



October 7, 2019

To: Law Amendments Committee, Province of Nova Scotia

From: Joe Hruska, CPIA Vice President Sustainability

Subject: CPIA Comments on Bill 152 – Plastic Bags Reduction Act

Good afternoon Mr. Chairman and Members of the Committee.

I am Joe Hruska, CPIA Vice President of Sustainability.

Since 1943, the Canadian Plastics Industry Association has proudly served as the national voice for and leader in plastics sustainability across Canada, representing the interests of the plastics value chain including resin and raw material suppliers, processors/converters, equipment suppliers, recyclers and brand owners.

With over **2,600 companies employing 82,000 workers**, Canada's \$24.3 billion plastics industry is a sophisticated, multi-faceted sector encompassing the whole plastic value chain.

One of CPIA's strategic priorities is **Sustainability Leadership where we work** with governments and the private sector to increase recycling, recovery rates and the responsible use of plastics.

Bill 152 – Plastic Bags Reduction Act

We have provided amendments in detail in the appendices titled **“Checkout Bags Environmental Impact Reduction Act” (Appendix #1)**.

- Our amendments are extensive and detailed. We cannot cover these amendments in 10 minutes but leave them with you for further review and follow-up questions assuming there will be consultation with stakeholders.

- The critical omission in Bill 152 is the lack of robust attention to all single-use packaging and products which we would prefer dealt with in a comprehensive Bill. Bill 152 falls short in dealing with this classification of products and packaging including “all bags”.

For bags there is also the major omission of only examining plastic bags when the government should be looking at all bag types. Every bag on the market has environmental impacts. The amended main purpose of the act is to manage the impacts of all bags is as follows, and some key actions to support reduction goals of all types:

- The purpose of this Act is to reduce carbon, greenhouse gases (GHG), waste and litter by all types checkout bags to support GHG Reduction Targets and Goals.
- Using a bag fee regime to reduce GHG and carbon emissions, waste and litter
- All bag types are provided for consumer choice

Can We Agree on the Following?

- **We all agree plastic waste and other litter in the environment must be prevented. This is a social behaviour and waste management problem not a material or packaging issue**
- We appreciate and understand the tough position you are in as legislators. The social media and public pressures based on misinformation, emotion and the lack of science & education are driving a narrative on plastics that is negative.
- We can state categorically that those drivers will not solve our environmental challenges.
- We applaud the Province for taking up this process to avoid a patchwork of regulations if left with individual municipalities. A patchwork framework would be costly, not environmentally effective and inefficient for industry and consumers to manage.
- Plastics immense societal benefits must be preserved through management of this valuable resource if we are to meet our Association’s 2040 sustainability goal of 100% of plastics packaging is reused, recycled or recovered.

This requires leadership of government, industry and key stakeholders to get the facts and develop good environmental policy collaboratively so that the public can support environmentally effective solutions.

Right now, the public does not have the facts on bags and single-use plastics that would contribute to effective environmental policy.

Today I would like to share some of those facts with you and suggest some positive ways to address the single-use and checkout bag issue.

Did You Know?

- The science and facts do not support plastic bag bans and in fact conclude in the government of Quebec commissioned Life Cycle Assessment that **banning plastic bags is not beneficial for the environment.**
 - Similar results are found in the U.K., Denmark and Clemson Bag Life Cycle Assessment Studies
 - The following bag types need an equivalent number of reuses to equal one thin plastic bag environmentally:

Bag Type	Uses Needed to Equal One Plastic Bag
Conventional Thin Plastic Shopping Bag	1
Cotton	100 to 2,954
PP woven	16 to 98
PP non-woven bags	11 to 59
Thick plastic bag	4 to 6
Paper	4 to 28

- Bill 152 has the unintended threat of creating negative unintended environmental impacts and increasing greenhouse gases (GHG) produced

