

## **Consultation Paper: A Proposed Federal Plastics Registry for Producers of Plastic Products**

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### **Overview**

Oxford County is a regional municipality in Ontario with a population of approximately 125,000 and serves as the waste management operating authority delivering municipal solid waste management services to eight (8) area municipalities.

Residential curbside garbage and recycling material is collected through contracted services and municipal service agreements. Municipal solid waste from residential and industrial, commercial, and institutional sectors (IC&I) is received and managed at the Oxford County Waste Management Facility (OCWMF) including landfill waste disposal and waste diversion programs such as blue box recyclables, yard waste composting, construction and demolition waste recycling, scrap metal, municipal biosolids, electronic waste collection, bulk Styrofoam, film plastic and Hazardous and Special Products (HSP).

As identified by the federal government, plastic waste is a problematic material managed by all levels of government, having an estimated recycling rate of 8%, with the remaining material either ending up in landfills or as pollution. In Oxford County, approximately 2% of waste material generated annually by residential households are non-recyclable plastics which are managed through the curbside garbage and blue box collection programs. Another 13% of non-recyclable plastic materials generated by the IC&I sector is managed (landfilled) at the OCWMF.

In 2020, the County removed film plastic (checkout bags, plastic wrap, film packaging) from its blue box collection program and implemented drop off depots for this material as an alternative. Due to processing challenges and potential for contamination of other recycling material streams, collection of film plastic through the blue box program was considered no longer viable. Collection through drop off depots ensures material is clean, improves marketability, and reduces contamination of other recycled material processed through the blue box program.

The County supports product bans and Extended Producer Responsibility (EPR) programs that will reduce and eventually eliminate plastic waste nationwide. Recognizing that the benefits of eliminating plastic waste are substantial, the federal goal of zero plastic waste by 2030 can only be achieved if provinces and territories work together by implementing a consistent approach to data collection and management, material types, recycling content, and public education.

### **Comments**

Oxford County supports ECCC's proposed federal plastics registry for producers of plastic products and we appreciate the opportunity to provide comments and feedback on ECCC's consultation paper and offer the following comments for consideration.

1. What objectives and potential benefits do you see from a federal plastics registry, and are they contingent on any conditions being met (for example agreements with provinces and territories)?

For the federal plastics registry to be successful, buy-in from all jurisdictions across the country is needed. A fragmented system whereby only a few of the jurisdictions participate will prevent the federal government from achieving zero plastic waste by 2030.

From a municipal perspective, the County believes the registry objectives should be to:

- Aligning provincial and territorial EPR programs for program consistency nationwide.
- Provide greater accuracy in data collection for monitoring and measurement of program performance.
- Drive innovation among producers to develop plastic products that can be recycled or develop alternative product designs.

The potential benefits of the registry include:

- Reduced public and producer confusion by having consistent public education on what can be recycled, reused, etc.
- Having fewer reporting mechanisms thus reduces the administrative burden.
- Increase diversion through the addition of material-specific EPR programs, resulting in less waste material being handled by municipalities.
- Allows companies to take advantage of the efficiencies and economies of scale possible in larger markets that transcend provincial and territorial borders.

2. Are the product categories described in this document characterized accurately? For example, should any sub-categories be separated out and included as product categories in their own right, or should any categories be combined?

The County is pleased to see the proposed registry includes more than blue box related plastics. Holding all producers responsible for the plastic that they produce for consumption by Canadians is a significant step forward in dealing with the plastic waste issue.

The product categories listed in the consultation paper appear appropriate and provide clear and accurate descriptions. The County suspects as the implementation process begins for the proposed registry, new categories and/or sub-categories may arise from the consultation process.

3. Are there any other product categories that could be included within the scope of a federal plastics registry?

EPR programs are effective at identifying and managing the end-of-life cycle of designated materials, however as identified in the consultation paper, not all EPR programs manage the same material types. The County is very pleased to see the list of plastic products subject to reporting requirements under the proposed federal plastic registry which are more encompassing than what is seen at the provincial and territorial levels, proposing to capture 88% of the plastic products produced for Canadian consumption.

Textiles, Agricultural Film, Construction and Demolition Materials, and Automotive parts are considered by the County to be low-hanging fruit that can be easily captured under a federal registry for management. Other Products as identified in Figure 1 of the consultation paper is the only material type not identified for oversight. Things like medical plastics, toys, office supplies (e.g. rulers,

pens, etc.), and clothing hangers are just a few materials types that may not be captured under the current single-use plastic category, and without a management program in place, they will continue to be processed through the waste stream. Quantifying and regulating these materials for management through the proposed registry will be more challenging than the other material categories, and while the annual tonnage produced for consumption is low in comparison to the collective tonnage for the proposed material categories, it is important not to forget about them. The County requests that the government, if not already doing so, actively pursue a management program for the Other Products category.

4. What other sources of information should be considered by the registry to improve understanding of Canada's plastics economy?

The registry should consider tracking contaminated plastic waste destined for landfill. Tracking this metric will provide a more complete picture of the plastic waste issue and may identify opportunities for improved systems for contamination removal at the time of processing.

