CHPTA CANADIAN HOME PRODUCTS TRADE ASSOCIATION

MARKET INTELLIGENCE • SALES REACH • PROFESSIONAL DEVELOPMENT

Environmental / Regulatory Affairs Members' Meeting July 24, 2025

COPA CANADIAN OFFICE PRODUCTS ASSOCIATION

CONNECTING, EMPOWERING AND CELEBRATING OUR MEMBERS

Topics to Discuss

- Ontario Blue Box Program Amendments
- Quebec Curbside Recycling System Updates
- Federal Government (Competition Bureau) Anti-Greenwashing Guidelines
- Federal Plastics Registry
- Canada PFAs Reporting
- Federal Government Single-Use Plastics Ban
- Quebec Bill 96 French Language Regulations
- Other Issues

Ontario Blue Box Program

Ontario Government Proposing Amendments to Loosen Blue Box Regulations, Citing Costs on Producers

- On **June 4th**, the Ontario Government announced proposed amendments to the province's Blue Box Program that aim to ensure that the program remains affordable and sustainable for both residents and producers, through measures that could help curb future costs and maintain current services, while supporting the regulation's intended outcomes of reducing and diverting waste.

- The proposed amendments were posted on the Environmental Registry of Ontario (ERO) for a 30-day consultation period (June 4, 2025 to July 4, 2025). For details about the proposal, please visit the ERO website at https://ero.ontario.ca/notice/025-0009.

- The proposed changes would give waste producers until 2031 to hit their recovery targets for recyclable materials such as paper, rigid plastic, glass, metal and beverage containers, instead of facing those stricter targets as of 2026, in six months.

- A spokesperson for Environment Minister Todd McCarthy, said the proposal was meant to address "unanticipated cost increases" for blue box collection and recycling services, to ensure a sustainable system that "maintains current services."

Ontario Blue Box Program

- In written materials, the government specified that its proposed extension to 2031 was meant to allow producers “more time to plan” and make investments into technology and infrastructure to improve their processing and recycling.

- While companies were facing down another requirement, effective Jan. 1, 2026, to collect recyclables from more **multi-residential buildings** as well as certain schools, long-term care and retirement homes, the province is now proposing to scrap it — citing cost concerns and allowing producers to “focus on current blue box services.” Also, on the chopping block are plans to operate blue boxes in **more public spaces** and expand recycling of beverage containers from residential areas to more industrial, commercial and institutional settings.

- Under Queen’s Park’s latest proposal, companies would additionally be allowed to count recyclable materials they incinerated or used as fuel towards their recycling targets, **up to a maximum of 15%** of their target quotas — suggesting the current rules “fail to recognize” the role of what’s officially known as **“energy recovery”** as a way to divert materials from landfills. Energy recovery does not replace or displace recycling but could be used to divert non-recyclable materials from landfill.

Ontario Blue Box Program

Focusing on Residential Materials

- The Blue Box Regulation establishes requirements that would expand collection beyond residential locations.

- Unlike all other blue box materials, regulated recovery targets for beverage containers apply to all containers supplied in Ontario – including those supplied to and/or disposed of in the industrial, commercial, and institutional (IC&I) sectors. This was intended to drive collection away from home through supplementary collection. However, this would result in significant cost to both businesses and residents which is not economically feasible at this time. Producers lack a cost-effective away from home collection network to meet regulated recovery targets in 2026.

- The regulation also expands public space collection beyond what was provided by municipal programs. The ministry has learned that the regulation's approach may require bins where collection may not be cost effective, and that wastes disposed in public spaces are often too contaminated to be recycled. This would impose significant costs on producers for limited gains in diversion.

Ontario Blue Box Program

Focusing on Residential Materials

The following amendments would help avoid new costs of expanding beyond the blue box and refocus implementation on ensuring an effective transition of existing residential materials.

- Remove “Away from Home” Collection for Beverage Containers – Specify that producers are responsible only for containers supplied to residential consumers and disposed of in the residential blue box and allow producers to deduct the weight disposed in non-residential sources.

- Remove planned expansion for public space collection – Remove provision for producers to expand collection in public spaces.

Ontario Blue Box Program

Making the right investments

- The success of recycling requirements depends on having the right infrastructure, technology, and processing capacity to manage these materials after collection.

- The ministry has heard that there are significant challenges to meeting the current recovery targets for **flexible plastic**. Stakeholders suggest that most of the flexible plastic collected by the blue box cannot be recovered due to the lack of technology and infrastructure to recycle the material, and significant contamination within the material category that contributes to the contamination of other materials that are collected in the blue box system. Reduce recovery target for flexible plastic to 5% (the current level of diversion) and delay this recovery target by 5 years.

- Allowing for energy recovery (up to a limit of 15% for a single material category) to count toward recovery targets recognizes that energy recovery plays an important role in diverting waste from landfill. Energy recovery does not replace or displace recycling but could be used to divert non-recyclable materials from landfill.

Ontario Blue Box Program

Technical changes

Stakeholders have notified the government of technical and administrative changes to the regulation that would support effective implementation.

The following amendments have been proposed to the Blue Box Regulation to improve implementation, clarify requirements, and ensure continuity of blue box services.

- Determine the best way to ensure diversion – Consider maintaining best efforts or requiring all collected materials to be sent to a registered processor.
- Clarify the definition of a facility – Specify that a multi-residential building is an establishment with six or more residential units to be consistent with definitions in other regulations (e.g., O. Reg. 103/94).
- Maintain Collection for Daycares and Other Uses in a School – Clarify that producers are responsible for collecting all blue box wastes generated by all users of a school building to ensure that there is no loss of service for any users.
- Maintain Recycling for Residents in Unorganized Territories – Clarify that producer-run blue box depots must accept blue box wastes from residents of unorganized territories, where these residents also have access to a garbage depot in that municipality to maintain service.

Ontario Blue Box Program

Technical changes

- Update Timelines for Providing Blue Box Services – Require producers and PROs to meet timelines as specified by the Resource Productivity and Recovery Authority (RPRA) in a registry procedure for specified activities, such as servicing newly built homes, which RPRA would consult on before finalizing.
- Provide Flexibility on Printed Promotion and Education Materials – Require producers to provide promotion and education materials in print only where requested by a municipality or resident.
- Target French Language Requirements – Require French language materials only in areas designated under the *French Language Services Act* or as requested by municipality or resident.