- The conventional plastic bag has several environmental and economic advantages.
 - Thin and light
 - Its production requires little material and energy.
- **Reusable bags currently on the market are not recyclable and are already ending up in landfills.**
 - The plastic bag industry has a 100% recyclable, 100% locally made reusable bag with 40% recycled content. We ask that the province work with us on this option.
- The Province has resisted bag bans and this position is well documented in the media. What has changed other than the politics? There was no consultation? We have not been able to meet the Premier or the Minister to discuss Bill 152, bags and single-use issues. The preferred action would have been consultation with expert stakeholders to assist the government in developing legislation that truly protects the environment.
- The Province seems to be following Prince Edward Island (PEI) precedent of approving in record time a bag policy not well researched, politically motivated and will be more damaging to the environment by ignoring the science and life cycle assessments that do not support banning plastic bags.
- Bill 152 does not address carbon and greenhouse gas emissions with the rush to implement this Bill.
- Bill 152 overlooks the environmental impacts of other bag types which is an oversight that limits the effectiveness of bag management options and education of consumers.
- Based on the Government's quick reversal on bag bans, and the rush to pass this legislation, Bill 152 is virtue signaling at best. This will result in poor policy formation and band-aid solutions based on uninformed public pressure instead of on science and facts.
- Other impacts not studied in the hastiness to pass Bill 152 include investment in new technologies and jobs in Nova Scotia, which runs counter to establishing a Recycling Economy and Extended Producer Responsibility (EPR) programs that would have industry collect and manage plastics and other materials.
- The Trucost Group have advised the United Nations Environmental Program (UNEP), on marine plastics and in a subsequent study on

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plastics and alternative materials (Appendix #2) found the **“Environmental cost of using plastics in consumer goods and packaging is nearly 4X less than it would be if plastics were replaced with alternative materials.”**

- Recent studies by Franklin Associates (2013) and Denkstatt (2011), which modeled the substitution of plastic with alternative materials such as paper, steel, aluminum and glass, suggest that **a move away from plastics may come at an even higher net environmental cost** (Appendix #3)
- The largest omnibus study of plastic bag litter by municipalities across North America looking at over 102,000 litter observations found plastic bags to be only 0.4% of litter. Source: <https://monsacintelligent.ca/wp-content/uploads/2018/08/MGM-Management-Litter-Audit-Summary-1.pdf>
- The definitive Jambeck study of ocean plastic found that Canada is responsible for only 0.01% of plastic in the ocean. Source: https://www.iswa.org/fileadmin/user_upload/Calendar_2011_03_AMERICANA/Science-2015-Jambeck-768-71_2_.pdf
- The laser focus on plastic checkout bags, and we anticipate other single-use plastic packaging and products concerns our industry and should concern you as legislators. This legislation in its current form is not robust enough to address all plastic packaging and other materials that are single-use.

It is a well-known fact that negative unintended consequences will not be anticipated without a holistic broad-based examination of all options and alternatives.

CPIA does not believe in bans and that principle also applies to all materials managed in our waste streams.

Proposed Actions & Changes to Bill 152

- 1. The Province pause on the proposed legislation, conduct the appropriate scientific research, consult with stakeholders to examine the science and facts around all checkout bags and other single use packaging to develop sound policy and solutions to manage all checkout bags in Nova Scotia:**

- a. Institute a Plastics Industry Working Group comprised of stakeholders and scientists to report on policy development for the reduction, reuse, recycling and recovery of packaging and products of all material types
 - b. Call for a resolution to form a Select Committee to investigate the creation of a comprehensive plastics policy framework working in conjunction with the Plastics Industry Working Group
2. **Bill 152 critically misses the management of all single use packaging and products across the whole range of materials.**
- a. We recommend again the Province pause to rethink a more robust Bill the addresses the broader single-use packaging reduction, reuse, recycling and recovery options.
 - b. Currently the focus on plastic bags is politically driven and has caused the Government to overlook other single-use packaging management options and opportunities.
3. **Other jurisdictions such as the U.K., Denmark and Quebec studies of all checkout bags have invested years of time to understand the environmental consequences of their policy options and the complexities of creating effective policy in this area.**
- a. The Province should use the experiences from these jurisdictions to implement a public education campaign in Nova Scotia.
4. **Under the Province's leadership, work with industry, retail, plastics industry and brand owners to implement a system to manage all materials, packaging and products through Extended Producer Responsibility (EPR).**
- a. We believe EPR is good for plastics because it gets it collected, recycled and recovered, keeping it out of the environment and supporting the Recycling Economy.

