Canada Publishes Notice For The Reporting Of Plastic



The Government of Canada recently announced what it characterizes as comprehensive measures to reduce plastic pollution in efforts to move toward a circular economy and zero plastic waste by 2030 in accordance with the Canada-wide Action Plan on Zero Plastic Waste (Plan).

The Plan includes the establishment of a Federal Plastics Registry (Registry), which will require companies (including resin manufacturers, service providers and producers of plastic products) to report annually on the quantity and types of plastic manufactured, imported and placed on the Canadian market. The Registry has broad implications as mandatory reporting requirements are introduced for generators of packaging and plastic waste at industrial, commercial and institutional premises.

Overview of the Federal Plastics Registry

In particular, the Registry requires producers and service providers to report on the quantity of plastic collected, reused, repaired, remanufactured, refurbished, recycled, composted, incinerated, and landfilled, as well as reporting on the amount of plastic waste generated on industrial, commercial, and institutional premises. The categories covered by the Registry broadly include packaging, single-use and disposable products, construction, transportation, electronics and electrical equipment, tires, textiles and apparel, fishing

and aquaculture equipment, and agriculture and horticulture equipment.

The government says the Registry aims to address the need to maintain Canada-wide data on how plastic moves through the economy and to provide Canadians with reliable and standardized data to reduce plastic waste and monitor progress over time.

Reporting requirements under the Registry will be phased in over time and by sector to allow time for those obligated to report to meet the requirements. The government says a guidance document will be drafted to aid companies that are required to report to the Registry.

- **Phase 1:** Reporting to the Registry is set to begin in September 2025 with Phase 1, which will require reporting on the quantity of plastic in packaging, electronic and electrical equipment products (EEE), and single-use or disposable plastic products imported, manufactured or placed on the market in the 2024 calendar year.
- **Phase 2:** In 2026, Phase 2 will introduce reporting requirements for resin manufacturers and importers for the categories reported during Phase 1, as well as reporting on the quantity of plastic resins imported, manufactured and placed on the market; the quantity of plastic in packaging of agriculture and horticulture, tire, transportation, construction, fishing and aquaculture, and textiles/apparel products imported, manufactured and placed on the market; the quantity of plastic waste generated at facilities for a range of product categories such as packaging, EEE, single-use or disposable plastic, agriculture and horticulture, tire, transportation, construction, fishing and aquaculture, and textiles/apparel; the quantity of plastic collected at end of life for packaging, single-use or disposable plastic products, and agriculture and horticulture

products; and the quantity of plastic sent for diversion and disposal for packaging, single-use or disposable plastic products, and agriculture and horticulture products.

- **Phase 3:** In 2027, Phase 3 will incorporate additional reporting on the quantity of plastic collected at end of life and sent for diversion and disposal for EEE and tires.
- **Phase 4:** Reporting requirements for Phase 4 are expected to be covered in a future information-gathering notice. Phase 4 will include additional reporting on the quantity of plastic collected at end of life and sent for diversion and disposal for transportation, construction, fishing/aquaculture and textiles/apparel products.

Notice with respect to the Reporting of Plastic Resins and Plastic Products

To effect the Registry, on April 20, 2024, Environment and Climate Change Canada (ECCC) published a comprehensive information-gathering notice with respect to the reporting of plastic resins and certain plastic products for the Registry for 2024, 2025 and 2026. The notice follows a previous notice of intent and consultation process published by ECCC, where stakeholders and interested parties were invited to provide comments and feedback.

The notice was issued pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999* (CEPA), which grants authority to the Minister of the Environment (Minister) to collect data to conduct research, create an inventory of data, formulate objectives and codes of practice, issue guidelines and report on the state of the environment. The notice requires persons subject to the notice to provide the Minister with information about the lifecycle of plastics in Canada.

Application of the Notice

The notice applies to:

1. A person who manufactures, imports, and places plastic resins as listed in Schedule 1, Part 1 and Part 2 of the notice on the market in Canada
2. A person who is a producer of plastic products as listed in Schedule 1, Part 3 or Part 4 of the notice
3. A person who is a generator of packaging and plastic product waste at their industrial, commercial, or institutional facility
4. A person who is a service provider for the management of plastics or plastic products listed in Schedule 1, Part 3 or Part 4 of the notice, including chemical recycling, composting, landfilling, and various incineration activities

A person is exempt from reporting under the notice if they manufacture, import or place on the market, generate or manage less than 1,000 kg of plastic products, packaging, and plastic product waste per calendar year.

Resin sources captured by the notice include virgin fossil-based resin, virgin bio-based resin, post-consumer recycled resin, and post-industrial recycled resin. The notice further applies to various rigid and flexible plastic packaging, including beverage containers, food contact material and packaging for hazardous materials.

Information Required and Manner of Reporting

The notice stipulates information to be provided for the listed items and the manner of reporting required by manufacturers, producers, generators and service providers. The exact reporting/information requirements vary according to whether the person is a manufacturer, producer, generator,

service provider, etc. For example, a person subject to the notice who manufactures or imports a plastic resin listed in Schedule 1, Parts 1 and 2 is required to report for each calendar year, with respect to that resin, the identity of the resin, the source of the resin, the total quantity of each resin, and the method used to determine the reported amounts. Persons subject to the notice must also provide a certification that all information submitted pursuant to the notice is true, accurate and complete.

Under CEPA, any person subject to the notice is required to keep copies of the information needed for the notice, together with any calculations, measurements and other data on which the information is based, for a period of three years from the date the information is required to be submitted.

The government touts that the expansion of the reporting requirements over time and by sector are indicative of a targeted measure to improve the use, management and disposal of plastic in an environmentally sound manner. The Registry reflects ongoing efforts by the federal government to reduce plastic waste in Canada, following recent and potentially unsuccessful efforts to introduce a policy ban on single-use plastics (depending on the final outcome of various court challenges underway). See our previous *Blakes Bulletin: Federal Court Strikes Down Order Designating Plastics as Toxic Substances*.

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The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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