Ontario Blue Box Program

Additional Producer Stakeholders/Associations Feedback:

- Change to a single-PRO system - could address a lot of the issues (More TRANSPARENCY and release of data). Multi-PRO system limits sharing of data publicly.
- Reinforce need to defer future expansion of the program - producers can't afford the program as is!
- Need fair & reasonable target rates & reporting timelines (too many unknown factors / further study is needed)
- Expect some more changes to the Blue Box legislation based on feedback from stakeholders but not until the fall at the earliest. Ontario Legislature is expected to resume sitting on October 20th.
- No changes to RPRA mentioned in the amendments.
- RPRA has recently been selected to be audited by the Auditor General of Ontario. Will be reviewed to see if they are meeting their mandate, how efficient have they been?

Ontario Blue Box Program

- The Blue Box Program transition from **Stewardship Ontario (SO)** to the **Resource Productivity & Recovery Authority (RPRA)** will be complete in December 2025

- Stewardship Ontario is still in operation to the end of the year, however, no supply data will be required to be reported to SO in 2025; all reporting will be to RPRA

- Effective **December 12, 2025**, Stewardship Ontario program information will no longer be available on the WeRecycle Portal. Notices have gone out to producers to download their historical data and reports from the portal to retain for future reference. Dates back to initial registration.

- Any money remaining in the Stewardship Ontario bank account (won't be much) at the end of the year is to be returned to producers.

- RPRA's Registry is open for Blue Box producers to complete their supply reporting (2024 data). The deadline to submit these reports was **May 31, 2025**.

- RPRA registrants may face enforcement actions, including compliance orders and administrative penalty orders if they fail to meet reporting deadlines or submit false or misleading reports.

Quebec Curbside Recycling System

- The annual reporting period is now open for producers of containers, packaging and printed paper put on the Quebec market during the 2024 calendar year. The 2025 Schedule of Contributions was published on June 25th (60 day period)

- Producers have until **August 25, 2025** to submit their reports via the Éco Entreprises Québec portal.

- It should be noted that data collection is essential to determine not only the amounts to be financed for the 2025 Schedule, but also to set the producer financial participation (PFP) for 2026.

Enhanced ecomodulation :

- 50% bonus maintained for eco-designed containers and packaging (up to $25,000 per application).
- 50% bonus for non-recyclable materials (PLA, degradable plastics, PVC).
- 20% credit renewed for post-consumer recycled content.

New materials covered:

- Reusable bags made from synthetic fibres.
- Reusable bags made from natural fibres.

Quebec Curbside Recycling System

Mitigation measures under consideration:

- Discussions underway with government for payments to be spread over a longer term.
- The invoice will not be generated automatically at the end of the report. Details to follow.

Reporting institutional-commercial-industrial (IC&I):

- No report required this year.
- As for the institutional-commercial-industrial (IC&I) sector, no report needs to be filed this year. However, starting on July 1, 2025, targeted producers will have to start collecting information on packaging made of cardboard and corrugated cardboard for curbside retailers and restaurants. This is with a view to making a formal report in 2026, without rates, of the quantities marketed in the second half of 2025. To help producers to complete this report, a guide will be published by Éco Entreprises Québec next fall.

Quebec Curbside Recycling System

- Quebec's modernized curbside collection system launched as planned on January 1st of this year. Under the new framework, municipalities remain in charge of collection but become service providers to Québec's PRO, **Éco Entreprises Québec (ÉEQ)**. ÉEQ is directly responsible for all post-collection-related activities and now has agreements in place with 21 sorting centres in the province.

- There was a need to optimize a 30-year old system that was previously managed in silos to a comprehensive, centralized management system for the entire province that is consistent and more efficient.

- Fees will increasing significantly as producers still owe for a full year under the previous year: 2025 will be the last year of the compensation plan and start of the EPR system, so the two will overlap. Under the current regulations, producers must pay for municipal costs for 2024 and pay the bills for the new system in real time for the current year.

- EEQ is considering solutions (discussing with the Quebec Government) to ease producers' financial burden in 2025 (the 2025 **Producer Financial Participation (PFP)**) - e.g. postpone new obligations until 2030 (i.e. maintain the level of service currently offered by EEQ for another 5 years and delay expansion plans) as well as stagger the Schedule of Contributions over a longer period than the two years planned. Quebec Government could allow EEQ to take a loan out to pay the outstanding balance to municipalities and then have producers pay EEQ back over several years.

Federal Anti-Greenwashing Guidelines

- On **June 20, 2024**, the Canadian Government introduced new regulations **to combat greenwashing**, under **Bill C-59**, which amends the Competition Act to explicitly target misleading environmental claims.

- The Competition Bureau released **draft guidelines** for public consultation on **December 23, 2024**, to clarify the expectations for businesses regarding the new greenwashing provisions in the Competition Act.

- The **latest consultation period** for these guidelines concluded on **February 28, 2025.**

- On **June 5, 2025**, the Competition Bureau released its long-awaited **final guidelines**, providing clarification on the Bureau's approach to environmental claims — both with respect to the Act's general provisions on deceptive marketing, and the new provisions specifically targeting greenwashing.

- This means businesses must have **adequate testing or substantiation** to support their environmental claims making vague or unsupported claims more risky, including those **related to products, services, and business activities**. The Competition Bureau can now investigate and penalize greenwashing, and as of **June 20, 2025,** private parties can also bring legal actions against businesses for greenwashing.

Federal Anti-Greenwashing Guidelines

The Competition Act now includes **two new provisions**:

- 74.01(1)(b.1) prohibits making representations about a product's benefits for protecting or restoring the environment or mitigating climate change effects that are not based on **adequate and proper testing**.

- 74.01(1)(b.2) prohibits making representations about the environmental benefits of a business or business activity that are not based on adequate and proper substantiation **in accordance with internationally recognized methodology**.

- Further, the Guidelines distinguish between product-specific claims requiring “adequate and proper testing” and corporate environmental claims that must follow “internationally recognized methodology”. For the latter, the Bureau defines this standard as approaches accepted in two or more countries – though not necessarily by governments.

- Crucially, all **substantiation must be completed before claims are made**, and must be "adequate and proper" for the context of the claim. What is essential throughout is that companies **do not make claims they cannot substantiate**.