In summary, thank you for giving us the opportunity to speak on Bill 152.

Bill 152 in its present form requires a new approach, to address all single-use packaging and products of all material types.

It is our sincerest hope that the Province will go back to effective policy development principles if we are to protect not only the economy but the environment.

Thank you.

Suggested Amendments to Improve
Environmental & Economic Outcomes
Proposed Bill 152 Does Not Address – “GHG
Emissions”

Checkout Bags Environmental Impact Reduction Act

An Act to Reduce
the Environmental Impact of Checkout Bags

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the **Checkout Bag Environmental Impact** Bags Reduction Act.

2 The purpose of this Act is to reduce **carbon, greenhouse gases (GHG), waste and litter by all types checkout bags to support N.S. GHG Reduction Targets and Goals.**

3 In this Act,

(a) "**checkout** bag" means

(i) a bag intended to be used by a customer for the purpose of transporting items purchased or received by the customer from the business providing the bag, and

(ii) a bag used to package take-out food or food to be delivered.

(b) "business" includes a business incorporated under the Companies Act or required to be registered under the Corporations Registration Act and a sole proprietorship, a partnership or a co-operative association engaged in a retail or restaurant operation and, for the purpose of Sections 6 and 7, a person employed by, or operating on behalf of, a business, but does not include a charity;

(c) "**checkout bag**" means a bag made with plastic, paper and including reusable bags (i.e. **all materials types on the market – cotton, woven & non-woven plastic and other types**) and **has at a minimum two of the following attributes:**

- I. **Recyclable**
- II. **Reusable**
- III. **Contains recycled content**

(d) "**reusable bag**" means a bag with handles

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(i) intended to be used for transporting items purchased or received by the customer from a business,

(ii) designed and manufactured to be durable and capable of many uses to transporting items purchased or received by the customer from the business providing the bag, <standards should be developed and audited by third party>

(iii) capable of being washed and disinfected;

(e) "single-use product" means a product or packaging that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or reused for the same purpose for which it was originally conceived, designed or placed.

Check out Bag Fees - Carbon Emissions & GHG Reduction

- a) **The Environmental Goals and Sustainable Prosperity Act requires that Nova Scotia reduce GHG emissions to at least 10% below 1990 levels by 2020 and 50% by 2030.**
- b) **Recognizing all types of check out bags on the market have environmental consequences in terms of carbon footprint and greenhouse gas generation (GHG) that will affect climate change, ocean acidification and impact N.S. progress to achieve its climate change and carbon reduction goals**
- c) **Recognize bans on any type of bags can lead to negative environmental and economic outcomes**
- d) **Recognize fees in the place of bans can educate and encourage reuse**
- e) **Fees be implemented that support informed choice for consumers that reflects carbon footprint and GHG generation on carry out bags be implemented based on check out bag life cycle assessments (e.g. Quebec/Canada, Denmark, U.K. life cycle studies).**
- f) **Fees tied to the carbon dioxide emissions of each bag based on scientific research are:**
 - I. **Single use plastic checkout bags are offered at a price (e.g. \$0.10)**
 - II. **paper bag costs 3 times more than a plastic checkout bag (e.g. \$0.30)**
 - III. **reusable bag costs "x's times" more than a plastic checkout bag (based on material type and carbon GHG impact –**

EXAMPLE : To achieve the same environmental efficiency of one single-use plastic checkout bag Squamish BC Bylaw):

- a paper bag will need to be used 3 times
- a non-woven polypropylene (synthetic fabric) bag will need to be used 11 times
- a cotton bag will need to be used 131 times.

g) X % of the fees collected by retail be dedicated to anti-litter education

4 The Minister of Environment is responsible for the administration of this Act.

5 (1) The Minister may appoint persons as inspectors for the purpose of this Act.

