



Presentation to Standing Committee on Law Amendments on Bill No. 152 Plastic Bags Reduction Act

Mark Butler, Policy Director, Ecology Action Centre
7 October, 2019

Good afternoon Chair, Vice Chair and Members.

We supported the Plastic Bags Reduction Act when it was announced. We continue to do so, but it is essential that it is designed to prevent any unintended consequences, environmental and social, and that there is a timeline for next steps.

It is important to remind ourselves why are we doing this? Remember the waste hierarchy:

- Refuse
- Reduce
- Reuse
- Recycle
- Waste to Energy(Burn)
- Landfill

Refuse and reduce are at the top. This bill is a reduction bill so that is good.

There are a number of benefits to reducing use of plastic:

- 1.Reduces plastic pollution
2. Reduces greenhouse gases; and
3. Reduces pollution associated with production of fossil fuels, plastic production and even plastic recycling

EAC's basic approach to plastic is to reduce the amount of plastic we use and recycle the plastic we do use. We support the banning of single use plastics, starting with bags. While bags are a relatively small proportion of the waste stream they make up a disproportionate amount of litter and have a disproportionate impact on wildlife. I think of sea turtles which enter our waters every summer.

That said it is critically important that a ban doesn't have unintended consequences. We do not want it to result in the increase in the use of paper bags, some is to be expected, but if paper simply replaces plastic we are only slightly ahead. Banning single use check-out bags will reduce plastic going into the environment which is important. However, the environmental footprint of paper is considerable.

The best choice is no bag or a reusable bag. And again as the plastic industry has likely already told you, reusable bags need to be reused...in most cases at least 50 times for the environmental benefits to start to count.



Recommendation:

We recommend that the Government put a fee on paper bags and that there is a price on reusable bags.

We also do not want everybody who had been using checkout plastic bags for other purposes to go out and buy bags. Yes, some of that will happen, but it is entirely possible to manage garbage in your own home without using 'Sobeys' bags or other similar small bags.

A UN study which looked at single use plastic bans in over 60 countries stated the following:

Public awareness is a common denominator for the success of any of the above-mentioned initiatives aiming at having a broader social impact (whether dictated by law or engaged in voluntary). Similarly, awareness raising, monitoring and continued communication of progress to the public will help to build confidence and strengthen commitment to the cause.¹

Recommendation

The Government should invest in public awareness and education.

Not surprisingly we want to see more ambition around reducing single use plastics. If we stop here this Bill will be more about show than impact. Other single use plastics that should be considered include Styrofoam, straws, cutlery, coffee cups... We also support reducing exemptions over time.

Again as I have said with plastic bag ban it is really important that next steps are well designed so that we minimize the unintended consequences including social consequences. For example, we do not want a bag ban to disproportionately impact low income Nova Scotians. A straw ban should make sure that those with disabilities who require a straw to drink can have access to one. The Department has considerable internal expertise and there are external experts like Dr. Tony Walker, Dalhousie, Doug Hickman, PHA Consulting, Plastic Free Lunenburg, Clean Foundation, Coastal Action, Plastic Free St. Margaret's Bay and others.

Recommendation

We recommend that Government commit to a review of the plastic bag ban in one year and to adding other single use plastics in a thoughtful way within a year.

I mentioned the waste hierarchy at the top. Along with reducing plastic, the government needs to catch up on the recycling side. We need extended producer responsibility for packaging and paper products. I also encourage the Province to support the Federal government on national bans and national standards for plastics.

¹ https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?sequence=1&isAllowed=y





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

5955 Airport Road, Suite 125, Mississauga, ON L4V 1R9

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

5955 Airport Road, Suite 125, Mississauga, ON L4V 1R9

(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.