5. Should the Government adopt a producer hierarchy approach as presented in Figure 2? If so, should the hierarchy presented be modified in any way? Why?

The County views the producer hierarchy approach as presented in Figure 2 of the consultation paper to be a suitable approach. Furthermore, this hierarchy is used by several provinces in their EPR programs resulting in a high familiarity and understanding of the approach.

6. Could a product have different obligated producers in different provinces or territories (for example a brand owner in one province, and a different first importer in another province)? If so, how should a federal plastics registry account for these differences?

For data accuracy and simplicity in reporting, the County would suggest that the data should be reported at the national level as defined by Figure 2 in the consultation paper, regardless of whether that product is used nationwide. The information from the national reporting registry could then be easily disseminated to the relevant jurisdictions.

7. Should the Government create thresholds for small businesses? If so, what should those thresholds be, and which activities should small businesses be exempted from doing?

The County does not support exempting small businesses from having to register or report on their plastic products. It is important to have this information so that the data can be tracked and complete the overall picture of plastics consumed in Canada.

The County does support exempting small businesses from fees based on thresholds. The federal government is encouraged to review reporting thresholds for the B.C. and Ontario EPR programs for guidance on acceptable threshold criteria.

8. How should a federal plastics registry account for the fact that producers may engage multiple producer responsibility organizations for different provinces and territories?

Reporting guidelines will need to be established so that producer responsibility organizations (PROs) collect and report consistent data for the federal registry. The data reported by the PROs will cover all of the key data points listed in the consultation document except for plastics placed on the market. Information on this data point must come directly from the producer based on the producer hierarchy shown in Figure 2 of the consultation document.

9. Are there any important considerations the Government should be aware of as it explores possible cost recovery options?

The County supports the federal government's proposed approach to exempt franchisees from having to report, requiring producers to use third-party professionals to validate their data, and requiring producers to pay registry fees based on the criteria outlined in the consultation paper.

10. Should the Government allow producers to fulfill any cost recovery obligations through producer responsibility organizations?

Producers should be recognized and be eligible for cost recovery if they can demonstrate the reusability and recyclability of their product in addition to any product innovation which results in less plastic waste.

Conversely, producer fees should be increased based on the amount of plastic waste pollution caused by their product. These increased fees will ultimately drive product innovation and the development of new recycling markets.

If so, how would the Government ensure that each producer is contributing to cost recovery according to its obligations (for example related to any different fee structures linked to product design, product origins and supply changes, or product category contributions to plastic waste or pollution)?

NA

11. Is there a free rider issue for online marketplaces in Canada? If so, what is the extent of the problem and how could it be mitigated through a federal plastics registry?

The free rider issue for online marketplaces in Canada is very much a concern. The most accurate data on plastics being made available for consumption in Canada will come from producers. Therefore the County supports Approach 1 outlined in the consultation paper where online marketplaces report on third-party sellers that are producers. This approach will minimize the free rider problem by minimizing gaps in the data.

12. Is there a free rider issue for couriers in Canada? If so, what is the extent of the problem and how could it be mitigated through a federal plastics registry?

There could be a free rider issue and it is the County's opinion that the simplest way to address this issue would be to require couriers to verify that businesses using their services are registered on the federal plastic registry.

13. Are there any special considerations the Government should take into account to protect CBI?

Significant work has gone into the B.C. and Ontario EPR models which have been able to demonstrate the ability to protect confidential business information (CBI). Referencing and utilizing elements of these reporting registry models should allow for quick implementation of a nationwide registry that takes into account CBI.

14. Which mechanisms could be used to facilitate collaboration between federal, provincial and territorial governments? Are there any mechanisms in particular that could also help reduce the administrative burden on producers?

Serious consideration should be given to the reporting registries already in use by the provinces and territories and where possible take steps to harmonize these systems. Reinventing the wheel will lead to unnecessary delays in the development of a nationwide registry and will negatively impact the federal government's agenda to achieve zero plastic waste by 2030.

15. What should the Government be aware of in implementing a federal plastics registry system according to the plan outlined in this paper (for example feasibility, cost)?

The federal government should anticipate a level of resistance from producers new to EPR programs which could cause implementation delays. It is important that the federal implementation plan for this initiative be maintained. Early consultation with producers will be essential in achieving critical milestones and receiving the necessary input to customize the registry reporting structure where necessary.

Consultation with the provinces and territories will also be important, providing an opportunity for information sharing and harmonization of all registries.

16. How quickly after Phase 1 data is required to be reported could producers provide the information outlined above for Phases 2-4?

Assuming Phase 1 begins before the end of 2024 then Phase 2 data should be reported between 12-16 months after Phase 1 (March 2026). This grace period will allow for needed registry program modifications as well as a smooth transition into Phase 2. Phases 3 and 4 should be implemented by end of 2026 as producers of these material types will have had sufficient time to prepare and submit data for reporting.

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Prepared for:

Tracey Spack, Director, Plastics Regulatory Affairs Division, Environment and Climate Change Canada  
(plastiques-plastics@ec.gc.ca)

Further Information:

Frank Gross, Manager of Transportation and Waste Management (fgross@oxfordcounty.ca)