Federal Anti-Greenwashing Guidelines

- The following four provisions of the Act are most relevant to environmental claims. An environmental claim may raise concerns under more than one of these provisions:
- **False or misleading representations**
- **Product performance claims**
- **Claims about the environmental benefits of a product**
- **Claims about the environmental benefits of a business or business activity**

Federal Anti-Greenwashing Guidelines

- **Principles for compliance**

- The Bureau does not tell businesses what they can or can not say. It only offers principles to help businesses assess whether their environmental claims are in line with the requirements of the Act. This is because the Act sets out a general framework that does not prevent businesses from making whatever environmental claims they wish, as long as those claims are not false or misleading, and have been adequately and properly tested or substantiated as required.

- In applying these provisions, the Bureau must assess not only the literal meaning of an environmental claim, but also the **general impression** that is conveyed to the public by the claim. This in turn requires considering all of the elements of an environmental claim, including the context, words, images and layout.

Federal Anti-Greenwashing Guidelines

The Competition Bureau's has developed **six high-level principles for compliance:**

- **Principle 1: Environmental claims should be truthful, and not false or misleading**
- **Principle 2: Environmental benefit of a product and performance claims should be adequately and properly tested**
- **Principle 3: Comparative environmental claims should be specific about what is being compared**
- **Principle 4: Environmental claims should avoid exaggeration**
- **Principle 5: Environmental claims should be clear and specific – not vague**
- **Principle 6: Environmental claims about the future should be supported by substantiation and a clear plan**

Federal Anti-Greenwashing Guidelines

It is important for businesses to understand that the Guidelines are not legally binding and do not provide definitive guidance. Businesses will be responsible for determining what is required to comply with the Act's new greenwashing provisions. When making environmental claims public, it would be pragmatic for businesses to consider the following:

- Carefully document due diligence undertaken to support environmental claims, including any conclusions about substantiating methodologies. Due diligence is a defence to deceptive marketing practices under the Act.
- Exercise care with respect to environmental claims relating to new or emerging technologies, particularly where no one methodology supports the exact claim.
- Environmental claims relating to future-oriented goals or targets will require substantiation in the form of a concrete, realistic, and verifiable plan, with interim targets. The plan does not necessarily need to be made public, but it must be available if the claim is challenged.
- Under the Act, businesses do not need to make public information substantiating an environmental claim. However, making such materials public may mitigate the risk of enforcement actions being initiated, whether by the Bureau or private parties.
- Exercise caution around representations made in regulatory filings — if such representations are re-used for promotional purposes, they are subject to the Act's deceptive marketing provisions.

Federal Anti-Greenwashing Guidelines

- Prior to Bill C-59, environmental claims could be investigated by the Competition Bureau if they were false or misleading, but such investigations were few and far between. Only three cases appear on the Competition Bureau's website, the earliest of which dates to 2016.

- Companies can take some comfort in the guardrails in the Competition Act, including that a person can only bring a greenwashing complaint to the Competition Tribunal if it is in the public interest to do so. Further, the Act has a due diligence defence that protects against administrative penalties, restitution or corrective notices for companies who have **taken appropriate steps to try to follow the rules**.

- The guidelines require companies to produce testing documentation "only if challenged by the Bureau, rather than making them available at the time of the claim."

Federal Anti-Greenwashing Guidelines

Greenhushing

- The Canadian Chamber of Commerce raised the possibility of **“greenhushing”** – i.e. companies foregoing environmental claims altogether for fear of regulatory scrutiny. While initially less concerning than false or misleading claims, the impact of greenhushing would be very real, resulting in the **loss of valuable environmental information for consumers**, undermining their ability to make truly informed choices and potentially slowing environmental innovation across industries.

- Just days before the changes were made, the oil sands lobby group, **Pathways Alliance** scrubbed their entire website of their climate commitments citing the new anti-greenwashing rules. Now, we are seeing a similar reaction creep into the banking industry — with the **Royal Bank of Canada (RBC)** retiring its $500 billion sustainable finance commitment and not disclosing certain sustainability information, while also blaming the anti-greenwashing rules. Of note, started by public complaints, both Pathways Alliance and RBC were under investigation for greenwashing about their supposed climate action before the new anti-greenwashing rules.

Federal Anti-Greenwashing Guidelines

Competition Bureau Contact Info:

Website:
www.competitionbureau.gc.ca

Address:
Information Centre
Competition Bureau
50 Victoria Street
Gatineau, Quebec
K1A 0C9

Telephone:
Toll free: 1-800-348-5358
National Capital Region: 819-997-4282
TTY (for hearing impaired) 1-866-694-8389

Federal Plastics Registry

- On April 20, 2024, the Government of Canada issued a Notice pursuant to section 46 of the Canadian Environmental Protection Act, 1999 (CEPA) mandating that certain entities report information on the quantities and types of plastics that they manufacture, import, produce and place on the Canadian market.

- The Government of Canada is implementing this notice by introducing a comprehensive, first of its kind **Federal Plastics Registry (FPR).** This will require companies (including resin manufacturers, service providers and producers of plastic products) to report annually on the quantity and types of plastic they manufacture, import, and place on the market.

- Producers of plastic products and service providers will also be required to report on the quantity of plastic collected for diversion, reused, repaired, remanufactured, refurbished, recycled, processed into chemicals, composted, incinerated, and landfilled.

- The Registry is a federal tool to compel plastic producers and other companies across the plastics value chain to report annually to Environment and Climate Change Canada (ECCC) **to help monitor and track plastic from the time it is produced up to its end of life and identify opportunities for further action to reduce plastic waste and pollution**.

Federal Plastics Registry

- Reporting requirements are being rolled out in three phases with the **first reporting due by Sept. 29, 2025**.
- Producers of more than 1,000kg of (1) **plastic packaging** (2) **plastics in electronic and electrical equipment** and (3) **plastics in single use disposable products** are required to report to the Federal Plastics Registry by **Sept. 29, 2025**.
- Additional phases of reporting are required in 2026 and 2027.
- Required reporters under phase 1 of the Notice can begin their 2024 reporting ahead of the Sept. 29, 2025, deadline. The new federal reporting platform for plastics is live and can be accessed here: **https://rfp-fpr.ec.gc.ca/en/**
- **Phase 1 does not include products destined for the industrial, commercial and institutional (ICI) waste streams or other sectors such as agriculture, transportation and construction, which will be covered in subsequent phases.**
- Reporting to the FPR is mandatory, and companies that fail to meet their reporting requirements face penalties under CEPA of up to $500,000 for a first offence and $1,000,000 for a subsequent offence.

