

September 30, 2019

Ministry of Environment and Climate Change Strategy
Recycling Regulation Amendments
PO Box 9341 Stn Prov Gov't
Victoria, BC V8W 9M1
Email: Plastics@gov.bc.ca

Re: Plastics Action Plan Consultation Paper

Recycle BC would like to commend the Ministry of Environment and Climate Change Strategy (MOECCS) for its thoughtful Plastics Action Plan consultation paper and we are pleased to be able to provide some suggestions and recommendations based on our experience as the operator of B.C.'s packaging and paper product (PPP) program. Recycle BC services over 1.8 million households and, in 2018, collected 183,983 tonnes of its producer's post-consumer PPP from BC residents. As the only extended producer responsibility program for PPP in North America where producers have full responsibility for the financing and operation of the residential recycling system, Recycle BC, on behalf of its producers, enjoys a unique opportunity to design and continuously improve on methods of preventing post-consumer plastic from leaking into the environment.

Our work begins with our plastics targets. We are proud to be the first jurisdiction in North America to have plastics targets. 2018 was the first year that Recycle BC reported against its new plastics recovery targets (general plastics: 50% by 2025; rigid plastic: 55% by 2022 and 60% by 2025; and flexible plastics: 22% by 2022 and 25% by 2025)¹. Driven by these targets and at liberty to design our own recycling supply chains, Recycle BC is exploring ways to recycle plastic packaging formats not accepted in other programs. For example, in 2018 Recycle BC launched its 'Other Flexible Plastic Packaging' (OFPP) research project, in partnership with Merlin Plastics, to determine if there is an opportunity to develop a viable, stable commercial process at scale to recycle these challenging packaging formats. Consequently, unlike other recycling programs, since January 1, 2019 all depots across B.C. are required to accept this material. But these are early days. Much more needs to be accomplished to address plastic pollution in B.C. and beyond. In this context, we are pleased to provide the MOECCS with feedback on its Plastics Action Plan.

Recycle BC's submission is structured to reflect the MOECCS's paper's individual sections and directly answers the questions posed in each section.

Bans on Single-Use Packaging

Recycle BC encourages the MOECCS to extend EPR programs to include single-use plastic items, including packaging-like products, prior to considering banning these items for use and sale. We also

¹ See Recycle BC's 2018 Annual Report for performance to these targets, p.27, available here: <http://recyclebc.ca/wp-content/uploads/2019/06/Recycle-BC-2018-Annual-Report-1.pdf>

recommend that disposal bans on designated PPP be implemented in concert with the existing and an expanded EPR program. Specifics are provided below.

1. *Do you think bans on plastic packaging should be implemented in B.C.? What plastic packaging products are a priority for B.C. to ban?*

Recycle BC was pleased to note that early in its consultation paper, the MOECCS proposes to “expand existing EPR by including single-use and packaging-like products under the Recycling Regulation to ensure that these items are being managed responsibly through EPR programs prior to any potential federal bans coming into force, (p. 3, Plastics Action Plan (PAP)). We agree that the first step should be to place as many of these items under EPR as possible to give them a chance to be responsibly managed before banishing them from the marketplace. Bans, too hastily applied, can often result in unintended consequences. As the MOECCS states, research has shown that switching from single-use plastic bags to single-use paper bags (which can require up to four times as much energy to manufacture and two times the greenhouse gas emissions compared to plastic) can increase the environmental costs rather than address them (p.6, PAP).. (See below for details and recommendations regarding the scope of items to be included in an amended Recycling Regulation.)

That said, we do suggest that exemptions be made for items that could be unsafe or unsanitary to recycle. Schedule 5 of the Recycling Regulation already contains this exemption for paper products. We recommend that this exemption be extended to plastic single-use and packaging-like products, perhaps for items such as plastic “cotton swabs”.²

2. *What types of bans should be considered (examples include bans on sale of a certain type of packaging or ban on use of a certain type, or bans on disposal)?*

We recommend that the MOECCS consider augmenting EPR policies with disposal bans to ensure these materials are kept out of landfills, to support increased recycling rates and to help overcome the economic disparity between the linear and circular economies for plastics. Disposal bans, have been shown to be an effective complement to EPR policies. Recent European data indicates that countries with landfill restrictions on recyclable and recoverable materials, on average, have higher recycling rates of plastic post-consumer material.³ However, timing of their application is important. Disposal bans for recyclable materials should be introduced after systems are in place to collect and recycle the banned items to ensure there is sufficient capacity to manage them.⁴ The CCME, in Phase 1 of its Canada-Wide Action Plan on Zero Plastic Waste, has committed to developing best management practices for disposal bans of end-of-life plastics by December 2019, and we anticipate that this work may prove helpful to the MOECCS.⁵

² Schedule 5 to the *Recycling Regulation* exempts paper products “that by virtue of their anticipated use, could become unsafe or unsanitary to recycle”.

