

February 12, 2024

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Gatineau, Québec, K1A 0H3  
Submitted by Email: [plastiques-plastics@ec.gc.ca](mailto:plastiques-plastics@ec.gc.ca)

**Re: APRA Response to Section 46 Federal Plastics Registry**

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 over 30 years, with a focus on the facilitation of sustainable plastics recycling and the diversion of plastics from landfills. Our members include participants in the full plastics value chain, including resin manufacturers, companies involved in manufacturing plastic products, municipalities, 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 Environment and Climate Change Canada's (ECCC's) Notice of Intent with respect to creating a data repository of plastic products present in the Canadian market in the years 2024, 2025, and 2026.

APRA supports creating a circular economy for plastics that balances the views of stakeholders and includes achievable plans that will result in plastic pollution prevention. We support solutions and systems that involve a collaborative approach between the federal government and provinces instead of a unilateral federal approach under the Canadian Environmental Protection Act, 1999 (CEPA). Our view is that for this notice of intent, a collaborative approach between all levels of governments would reduce the administrative burden on all obligated parties, including the federal government, and avoid duplication of efforts and resourcing challenges. This would help ensure a data collection system that has the appropriate quality control, assurance, compliance, and enforcement required to create value for all stakeholders.

Below, APRA is providing comments on areas of relevance to our members' industries and expertise in response to the Section 46 Federal Plastics Registry.

## 1. Availability of information being requested

APRA consists of stakeholders across the entire circular plastics chain. Our association, and membership as a whole, understands the importance of data collection across Canada. The data collected can inform government to assist in the formation of policy for, or affecting, the plastics industry. However, it is important to note that many of the reporting requirements as outlined in the Registry consist of information that is outside of the scope of what can be made available and/or provided by many of our members. Producers, and other stakeholders, will be required to track and report on final usage of their products, even after they no longer have chain of custody. In addition, complexity arises when the producers do not know what will be manufactured from their product, nor what happens to the product at its end of life. In circumstances where products are sold to international customers who are not subject to under Canadian regulations, there will be additional challenges in accurate and complete data collection. As such, it is important for ECCC to ensure the quality of data received to make informed decisions based on the information available. Based on current systems, much of this data is simply not available.

We note that the Registry proposal cites the inclusion of the institutional, commercial, and industrial (ICI) waste stream. There is currently no existing framework to gather data from the ICI stream, and it is imperative that this stream be separated from curbside collection in both collection of the data and its reporting post data collection. Furthermore, any information collected from this sector will not necessarily provide meaningful information as the ICI sector is more focused on purpose of the material, rather than the material itself. Most existing data tracking systems the ICI sector currently utilizes are therefore focused on materials other than plastic.

While Alberta has recently introduced an Extended Producer Responsibility (EPR) Program it does not currently cover ICI material; thus, there is no single point of contact for information collection by a Producer Responsibility Organization (PRO) in the province. This will require individual organizations within the ICI sector to gather their data and provide their reports independently. For many this will be an onerous or impossible task.

### **Recommendation(s):**

- Enhanced consultation with the ICI sector to fully understand plastic flows. This will ensure ECCC a better understanding of the ICI sector and determine if accurate, reliable, relevant, and complete data is available.
- Implementation of a provincial EPR program for the ICI sector, prior to phasing in any ICI reporting requirements. Ensuring ICI sector consultation and implementing ICI sector EPR programs in anticipation of future reporting requirements will ensure future high-quality data reporting.

## 2. Provincial data collection and reporting

In Canada, provinces and territories are the administrators of stewardship programs; many of which have proven successful in capturing plastics and ultimately reducing the amount being landfilled. These government bodies are also the regulatory authorities for EPR and should therefore continue to manage data collection and reporting. The federal government's role should be one of facilitator focused on data aggregation and promoting harmonization across the different provincial EPR systems in support of baseline setting and policy making. The proposed Registry will likely result in inconsistent and duplicated efforts through required reporting to both the operating province and federal Registry.

### Recommendation(s):

- ECCC should consult further with the provinces and territories and support their leadership in data collection and reporting.
- Implement data sharing agreements to allow provinces to provide the data from the relevant EPR programs directly to ECCC, rather than require duplicate reporting by producers.

## 3. Concerns with confidentiality

The Registry proposal indicates that ECCC intends to publicly publish information collected on resins and plastic products. This raises concerns on the handling of any confidential business information (CBI) collected, during and after the three-year duration of the Notice. This information may consist of market-related, proprietary, or other customer information. Much of the commercial information that our members have represents a competitive advantage to their business and must be protected. While the Registry as proposed does provide the opportunity to apply for CBI status, the ability of the Minister to reject a well-founded request for CBI based on subjective criteria outlined in subsection [Section 53\(3\)](#) of CEPA raises concern. Even provisions under subsection 53(4) where the obligated party whose CBI request have been rejected can request the Federal Court to review the matter do not provide data security as the review may not be completed in advance of the publication.

While confidential business information, direct or inferred, must be protected, and not made publicly available by the federal government, it is critical that and market related confidential information be adequately protected.

### Recommendation(s):

- Any potential registry must ensure information collected is protected and deemed confidential in nature where appropriate. It is imperative that CBI is not made available publicly.

#### **4. Inconsistency of reporting requirements for different categories**

While packaging, single-use and disposable plastic products are required to be reported in 2024, electronic/electrical equipment (EEE) and agricultural/horticultural products are not addressed until 2025/2026. Although a phased-in approach for the reporting requirements for each category is supported as it provides an opportunity to implement reporting systems, this should be completed in a fair and just manner for each product category. Each product category should be treated consistently and provided the same opportunities to get their reporting systems in place.

##### **Recommendation(s):**

- Implementation of fair, consistent reporting requirements and timelines for all categories

#### **5. Significant administrative and enforcement burden especially in compliance/enforcement**

The requirements as presented by the Registry will result in a significant administrative burden for those required to report. It will also result in significant additional administrative burden for the government, who will ultimately be responsible for assuring compliance and enforcement. This will require additional resources for all affected stakeholders.

##### **Recommendation(s):**

- Explore information sharing tools/systems between government and/or related bodies that have existing data tools to reduce the burden and avoid duplicated efforts.

#### **6. Inadequate timeframes for consultations**

A significant number of proposals have recently been released by the government for consultation, with short timeframes provided for public input. These proposals heavily impact APRA and its members, and require adequate time to thoroughly review, engage, discuss, and provide input in a thoughtful, meaningful manner, especially when it specifically affects the sectors in which APRA members operate. At APRA, we strongly believe in listening to the voice of all members across the plastics circular chain, as we represent them with a unified voice. As this process impacts the policies implemented in our industry, it is important to have a full understanding of the role plastics play in our modern-day world; one which our economy depends on. This is a process that cannot be rushed. A successful consultation allows industry associations, industry and the public to maintain awareness while working collaboratively to facilitate a circular economy for plastics in Alberta, and across Canada.

### Recommendation(s):

- Allow more time for sufficient review and engagement of all parties affected to allow for thoughtful feedback, and to work together to find solutions.

### Conclusion

APRA and its members and partners are committed to finding solutions to manage and recycle plastics and are working to realize the value of the circular economy and keep plastics out of the environment. While APRA realizes the importance behind the zero plastic waste goals, it is important that any proposals are prepared after sufficient consultation has been conducted with the impacted stakeholder groups in order to support the vital plastic industry in Canada.

Thank you for the opportunity to share this response. APRA remains committed to ongoing collaboration as we work to build a sustainable future for plastics, and we would be happy to meet with you to continue the discussion.

Sincerely,



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