Federal Plastics Registry

Who is required to report into the Plastics Registry?

(1) Producers: Need to report on upstream data, like plastics placed on the market and downstream data like plastics collected for diversion. A producer is defined as:

- A brand owner or intellectual property holder who resides in Canada.
- If the brand owner is not a resident of Canada, then the first resident person to manufacture or import a plastic product in Canada is defined as the producer.
- If there is no person as described in the above bullet points, the producer is the Canadian retailer who supplied the product to the consumer.
- If the producer is a retailer and that retailer is a marketplace seller, the marketplace facilitator that contracts with the marketplace seller would be the producer.

- A **marketplace seller** is “a person that offers products for sale through a marketplace facilitator”. Marketplace sellers are usually independent retailers or producers who utilize online marketplaces or platforms. Marketplace sellers are responsible for the creation and supply of products. On the other hand, a **marketplace facilitator** helps distribute a product and owns or manages the online marketplace. The marketplace facilitator helps physically distribute a product, which includes storage, preparation, and shipping.

Federal Plastics Registry

Who is required to report into the Plastics Registry?

(2) Generators of Plastic Waste: Entities which send plastic waste and plastic- containing packaging waste for disposal or diversion from their industrial, commercial, or institutional facilities.

- Inclusion of these entities captures those that generate plastic waste even if they are not a producer obligated to report upstream data to the Federal Plastics Registry.
- Need to report on the quantity and type of plastic waste generated at their facility and sent for diversion or disposal activities.

(3) Service Providers: A person who is a service provider for the management of plastics or plastic products including, without limitation, via the following activities:

- Collecting or hauling • arranging for direct reuse • refurbishing • repairing • remanufacturing • mechanical recycling • chemical recycling • processing into chemicals, including fuels • composting • incineration with energy recovery • incineration for industrial processes • incineration without energy recovery • landfilling.
- Need to report on quantities and types of plastics for each of the previous activities.

Federal Plastics Registry

Exemptions from the Registry

- Notably, companies are exempt from reporting to the FPR that manufacture, import or place on the market less than 1,000 kg of plastic products or packaging per calendar year. This **de minimis exemption** helps to reduce the administrative burden on smaller entities and ensures that the FPR focuses on significant contributors to plastic waste. The de minimis exemption is based on the amount of plastic within the plastic item, rather than the overall weight of the item.

- Additionally**, foreign suppliers** are not obligated to report to the FPR — only persons resident in Canada. However, foreign suppliers are encouraged to support Canadian importers that have the reporting obligation by providing information on the identities, sources and quantities of plastic resins that they supply. Canadian importers should seek to obtain the necessary information from their foreign suppliers to fulfill their reporting obligations.

Federal Plastics Registry

Confidential business information

- Entities can request that certain information submitted to the FPR be treated as confidential business information (CBI). To do so, they must provide a written supporting rationale based on the reasons set out in section 52 of CEPA — namely, that at least one of the following applies:

- the information constitutes a trade secret

- the disclosure of the information would likely cause material financial loss to, or prejudice to the competitive position of, the person providing the information or on whose behalf it is provided

- the disclosure of the information would likely interfere with contractual or other negotiations being conducted by the person providing the information or on whose behalf it is provided

Federal Plastics Registry

When is reporting due?

- Reporting requirements for the Federal Plastics Registry will be introduced in phases to allow time for those obligated to report to meet the requirements.
- **Phase 1** reporting to the Federal Plastics Registry is due **September 29, 2025**, requiring reporting on plastic placed on the market in three categories for the 2024 calendar year.
- **Category of Plastics to be Reported**: (1) Packaging, (2) single use and disposable plastics and (3) plastics in electronics and electrical equipment destined for the residential waste stream only.
- **Reporting Requirements**: Total quantity, in kilograms, of plastic packaging and products that are: (a) manufactured in Canada, if any, (b) imported into Canada, if any, and (c) placed on the market in Canada and in each province and territory.
- **Information to be Reported**: • Resin type • Resin source • Category of plastic products • Subcategory of plastic products • Quantity of each resin in packaging or plastic products in kilograms • Calculation method.

Federal Plastics Registry

When is reporting due?

- **Phase 2** reporting is due **September 29, 2026**, requiring reporting on plastic placed on the market for the 2025 calendar year. This phase adds reporting requirements for resin manufacturers and importers, for the three categories that reported during Phase 1, as well as reporting on plastic placed on the market for remaining categories. **Phase 2 will also see the introduction of reporting on plastic waste generated at ICI facilities and the introduction of reporting for plastic collected and sent for diversion and disposal for some categories.**

- **Phase 3** reporting is due **September 29, 2027**, requiring reporting on plastic placed on the market for the 2026 calendar year. This phase adds additional reporting on plastics collected and sent for diversion and disposal for more categories.

- **Phase 4** reporting is due **September 29, 2028**, requiring reporting on plastic placed on the market for the 2027 calendar year. Requirements will be covered in a future information gathering notice.

Federal Plastics Registry

- The Guide stipulates that obligated companies must provide information that is **“reasonably accessible**”. This means that companies are expected to report data they possess or can reasonably obtain from within their supply chain.

- To meet this standard, companies are encouraged to make reasonable efforts to contact their suppliers and other entities in their supply chain to gather necessary information about the composition and quantities of plastics in their products. To this end, the Government of Canada has published a **template letter** for communicating with suppliers to obtain information to complete submissions to the FPR.

