

Monday, April 26, 2021

The Standing Committee on Environment and Sustainable Development

Single-Use Plastics

About Retail Council of Canada

- Retail is Canada's largest private sector employer with over 2.1 million Canadians working in our industry. The sector annually generates over \$76 billion in wages and employee benefits. Core retail sales (excluding vehicles and gasoline) were \$375 billion in 2018. Retail Council of Canada (RCC) members represent more than two-thirds of core retail sales in the country. RCC is a not-for-profit industry-funded association that represents small, medium and large retail businesses in every community across the country. As the Voice of Retail™ in Canada, we proudly represent more than 45,000 storefronts in all retail formats, including department, grocery, specialty, discount, independent retailers and online merchants.
- RCC grocery members represent over 95% of the market in Canada. They provide essential services and are an important source of employment in large and small communities across the country. They have strong private label programs and sell products in every food category.

General positions on the proposed bans

- Overall, RCC supports ECCC's criteria-based approach to banning certain single-use plastic items.
- RCC supports a national approach as this will better mirror supply chains and reduce complexity and red tape for businesses rather than having to deal with the current patchwork of municipal by-laws. A national approach will also help address issues faced by municipalities when implementing smaller scale bans. Municipal bans create enforcement

challenges when we think of ecommerce and web applications for meal delivery. A federal ban would allow clarity while ensuring effective enforcement.

- While RCC supports the concept of a consistent national list and management tools, clarity is still needed around item definitions and whether the government intends to expand the scope of the ban beyond what was proposed in the discussion paper.
- Given the economic turmoil, it is important for businesses to have certainty around timelines and definitions to support planning and supply chain changes.
- Provide sufficient implementation time for businesses to deplete stockpiles to prevent materials from going to waste and start sourcing suitable alternatives. This is particularly important to ensure larger companies do not have an unfair advantage over small and mid-size players on access to alternatives.

Recommendations:

- Depending on the category of single-use plastics, the government should provide at least a one-year notice to allow businesses to adjust to the new requirements.
- For all items, there needs to be very clear definitions of inclusions and exclusions by material and function. Exemptions also need to be clearly defined with considerations for accessibility, health, safety and security.
- We need to ensure alternative materials are both available and have been assessed to ensure their impact on the environment is lower than materials they are replacing.
- Language around a “viable alternative” needs to be clarified as there are numerous considerations around what makes something viable including design, functionality, cost, supply chain availability and whether an item or material can be sourced at scale.
- The most effective approach for single-use plastics items would be restricting/banning at three levels throughout the supply chain – manufacturing, import and sale. This type of approach will help promote consistency when it comes to promoting alternatives to plastics.
- If single-use plastic items are banned at the sales level only, there is a risk of free riders as people could still order products online from foreign-based companies since it will be difficult to enforce. Therefore, it is important to have a consistent narrative and level playing field for all stakeholders throughout the supply chain. Where possible, the government

should look to other jurisdictions to learn from different approaches to avoid unintended consequences.

Checkout Bags

- On the need for clear definitions, plastic checkout bags are the first example that comes to mind. From the material circulated in the past months, RCC understands that checkout bags refer to bags used to carry items out of a store/restaurant. For food safety reasons, produce, meat and bulk food barrier bags should not be captured under the definition as they were not found to be as problematic under the value recovery criteria.
- At this stage, it is also not clear whether plastic bags used for ecommerce or delivery would be captured under the definition.
- Beyond this, it is unclear what types of bags may be exempt from the ban, but the final policy must address acceptable alternatives relying on the same criteria used to identify banned items in the first place.

Stir Sticks and Straws

- In terms of stir-sticks, the definition should capture plastic items used to stir beverages while allowing for the use of alternatives, such as wood stir sticks.
- Similarly, the definitions for plastic straws and cutlery should link to the primary function as a plastic item used to consume food or drink.
- Many people also rely on straws for accessibility reasons so there should be exemptions to recognize this.
- Language also needs to be clear around whether packages of products (e.g., straws, stir-sticks, etc.) or products sold with a straw (e.g., juice boxes) will be captured; the latter should not be as this will have major supply chain and product design impacts.

Six-Pack Rings

- Within the definition of six-pack rings, dimensions will need to be defined in addition to the general language around devices used for packaging and transporting cans or bottles. Clarity is needed around whether the ban would capture 2-pack or 4-pack rings as intended use can be different from traditional six-pack rings.

- Furthermore, it is our understanding that rigid plastic snap-on reusable tops for cans would not be captured by this ban as they would constitute an interesting alternative.

Food Service Ware

- While RCC recognizes that some plastic materials are problematic and should be banned, including PVC and expanded polystyrene, for certain products, there is no viable alternative to black plastics or multi-layer composite materials. For example, grocers that cook, package and sell rotisserie chickens have to choose between multi-layer paper, plastic and aluminum bags or domes that come with a black plastic base.
- Efforts should be focused on finding a sustainable solution for colour-associated problems and increasing recycled content rather than an outright ban. This approach will help close the loop and promote a circular economy.
- It is unclear whether trays for meat, fish and produce will be captured under the definition. It is important to note that certain types of packaging and food service ware do not have viable alternatives other than plastics, given health and food safety requirements.

Use of CEPA Schedule 1 as a policy tool

- Although RCC generally supports a ban on the proposed single-use items, RCC does not believe CEPA Schedule 1 is the right policy tool to manage plastics. CEPA Schedule 1 is used to ban specific chemical substances and list them as toxic, not to designate a broad material category such as “plastic manufactured items”. Plastic manufactured items are regularly used to ensure consumer health and safety and this could cause significant consumer confusion. It is important to note that many plastics are used in the medical field, including COVID-19 disposal masks, so communication cannot be left open for interpretation that all plastics are toxic.
- The use of CEPA Schedule 1 for plastic manufactured items also politicizes a chemicals management tool that is widely recognized as credible and well-reasoned around the world, by both states and industry alike.
- Is it also unclear what the legal consequences will be for non-compliance given that CEPA Schedule 1 usually applies to chemical substances, not items.

Non-conventional plastics (e.g., compostables, biodegradable plastics, etc.)

- Finally, RCC is concerned that exemptions for non-conventional plastics, such as compostables, could lead to unintended consequences.
- Currently, infrastructure varies widely depending on the municipality and many facilities are unable to manage compostable and/or biodegradable plastics. RCC does not expect this to change over the coming years.

Recommendations:

- If the government provides exemptions for certain materials, there needs to be clear and comprehensive definitions that reference to known standards. A certification, verification and oversight process would also be required to ensure a level playing field and desirable environmental outcomes. Any loophole on this aspect could harm our recycling and composting systems over time.

Retail Council of Canada representative

Philippe Cantin, Senior Director, Sustainability Innovation and Circular Economy