(2) A person appointed as an inspector under this Act has, in carrying out the person's duties under this Act, all the powers and authorities of and all of the protections afforded to an inspector under the Environment Act.

6 Except as provided in this Act, no business shall provide a checkout bag to a customer that is a plastic bag.

7 No business shall deny or discourage the use by a customer of the customer's own reusable bag for the purpose of transporting items purchased or received by the customer from the business.

8 (1) Section 6 does not apply to

(a) a bag used to

(i) package loose bulk items such as fruit, vegetables, nuts, grains or candy,

(ii) package loose small hardware items such as nails or nuts and bolts,

(iii) contain or wrap frozen foods, meat, poultry or fish, whether pre-packaged or not,

(iv) wrap flowers or potted plants,

(v) protect prepared foods or bakery goods that are not pre-packaged,

(vi) contain prescription drugs received from a pharmacy,

(vii) transport live fish,

(viii) transport a large item that cannot easily fit in a reusable bag,

(ix) protect clothes after professional laundering or dry cleaning,

(x) package medical supplies and items used in the provision of health services, or

(xi) protect tires that cannot easily fit in a reusable bag;

(b) a bag of a type or material specified in the regulations; or

(c) a bag intended to be used for a purpose specified in the regulations.

(2) Section 6 does not limit or restrict the sale of bags, including plastic bags, intended for use at the customer's home or business, that are sold in packages of multiple bags.

9 (1) A person who

(a) contravenes this Act or the regulations;

(b) consents to, allows or permits an act or thing to be done contrary to this Act or the regulations;
or

(c) neglects or refrains from doing anything required to be done by this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine in the amount prescribed by the regulations.

(2) Each occurrence of a contravention of a provision of this Act or the regulations, and each day or part of a day on which a contravention continues, constitutes a separate offence.

10 (1) The Governor in Council may make regulations **only after consultation with affected parties** <require consultation on the subsections as they will impact innovation, economic and environmental performance to avoid negative unintended consequences >

(a) specifying types of bags or materials from which bags are made for the purpose of clause 8(1)(b);

(b) specifying an intended use for a bag for the purpose of clause 8(1)(c);

(c) respecting the production, provision, distribution, use, restriction and prohibition of single-use products or classes or types of single-use products;

(d) respecting the measures a person or class of persons must take to reduce the use of single-use products in the Province;

(e) establishing classes or types of single-use products;

(f) exempting certain classes or types of single-use products from any or all of the regulations made pursuant to this Act;

(g) respecting standards and minimum requirements for reusable and other products to be used as an alternative to single-use products;

(h) setting fines for contraventions of this Act or the regulations, including setting different fines for individuals and corporations;

(i) respecting the appointment and powers of inspectors;

(j) defining any word or expression used but not defined in this Act;

(k) further defining any word or expression defined in this Act;

(l) respecting any other matter or thing the Governor in Council considers necessary or advisable to check out the intent and purposes of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the Regulations Act.