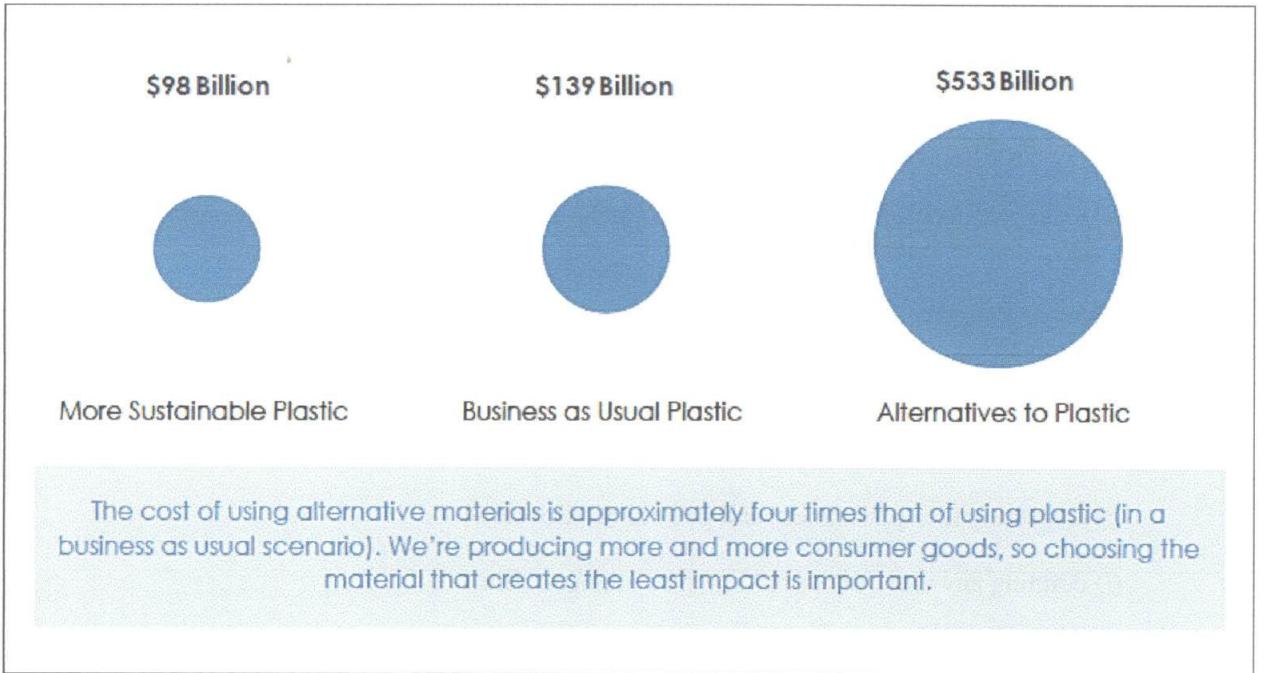
This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2019 Crown in right of Nova Scotia. Created September 26, 2019. Send comments to legc.office@novascotia.ca.

Appendix #2 - Trucost Study Results

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

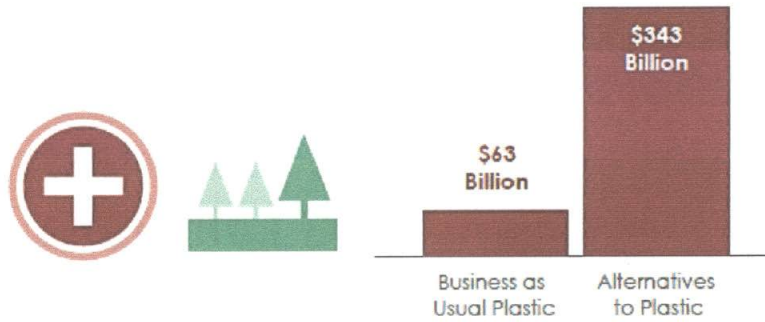


What is the environmental cost associated with the materials we use in consumer products and packaging?

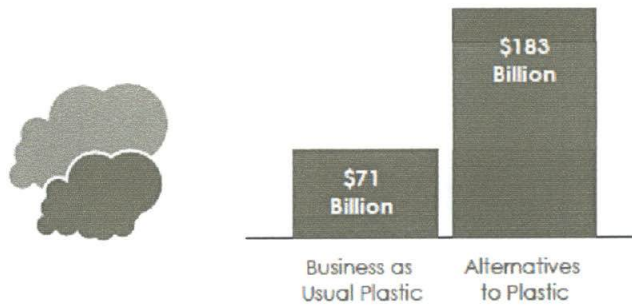


The costs to society and the economy:

