

Mr. Raymond Pierce, Deputy Commissioner
Fair Business Practices Branch
c/o. Ms. Diane Audet
Enforcement Support Officer
Competition Bureau
50 Victoria Street
Gatineau, PQ, K1A 0C9

June 1, 2007

Dear Mr. Pierce:

As one of those who has been most active in supporting Extended Producer Responsibility/ Product Stewardship programs in British Columbia over the past fifteen years, I am well aware of how important a 'level playing field' is to industry when government regulation becomes unavoidable.

My few comments [attached] come from my active involvement in many of the sections that you include in this DRAFT "Environmental claims: A guide for industry and advertisers". We have deplored exaggerated claims for years. I have also been engaged in the hazardous waste issues-domestic, industrial and export.

Under 10.2, I note that you haven't tackled the issue of 'organic' vs 'GE-free'. As the organic percentage of waste from all sources that still goes to landfill ranges between 30% - 40%, this is a huge gap because it is the most contentious and urgent issue in this sector. Here again definitions are important.

I will be interested in receiving your final report.

Yours sincerely,

Ann W. Johnston

ac. Honourable Gary Lunn, Minister of Natural Resources and MP for the Southern
Gulf

Islands, BC

Honourable Barry Penner, MLA, B.C., Minister of the Environment, BC
Honourable Murray Coell, MLA, B.C., for the Southern Gulf Islands, BC
Brock MacDonald, ED, Recycling Council of British Columbia
Don Anderson, Southern Gulf Islands Recycling Coalition, BC
M.J. O'Donnell, Zero Waste BC
Mary Cooper, Mayne Island Integrated Water Systems Society, BC
Mary Johnston, WaterMatters, Vancouver, BC

Julie Emerson, Cool Islands, Mayne Island, BC

attachment

Response from Ann W. Johnston to “Environmental claims: A guide for industry and advertisers”

1. Lack of Definitions:

a. Please define “mass” which is used throughout in calculating environmental impact but it is never defined. In the ‘recycling’ sector this is one of the most contentious elements in any equation-especially when we come to plastics, our ever-increasing problem materials. I assume that you are referring to ‘weight’ on this planet. Say so. We aren’t all physicists or engineers.

b. b. ref. pp. 31, 33, 36, 41, 42 & 52 Define ‘conveniently available’ and ‘reasonable portion’.

10.1.2 “For claims of recyclable and reusable and refillable, systems and facilities will

always be required. Further, systems or facilities must be conveniently available to a reasonable portion of purchasers and potential purchasers in the area which product is to be sold.” [sic; underlining mine]

This has been an issue with all our EPR programs in BC. Even our most ‘mature’ beverage container/Encorp Pacific Inc. program is now in question. Encorp recently has taken on an ‘electronics’ and a *voluntary* milk container program and we are not certain how many depots in its impressive system are willing to accept the terms that are being offered for these collections.

We continue to have problems with the provincial coverage of full ProductCare (household hazardous waste) collection depots. [Their PC Paint Depots appear to be adequate.]

c. 10.2 In the context of ‘compostable’, you need to define ‘organic’ vs ‘GE-free’. As the organic percentage of waste from all sources that still goes to landfill ranges between 30% - 40%, this is the most contentious and urgent issue in this sector. Here again definitions are important.

2. Enforcement

Most important. We see no mention of ‘enforcement’ provisions throughout this document. There need to be clear targets, deadlines and penalties spelt out. And then we need to know that there are knowledgeable enforcement officers in place. This has been an ever-increasing problem since the cut backs (Federal and Provincial) a few years ago.

3. 10.2 Compostable

10.2.1 “b) releases substances in concentrations harmful to the environment at any point during decomposition...” All composting involves the release of Carbon Dioxide. If it is done in a ‘state of the art’ facility the gas may be captured. If thrown into a pile in one’s backyard there will still be a release of ghg. The issue then becomes a trade-off in benefits.

4. 10.6 Recovered energy

10.6.2 Those of us who espouse the 'goal' of Zero Waste consider 'waste as a resource' which will continue to be available for reuse in one form or another. Once it has been turned into 'energy', one wonders what future use it may have. We, at least, would like some cautionary statement that 'energy recovery', as it is called (which does not agree with this document's use of the term 'recovery'), is only used when other 'higher' uses-eg. redesign, reduce, reuse, recycle, repair, etc--have been exhausted.

5. 10.8 Recycled content

10.8.1 c) Recovered (reclaimed) material "Material that would have otherwise been disposed of as waste or used for energy recovery, but instead has been collected and recovered (reclaimed) as a material input, in lieu of new primary material, for recycling or a manufacturing process." *This is the way the term 'recovered' material should be used!*

6. 10.12.1.2 Refillable

10.12.2 "Some grocery stores have a system in place that allows customers to refill special plastic soft drink bottles on site." There is an ever-increasing body of evidence that the refilling of plastic bottles with either juice or water may have serious negative impacts on one's health. *A 'reusable' or 'refillable' label should not be permissible on plastic bottles.*

7. 10.13 Waste reduction

10.13.1 "...or if there is a reduction in the mass of waste due to a waste treatment process." Mass equates to weight in the recycling business. Incineration no doubt reduces 'mass' but we object to this as 'a best practice'-cf 4. above. We note that this is a 'comparative claim' and needs to meet the requirements of Clause 9 of the Guide.

Appendix A.

We applaud the emphasis on life cycle analysis and on specification of limited scope. This is where we all need to continue putting added emphasis.

Thank you for including me in this review.

Ann W. Johnston

for: Southern Gulf Islands Recycling Coalition
Zero Waste British Columbia

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