



# *SINGLE-USE PLASTICS PROHIBITION REGULATIONS*

Environmental Services  
Association Maritimes

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Canada 

# Outline

1. Overview
2. Who is subject
3. What is being banned
4. Timeline
5. Enforcing the ban
6. What you can do
7. What's next
8. Resources



# Overview of the Regulations

## PURPOSE

To prevent plastic pollution by eliminating or restricting six categories of single-use plastics (SUPs) that pose a threat to the environment, are difficult to recycle, and have alternatives

## TARGET

The Regulations prohibit the manufacture, import and sale of SUPs in a staggered timeline.



MANUFACTURERS

IMPORTERS

EXPORTERS

# WHO IS SUBJECT TO THE REGULATIONS

DISTRIBUTORS

SELLERS



# Definition of Sale

- The prohibition on sale in the Regulations includes a range of legal activities that may go beyond the common understanding of the verb “to sell”
- Section 3 of CEPA defines “sell” as including “to offer for sale or lease, have in possession for sale or lease or deliver for sale or lease,” and subsection 93(2) of CEPA states that “sell” includes “the transfer of the physical possession or control of a substance”
- This means that no monetary exchange needs to take place in order for the activity to be considered a sale



# Definition of Sale

A range of activities will be captured by the prohibition on sale, such as:

- Placing a prohibited item in a container or dispenser for customers to take
- Providing a customer with a SUP item at the point of purchase or with delivery, such as when buying or ordering take-out food



DO YOU KNOW WHICH ITEMS ARE PROHIBITED



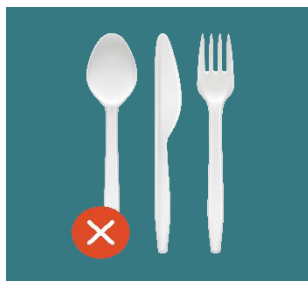
# Targeted Single-use Plastics

FOODSERVICE WARE



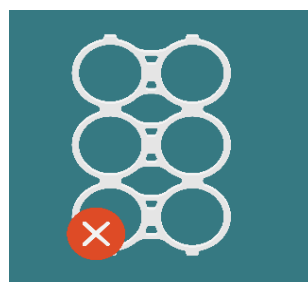
STIR STICKS

CUTLERY



STRAWS

CHECKOUT BAGS



RING CARRIERS





# Targeted Single-use Plastics

## Checkout bags



Designed to carry purchased goods from a business and typically given to a customer at the retail point of sale



# Targeted Single-use Plastics

## Cutlery

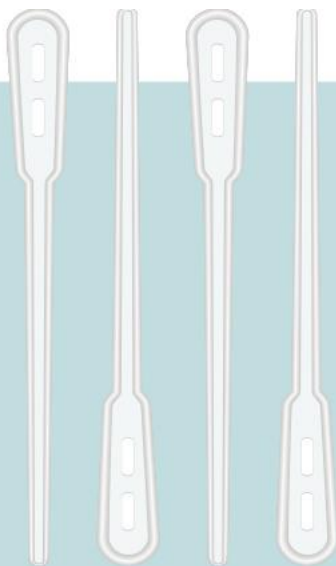


Includes knives, forks, spoons, sporks, and chopsticks



# Targeted Single-use Plastics

## Stir sticks



Designed to stir or mix beverages, or to prevent a beverage from spilling from the lid of its container



# Targeted Single-use Plastics

## Straws



Includes straight drinking straws and flexible straws, which have a corrugated section that allows the straw to bend, packaged with beverage container



# Exceptions for accessibility reasons

## Exceptions for Single-use Plastic Flexible Straws

To ensure accessibility, the *Single-use Plastics Prohibition Regulations* allow the manufacture, import and sale of flexible straws under certain conditions. Learn more!