Federal Plastics Registry

- On Thursday, **June 19**, Environment and Climate Change Canada (ECCC) released a summary of the proposed content they intend to include in their upcoming **official guidance on reporting to Phase 2** of the Federal Plastic Registry. Phase 2 greatly expands the scope of reporting required in Phase 1.
- A consultation has been launched with this new release, which will **be due July 24, 2025**.
- Key concern for phase 2 reporting is that ICI plastic waste is not currently being tracked in many cases.
- It looks like producers will not be required to report on downstream waste - service providers will be.
- Producer stakeholders / associations **advocating for a delay in reporting for Phase 1**, which is due September 29, 2025, by requesting a minimum 6-month extension due to delays resulting from the election and the need for further guidance and engagement from government. **Individual companies should make request for extension on reporting** (similar to what happened with PFAs reporting).
- Some producer stakeholders calling for a **complete repeal of the plastics registry** - the enormity of reporting is very costly and time-consuming and what real environmental benefit will it bring?
- Feeling is ECCC wants data (best efforts in reporting) even if will be bad data - data will improve over time

Federal Plastics Registry

Where can I learn more about the requirements?

- Complete details are available on the Government of Canada website at: Federal Plastics Registry – Canada.ca and Canada Gazette, Part 1, Volume 158, Number 16: GOVERNMENT NOTICES.
- A guidance document has been prepared to provide assistance in responding to the requirements: Guide for reporting to the Federal Plastics Registry – phase 1
- Email: RFP-FPR@ec.gc.ca.

Federal PFAs Reporting

- On **July 27, 2024**, Environment and Climate Change Canada ("ECCC") published a notice pursuant to subsection 71(1)(b) of the Canada Environmental Protection Act, 1999 ("CEPA"), requiring companies to report on their manufacture, import, and use of per- and polyfluoroalkyl substances ("PFAS"). **Companies were to submit their report no later than January 29, 2025.**

- The ECCC is collecting this information to establish a baseline of commercial use data and support future activities related to 312 PFAS listed in Schedule 1 of the Notice. This reporting requirement is part of a broader government mandate **to assess and manage potential risks to human health and environment**, and, **if appropriate, implement preventative or control measures** before PFAS are imported into or manufactured in Canada.

Reporting Extensions

- Companies that required more time to comply with the Notice had an opportunity to request an extension from the Minister of Environment prior to the deadline by sending an email to substances@ec.gc.ca. The ECCC recommended that a **request for an extension be submitted at least five days prior to the deadline** and included a new proposed date for submission. Any requests after the deadline would not be granted.

- ECCC has granted 6 month reporting extensions to companies

Federal PFAs Reporting

What are PFAS?

- Commonly known as **“forever chemicals”**, PFAS are a group of several thousand man-made chemicals that are found in many frequently used consumer and industrial products (due to their oil and water repellency, high chemical, physical and thermal resistance to degradation and low surface tension), **including food packaging, fire-fighting foams, textiles, drugs, cosmetics, electronics, non-stick coatings, fire-fighting foams, drilling fluids, automotive and aerospace lubricants, coatings and additives.**

- In the environment, PFAS break down at a slow rate and are extremely persistent (which is how they earned the name “forever chemicals”). PFAS have also been found in humans and animals as well as in the air and various bodies of water. Despite data having largely been generated on a limited suite of well-studied PFAS, there is an increasing body of evidence that exposure to other PFAS can lead to adverse effects on the environment and human health. Cumulative effects from co-exposure to multiple PFAS may also occur.

Federal PFAs Reporting

Who is required to report?

- Any company who, during the 2023 calendar year, participated in any of the following activities:
- Manufactured more than 1,000 g of any substance listed in **Schedule 1**
- Imported more than 10 g of a substance listed in Part 1 of Schedule 1, or more than 100 kg of Substances in Parts 2 or 3
- Imported more than 100 kgs of any substance listed in Schedule 1 at a concentration of one ppm or more in a manufactured item
- Used more than 10 g of any substance listed in Schedule 1

Are there any exemptions or special cases?

The following substances are exempt from the reporting requirement in the Notice:

- Substances in transit through Canada
- Personal use substances
- Substances in laboratories for analysis, scientific research, or as standards
- Substances in hazardous waste or recyclable material and complies with Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations
- Substances registered under the Pest Control Products Act, Fertilizers Act, Feeds Act, or Seeds Act.
- Companies with fewer than five employees or less than $30,000 in annual gross revenue are also exempt from the reporting requirements.

Federal PFAs Reporting

What information needs to be reported?

- Depending on which of the above reporting criteria are met (including the type of manufactured item, and whether certain threshold levels of PFAS are exceeded), a company may need to report on some or all of the following:
- Descriptions and common names of each manufactured item containing the substance
- Known releases of substances to air, water, or land from its facilities
- Descriptions of policies or procedures to manage, mitigate, or minimize releases from its facilities
- Total quantities of manufactured, imported, used, or exported substances in the 2023 calendar year
- Application codes and substance function codes for each substance, including descriptions and common names of goods and whether the goods are for commercial or consumer use (and if for children under 14)
- Technical data, including molecular weight distribution and structural formulas, conditions for degradation and decomposition, and CAS RN and names for each monomer in the polymer.

Companies are required to provide information that is in their possession or to which they may be reasonably be expected to have access, including information that may be in the possession of employees or other agents of the company. Companies are encouraged to make inquiries and obtain information from their suppliers (including foreign suppliers), customers, and sector associations to respond to the Notice.

Federal PFAs Reporting

What are the penalties for non-compliance?

- Companies must comply with the reporting requirement in the Notice. Companies that fail to report contravene CEPA and are liable to fines of up to $500,000 and $1,000,000 for subsequent offences. Directors or officers who were aware of the obligation to report and failed to ensure compliance or actively participated in the decision not to report may be personally liable, whether the company is prosecuted or convicted of the offence or not.

Is there a reporting template?

- Companies must format their reports using the **Excel Reporting File** provided on the Government of Canada's Responding to the PFAS notice web page and then submit the reporting file through the ECCC Single Window online reporting system.

Federal PFAs Reporting

The government is taking the following phased approach:

- **Phase 1:** Prohibiting the use of PFAS (excluding fluoropolymers) in firefighting foams (not currently regulated), due to the high potential for environmental and human exposure;

- **Phase 2:** Prohibiting the use of PFAS (excluding fluoropolymers) in consumer products where alternatives exist. Prioritization of uses for prohibition is based on, and will take into account, costs and benefits, availability of suitable alternatives and other socio-economic considerations. Key products that will be reviewed include:
- Cosmetics;
- Natural health products and non-prescription drugs;
- Food packaging materials and food additives;
- Paint and coating, adhesive and sealant and other building materials available to consumers;
- Consumer mixtures such as cleaning products, waxes and polishes;
- Textiles uses (including in firefighting turnout gear); and
- Ski waxes.

