



# **DECODING CANADA'S PLASTIC REGULATIONS FOR FOODSERVICE BUSINESSES**

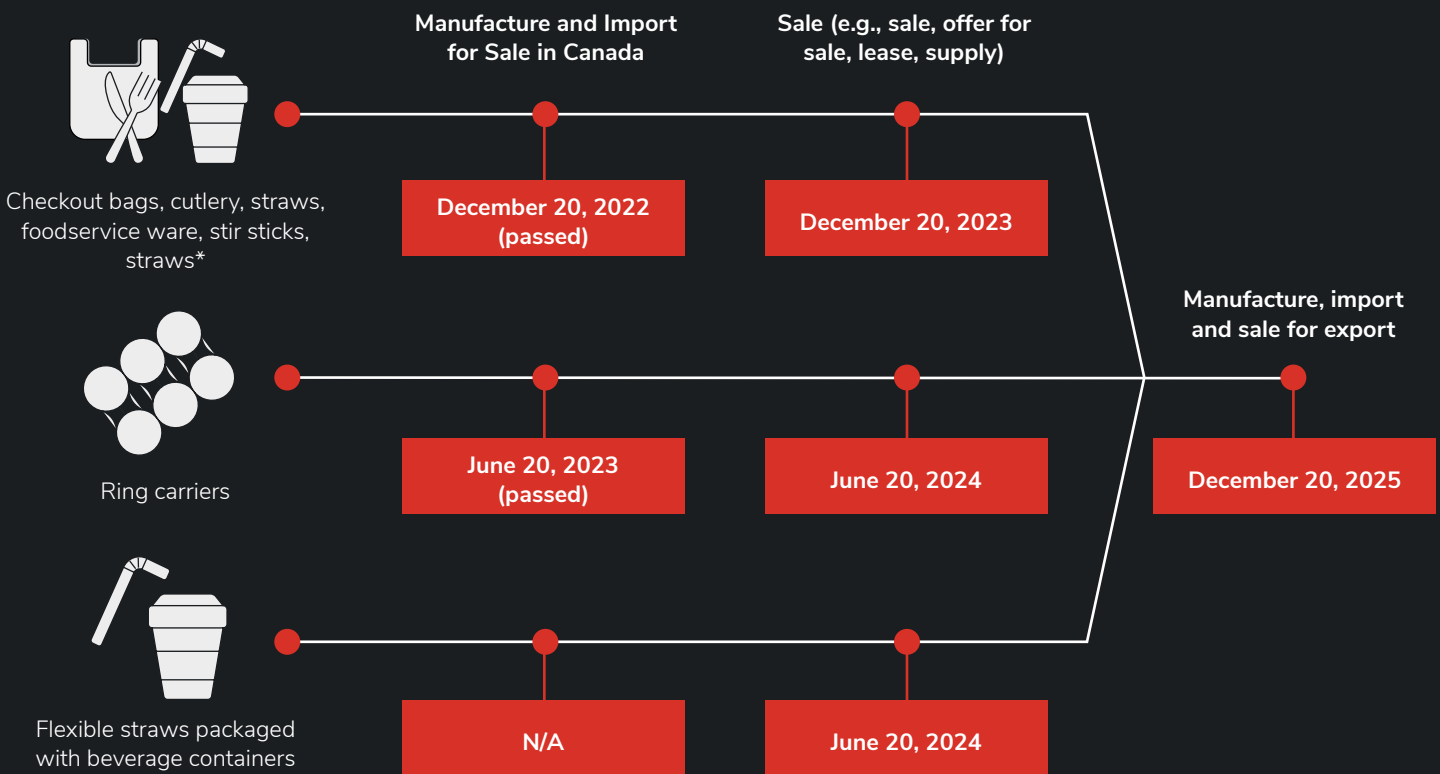
A Guide for Canadian Restaurateurs



# DECODING CANADA'S PLASTIC REGULATIONS FOR FOOD SERVICE BUSINESSES

The Federal Single-Use Plastics (SUP) ban is implemented under the Single Use Plastic Prohibition (SUPP) Regulations, which came into effect on December 20, 2022.

The SUPP Regulations prohibit the manufacture, import, and sale of six single-use plastic items and have varying timelines for implementation:



\*The SUPP Regulation covers a very specific range of single-use plastic materials and there are exceptions to the six categories listed above. Visit the [Single-use Plastics Prohibition Regulations—Overview](#) for the comprehensive list.

**Be aware of items** you use that are subject to federal or local SUP bans and the dates that those bans come into effect. If you are involved in the import, export, or sale of banned SUP items, you should plan to use alternative products in accordance with the ban timelines.