Single-use plastic (SUP) straws are prohibited by the Regulations, including straight straws and flexible straws packaged with beverage containers (i.e., juice boxes and pouches). These types of straws are prohibited whether they are made from conventional, compostable, biodegradable or biobased plastics.

It is important that people with disabilities or medical needs continue to have access to SUP flexible straws, which have a corrugated section that allows the straw to bend and maintain its position. The exceptions in the Regulations ensure that they will continue to be available on the Canadian market for suppliers and consumers.

### SUMMARY OF EXCEPTIONS

- ▶ The manufacture and import of SUP flexible straws are allowed
- ▶ Retailers can sell SUP flexible straws in packages of 20 or more, as long as they are not on public display and are only provided if requested
- ▶ Individuals can give SUP flexible straws to others in a family or social setting
- ▶ Care institutions can provide SUP flexible straws to their patients or residents
- ▶ A business may sell SUP flexible straws in packages of 20 or more to another business



### EXCEPTIONS IN DETAIL

#### Manufacture and import

Businesses can manufacture or import SUP flexible straws. **SUP straws that are not flexible are prohibited under all circumstances.**

#### Retail sales

Retail stores (e.g., grocery stores, pharmacies and online retailers) may sell SUP flexible straws in a package of 20 or more to a customer upon request. The package cannot be on public display.

Anybody can request to purchase a package of SUP flexible straws from a retailer. This is because disabilities and medical needs can be visible or invisible. No documentation is required to purchase straws.

# Targeted Single-use Plastics

**Ring carriers**



Flexible and designed to surround beverage containers in order to carry them together



# Targeted Single-use Plastics

**Foodservice  
ware**



These are items that have typically been given to customers at restaurants, food vendors and grocery stores to hold a variety of food and beverages for takeout or to-go meals



# SUP Foodservice Ware

**Must meet all 3 of the criteria below**

The Regulations define SUP foodservice ware as a plastic manufactured item, made entirely or in part from plastic, that

- a) is formed in the shape of a clamshell container, lidded container, box, cup, plate or bowl
- b) is designed for serving or transporting food or beverage that is ready to be consumed, and
- c) contains expanded polystyrene foam, extruded polystyrene foam, polyvinyl chloride, black plastic or an oxo-degradable plastic





# Examples of foodservice ware that is allowed

## ➤ Not in one of the shapes listed

- Plastic trays without a lid, typically used for raw meat, fish and vegetables, wrapped in plastic film

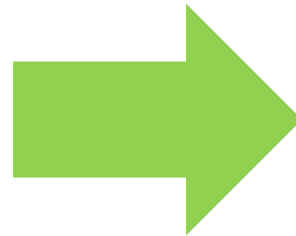
## ➤ Not designed for serving or transporting food or beverage that is ready to be consumed

- Plastic foodservice ware containing frozen food that requires preparation before it can be consumed
- Containers used for the long-term storage of food, typically found in the middle aisles of a grocery store

## ➤ Does not contain one of the prohibited plastics

- Paper and fibre-based coffee cups with a plastic lining not containing one of the prohibited plastics
- Clamshell containers, lidded containers, etc. made from non-prohibited kinds of recyclable plastics (e.g., PET, HDPE, PP) or compostable plastics (e.g., PLA)






**B.2 Single-use plastic cutlery**

**B.2.1 Items are covered by this definition**

The Regulations (Section 1) define SUP cutlery as:



A plastic manufactured item, made entirely or in part from plastic, that is formed in the shape of a fork, knife, spoon, spork or chopstick, and that

- contains polystyrene or polyethylene, or
- changes its physical properties after being run through an electrically operated automatic household dishwasher 100 times.

The SUP cutlery prohibited by the Regulations are:

- Forks
- Knives
- Spoons
- Sporks and
- Chopsticks

SUP cutlery has typically been made from polystyrene or polyethylene; however, items made from other plastic resins may also be available. These items have normally been given to customers of restaurants or any food vendors (such as with takeout meals) and could also have been bought in bulk at retail stores (e.g., for birthday parties or barbecues). They have also often been used in various institutional settings such as hospitals and schools.