Federal PFAs Reporting

- **Phase 3:** Prohibiting of the use of PFAS (excluding fluoropolymers) requiring further consideration through stakeholder engagement and further assessments (namely for those which there may not be feasible alternatives), including:
- Fluorinated gas applications;
- Prescription drugs (human and veterinary);
- Medical devices;
- Industrial food contact materials;
- Industrial sectors such as mining and petroleum; and
- Transport and military applications.

Federal PFAs Reporting

- On **March 5, 2025**, after consultations launched in 2023 and 2024, the federal government published Canada's **State of Per- and Polyfluoroalkyl Substances (PFAS) Report (the "Final Report")** and proposed **Risk Management Approach for Per- and Polyfluoroalkyl Substances (PFAS), Excluding Fluoropolymers (the "Risk Management Approach")**.
- In the Final Report, the government concludes that PFAS should be placed on the **toxic substances list** under the Canadian Environmental Protection Act, 1999 ("CEPA"). Note that while the Final Report does not immediately ban any new PFAS, it may be the start of future restrictions.
- The Final Report concludes that all substances in the defined PFAS class **(which excludes fluoropolymers)** meet the "toxic substance" criteria set out in section 64 of CEPA. Specifically, it concludes that the substances (i) are or may enter the environment in an amount that could have immediate or long-term harmful effects on the environment or its biological diversity and (ii) may enter the environment in a way that constitutes, or may constitute, a danger in Canada to human life or health.

Federal PFAs Reporting

- As a result, the federal government proposes to add the defined class of PFAS to Part 2 of the List of Toxic Substances in Schedule 1 of CEPA. Once a substance is listed under Schedule 1, CEPA empowers the federal government to take a number of risk management measures, including regulations that restrict the use, import, manufacture and release of substances. It is important to note that adding PFAS to Schedule 1 of CEPA does not itself ban or restrict the use of the substances. Instead, it allows federal government to take risk management action under CEPA.

- Where a toxic substance is listed in Part 2 of Schedule 1, the government must prioritize pollution prevention actions, which may include total, partial or conditional prohibition, when managing their risks. By adding the entire defined class of PFAS to the list, the government can take a class-based approach to risk management, as opposed to a time-consuming and arguably inefficient approach that examines each of the several thousand PFAS substances individually.

- With the publication of the Final Report, the federal government started a **60-day consultation period (which ended on May 7, 2025)** required before adding PFAS to the List of Toxic Substances in Schedule 1 of CEPA. As noted above, adding the defined PFAS class to CEPA Schedule 1 will not in and of itself establish any controls over the substances. Rather, doing so provides a mechanism for the federal government to impose the risk management measures set out in the Risk Management Approach.

Federal PFAs Reporting

- ECCC states that at each phase of risk management it will consider exemptions, when necessary, with attention to feasible alternatives and socio-economic factors. To inform ECCC's risk management decision-making, information on the following topics should be provided by May 7, 2025):

- Availability of alternatives to PFAS, or lack thereof, in products and applications in which they are currently used;

- Estimated timeframe to transition to alternatives to PFAS, including any challenges;

- Socio-economic impacts of replacing PFAS, including costs and feasibility of elimination or replacement; and

- Quantities and concentrations of PFAS (including Chemical Abstracts Service Registry Number® (CAS RN®), units of measurement, and applications) in products manufactured in, imported into, and sold in Canada (if not already provided through the July 27, 2024, Section 71 notice).

Federal Single-Use Plastics Ban

- The Canadian government's ban on six categories of single-use plastics is still in effect—for now.
- The six categories of single-use plastics that were banned included: **checkout bags**, **cutlery, take-out containers**, **stir sticks**, **plastic aluminum can ring carrier**s and **plastic straws** — these products account for about 3% of the plastic waste Canada generates annually.
- The Liberal Government ban was overturned in November 2023 by the Federal Court, **which said listing plastic items as toxic was unreasonable and unconstitutional**.
- On appeal in 2024, the federal government got a stay from the Federal Court of Appeal on the November ruling, allowing the ban to continue while the federal government continues its appeal.
- That appeal was heard in June 2024, but a **decision has not yet been handed down by the court (was expected 12 to 18 months after appeal hearing)**.
- A decision in favour of the government would uphold the ban and potentially allow for further regulations on plastics. A decision against the government would lead to the ban being lifted and could require the government to revisit its approach to regulating plastics. Regardless of the decision made by the Federal Appeals Court, it is expected that this case will be raised to the Supreme Court of Canada for a final decision.

Federal Single-Use Plastics Ban

- The November ruling stated that the Federal Government's decision **to list all plastic manufactured items (PMI) as toxic was too overly broad and lacked sufficient evidence**, concluding that the government did not demonstrate that all plastics cause harm. The ruling also noted that the Federal Government was overreaching on provincial jurisdiction.

- At the Federal Appeals Court the government argued that listing all PMI as "toxic" was not overly broad and that precedent exists to do so, citing that of the 150+ substances listed as toxic in Canada's Environmental legislation today, some are also broad categories, with the example of Volatile Organic Compounds (VOCs) being provided. The government also argued that the original form of the plastic is irrelevant to its ability to cause harm once it enters the environment, using physical examples such as plastic smothering coral reefs and choking animals.

- The Motion Judge determined that it was in the public interest to stay the Federal Court's decision in part because of the link between the Order and the Single-use Plastics Prohibition Regulations, which had already come into force prompting businesses and organizations across the country to change their practices involving plastics. If the stay were refused, irreparable harm would be done to the orderly roll-out of the regulations and confusion would arise for the businesses who have already moved to comply with the provisions. **As such, the regulation of single-use plastics under the CEPA remains in effect pending the outcome of the government's appeal.**

Federal Single-Use Plastics Ban

- Following the United States' publication of the 2025 National Trade Estimates Report on Foreign Trade Barriers, the US has identified **Canada's Zero Plastic Waste Agenda**– particularly the **Single-Use Plastics Prohibition Regulation**s - as **a technical trade barrier**.

- The report states that while the US supports Canada's decision to reduce plastic waste, they are **concerned about the availability of viable alternatives**. They particularly identify food packaging, worrying that compostable or recycled packaging will compromise food safety, therefore restricting US agricultural exports. Ultimately, the US emphasized they would continue to collaborate with Canada to find science-based solutions for sustainable plastic alternatives.