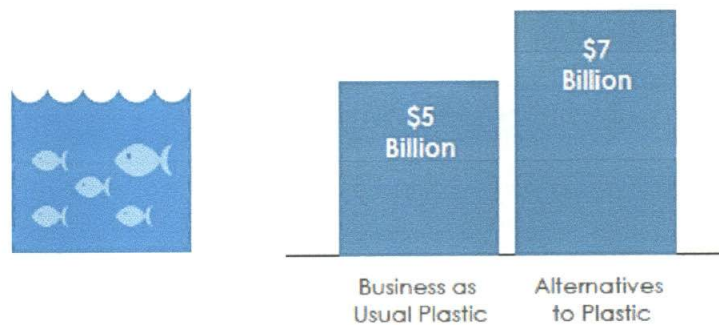
Damage to the health of humans and ecosystems



Climate change



Damage to the oceans

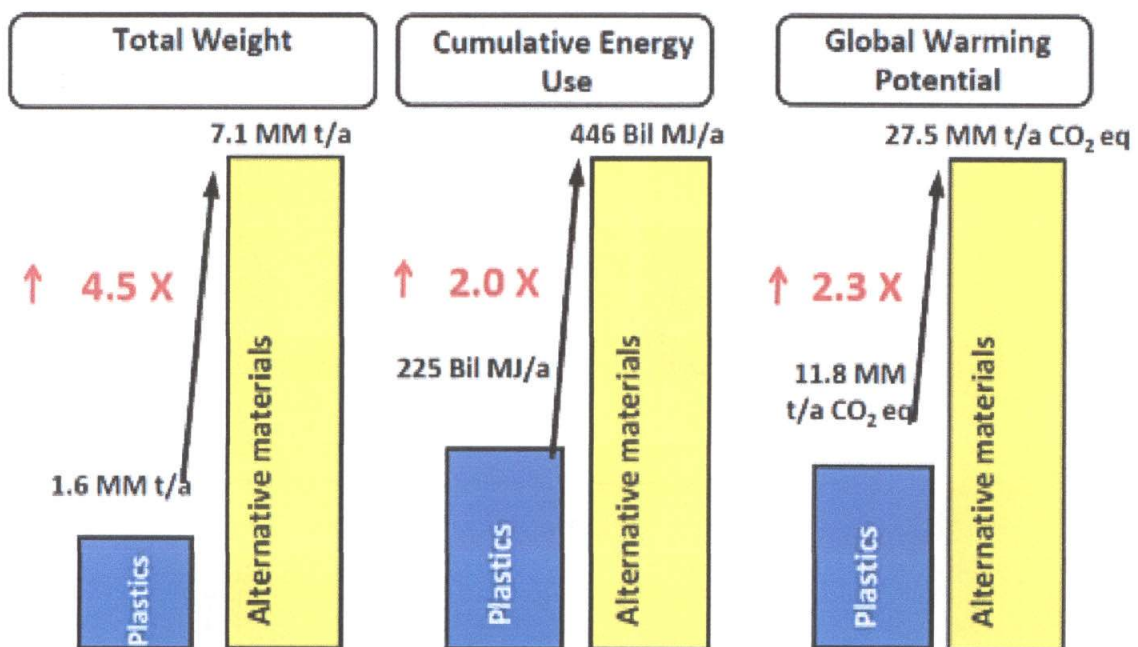


All dollar values are in USD

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

From: jennifer constable <plasticfreelunenburg@gmail.com>
Sent: October 4, 2019 2:49 PM
To: Minister, Env
Cc: lunenburgmla@eastlink.ca; Office of the Legislative Counsel; Parker, Maylia Kemp; justmin@novascotia.ca
Subject: public submission on Bill 152 Plastic Bags Reduction Act

To The Honourable Gordon Wilson, Minister of Environment,

Our community organization, Plastic Free Lunenburg (PFL), wishes to submit the following comments regarding your Bill 152, Plastic Bags Reduction Act.

PFL (<https://plasticfreelunenburg.com/>) is a citizen-based movement committed to reducing single use plastics (SUPs) locally. Since 2018, PFL has engaged in research; public, business and government education; advocacy; and has drafted a model bylaw for municipal regulation of a range of the most harmful and replaceable SUPs. PFL garnered national attention in 2019 for challenging local businesses and government to move faster and further to eliminate SUPs. PFL is affiliated with Coastal Action.

