the difficulty of establishing a stewardship system in the absence of uniformity. The chart was prepared by CleanFARMS in their efforts to develop a stewardship program for agricultural plastics many of which are used to package products on the farm. However, the same issues will confront all industries in their efforts to comply.

Province	Packaging Stewardship Regulation	Stewards' Responsibility	Definition of a 'package' includes
BC	All packaging and printed paper	<ul style="list-style-type: none"> <li>100% of responsibility by 2014</li> <li>Business packaging regulated but no requirements yet</li> </ul>	Twine, bale wrap, grain bags included in definition
AB	Only specific containers	<ul style="list-style-type: none"> <li>Varies</li> </ul>	None
SK	Only specific containers	<ul style="list-style-type: none"> <li>Varies</li> <li>Planning on implementing household packaging and printed paper</li> </ul>	Traditional packaging (planned)
MB	All packaging and printed paper	<ul style="list-style-type: none"> <li>80% of municipal cost for household</li> <li>Business packaging now required</li> </ul>	Broad like BC, - but no current obligation for twine, bale wrap and grain bags.
ON	Household packaging	<ul style="list-style-type: none"> <li>50% of municipal cost</li> </ul>	Traditional household packaging
QC	All packaging	<ul style="list-style-type: none"> <li>100% of municipal cost by 2013</li> <li>Business packaging regulated but no requirements yet</li> </ul>	Broad like BC - may include twine, bale wrap and grain bags
Atlantic	Specific packaging	<ul style="list-style-type: none"> <li>Varies</li> </ul>	No

The provincial dialogues accompanying the move toward packaging protocols is of vital interest to those in the plastics industry for three reasons.

First, plastics are not the single most predominant material used in packaging. Compared to other packaging materials, plastics trail wood, glass and paper when weight is considered. But, plastics are an easy target in EPR dialogue in large part because they are often the last package that the consumer sees before using the product inside. The eyes of those in the Ministries developing the regulations are on plastics. Plastics use in packaging is increasing and for all the right reasons. Plastics are versatile, light and cheaper to transport, rupture resistant, leak-proof, colourful and attractive to consumers. They're often the most economical option. Size, shape and properties can be customized to suit application. The individual containers are becoming both lighter and more durable at the same time. Plastics are recyclable and excellent candidates for other treatment including energy capture. Post-use plastics can have value.

Second, a very real challenge facing the recovery industry is the commodity value of some packaging plastics. Even as recycling facilities increase in number and capability, collection and transportation of these newer and lighter containers can exceed their value to processors. This is the single strongest argument in favour of stewardship of plastics. Without some form of "top-up" funding, the value of many collected plastics can not cover the cost of treatment.

Third, the infrastructure required to treat all plastics packaging does not currently exist in all jurisdictions. And where it does exist, it lacks capacity to move from select, targeted packaging to all packaging overnight.

Much more is available on the CCME website: [www.ccme.ca/ourwork/index.html](http://www.ccme.ca/ourwork/index.html) under Waste Management. Change is coming. The plastics industry on both the national and provincial fronts must stay current on these files as they evolve.