Quebec Bill 96

Bill 96 at a Glance

- Quebec's Bill 96, formally titled *An Act respecting French, the official and common language of Québec*, became law in Quebec **on June 1, 2022,** and goes fully into effect **June 1, 2025,** and strengthens the use of French across business, commerce, and public life.

Grace Period

- As a practical concession, the Regulation provides that a product **manufactured before June 1, 2025**, and complying with the previous French language rules, can still be distributed, sold at retail, rented, offered for sale or rental or otherwise marketed **until June 1, 2027**. Considering obvious supply chain, inventory and logistics considerations that arise in conjunction with those rules, the adjustment period was welcomed.

Effective Dates:

- **June 1, 2025:** Compliance deadline for major rules around packaging, signage, websites, and workplace language.
- **June 1, 2027:** End of grace period to sell non-compliant products manufactured before the 2025 deadline.

Quebec Bill 96

Key Impacts for Consumer Packaged Goods (CPG) Brands:

1. Packaging Labels: French Must Be Present and Predominant

- Recognized trademarks (registered & common law) where no French trademark exists are exempt from translation.
- All descriptive/generic terms must be translated - product types, benefits, or usage instructions (e.g. “anti-frizz,” “high protein”).
- A grace period to sell non-compliant packaging lasts until June 1, 2027 — but only if goods were manufactured before the 2025 enforcement date.

2. Signage and Quebec Advertising Regulations

In Quebec advertising, the use of **French must now be “markedly predominant**.” This means:

- French must **be at least twice the size** of other languages on all public signage.
- French text must be **more visible, legible, and prominent**.
- For digital signage or media, French must be shown **at least twice as long** as other languages.

This affects everything from billboards and in-store POP displays to digital ads and campaign rollouts.

Quebec Bill 96

- **Implication:** In Quebec, keep a 'French First' approach and determine if you really need to include English as part of the communication.

3. Digital Experience: French Can’t Be an Afterthought

Your Quebec-facing web experience must now be fully bilingual — and **French must be equivalent in quality, functionality, and completeness.** This includes:

- A fully translated and functional website in Quebec French
- Translated social media communication when directed at Quebec consumers
- French versions of terms of service, product pages, and return policies
- Customer service chat, emails, and help center content available in French

Francization in the Workplace

- Companies with **25+ employees** in Quebec must register with the Office québécois de la langue française (OQLF).
- Those with **100+ employees** must form a francization committee and file an ongoing French integration plan.
- Internal documentation, onboarding materials, and employee communication must be available in French.

Quebec Bill 96

FAQ's:

- **Does Bill 96 apply if we don't have offices in Quebec?**
- Yes. If your products are sold in Quebec, whether direct, via e-commerce, or through retailers, you must comply with the new rules.

- **Can we just use bilingual packaging?**
- French text must be **equal to or more** prominent than the English text.

- **What happens if we don't comply?**
- Fines can range from $3,000 to $30,000 per infraction. There's also reputational risk: Quebecers are quick to notice when brands disregard their culture.

- **Are private label or co-packed products included?**
- Yes. Bill 96 applies to all products sold in Quebec, regardless of where they are made or who owns the brand.

- **What about the corrugated shipping box that holds your product that will be discarded before they put the product on the shelf?**
- No, the corrugated shipping box would not be considered commercial documentation and is not subject to the requirements, however, best practice would be to have these boxes fully translated.

Quebec Bill 96

FAQ's:

- **Does French have to be predominant on packaging?**
- No, Quebec's Bill 96, the concept of "French predominance" applies specifically to public signage and advertising, not to product packaging.

- **Does this apply to only consumer facing documents?**
- Bill 96 must comply with all commercial documentation. Bill 96 defines "commercial documentation" broadly to include any material used in the course of business, whether directed at end consumers or business partners. That means both B2C and B2B documents are in scope. All commercial documentation must be available in French when used in Quebec.

- **What are examples of commercial documentation?**
- Examples of **consumer-facing** commercial documentation include: Product packaging and inserts, Promotional brochures and flyers, Receipts and warranties, E-commerce confirmation emails, Customer service scripts and templates, etc.

- Examples of **business-facing** commercial documentation include: Distributor and retailer price lists, Wholesale order forms, Sales contracts or agreements, Internal pitch decks sent to external buyers, Partner onboarding documents, Sell sheets and product data sheets, etc.

Quebec Bill 96

FAQ's:

- **Does Bill 96 apply to Social Media?**
- While the law doesn't explicitly call out "social media," it clearly applies to **all forms of commercial communication and advertising directed at Quebec consumers**, including digital platforms like Instagram, Facebook, TikTok, YouTube, and X (formerly Twitter).
- If you posting in English, you must also post in French - either as a separate post, a carousel swipe, or by including both languages in the caption. The French version must match the English version in meaning, tone, and value. If you work with influencers who post content on your behalf and target Quebec consumers, their sponsored posts must include French messaging and must be just as clear, engaging, and complete.

- **If you're selling in Quebec but not targeting Quebec consumers in social media, does that still apply?**
- Bill 96 is concerned with what Quebec consumers are exposed to, not just who you think your content is "for." If your brand sells products in Quebec (even through national retailers or e-comm), has a national or bilingual audience, uses organic or paid social channels that are accessible to Quebec consumers, then your social media content is considered commercial communication under the law and must comply with French language requirements.

Quebec Bill 96

- **On June 26, 2024**, the Québec government published its highly anticipated final version of the Regulation to amend mainly the Regulation respecting the language of commerce and business. While many had hoped for a delayed coming into force, the Final Regulation came into force on **June 1, 2025** (except for the new section 27.3 on contracts of adhesion, which came into force on July 11, 2024 – i.e. 15 days after the publication of the Final Regulation).