Firstly, **we welcome the introduction of Bill 152** from the McNeil Government as a first step that will, finally, begin stemming the unsustainable flow of unnecessary and harmful plastics into our systems and lives in Nova Scotia. Specifically **we support:**

- The role of provincial government in taking responsibility to lead consistent regulation on distribution of SUPs as an unsustainable business practice that threatens NS's economy, coastal communities and public health;
- The inclusion of biodegradable and compostable plastics in the bill;
- The definition of single use, providing it avoids the unintended impact of stores distributing slightly heavier bags that would have a relatively short lifespan.

However, the bill, in its current iteration, is vulnerable to unintended negative environment impacts and does not go far enough, in our group's view. **Following are our primary concerns and suggestions:**

PROBLEM #1: The current design lacks any disincentive to other harmful alternatives and *should be expected* (as has been the case in "first generation bans" elsewhere) to result in a net increase in disposal of plastic film bags, single use paper bags, or heavier "reusable bags" into our system.

BACKGROUND: In the UK, for example, a legislated ban without sufficient fees resulted in more than one billion of the more heavy-duty "bags for life", which contain more plastic than their single-use equivalents, being distributed every year in major UK supermarkets. While they are meant to cut down on the overall quantity of plastic waste, customers treating these supposedly durable item as single use means their benefits are being undermined. In Montreal, businesses freely distributed slightly heavier plastic bags which they claimed to be reusable but were also, in practice, treated as single use. Research indicates that, without mandatory disincentives, consumers continue harmful single use habits rather than forming new habits of reusing bags or boxes.

SOLUTIONS:

1. **Mandate a fee structure for alternatives**, parallel to PEI and Victoria.
 - Minimum charge for large (grocery size) paper bags: 15 cents for the first six months; increase to 25 cents after six months.
 - Minimum charge for reusable bags: \$1 for the first six months; increase to \$2 after six months.

2. Ensure robust **public education** to encourage people to reuse existing household waste packaging, newspapers, cardboard, etc. for secondary uses. Most people habitually reuse plastic carry-out bags for secondary purposes such as household garbage, pet waste, compost bins, etc. *Bill 152 should expect public complaint regarding the loss of these "free bags" and the perceived need to purchase bags for these purposes.* Education is essential to mitigate the likelihood of net increase in plastic bag waste, including the continued illegal contamination of NS landfills and compost facilities with both conventional and "compostable" plastics. Possible partnership opportunities: Coastal Action's "Ocean Friendly Nova Scotia" (<https://www.coastalaction.org/ocean-friendly-nova-scotia.html>) program includes a comprehensive guide for businesses to eliminate SUPs and receive recognition for doing so. This well-crafted guide would serve as a basis for public and business education.

PROBLEM #2: The bill risks being seen as a "one-off" that neither satisfies supporters nor resisters. Without a clear and time-sensitive plan to phase in further harmful plastics, the bill lacks both substance and context.

BACKGROUND: A study (<https://www.thechronicleherald.ca/news/local/dal-study-finds-support-for-reduced-plastics-in-nova-scotias-food-industry-319109/>) from Dalhousie University in June 2019 found that 90% of Canadians support stronger regulations on SUPs and 71% support a ban on all SUPs used for food products. Atlantic Canadians registered among the country's strongest support. Nova Scotians want to set the bar higher – we have an opportunity to lead the way and show that we are caring for what matters most to us and our economy, including our coastal communities, fisheries, food industry, and tourism. Every day that the government *knowingly allows plastics to pollute our environment* is another burden of irreparable harm and liability on our children and future generations.

