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**Re: APRA Response to the Consultation paper: a proposed federal plastics registry for producers of plastic products**

Dear Ms. Spack,

I am writing to you today on behalf of the members of the Alberta Plastics Recycling Association (APRA). APRA is a not-for-profit association that has operated for 31 years, with a focus on the facilitation of sustainable plastics recycling and the diversion of plastics from landfill. Our members include participants in the full plastics value chain, including resin manufacturers, companies involved in manufacturing plastic products, as well as processors and recyclers of plastics. APRA and its members and partners are committed to finding solutions to manage and recycle plastics and to realize the value of the circular economy and keep plastics out of the environment.

Thank you for providing the opportunity for APRA to respond to **A proposed federal plastics registry for producers of plastic products**.

APRA supports many of the comments from our colleagues at the *Chemical Industry Association of Canada (CIAC)* in their response to the consultation. Below we provide comments on areas of relevance to our members' expertise.

We share the federal government's objectives to create a circular economy for plastics and to divert plastics from landfills. We remain committed to working with all governments to implement an innovative and forward-looking plan to create a circular economy for plastics through improved product design, enhanced recovery systems, and augmented end-markets for post-consumer plastics. By shifting our mind-set from single use to re-use, post-consumer plastics can be transformed into an ongoing resource in a circular economy. The result will be continuous and efficient re-use of resources in the economy providing a low-carbon advantage across Canada's manufacturing sector through the integration of recycled plastics in products.

The adoption of Extended Producer Responsibility (EPR) regulations across Canada that are consistent, comprehensive, and transparent will provide the necessary foundation for implementing a circular economy and keeping plastic out of the environment. APRA also supports the adage that you can't manage what you don't measure, so we support the efficient collection of data required to achieve a circular economy and the zero plastic waste agenda. Data also helps make the business case for growth,

investment, and development of new infrastructure. In principle, APRA and its members support the concept of a plastics registry, as well as the proposed phased implementation, however there are concerns with the delivery and implementation of the Federal Plastics Registry, as proposed by Environment and Climate Change Canada (ECCC).

### **Delivery and Outcome Must Align with Actions**

The collection of data is a critical component to determine the success of various regulatory and voluntary instruments, however the collection of data in and of itself, does not deliver outcomes against those instruments. For example, the act of reporting into the Registry will not “increase value recovery rates, keeping plastics in the economy and out of the environment.” To be set up for success the Registry outcomes must be aligned with actions. The Registry is a tool to help ensure the success of other programs, however it will not directly deliver outcomes; this needs to be clear in the purpose statement as well as the expected results.

There also needs to be clarity around the goals of the registry. Is it a clearing house for data or a mandatory registry? The goal should be clearly stated and if it is attempting to penalize or align free riders across the EPR landscape in the country, then more work needs to be done by provincial oversight bodies that have the jurisdiction to identify and work with these groups. Additional reporting requirements will not automatically bring companies into compliance.

### ***Jurisdiction***

**Recommendation 1:** ECCC should use all existing data collected through various sources such as provincial programs, Statistics Canada, etc., and only require producer reporting on the resulting data gaps.

EPR programs are provincial and territorial in jurisdiction and implementation. Therefore, the reporting, or at least identification of reporting criteria, should reside with the provinces as the data collected should align with regulatory compliance obligations of the regulated producers operating within their jurisdiction. Full consideration should be provided to existing EPR programs, and those under development. Provincial program data gathering systems could be reviewed to look for synergies and ways to avoid duplication in reporting.

Furthermore, provincial EPR programs regulate more than just plastic, so the proposed Registry will create an inherent duplication of effort and administrative burden for producers with more than just plastic packaging.

### ***Reporting Categories and Confidential Business Information***

**Recommendation 2:** ECCC should limit the Registry data available openly to only that with which directly supports consumer decision-making.

**Recommendation 3:** ECCC develop a screening tool that would ensure that all Confidential Business Information (CBI) is protected, including information that could be revealed through extrapolation.

While APRA supports access to data to evaluate performance against regulatory and voluntary commitments, that data needs to ensure that CBI is protected. This criteria is not only applicable to CBI that is immediately evident, but also that information that could be extrapolated as part of a data set. For example, Company X produces a specialty resin, and Company Y uses that resin. While that information on its own may not be confidential, if the release of the data allows a connection to be made between producer and manufacturer then confidential sales information has been made publicly available.