In some cases, SUP cutlery has been made from polylactic acid (PLA), however it is likely that items made out of PLA would not be able to withstand the performance criteria in the Regulations and would therefore be prohibited.

**B.2.2 Plastic cutlery not prohibited by the Regulations**

Any plastic cutlery that is not made from polystyrene or polyethylene is considered reusable if it does not change its physical properties after being washed in an electrically operated automatic household dishwasher 100 times.

This means the following types of cutlery may continue to be manufactured, imported and sold\*, provided they meet the performance criteria above:

- Reusable cutlery made of thick plastic, other than polystyrene or polyethylene
- Reusable silicone cutlery used for infant feeding
- Reusable plastic utensils used for cooking or preparing food (like ladles and mixing spoons)
- Reusable plastic measuring spoons

*\*The above list is not exhaustive, and only serves to provide examples*

Single-Use Plastics Regulations - Technical Guidelines

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# Non-Conventional Plastics

- **For checkout bags, cutlery, ring carriers, stir sticks and straws, the prohibitions apply equally to conventional and non-conventional (e.g., biobased, compostable and biodegradable) plastics**
  - Performance criteria differentiate between single-use and reusable items for checkout bags, cutlery and straws
- **For foodservice ware, only items made from problematic plastics are prohibited**
  - Problematic plastics are polyvinyl chloride, polystyrene foam, oxo-degradables, and black plastics made with carbon black
  - Foodservice ware made from other types of conventional and non-conventional plastics are not prohibited under the Regulations



# Why prohibit non-conventional plastics?

- This approach is backed by science.
- According to the Government of Canada's 2020 Science Assessment of Plastic Pollution, there is no significant evidence that biodegradable plastics will fully degrade in the natural environment. Thus, when biodegradable and compostable plastic items enter the environment, they are a form of plastic pollution, just like conventional plastics.
- During consultations on the regulations, municipalities, recyclers, and non-governmental organizations agreed with this approach due to infrastructure limitations.



# Timeline of the SUP ban

| Item   | Manufacture and import for sale in Canada | Sale                     | Manufacture, import and sale for export |
|--|---|--------------------------|---|
| Checkout bags, cutlery, foodservice ware, stir sticks, straws* | December 20, 2022                         | <b>December 20, 2023</b> | December 20, 2025                       |
| Ring carriers  | June 20, 2023                             | June 20, 2024            | December 20, 2025                       |
| Flexible straws packaged with beverage containers              | Not applicable                            | June 20, 2024            | December 20, 2025                       |