SOLUTIONS:

1. **Put the bill into the context of a leadership commitment to phase-in the elimination of single use plastics.** The current carry-out bag legislation will then be better understood as a necessary first step. Specifically:
 - **Immediately REMOVE from the current exemptions list** those items for which there are alternatives already available (this is the Federal Liberal plan) with priority given to items in contact with food: (i) package loose bulk items such as fruit, vegetables, nuts, grains or candy, (v) protect prepared foods or bakery goods that are not pre-packaged.
 - **Immediately ADD all polystyrene for food use, plastic straws, and plastic cutlery.** These items are not technically or practically compostable and are among the top items found on beaches, in water, and as microplastic. There are compostable or reusable substitutes in every case.
 - **Phase in over next two years the other most egregious SUPs:** single serving condiment packets; disposable food and beverage cups containers and lids; single serving (under 750 ml) beverage containers. There are excellent programs and partnerships to work with, including BlueW (<http://www.bluew.org/>)
 - Build in a **mandatory annual review** of the legislation. This will be essential to incorporate feedback and address the quickly evolving and growing public demand for elimination of harmful plastics.

CLARIFICATION: We would like to clarify the impact of this bill/legislation on municipal authority to design and implement their own SUP elimination bylaws to meet the specific interests of a municipality.

PFL will present our input to the **Law Amendments Committee on October 7** and are prepared to meet with you and/or your officials at your convenience, if you wish.

Thank you for your consideration.

Plastic Free Lunenburg Team

Hon. Senator Wilfred Moore, Teresa Quilty, Jennifer Constable, Duncan Kroll, Sue Kelly, Ariel Smith, Wanda Baxter, Katherine Barrett, Heather White



October 11, 2019

The Honourable Gordon Wilson
Minister of the Environment
Nova Scotia Environment
PO Box 442
Halifax, NS B3J 2P8

By email: minister.environment@novascotia.ca

CIAC submission to the Nova Scotia Ministry of the Environment on the *Plastics Bag Reduction Act*

Dear Minister Wilson:

The Chemistry Industry Association of Canada (CIAC) is writing today regarding the *Plastic Bag Reduction Act*. While we fully support the Minister's intent to address the issue of plastic waste in our environment, we believe there are alternative approaches to bans on single-use plastics that will be more effective in tackling this issue.

More than 95 per cent of all manufactured products rely on chemistry and many of these include plastic resins. From wind turbines and solar panels, to vehicles and building materials, to the packaging that allows us to feed the world, plastics chemistry is vital to our economy and to our efforts to mitigate the impacts of climate change.

Today, managing plastic waste in our oceans and environment has become a global issue and the chemistry industry has a critical role to play in solving it. Nova Scotia, in its work with the Canadian Council of Ministers of the Environment (CCME), has committed to take action toward a resource-efficient lifecycle approach to plastics waste management. The chemistry sector, which includes plastic, has a long, well-established history of innovation to solve society's most pressing needs including climate change mitigation by developing new processes and solutions. Canada's chemistry industry and its highly skilled workers are uniquely positioned to provide innovative solutions to avoid and extract value from plastic waste. But these ambitions will not be easy to achieve and will require significant investment and cultural shifts towards a more circular economy. Our industry is stepping up to provide workable solutions

CIAC is pleased to submit the following comments in support of a circular economy for plastics in response to the *Plastics Bag Reduction Act*.

General comments

The Canadian Plastics Industry Association (CPIA) and the Chemistry Industry Association of Canada (CIAC) announced in June 2018 ambitious targets that underscore our members' commitment to a future without plastic pollution. Representing the broad plastics value chain in Canada, CPIA and CIAC and their members announced the following waste reduction targets:

- A new aspirational goal of 100 per cent of plastics packaging being reused, recycled, or recovered by 2040.
- An aggressive interim goal of 100 per cent of plastics packaging being recyclable or recoverable by 2030.

We are already seeing leadership and engagement across the plastics value chain in Canada and in our sector, including new projects to establish additional recycling infrastructure. An immediate opportunity exists now for Nova Scotia to establish its leadership in plastics recycling and recovery by building on existing collections approaches and infrastructure to the benefit of our manufacturing sector's feedstock requirements.

In particular, we believe that implementing a circular economy for plastics (See [The Role of Chemistry in a Circular Economy for Plastics](#)) will enable society to sustain economic growth and mitigate the impacts of climate change while improving the environment for future generations, as we strive to use products and resources in the best way possible without loss in performance or increase in environmental impacts through the full lifecycle of the product.

