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SENT VIA EMAIL: plastiques-plastics@ec.gc.ca

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

Dear Ms. Spack,

Re: Consultation Document – Pollution prevention planning notice for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content – City of Toronto Comments

City of Toronto staff (the City) is pleased to have the opportunity to provide comments in response to the Consultation Document, published for partners and stakeholders, which will be used to develop a pollution prevention planning notice (P2 Notice). The City supports efforts to set requirements for Canada's largest grocery retailers to prepare and implement a P2 Notice, with the goal of achieving zero plastic waste from primary food plastic packaging.

These comments reflect the City's expertise in areas of solid waste management and organics processing and recommends that they be considered in the development of future policies and activities of the Government with respect to primary food plastic packaging.

Municipalities in Canada are primarily responsible for residential waste diversion and have considerable experience developing effective waste diversion programs, which includes understanding and working with the public, product stewards, provincial and municipal governments, and other stakeholders to achieve our shared public policy goals.

Continued direct engagement with municipalities and municipal associations on requirements for implementing a P2 Notice will provide opportunity for the final P2 Notice to include standards that work for all Canadians and can be locally implemented in an efficient and effective manner. We look forward to further federal-municipal collaboration to advance our shared objectives.

COMMENTS

The City is pleased to see that the Consultation Document outlines requirements for large grocery retailers to prepare and implement a P2 Notice. The comments detailed below are in response to the discussion questions in Section 7.0 of the Consultation Document.

1. Are there any other objectives and/or factors the Government of Canada should consider as it develops an approach to address primary food plastic packaging? If so, what are they and why are they important?

The City is pleased to see that the Government, in an effort to reduce the environmental impact of primary food plastic packaging, has set out a number of objectives (Section 4.4 Objectives, targets, and timelines), including: having fresh fruits and vegetables distributed in bulk and/or plastic-free packaging; ensuring all primary food plastic packaging is reusable, recyclable, or compostable; and developing strategies to increase the sale of products within a reuse-refill system, along with products that are free of plastic packaging and/or concentrated products.

One factor to consider is that suppliers will be adapting to the new recycled content and labelling requirements set out in the Regulatory Framework and may not be well placed yet to provide retailers with new options needed to address the timelines and targets in the P2 Notice. The Government should confirm that there is appropriate harmonization between the various new requirements and timelines to ensure successful outcomes.

2. What are the potential impacts to supply chain relationships, costs, and other obstacles associated with this approach?

Given that many products sold by retailers tend to be either imported or have packaging design dictated by head offices not residing in Canada, there may be challenges in achieving certain targets. The City supports the P2 Notice approach as it allows those required to report to outline these challenges and provide updates on proposed actions to meet the targets.

On the issue of using compostable plastics, the City notes that there would be a significant challenge to retailers alone in ensuring “compostable packaging is accepted and successfully processed at local composting facilities”.¹ The City requests clarification in the future proposed P2 Notice language on how ‘successfully’ will be defined in terms of processing. As outlined in previous comments on the Regulatory Framework for labelling rules, the City operates two state-of-the-art organics processing facilities that use innovative pre-processing (whereby materials such as plastic bags, packaging, and containers are removed and sent to landfill) and anaerobic digestors to break down organic material. The City is not aware of any existing third-party certification program in Canada that would ensure a compostable plastic item could be effectively composted via anaerobic digestion. Until technologies can distinguish various compostable plastics from conventional plastics, it will be challenging for municipal waste systems to process them in the correct stream. The Government should stay abreast of certification standards and continue facilitation with stakeholders on any technology advances that may address improved management in anaerobic digestion

¹ See Consultation document: Pollution prevention planning notice for primary food plastic packaging, section 4.5, link: [Consultation document Pollution prevention planning notice for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content - Canada.ca](#)

organics processing facilities. The Government should also consider extended producer responsibility requirements that could pay for necessary innovation and technology upgrades to organics processing facilities to enable processing of compostable plastics.

3. What else is needed to advance reuse in grocery stores?

The City is pleased to see a focus on reduction, reuse, repair, remanufacturing, and refurbishing. The City recommends the Government also include systems redesign in its 'upstream solutions' to managing plastic waste reduction. Systems should be designed to allow for reuse where it can be efficiently implemented. As recommended in the City's response to the Regulatory Framework, emphasis should be placed on additional waste management hierarchy strategies that would incentivize manufacturers and retailers to reduce packaging and encourage the public to rethink their consumption and consider reuse-refill systems.

The City recommends that the Government provide funding towards pilot projects that, with collaboration amongst large grocery retailers, build up reuse-refill system infrastructure and improve scalability of these systems. This will provide incentive for retailers to implement such systems and improve access and willingness for consumers to participate.

4. Are there any supporting materials, such as guidance documents, tools, or awareness campaign the Government of Canada should consider developing to support industry and facilitate meeting the objectives?

The City would encourage the Government to support retailers by preparing data sources on available composting facilities with sufficient capacity that are capable of successfully processing compostable packaging (specifically plastic compostables). This would include clear definitions in the proposed P2 Notice on the following terms related to compostability that are used in Section 4.5 of the Consultation Paper:²

- accepted
- successfully processed
- local (in the context of defining a service radius for available composting facilities)

To help support the creation of more "local" composting capacity, the Government should also be preparing a funding program and consider extended producer responsibility requirements to pay for the necessary technology upgrades to accept compostable plastics and assist organics processing operators in creating the necessary capacity.