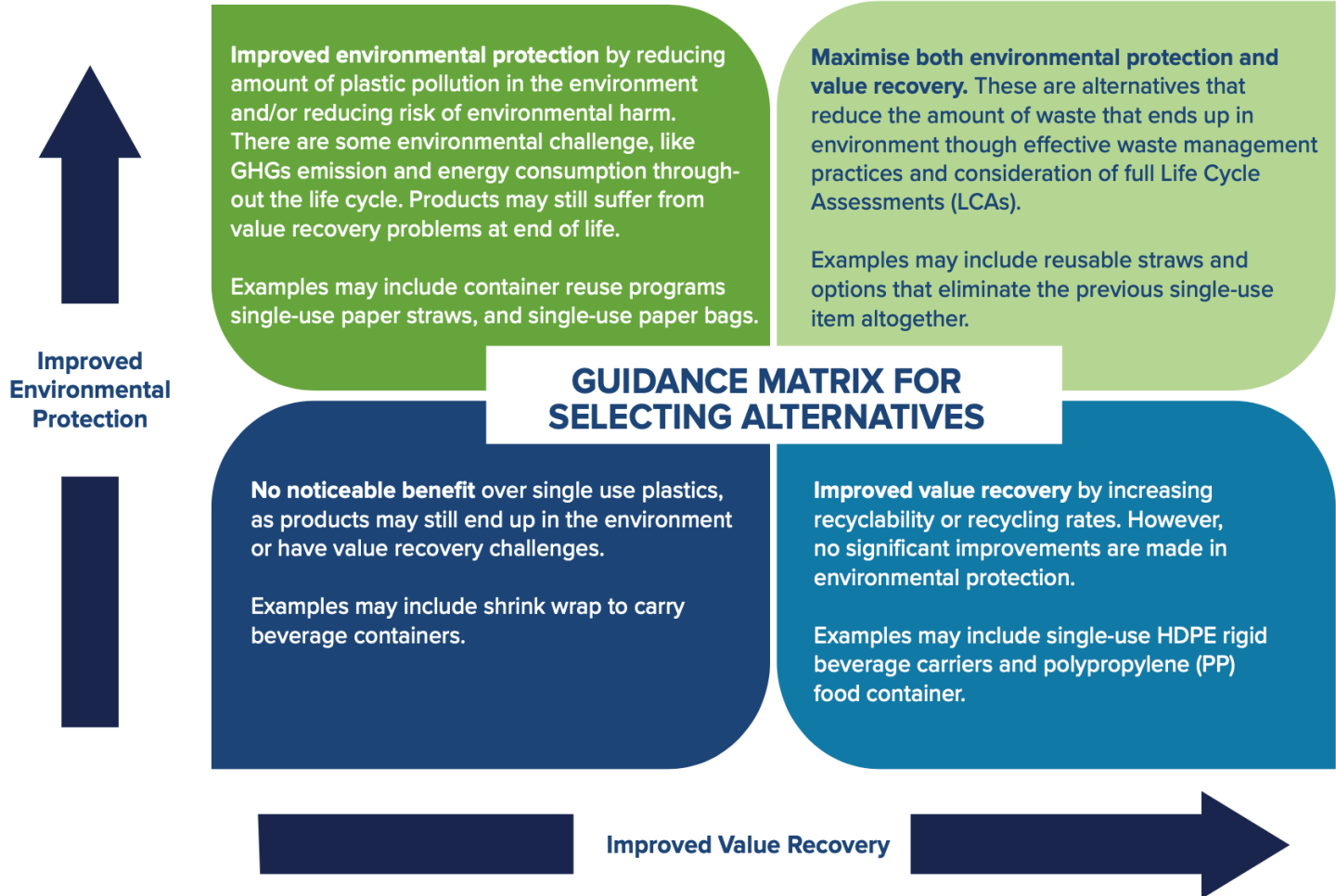
\*Single-use plastic flexible straws that are not packaged with beverage containers are excluded from the prohibitions under certain conditions.

# Enforcement Approach

- ECCC enforcement officers will, when verifying compliance with the Regulations, act in accordance with the *Compliance and Enforcement Policy for CEPA, 1999*
- Verification of compliance with the Regulations could include site visits, review of records, product testing (if applicable), and review of written transit documents
- Following an inspection or an investigation, if an enforcement officer discovers an alleged violation, the officer will choose the appropriate enforcement action based on the following factors:
  - Nature of the alleged violation
  - Effectiveness in achieving the desired result with the alleged violator
  - Consistency
- To compel compliance, enforcement officers may choose to issue enforcement measures including warnings, tickets, environmental protection compliance orders, directions or recommending prosecution to the Public Prosecution Service of Canada



# Alternatives



# Doing our part

## Ensure procurement contracts are compliant

- Import of five categories SUPs are prohibited as of Dec 20, 2022

## Ensure events and meetings do not use prohibited SUPs

- Offering a single-use plastic fork or stir stick at a meeting will be prohibited starting December 20, 2023
- Replace items with available alternatives, preferably reusable

## Encourage everyone to move away from prohibited SUPs

- reducing single-use items
- promoting responsible plastic use, and
- increasing waste diversion