## REGULATIONS BY JURISDICTION

The following provinces and territories have implemented or are expected to implement single-use plastics bans in addition to the federal SUPP. In addition to provincial and territorial bans, many municipalities across the country have instituted their own regulations regarding SUPs. You should make yourself aware of any municipal or regional regulations in addition to the following provincial & territorial laws.

### British Columbia:

Recently announced regulation as part of Clean BC Action Plan includes:

- Ban on all plastic checkout bags
- Fee to be charged on paper and new reusable checkout bags
- Prohibition on the automatic distribution of foodservice packaging made from polystyrene foam, PVC or compostable plastic
- Ban all packaging made from oxo-degradable plastic.

The regulation was announced in July and will come into effect in December 2023.

### Newfoundland & Labrador:

Amendments to the Environmental Protection Act Regulations banned all single-use plastic bags.

### Nova Scotia:

The Nova Scotia Plastic Bags Reduction Act banned all businesses from providing single-use plastic shopping bags, subject to certain exemptions.

Government has the authority to regulate other “single-use products,” as well but there are no further regulations at this time.

### Prince Edward Island:

The Plastic Bag Reduction Act prohibits businesses from providing plastic checkout bags to customers.

An Act to Amend the Plastic Bag Reduction Act eliminates the mandatory \$0.15 fee for paper checkout bags, but retains the minimum \$1 fee for reusable bags.

### Northwest Territories:

Regulations under the Waste Reduction Recovery Act banned single-use retail bags (definition captures single-use plastic & paper bags).

- Exemptions: prescription drug bags, take-out food bags and produce bags.

The program charges a fee of \$0.25 per bag on all non-reusable plastic, paper, and biodegradable bags—subject to a number of exemptions—fee transferred to Environmental Fund.

### Yukon:

The Reduction of Single-Use Bags Regulation prohibits the supply of new single-use bags (definition captures single-use plastic & paper bags).

Exemptions: prescription drug bags, take-out food bags, and produce bags.

## KNOW WHAT ALTERNATIVES EXIST:

- Replace plastics with non-plastic equivalents for certain essential products.
- For SUP cutlery, stir sticks, and straws, options may include wood, paper, and moulded pulp fibre.
- For foodservice ware, options may include more recyclable plastic alternatives (not

prohibited in SUPP Regs): polyethylene terephthalate (PET), high density polyethylene (HDPE) or polypropylene & use strawless lids for cold drinks.

- Review [Technical Guidelines or Single-use Plastics Prohibition Regulations—Guidance for selecting alternatives](#) for additional suggestions.

# INCOMING PLASTICS REGISTRY AND LABELLING RULES

Regulations regarding the federal plastics registry are intended to be drafted and published before the end of 2023.

## Categories subject to reporting include:

Plastic packaging, construction plastics, automotive plastics, electronics and electrical equipment, textiles (including clothing and footwear), major appliances, agricultural film. The government intends to collect information about plastics placed on the market, imported or exported, collected for diversion, as well as plastics that are successfully reused, repaired, or incinerated for energy.

## Recycling and Compostability Labelling Rules:

Regulations regarding new labelling rules are intended to be drafted and published before the end of 2023. The initial phase of the labelling requirement is planned to begin in 2026 and be phased in through to 2030. The labelling rules are intended to enhance the accuracy of recyclability and compostability information on plastic packaging.

## STEWARDSHIP & EPR PROGRAMS

Stewardship programs apply to **producers, importers and distributors** (as well as **retailers and manufacturers**, in some instances) who must take responsibility for products at their end-of-life. In Canada, stewardship programs operate in one of two ways:

1. Traditional fee method
2. Extended producer responsibility (EPR) model

These programs are regulated at a provincial level and the definition of 'producer' varies across provinces and territories. Producers can register with a producer responsibility organization (PRO) or, in some provinces, a Common Collection System (CCS) operator who is allowed under the applicable legislation to carry out obligations for the producers.

### Alberta:

Current Programs: packaging & paper products (PPP), single-use plastics, hazardous and special products.

PPP Program (transitioning to EPR):

- Provincial Regulator: Alberta Recycling Management Authority (ARMA)
- EPR Regulations came into effect on November 30, 2022
- Producers must provide verification of collection and management plans to the ARMA by April 1, 2024
- Producers must implement their programs by spring 2025.

**PRO: Circular Materials**

### Manitoba:

EPR Programs: PPP, electronics, and household hazardous waste.