We recognize Nova Scotia's unique environmental concerns as a coastal province that managing marine plastic waste. As multinational companies, our members are making strides here in Canada and abroad to tackle the problem of plastics in the marine environment. For instance, BASF, Dow, NOVA Chemicals, P&G, and Shell are founding members of the [Alliance to End Plastic Waste](#). This global, plastics value chain alliance of nearly 40 companies has committed US\$1.5 billion over the next five years to help end plastic waste in the environment – marine debris in particular – by working with international agencies.

CIAC is committed to the proper handling, management and disposal of waste. Our Responsible Care® ethic, principles and commitment to continuous improvement and sustainability drive our members to reduce waste throughout their value chain.

Bans on single use packaging

We believe Nova Scotians and Canadians are frustrated by the lack of management of single use plastic at the end of its life. We believe banning some single use plastic items might make consumers and governments feel good in the short term but does not address the longer-term problem. Reducing use is important but the real issue is keeping plastic products in the economy to deliver safety, health and economic benefits, and out of landfills and waterways. As a result, we believe there is real potential in chemical recycling, particularly for difficult to recycle plastics.

Plastic supply and demand are increasing at significant rates across the entire global economy, largely in response to the imperative to improve life-cycle energy efficiency and reduce greenhouse gas emissions. In most instances, light weight and highly adaptive plastics are the preferred choice of product designers who in addition to energy efficiency and greenhouse gas reduction, are also concerned about water and resource consumption.

Indiscriminate product bans will lead to several undesirable outcomes:

- They will do little to address the material flows and improve recovery rates;
- They will lead to materials choices that might have more detrimental environmental outcomes;
- They will lead to materials choices that might have more detrimental economic outcomes due to higher cost.

In October 2018, Canada's Ecofiscal Commission published [Cutting the Waste – How to save money while improving our solid waste systems](#). The report, which provides advice and guidance around how communities can better manage their waste, notes that:

*“(B)ans are a relatively blunt policy that can impose costs on consumers and producers if substitutes are not readily available. ... Some alternatives to single-use plastics may also have other, potentially larger environmental impacts. The extent to which banning single-use plastics generate a net benefit in a particular community (i.e., whether it increases system efficiency) ultimately depends on these details.”
(p 31)*

Rather than product bans, materials should be judged on a life-cycle basis with their societal and economic value also assessed. A material that can be recycled but which has a much larger overall environmental footprint does not improve sustainability. Nova Scotia may wish to look at systems in jurisdictions which vastly outperform our recovery rates (e.g. Japan, Scandinavia) and whose successes are not the result of bans, but of better sorting, collection and recovery systems, and leveraging market forces.

It is also important to note that not all single-use plastics are the same. Plastics for medical uses are single-use and are considered by a majority of Canadians to be essential to ensure human health and safety. Specifically, proposals to ban any articles should be reviewed and considered on an individual basis. Articles currently accepted within the Recycle BC system, at a minimum, need not be subject to bans. This would include polystyrene containers and plastic bags, to name but two.

Expanded Recycling and Recovery Opportunities

We are delighted that Nova Scotia is a signatory to the CCME's [Canada-wide Action Plan on Zero Plastic Waste](#) which includes a commitment to implement Extended Producer Responsibility (EPR) in Canada, an important element of a circular economy for plastic which can be much more effective than bans. By placing the financial and operational responsibility for recovery on the businesses that sell products to consumers, this creates a natural incentive to design products and packaging with a lighter environmental impact, while also helping create economies of scale. Businesses should be encouraged to set their own corporate packaging and recycled-content goals which can help drive demand for recycled content and create new markets. British Columbia and Ontario are already moving in this direction.

CIAC supports any efforts to expand the inclusion of packaging-like products and single use items as part of Extended Producer Responsibility, and recommends that Nova Scotia keep the following principles in mind as it transitions to EPR:

- Gradual and orderly inclusion of new items over a reasonable timeline that ensures cost increases can be passed on to producers evenly and incrementally;
- Ensure transparency in communication and decision-making, as well as meaningful engagement and consultation with all producers through the process;
- Ensure producers have sufficient flexibility in making business decisions and establishing new commercial arrangements with service providers for the new products in order to meet waste diversion targets and collection standards;

- Ensure producers have maximum regulatory flexibility to develop and implement stewardship initiatives to complement the Blue Box and increase recycling and recovery.