# Single-use plastic bans: Atlantic Region

- **Nova Scotia**

- Banned all businesses from providing single-use plastic shopping bags, subject to certain exemptions
- The Plastics Bags Reduction Act (2019)

- **Newfoundland and Labrador**

- Instituted a ban on retail plastic bags
- Plastic Retail Bag Regulations (2020)

- **Prince Edward Island**

- Prohibited businesses from providing plastic checkout bags to customers
- Plastic Bag Reduction Act (2019)



# Next Steps

## *Single-use Plastics Prohibitions Regulations*

- Continue implementing the regulations and raising awareness on the upcoming prohibition of the sale on checkout bags, cutlery, foodservice ware, stir sticks, straws **December 20, 2023**

## **Recycled content requirements and labelling rules**

- Proposed recycled content regulations would require that plastic packaging in Canada contain at least 50% recycled content by 2030
- Proposed Labelling rules would prohibit the use of the chasing-arrows symbol unless 80 per cent of Canada's recycling facilities accept and have reliable end markets for these products and would also prohibit the use of resin identification codes
- The draft regulations are targeted for publication in Canada Gazette, Part I, before the end of 2023, which will be followed by a further consultation period before the regulations are finalized



# Next Steps

## **Federal plastics registry**

- Serve to improve our knowledge of plastic waste, value recovery, and pollution across Canada
- Provide important information to inform the government on future compliance promotion and enforcement activities
- Help to identify gaps in the plastics value chain where further government action may be required
- Standardize the data that is collected and provide useful information for stakeholders and government
- Support provincial and territorial EPR programs in force or under development and provide useful baseline data to provinces and territories when expanding EPR into new product categories
- A draft section 46 notice under the Canadian Environmental Protection Act, 1999 (CEPA) is targeted for publication in Canada Gazette, Part I, before the end of 2023, which will be followed by a further consultation period



# Next Steps

## Pollution Prevention Planning Notice for Primary Food Packaging (P2) Notice

- On August 1, 2023, ECCC published a pre-consultation document for comment to inform the development of a draft P2 Notice to address primary food plastic packaging
- The consultation document outlines the Government's current understanding of the issue and proposes an approach for Canada's large grocery retailers to prepare and implement P2 plans for primary food plastic packaging
- The proposed approach would require large retail grocers to develop a P2 Notice that supports reducing plastic waste and pollution by:
  - preventing plastic food packaging from becoming waste in the first place, through upstream solutions such as reduction
  - replacing SUPs with reusable options
  - designing packaging for reuse and recyclability where the use of plastic packaging cannot be avoided
- A Proposed Notice will be published in *Canada Gazette I* by end of 2023 for a further consultation period



# Resources

- [Canada Gazette, Part 2, Volume 156, Number 13: Single-use Plastics Prohibition Regulations](#)
- [Single-use Plastics Prohibition Regulations: Overview - Canada.ca](#)
- [Single-use Plastics Prohibitions Regulations fact sheet - Canada.ca](#)
- [Fact sheet: Exceptions for Single-use Plastic Flexible Straws - Canada.ca](#)
- [Single-use Plastics Prohibitions Regulations Technical Guidelines - Canada.ca](#)
- [Single-use Plastics Prohibition Regulations – Guidance for selecting alternatives - Canada.ca](#)
- [Science assessment of plastic pollution - Canada.ca](#)
- [Canada's Zero Plastic Waste Agenda - Canada.ca](#)
- [A proposed integrated management approach to plastic products: discussion paper - Canada.ca](#)
- [Recycled content and labelling rules for plastics - Canada.ca](#)
- [Technical paper: Federal Plastics Registry - Canada.ca](#)
- [Consultation document Pollution prevention planning notice for primary food plastic packaging: Targets for reduction, reuse, redesign, and recycled content - Canada.ca](#)





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