³ *Plastics – the Facts 2018: An analysis of European plastics production, demand and waste data*, by Plastics Europe, 2018 p. 35, [file:///C:/Users/cabel/Downloads/Plastics the facts 2018 AF web.pdf](file:///C:/Users/cabel/Downloads/Plastics%20the%20facts%202018%20AF%20web.pdf).

⁴ *A Vision for a Circular Economy for Plastics in Canada*, February 2019, p. 29, Smart Prosperity Institute, <https://institute.smartprosperity.ca/sites/default/files/report-circulareconomy-february14-final.pdf>

⁵ “[Canada-Wide Action Plan on Zero Plastic Waste, Phase 1](#)”, Canadian Council of the Ministers of the Environment, pages 5 and 8. Published June, 2019.

Also, the EU's Landfilling Directive (part of the European Parliament's Circular Economy Package, passed in April 2018) uses landfill bans to augment EPR policies. It requires that by 2030 municipal waste suitable for recycling or other recovery cannot be sent to landfill. It also requires that by 2035, the amount of municipal waste disposed to landfill must be reduced to 10% or less of the total amount of municipal waste generated.⁶

To the extent that BC decides to employ bans on the sale or use of particular items, for example on items that for sanitary reasons cannot be put under EPR, we recommend that these bans be phased in to allow affected industries to develop safe and viable alternatives. Consultation with upstream suppliers and producers is necessary to determine a suitable phase-in window for alternatives.

3. If a ban was applied, how should exemptions be considered?

If the province decides to ban the sale of particular items, it may want to consider including exemptions to ensure that people with medical needs or a disability are able to continue to access items such as straws. For example, the United Kingdom recently announced that it intends to ban plastic straws, stir sticks and cotton swabs, but the ban will include exemptions to ensure that those with medical needs or a disability are able to continue to access these items.⁷

4. Bans can be implemented in some form by all levels of government due to the different regulatory powers in place. Are there bans best suited for implementation at the federal, provincial or local government level? Should local governments be given the authority to ban problematic plastic items in their community? What types of bans should be considered?

If the MOECCS initially places single-use plastics and packaging-like products under EPR in BC, then we recommend that the concomitant disposal bans also be applied across the province, rather than leaving it to BC municipal governments and First Nations communities to individually apply bans. Leaving it to the discretion of local governments would foster a patchwork of policies that would only confuse BC residents and fail to prevent these items from entering landfills and the environment.

Bans on the sale or use of items are typically most effective if applied at a national level, to the extent that they are needed at all, simply because producers' supply of products is typically national in scope. And if, for some reason a national approach is not possible, then it is our preference that they be applied at the provincial level to avoid local governments creating a patchwork of policies. The federal government, with the CCME, has committed to developing a roadmap by December 2021 to address single-use and disposable plastics that are most commonly released into the environment. The roadmap will be informed by the federal government's science assessment of plastic pollution, a draft of which will be ready for publication and public comment in 2020.⁸ It is therefore currently unclear whether

⁶ [The Landfilling Directive](#) (1999/31/EC).

⁷ "Gove takes action to ban plastic straws, stirrers, and cotton buds", May 2019

<https://www.gov.uk/government/news/gove-takes-action-to-ban-plastic-straws-stirrers-and-cotton-buds>

⁸ See "[Canada-Wide Action Plan on Zero Plastic Waste, Phase 1](#)", Canadian Council of the Ministers of the Environment, June, 2019 and "[Canada's Plastics Science Agenda](#)", Environment and Climate Change Canada, June 2019.

these initiatives will result in bans on the sale or use of items but we support the careful, science-based approach being taken by the federal government and CCME.

Recycle BC recommends that the MOECCS resist applying sale and use bans until the science assessment and the CCME’s roadmap is complete. In the meantime, by focusing its attention on placing these items under EPR and imposing disposal bans, the MOECCS can make significant contributions to alleviating plastic pollution in BC and demonstrate its leadership.