Additionally, given that innovative Canadian chemical recycling technologies such as Pyrowave's patented microwave catalytic depolymerization technology are now available to recycle and recover polystyrene in order to make new, virgin-like plastics, the Nova Scotia should consider maintaining and expanding the collection of plastics, including polystyrene throughout the province. Companies like Green Mantra and INEOS Styrolution are also partnering to convert waste polystyrene into chemical building blocks which can then be used in the polymerization process. These innovations will allow all plastics to be recovered, advancing a circular economy for plastics and creating new opportunities for Nova Scotians.

As we grow chemistry production in Canada, we should work to ensure that systems are in place to recover the value of post-consumer plastics as potential feedstocks. Innovative technologies currently exist in niche areas to facilitate the collection, recycling and recovery of plastics – all of which are needed to reduce the risk of marine litter, divert more valuable plastics from landfill and extend their life cycle.

Nova Scotia could be a leader when it comes to employing innovative approaches to managing difficult to recycle plastics. Nova Scotia should consider support for innovative transformation facilities such as gasification and pyrolysis facilities that convert post-use plastics into synthetic diesels used as transportation fuels, particularly for heavy vehicles used in the natural resources sector.

Reducing Plastics Overall

Reducing waste and impact on the environment should be the goal of any policy change. Reducing plastics use overall, however, has been demonstrated in studies to significantly increase environmental impacts. A [Trucost](#) study conducted for the United Nations Environmental Programme in 2014, and updated in 2016, found that replacing plastics in consumer products and packaging with a mix of alternative materials that provide the same function would actually increase environmental costs to society up to four times from \$139 billion to \$533 billion annually. The finding is not surprising, given the original drivers for using plastics: lightweight, energy efficient, mouldable, durable and cost effective. The government should keep this in mind as it works to balance recycling and recovery policies with its climate change policies.

CIAC is aligned with the Canadian Beverage Association in its support in principle for the concept of disposal bans for designated materials that have sustainable end-markets. A disposal ban for beverage containers, for example, would serve as an effective tool to increase waste diversion outside of the residential waste collection channel. A disposal ban could be, for example, be enforced at transfer stations to ensure that waste collected for landfill has a low level of recycled material in it.

We are also supportive of procurement policies that favour products and packaging that have post-consumer recycled content. Setting a range of targets will help create a market for recycled content.

Conclusion

Any action by CIAC members to address the environmental, economic and community impacts of our operations are governed by Responsible Care®. Responsible Care is the flagship program of our industry that ensures our

members innovate for safer and greener products and processes, working to continuously improve their environmental, health and safety performance. Launched in Canada in 1985 and now adopted globally and recognized by the United Nations, Responsible Care compels CIAC member-companies to “do the right thing and be seen to do the right thing.” This is our commitment to sustainability, namely delivering results for the betterment of society, the environment, and the economy. This includes continued improvement of our air, water and land emissions, and waste management as well as successful past commitments to reduce our emissions of Canadian Environmental Protection Act (CEPA) toxics.

As part of our members’ commitment to Responsible Care, companies are required to be transparent about their activities, and allow independent experts and members of the public to verify that they are living up to the standards set by Responsible Care. Every three years, a team of industry experts, public advocates and representatives chosen by local communities, audit each CIAC member to evaluate their commitment to Responsible Care.

This includes efforts aimed at improving our emissions and reducing the impacts of our facilities on the community, and environment.

The chemistry industry supports Nova Scotia’s efforts to reduce the amount of plastic waste in the environment. We believe this is achievable through the use of sound policy and regulation, education and investment in infrastructure and innovation.

As we have noted, we believe Nova Scotians are frustrated by the lack of management of single use plastic at the end of its life. While they may make consumers feel good in the short term, we would urge the province to resist product bans as they do not address the issue of keeping plastic products in the economy and out of landfills and waterways.

Please do not hesitate to reach out if you would like any further information or have any questions.

Sincerely,



Isabelle Des Chênes
Executive Vice President

c.c. Gordon Hebb, Legislative Counsel