PPP program (currently: payment model, plan in place to transition to an EPR model):

- Provincial Regulator: Multi-Material Stewardship Manitoba (MMSM)
- Producers must submit a plan for the program and apply to the minister for approval

## The proposal:

- Producers to assess products and label as a recyclable, not recyclable, or a combination
  - Limited use of the "chasing arrows"/Mobius loop ♻️ — plastic needs to be accepted in at least 80% of recycling facilities in Canada
  - Rules governing the use of common terms such as "compostable" (limited use allowed) and "degradable" and "biodegradable" (not permitted)
  - Mandating minimum levels of recycled post-consumer plastics in packaging
  - Producers to select a compliance mechanism to verify compliance with standards.
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- MMSM has drafted a "Transition Plan to Full EPR." Consultations on the Transition Plan are ongoing. In the meantime, the current programs remain in place.

**CCS operator: Circular Materials**

### Ontario:

Current Programs: PPP, electronics, tires, hazardous materials, and batteries.

PPP Program (referred to as "Blue Box materials" in Ontario; EPR model in transition period):

- Transitioned from Stewardship Ontario under fee model to Resource Productivity and Recovery Authority (RPRA)
- Producers must have registered with the RPRA by October 1, 2021
- Producers must submit an annual report on or before May 31st of each year starting in 2024
- By July 1, 2023, producers must join the collection system set up by the PROs, or become a member of the System Access Agreement that has been established between the PROs.

**CCS operator: Circular Materials**

### Saskatchewan:

EPR Programs: PPP, agricultural packaging products, petroleum and antifreeze products, electronics, tires, household hazardous waste products.

PPP program (currently: payment model, transitioning to full EPR model):

- Provincial Regulator: Multi-Material Stewardship Western
- Producers must operate a stewardship program that is approved by the Minister
- On or before June 30th of each year, must submit a written annual report to the Minister describing the activities of the program during the previous reporting period.

**PRO: Circular Materials**

## British Columbia:

Current Programs: PPP, electronics, tires, beverage containers, and residual products.

PPP program (EPR model in effect):

- Provincial Regulator: Multi-Material BC
- Producers must submit an extended producer responsibility plan
- On or before July 1 of each year, a producer with an approved plan must provide the director with a report respecting the previous one-year period ending no later than March 31 of that year.

**PRO: Recycle BC**

## New Brunswick:

EPR Programs: PPP, used oil, oil filters or glycol, electronics, tires, paint, pharmaceuticals and medical sharps.

PPP Program (EPR model in effect):

- Provincial Regulator: Recycle New Brunswick (Recycle NB)
- Brand owners must submit a packaging and paper products stewardship plan for approval by the Board on or before October 14, 2021
- Brand owners should have registered with Recycle NB within 120 days of the Regulation (February 11, 2022)
- Circular Materials will begin roll out for the program on November 1, 2023, and completed by 2027
- On or before April 30 of each year, brand owners must provide the Board of Recycle NB with an annual report.

**CCS operator: Circular Materials**

## Quebec:

Current Programs: PPP, oil, electronics, paint, household appliances, batteries, and lamps.

PPP program (payment model in effect but transition to EPR model underway):

- Provincial Regulator: RECYC-QUEBEC

- All brand owners must register with Éco Entreprises Québec (ÉEQ)
- Brand owners must submit a Materials Report to ÉEQ by August 21st of each year starting in 2023
- EPR program will be fully operational by January 1, 2025.

**CCS operator: ÉEQ**

## Northwest Territories:

Stewardship programs: single-use retail bags and electronics.

Single-use retail bag program (payment model):

- Distributors are required to pay surcharges
- Distributors must submit a record to the Chief Environmental Protection Officer for the previous quarter.

## Newfoundland & Labrador:

EPR Programs: oil/glycol, electronics, paint.

Newfoundland and Labrador currently does not have an EPR program for PPP products BUT there is a PPP EPR program currently under consultation.

## Nunavut, Yukon:

Currently, neither Nunavut nor the Yukon have any EPR programs.

## Prince Edward Island:

EPR Programs: agricultural plastics, oil, electronics, paint, pharmaceuticals, medical sharps, lead-acid batteries, rechargeable and single-use batteries, lamps.

PEI currently does not have an EPR program for PPP products.

## Nova Scotia:

EPR Programs: oil and glycol, electronics, tires, beverage containers, and paint.

Nova Scotia currently does not have an EPR program for PPP products.

## KEY TAKEAWAYS FOR THE RESTAURANT INDUSTRY

- Know what programs and bans exist in the jurisdictions you operate and how they apply to your business.
- If you're not currently in compliance, you can take steps to get into compliance and correct past non-compliance.
- Assess current products being used and consider alternative products options.
- Definitions of 'producer' vary from province to province. Check your Provincial Regulator's definition to determine if you qualify, and ensure that you've registered with the appropriate PRO or CCS Operator.