More Recycling Options

In summary, Recycle BC supports extending the scope of the PPP program to include packaging-like products that, in most cases, residents already place in their blue bins because they resemble packaging. We provide a recommended list of these item as well as a suggested criteria for the MOECCS to use to determine what should be included and exempted. We also recommend that in the interests of harmonization, the MOECCS consider Éco Entreprises Québec (ÉEQ)’s list of designated packaging-like products.

1. *Do you have comments or suggestions regarding the ministry’s proposal to include packaging-like products in the Recycling Regulation? Are there any packaging-like products you believe should be exempt from the Recycling Regulation?*

Packaging-Like Products

In the interests of promoting harmonization between Canadian packaging and paper product (PPP) recycling programs, we have drawn on EEQ’s criteria and list of products since Quebec is the only jurisdiction thus far to broaden the existing scope to packaging-like products. We suggest that the following criteria be used when determining eligibility for inclusion under EPR:

- a. The product is similar to an already legally obligated (aka designated) item under Schedule 5 of the Recycling Regulation. The more similar a product is to an obligated item, the more likely it is to be included.
- b. It is indistinguishable from packaging when discarded by BC resident householders.
- c. It has a function similar to packaging.
- d. It is intended to have a relatively short lifespan.
- e. It is sold as a product.
- f. It is ultimately purchased by consumers, as distinct from institution, commercial or industrial purchasers.

Examples are provided in the following table:

Product Category	Product Examples
Food bags and films	Rolls of aluminum foil Rolls of plastic film Sandwich and freezer bags Kraft paper bags
<u>Disposable</u> food containers, i.e., containers intended to be for short-term use and to be thrown away	Plates, bowls and all containers (all materials – plastic, aluminum, steel, glass) Glass mason jars

Product Category	Product Examples
	Lids (all materials)
Household items	Old corrugated cardboard (OCC) moving boxes, banking boxes and cardboard boxes Recycling bags Protective films for furniture Paint liners Plastic plant saucers Bubble wrap

Exempted packaging-like products would include products intended for disposal such as trash bags, compost bags, vacuum bags, biomedical waste bags.

2. *Do you have comments or suggestions regarding the ministry’s proposal to add single-use items to the Recycling Regulation? Are there any single-use items you feel should be exempt from the Recycling Regulation?*

Broadening the scope to include packaging-like products captures many of the single-use plastic items that residential householders already place in the blue bin in British Columbia, such as plastic cups and plates sold as products and we suggest that these items be included in the scope of items to be placed under EPR rather than banned.

However, as also discussed above, we suggest that some items such a cotton swabs be exempted because, by virtue of their intended use, they could become unsafe or unsanitary to recycle.

Reducing Plastics Overall

In its consultation paper, the MOECCS states the following (p. 8 PAP):

“Having a common nationalized standard provides clarity and avoids a patchwork approach across provinces and territories for producers. National standards also incentivize and complement government procurement policies and targets requiring purchased plastic products to contain recycled plastic. Procurement policies at all levels of government can stimulate and support market development in this area.”

Recycle BC agrees and we encourage the MOECCs to work with the federal government and the CCME to develop a single national standard for recycled content. Different standards across provinces would only result in added complexity and cost, thus counteracting Canada’s ability to bolster the economics of recycling and keep plastic out of the environment.

1. *What should B.C. consider in the development of a national standard on recycled content and any associated targets?*

We suggest that the MOECCS begin by considering the many advantages of a national recycled content standard. It can play an important role in creating a market for recycled plastics by driving demand for post-consumer recycled material and in so doing support packaging and paper product EPR programs while closing the loop on plastic waste. Demand for recycled content, driven by regulatory requirements and government procurement policies can foster innovation in material sorting technology because the

market will demand the cleanest and least costly recycled material. Heightened demand for recycled material could also create sufficient economic conditions for chemical recyclers to achieve commercial scale.⁹

Other considerations should include commitments already made by governments and producers across the globe. When it tabled the Oceans Plastic Charter at the June 2018 G7 meeting, Canada committed to increasing recycled content in products by 2030. The UK Plastics Pact has set a target of 30% recycled content in all plastic packaging by 2025. The EU's Directive on single use plastic products requires that by 2025 PET beverage bottles contain at least 25% recycled plastic, calculated as an average for all PET bottles placed on the market of each member state; and that by 2030 all plastic beverage bottles with a capacity of less than three litres, contain at least 30% recycled plastic.¹⁰