11 This Act has effect on and after one year after it receives Royal Assent.

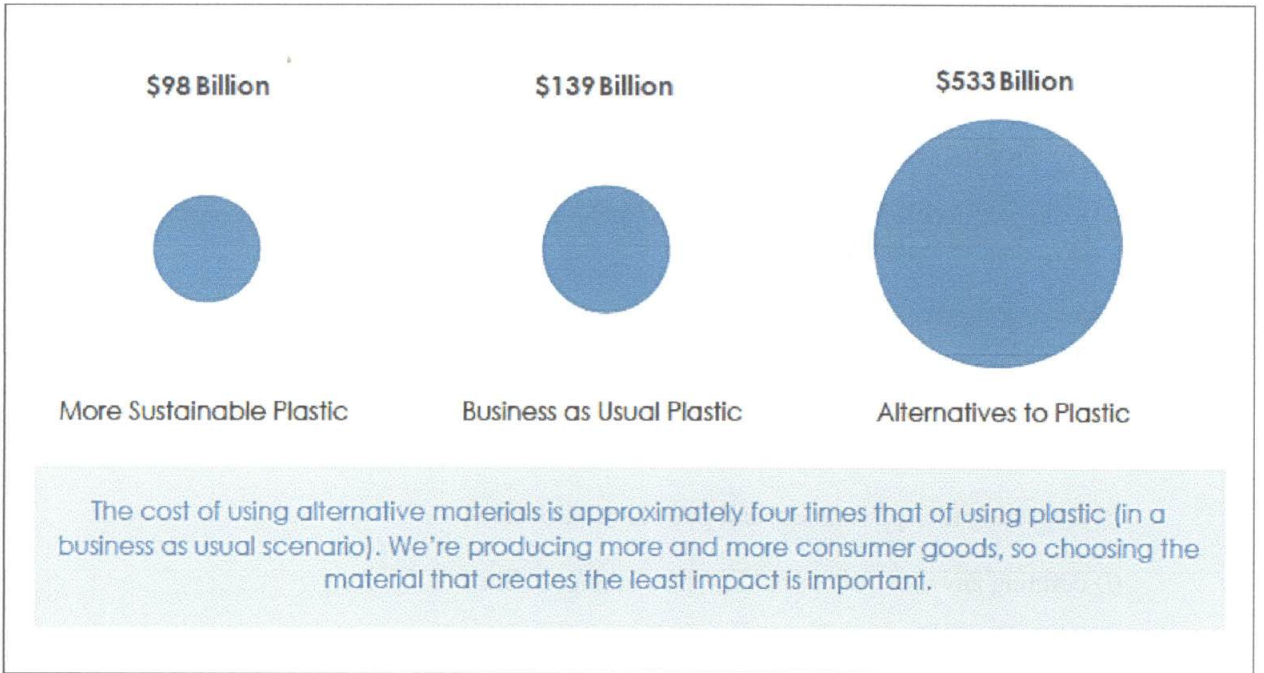
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Appendix #2 - Trucost Study Results

Will Replacing Plastic with Alternative Materials Reduce the Environmental Cost of Consumer Goods?

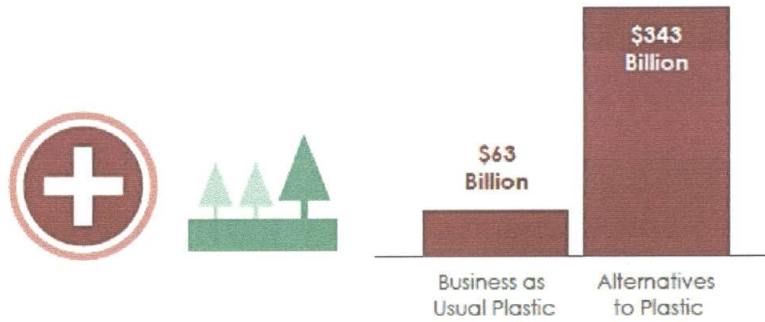


What is the environmental cost associated with the materials we use in consumer products and packaging?