- While the vast majority of the proposed amendments published in January's draft version of the Regulation have been maintained in the Final Regulation, there are a **few notable take-aways**:

Quebec Bill 96

Wait and See - “Embossed” Exception is repealed - for now

- Finally, the Draft Regulations included certain significant additional new requirements, **which <u>have been dropped</u>** in the final Regulations, including the following:

- **Inscriptions on products necessary for their use** – Under the Charter and previously existing regulations, where a product is from outside Québec and inscriptions on it are engraved, baked or inlaid in the product itself, riveted or welded to it or embossed on it, in a permanent manner, they may be exclusively in another language (as opposed to the underlying requirement to have equivalent French wording). Under the Draft Regulations, this exemption would no longer have been available for inscriptions “necessary for the use of the product”. As a result, various switches, dials and other instructions would have had to be labelled in French, in addition to any other language. Considering the nature of the targeted inscriptions, the regulatory change would have had significant impacts on manufacturing processes, for instance requiring new molds or significant changes to production lines to accommodate the requirement.

- This step back is understood to have resulted from significant push back from industry stakeholders and foreign commercial partners. While the Quebec Government appears to be giving these areas further thought for now, there is a sense that they may revisit this issue and make future incremental regulatory changes in a separate amendment.

Quebec Bill 96

Back and Forth on the Trademark Exemption

- Prior to Bill 96, the Charter and existing regulations permitted the display of “recognized trademarks” in other languages only in a number of contexts, such as appearing on products, commercial documentation or in public signage, where no French trademark existed. Jurisprudence on the subject had determined that this included both trademarks registered with the Canadian Intellectual Property Office (“CIPO”) and “common law” trademarks created through their use and recognizability, but not necessarily registered.

- Bill 96 had curtailed the benefit of that exemption to “registered trademarks” only, which was to apply starting on June 1, 2025.

- Many stakeholders opposed this change and noted that (i) it would be difficult and unwieldy to register large and previously unregistered trademark portfolios, or that (ii) current delays to obtain a trademark registration at CIPO often extended to multiple years and wondered how they would be able to sell products in Quebec in the meantime.

- In a major reversal of the above, the Regulation reintroduces the full recognized trademark exemption **(still only to the extent no equivalent French trademark is registered),** however, they must be accompanied by a French translation of any generic or descriptive terms within the trademark.

Quebec Bill 96

Generic and Descriptive Wording

- Another rule introduced under Bill 96 was to require that any “generic term or a description of the product” included in a trademark should appear in French on the product or permanently attached to it. The Regulation clarifies those words to mean:

- “a description refers to one or more words describing the characteristics of a product” and
- “a generic term refers to one or more words describing the nature of a product”.
- However, “the name of the enterprise [selling the product] and the name of the product as sold” are not subject to the above translation requirements, even if they are otherwise descriptive or generic. “Designations of origin and distinctive names of a cultural nature” are also carved out.
- The Regulation also specifies that “a product” includes its container, wrapping and any other document or object supplied with it.

Quebec Bill 96

Public Signage and Advertising

- Under Bill 96, a requirement was introduced that when trademarks in a language other than French are displayed publicly (i.e. “visible from outside the premises”, such as storefronts or billboards), they should be accompanied by “markedly predominant” French wording.
- This represents an incremental step regarding the use of French in the public space. Indeed, since 2016, trademarks in other languages on public signage had to be accompanied by a “sufficient presence” of French (such as a slogan, descriptor of the products or services or generic description of the business).
- Under the Regulation, marked predominance is achieved where a French description or generic term concerning the products or services offered has “much greater visual impact” within the same visual field (being an overall view where all components of the public signage or advertising are visible and legible at the same time without having to move”).
- The French text must also be twice as large in area and have the same legibility and permanent visibility. To be considered permanent, public signage must not be likely to be easily removed or torn off.
- **Certain items do not count towards meeting the above criteria, such as French inscriptions of business hours, phone numbers, addresses, numbers, percentages and articles, among others.**

Quebec Bill 96

Space occupied by French text on outdoor signage to be at least 2X other languages

- Under the Final Regulation, the "markedly predominant" threshold will be met where "the text in French has a much greater visual impact than the text in the other language." The Regulation further specifies that the French text achieves a much greater visual impact if the following conditions are met in the same visual field:

- The "space allotted to the French text is at least twice as large as the space allotted to the text in another language.“

- The legibility and permanent visibility of the French text are equivalent to those of the text in another language.

- For "dynamic signage" where the English and French text are displayed in alternation (think digital screens), the French text must be "visible at least twice as long as the text in another language" in order to ensure that French has a much greater visual impact.

Quebec Bill 96

- U.S. government included Quebec's Bill 96 as **'foreign trade barrier'** on a list of trade complaints published on **April 1, 2025** in the **2025 National Trade Estimate Report on Foreign Trade Barriers**. It outlines, country by country, what the Office of the United States Trade Representative (USTR) believes to be "unfair trade practices [that] undermine U.S. exporters' competitiveness and, in some cases, prevent U.S. goods from entering the foreign market entirely." The annual report names Bill 96 as a "technical barrier to trade" because it **would require generic terms and product descriptions that are part of trademarks to be translated into French**.

- Quebec Premier François Legault, said he won't give an inch on the language law. Jean-François Roberge, Quebec's minister for the French language, said that while the U.S. government considers Bill 96's labelling and signage rules to be obstructions to trade, Quebec has its reasons for keeping the law intact. "I think it is normal, responsible and reasonable that the only francophone state of North America defends and promotes the French language," Roberge said.

Quebec Bill 96

- In its explanation, the USTR states that U.S. businesses are **worried about the impact Bill 96 could have on their "federally registered trademarks" for products manufactured after June 1, 2025**, "when the relevant provisions of Bill 96 enter into force."
- "These businesses will need to review their non-French language trademarks on the products' packaging and labelling and translate into French any part of their trademark that contains a 'generic term' or a 'description of the product,'" it notes.
- The report goes on to state that last June, the U.S. approached Canada about the bill at the WTO Committee on Technical Barriers to Trade meeting.
- However, François Legault's government, as well as all the opposition parties, stood firm saying the U.S. administration has no business interfering with Quebec's language laws.
- Roberge said he doesn't believe business relations between Quebec and the U.S. are at stake because of language laws, insisting that Bill 96 was one concern out of about 300 listed in the document.

Next Meeting Dates

Thursday, September 18, 2025, 9:00 a.m. - 10: a.m. ET

Thursday, November 13, 2025, 9:00 a.m. - 10: a.m. ET

Zoom Meeting Invites to be sent out

Sign-Up and Join Us on SLACK to Continue the Conversation

Thank You for Attending the

Environmental / Regulatory Affairs Members' Meeting

July 24, 2025