The Government also needs to provide more guidance in advance of the publication of this notice on definitions, best practices, and the existing capacity to recycle non-plastic packaging, with the expectation that the use of non-plastic packaging will increase as retailers look to plastic alternatives. As retailers attempt to find pathways to address the goals of the P2 Notice, there is a need to ensure that they have the necessary information in hand to avoid poor packaging choices. The Government has many times raised the issue of moving away from the use of hard to recycle plastics, but there will be no benefit if retailers and their

² See Consultation document: Pollution prevention planning notice for primary food plastic packaging, section 4.5, link: [Consultation document Pollution prevention planning notice for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content - Canada.ca](#)

suppliers select other non-plastic materials that are also hard to recycle or compost. Guidance would also be helpful to assist and support retailers in their consideration of risk factors as they develop their P2 plans (e.g., measuring health effects or pollution).

The Government should also consider establishing a network or portal for those to whom the P2 Notice would apply, to foster collaboration and optimize systems for reuse-refill logistics.

5. Are there any undesirable consequences of moving to reuse and design for circularity versus reliance on recycling?

The City supports the statement that, where single-use packaging is necessary, packaging should be designed for circularity, as detailed in Section 4.5 of the Consultation Document.

Retailers submitting P2 plans should internalize reuse systems, infrastructures, logistics, etc., and avoid offloading onto municipal waste systems, which would be an undesirable consequence and potential burden on municipalities.

While the City supports the work to reduce plastic waste, there is also a concern that the focus may lead to the use of packaging materials that do not contain plastic but are still hard to recycle or compost. As detailed in the Government's Single-Use Plastics Prohibition Regulations, there may be "potential effects at different points in the value chain that may be caused by increased consumption of substitutes, such as those made from substitute plastics, wood or paper."³ The impact of moving to a product model based on wood, for instance, has implications for Canada's circular economy transition, and requires corresponding upstream consideration of the sustainability of our sources of material for products and packaging. The City recommends the Government conduct further analysis on a more holistic policy/program approach that considers other actions that may be required to reduce the harms of substituting materials for plastics.

The P2 Notice should require retailers to include details on whether products can be successfully processed at local recycling facilities, with the terms "successfully processed" and "local" clearly defined.

In addition, in attempting to reduce primary food plastic packaging, there may be a potential increase in the generation of durable packaging and products (i.e., reusable bottles or containers that pile up and are discarded) that put further strain on municipal waste systems to manage when not disposed of correctly. Also, retailers purchasing these items in bulk may lead to more waste if they are not being used. Requirements should also ensure that reusable packaging is designed in consideration of its full lifecycle and to allow for recyclability at the end of its useful life as a reusable item. Support to educate the public on proper use of reusable products and incentives to ensure the public reuse these items rather than treat them as single use, is important to ensuring that packaging can be reduced and not just replaced.

There may also be a potential increase in food waste with a shift away from recyclable packaging to reusable packaging or reduced use of chemicals to maintain freshness (e.g.

³ See Government of Canada – Plastic Prohibition Regulations – Approach taken to assess potential environmental effects, link: <https://www.gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/reg2-eng.html>

coating apples with wax), which may not be able to maintain the freshness of food for as long. This may result in faster food spoilage.

Lastly, the Government also needs to ensure that it consults fully with local Public Health officials to ensure that there are no barriers to the proposed goals for reuse-refill systems. This would include any implications associated with COVID-19 as well as future pandemic planning.

6. What performance metrics should the Government of Canada consider in tracking progress and evaluating success?

The City is pleased to see that performance measurements of the P2 Notice will be conducted annually with summary reports posted online and publicly available. However, the City recommends that retailers be required to report on the use of any packaging that claims to be compostable. This would include providing all certifications used to assess compostability, as well as documentation in support of efforts to confirm the packaging can be successfully composted locally.

Retailers should also be required to provide the details of any packaging that is defined as recyclable but is not made of plastic. This will help ensure that a change in packaging design does not create a hard to recycle outcome.

As Section 6.0 (Performance measurement and evaluation) of the Consultation Document notes, the “Minister will evaluate the effectiveness of the Notice” with respect to the listed objectives, and that it “may include data-gathering after the implementation of the plans to verify actions.”⁴ The City recommends that prior to the Minister evaluating the effectiveness, retailers should already be required to self-report so that the data is readily available to be evaluated.

7. Do food retailers currently consider reduction, reuse, and recyclability in procurement criteria and/or contracts with suppliers?

No comment.

8. Is the applicability of the P2 planning notice clear? That is, is it clear what level of your corporation would be responsible for the required submissions?

As previously noted, the City feels that additional guidance material on definitions of terms used in the notice is needed to ensure retailers understand what they need to do to both change their operations and successfully report on actions taken.

9. Is there any data the Government of Canada should be aware of regarding the plastic footprint of food retailers?

The plastics registry currently under development could be a source of some of this data, but only once it is operating. The question does raise a possible concern that retailers may lack

⁴ See Consultation document: Pollution prevention planning notice for primary food plastic packaging, section 6.0, link: [Consultation document Pollution prevention planning notice for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content - Canada.ca](#)

some of the necessary data in the early stages of responding to P2 Notices. As noted in the response to question 4, this puts the onus on the Government to better define terms and provide sufficient guidance to support the preparation of the notices. The work to reduce plastic waste will not be advanced in a timely fashion if retailers are seeking requests for waiver of the requirements (i.e., if a factor of the P2 plan cannot be addressed because it is unreasonable or impractical) due to a lack of guidance and unclear definitions.

CONCLUSION

Thank you for the opportunity to provide comments on the Consultation Document. The City would be pleased to participate in any future discussions, consultation, or technical working groups on primary food plastic packaging.

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 or by telephone at 416-392-9095.

Yours truly,



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