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May 18, 2023

SUBMITTED BY EMAIL: [plastiques-plastics@ec.gc.ca](mailto:plastiques-plastics@ec.gc.ca)

Tracey Spack  
Director  
Plastics Regulatory Affairs Division  
Environment and Climate Change Canada  
351 Saint-Joseph Boulevard  
Gatineau, Quebec  
K1A 0H3

Dear Ms. Spack:

**Re: Technical Paper: Federal Plastics Registry**

City of Toronto staff ("the City") appreciate the opportunity to provide comments in response to the request by Environment and Climate Change Canada (ECCC) for feedback on the Technical Paper in support of the Federal Plastics Registry (the Registry) that was released on the development of a federal plastics registry through the release of a consultation paper on April 18, 2023.

The Government of Canada is commended regarding its ongoing efforts to introduce policy that will help Canada transition to a more circular economy and looks forward to ongoing, fruitful collaboration on these efforts.

As noted in comments from the City on the Registry proposal released last summer, the City believes that the development of high-quality data related to material consumption and recovery is an important enabler of circular economy outcomes in Canada. The City's goals for a circular economy include improving the transparency, accessibility, and verifiability of data associated with the management of all waste materials. During the review of the Technical Paper, it was noted that most of the comments made by the City on the consultation paper have been addressed, either in whole or in part.

The City would like to offer the following comments on the Technical Paper for consideration. We understand that work is proceeding on the creation of a draft section 46 notice under the Canadian Environmental Protection Act (CEPA), which the City looks

forward to reviewing once it is published. These comments reflect the City's knowledge and experience in municipal solid waste management, including the circular economy.

## **1. Use of Registry to support expanding the application of Extended Producer Responsibility (EPR) to a wider range of products**

- During consultations on the Registry proposal in 2022, the City commented that there was a lack of clarity related to whether only EPR data would be used on the Registry.
- The City appreciates the efforts that have been made to improve the narrative around data collection consistent with these comments.
- However, the City also commented on the need for the identification and creation of additional policy tools to support achieving the desired consistency across provincial and territorial EPR programs, in addition to committing to the goal of consistent data collection.
- The Technical Paper indicates that the Registry would standardize the data that is collected on provincial and territorial EPR programs. While the City understands that the Registry will collect standardized data on plastics, it is unclear in the Technical Paper how the standardization with provincial and territorial EPR programs would be achieved.
- City suggests providing more details on the policy tools that will encourage the use of standardized data to inform the creation of new EPR programs, as well as supporting the creation of standardized data for existing EPR programs.

## **2. Clarification on the definition of a producer**

- As part of the proposed definition of Producer outlined in the Technical Paper, the term “retailer” is used for the third order producer definition. This is consistent with the way the term “retailer” is used in Ontario’s Blue Box regulation (O. Reg. 391/21 – Blue Box<sup>1</sup>) under the *Resource Recovery and Circular Economy Act, 2016*<sup>2</sup>.
- However, in Ontario the Resource Productivity and Recovery Authority (RPRA), which is responsible for overseeing compliance with the Blue Box regulation, has chosen to interpret the term “retailer” to include municipalities that “supply Blue Box materials to consumers in Ontario”.
- The City would like to see clarification on whether the Registry requirements will be similarly applied to municipalities, even though municipalities would not have access to the details required for many of the reporting data points for the Registry. If there is an intention that the requirements would apply, the City requests that ECCC establish

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

<sup>2</sup> <https://www.ontario.ca/laws/statute/16r12>

a consultation process with the municipal sector to discuss the appropriateness of this approach.

### 3. Revise reporting requirements to better capture compostable plastics

- The Technical Paper states that as part of the reporting category “plastics successfully recycled”, “composting and digestion of some plant-based plastic-like materials to produce soil amendments” are to be reported into the Registry.
- As noted in the City’s comments on “Recycled content and labelling rules for plastics: Regulatory Framework Paper”, the City continues to have concerns some of the approach being taken by ECCC with regard to oversight framework for compostable plastics to be used in packaging and products.
- In the Technical Paper, it is proposed that the 19 plastic resins referenced in *Statistics Canada’s Pilot physical flow account for plastic material, 2012 to 2019*, are to be used when producers are considering reporting on the plastic products they place on the market.
- Given the date range of the Statistics Canada document, the City is recommending that ECCC review the list of plastic resins to confirm that it reflects the current marketplace usage of composable plastic packaging and products. A quick online search indicates that there are resins that are used in compostable plastics that are not on the Statistics Canada list. The City requests a technical review of this issue to ensure that a gap in the resin list used for the Registry does not create challenges in managing the use of compostable plastics.
- In addition, the Technical Paper does not indicate how the list of reportable resins will be regularly reviewed and updated to reflect changes/new technologies applied to the usage of plastic packaging and products, including compostable plastics. As part of the technical review noted above, this issue should be addressed by referencing appropriate national or international standards and adopting incorporation by reference to reflect any future changes to the standards<sup>3</sup>. This will ensure that the Registry reporting requirements align with what industry uses and that the requirements can be automatically updated when the standards are updated.
- Consideration could be given to revising the Registry reporting requirements to ensure reporting on all plastics marketed as compostable/biodegradable, regardless of resin type. This will help build a better understanding of the potential increased prevalence of these materials as well as their use as alternatives to plastics currently in the marketplace. Currently compostable plastics end up as contaminants in the City’s Blue Bin recycling program and processing residue in its Green Bin organics program.

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<sup>3</sup> For example, incorporation by reference is used Section 2 (1) of the recently approved [Clean Fuel Regulations](#) under Canadian Environmental Protection Act, 1999 to ensure that the regulations are able to make use of the most up to date standards without the need to amend the regulations every time a referenced standard changes.

- The City would also ask that consideration be given to banning the use of any resins that may incorporate the use of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) due to the risks they pose to public health and the environment.

#### 4. Use of Weight Based Metrics

- In its comments on the Registry proposal in 2022, the City noted that there were opportunities to build a robust data agenda for Canada's circular economy through the Registry by using volume-based metrics to complement proposed weight-based metrics.
- The Technical Paper notes that the Registry will only require reporting based on weight.
- The City requests that ECCC reconsider inclusion of volume-based metrics. Inclusion of this metric could be especially helpful when reviewing the impact of small business that would be exempted from requirements related to the Registry. For example, extruded polystyrene (XPS) is a lightweight foam with a wide range of applications, including insulation, construction, and packaging. While the federal government has banned XPS, along with expanded polystyrene, for use in foodservice ware, the continued use of this very light plastic in other sectors poses a risk of environmental harm.

Should you have any questions regarding our submission, please contact Annette Synowiec, Director of Policy, Planning & Outreach, Solid Waste Management Services, by email at [Annette.Synowiec@toronto.ca](mailto:Annette.Synowiec@toronto.ca) or by telephone at 416-392-9095.

Thank you for your consideration.

Yours truly,



Matt Keliher  
General Manager  
Solid Waste Management Services

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Copy to:

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