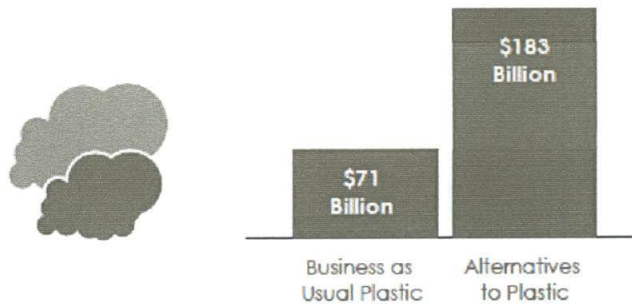


The costs to society and the economy:

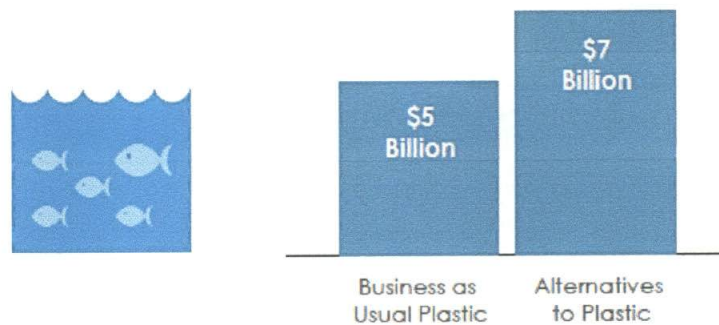
Damage to the health of humans and ecosystems



Climate change



Damage to the oceans

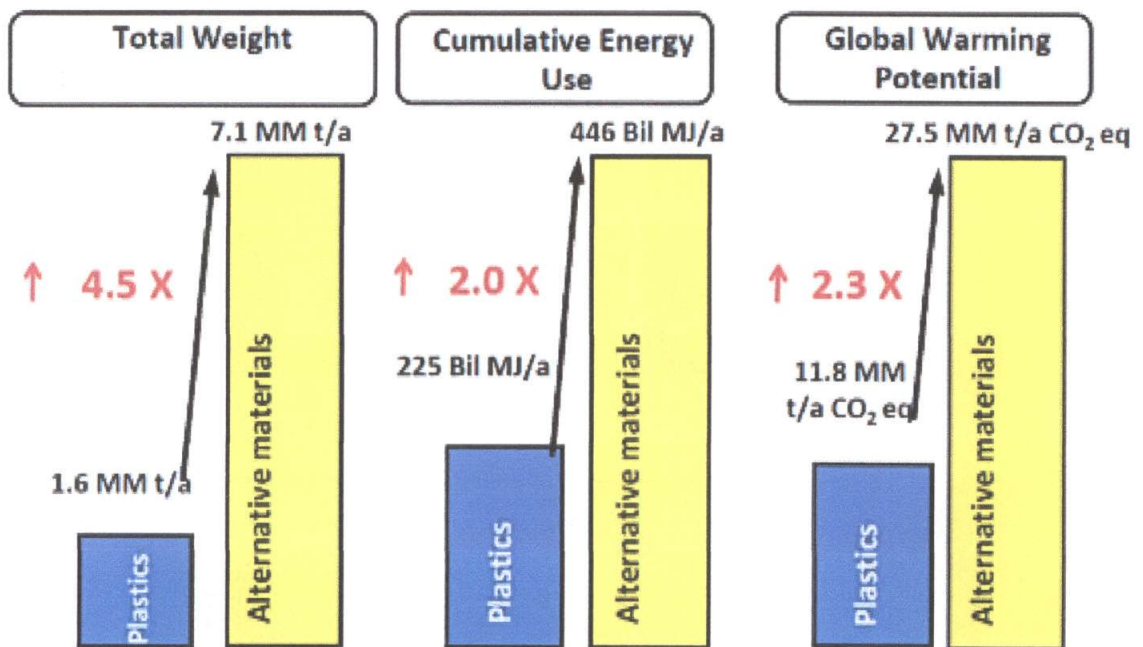


All dollar values are in USD

Source: Trucost Plastics and Sustainability: A Valuation of Environmental Benefits, Costs and Opportunities for Continuous Improvement

Plastics vs. Alternatives

Plastic Packaging Reduces Mass, Energy Use and GHG Emissions



Source: Impact of Plastics Packaging on Life Cycle Energy Consumption & Greenhouse Gas Emissions in the United States and Canada, Franklin Associates, January 2014