In addition to setting recycled content targets, the EU Directive also requires that progress against these targets be reported regularly. The first reporting period will be the 2023 calendar year.¹¹ Recycle BC suggests that producers be allowed to report their progress through their EPR programs and that their aggregated performance be publicly reported in each program's annual report. This would enable the MOECCS to closely monitor progress without incurring costs. We also recommend that such provisions be phased in to enable supply chain participants, including producers, to anticipate what will be required and begin their preparations to comply. Some resins, such as PET, HDPE and LDPE, are already collected in sufficient quantity and quality that recycled content standards could be initiated within the short-term.

Numerous Recycle BC members have made global commitments to have various thresholds of recycled content in their packaging and we suggest that the nature of these commitments be considered when setting national recycled content standards.

2. Do you have comments or suggestions on any related provincial policies or actions?

Public Procurement

We agree with the MOECCS's statement that national standards that require purchased plastic products to include recycled content incentivize and complement government procurement policies and targets. We note that Phase 1 of the CCME's Zero Plastic Action Plan includes commitments to develop guidelines and tools for government procurement practices by December 2021, and we trust that the MOECCS will be involved in that work and that it will inform the development of its own public procurement criteria. In the meantime, we recommend the UN Environment's 2018, *Building Circularity Into Our Economies Through Sustainable Procurement* as a reference source.¹² It provides best practices guidance and recommendations on how to embed circularity into sustainable public procurement and

⁹ *A Vision for a Circular Economy for Plastics in Canada*, February 2019, p. 23, Smart Prosperity Institute, <https://institute.smartprosperity.ca/sites/default/files/report-circulareconomy-february14-final.pdf>

¹⁰ See Article 6 of the Directive 2019/904, June 5, 2019 on the reduction of the impact of certain plastic products on the environment, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0904&from=EN>.

¹¹ *Ibid.*, see Article 13.

¹² *Building Circularity Into Our Economies Through Sustainable Procurement*, UN Environment, 2018. https://wedocs.unep.org/bitstream/handle/20.500.11822/26599/circularity_procurement.pdf?sequence=1&isAllowed=y

enumerates its many benefits, including the extent to which governments' purchasing power (averaging approximately 12% of GDP in OECD countries and up to 30% GDP in developing countries) can alter the economics of recycling and sustainability in general.¹³

Compostable Products and Packaging

In previous submissions to the MOECCS on its 2018 Organic Matter Recycling Regulation Intentions Paper, Recycle BC has expressed its support for the BC government engaging with the federal government on the development of these standards. We echo those sentiments here. As more producers consider switching to compostable packaging and product formats, it is critical that national and/or North American standards for compostable plastics be developed to provide both packaging design guidelines for producers and end-of-life management guidance to processing facility operators.

In the meantime, Recycle BC continues its research¹⁴ to ascertain the amount of PPP that is collected and managed in municipal organic programs. Based on the results of these studies, if the quantity of compostable PPP is significant, and Recycle BC is able to determine the quantity of PPP by material category recovered annually in organic waste collection programs, it will include the end-of-life disposition of this material in its annual Pollution Prevention Hierarchy report and develop financial incentives to promote the management of appropriate types of PPP (i.e., soiled paper and compostable bio-plastics) in the organic waste stream. We would be pleased to draw upon our research results to assist the MOECCS in its work to help develop national standards for compostable packaging and products.

Conclusion

The proliferation of plastics in the environment and its impact on our oceans, lakes, and rivers has captured global attention and demands concerted action at all levels. Recycle BC is pleased that the MOECCS is taking a leadership role in finding solutions to this latest environmental threat and we welcome the opportunity to do our part on behalf of B.C. producers.

Thank you for the opportunity to provide feedback on the Plastics Action Plan. Please do not hesitate to contact us if you have any questions.

Sincerely,

Recycle BC

¹³ Ibid., p. 2.

¹⁴ Notably, Recycle BC's 2018 Municipal Organics Study found that of the PPP found in the British Columbians' organics bins, 90% to 95% of this material is paper. The study is available here; http://recyclebc.ca/wp-content/uploads/2019/06/2018-Municipal-SSO-Audit-Study_External-Report_Final-1.pdf.