APRA understands the driver behind proposing a Registry that is fully open and transparent with company-level reporting, however external reporting should be kept to the information that the public needs to make informed decisions. For example, knowing the physical location where a plastic item is manufactured or sold does not directly link to where it is collected or recycled.

The approach proposed for the Registry is based on typical pollution reporting where knowing the location and amount of the release is important. Since this Registry is dealing with products in commerce, and not pollution, not all the data being collected is relevant to consumer decision making or even regulatory compliance or instrument design. For example, the location of a plastic product import company or manufacturing facility since it is not linked to where the product is sold or collected. Even the sales location does not necessarily indicate where the product will be collected for re-use, repair, or recycling.

#### ***Funding Operation of the Registry***

**Recommendation 4:** ECCC should follow the precedent set by other reporting programs it manages under the *Canadian Environmental Protection Act*, such as the National Pollutant Release Inventory, where ECCC funds the development and operation of the reporting system.

APRA does not support the position taken by ECCC with respect to the funding of the Registry's operation, citing 'Polluter Pay' principle as rationale for industry to pay for operation. First and foremost, plastic collected through EPR programs and those used in commerce are not pollution. These plastics are a resource, which is the foundational premise of a circular economy.

The second issue with the 'Polluter Pay' principle is that the proposed regulated entities are not the polluters, which implies they are the ones that are releasing the plastic directly into the environment. Notwithstanding, the goal of EPR and other end of life management programs is to keep plastic in the economy and out of the environment, if any release to the environment of covered plastics occur it is not a result of the actions of the regulated parties.

Finally, many of the regulated entities already fund the operation of the reporting mechanisms required through provincial EPR programs as part of their compliance requirements. To ask them to further fund a separate registry that is not directly linked to compliance requirements under the EPR programs they are subject to, would be an administrative and financial burden that goes beyond the benefit provided by the proposed registry.

### ***Fuel Generation is NOT Incineration***

**Recommendation 5:** If ECCC is interested in tracking the conversion of plastics to fuels, a separate category should be created so it will be easier to identify trends specific to advanced recycling outputs.

APRA supports the waste hierarchy and within that, recycling over energy recovery, however, while markets for circular products are still developing, fuel will likely be part of the early outputs from advanced recycling facilities. All recovered fuel at these facilities should be recognised as recovered material and diversion from landfill, not as incineration. APRA concurs that these recovered materials are not recycled and should not be included in recycling targets. Furthermore, as demand for circular materials increases, these fuels can be diverted for use as feedstock to additional processing units for new plastics or other chemicals manufactured.

### ***Product Categories and Implementation***

**Recommendation 6:** Consider implementation timelines with provincial EPR programs and allow mechanical and advanced recycling to count toward diversion targets.

We believe that a phased approach is appropriate, and this will allow for time for producers to become aware and implement reporting processes. As noted in your presentation, all provinces are at a different state in EPR implementation so being aware of these timelines is also critical to avoid major gaps in participation from producers operating in the provinces and territories where EPR has yet to be fully implemented.

APRA is supportive of requiring participation across all sectors where plastics are generated. Generally, our members are supportive of regulation that helps level the playing field and avoid free riders.

Regarding information that must be reported, in the document on page 12, the category name 'plastic waste for import or export' should have waste removed and be defined as 'plastic only' as per the list on page 18. This material would not be a waste product but destined for further processing and remanufacturing in jurisdictions that have better infrastructure or higher market demand than in Canada or North America. Also, there should be clarification that the categories 'plastics successfully recycled' and 'plastics imported/exported' may also be measuring the same thing – plastics could be remanufactured domestically or overseas.


The definition of recycling should include material processed through traditional mechanical means and through advanced recycling. The products from advanced recycling processes such as fuel and chemicals can be used to offset virgin material used in manufacturing.

### ***Conclusion***

APRA appreciates the opportunity to provide comments on the consultation paper: *a proposed federal plastics registry for producers of plastic products*. We remain committed to ongoing consultation and collaboration as we move towards more effective management of post-use plastics in Canada.

We are committed to working with governments to develop innovative and progressive pathways towards a circular economy through improved product design, enhanced recovery systems, and augmented end-markets for post-consumer plastics. The result will be continuous and efficient re-circulation of resources in the economy, and the elimination of plastic waste.

Sincerely,

A handwritten signature in black ink that reads "Wendy Wright". The signature is written in a cursive, flowing style.

Wendy Wright

President

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