



June 1, 2007

Competition Bureau Canada
50 Victoria Street
Gatineau, Quebec
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Attention: Diane Audet

Subject: Comments on Environmental claims: A guide for industry and advertisers

Waste Diversion Ontario (WDO) and Stewardship Ontario are pleased to provide comments on the draft guide for consideration by the Competition Bureau and Canadian Standards Association.

WDO is a non-crown corporation created under the Waste Diversion Act (WDA) on June 27, 2002. WDO was established by the Province of Ontario to develop, implement and operate waste diversion programs for a wide range of materials.

Stewardship Ontario is Ontario's first Industry Funding Organization (IFO), created by WDO in late 2002 in response to a request from the Ontario Minister of Environment to develop and implement a diversion program for Blue Box wastes. Stewardship Ontario was incorporated on November 6, 2002.

WDO and Stewardship Ontario are in a unique position to provide comments on the draft guidelines with respect to environmental claims that relate to recycling and waste diversion. WDO surveys almost 200 municipalities every year on waste diversion activities and performance. The WDO website provides summary tables of Blue Box and other materials collected in each Ontario municipal program. There are over 1,800 companies registered with Stewardship Ontario that manufacture or import printed papers and packaging for sale in Ontario. These companies are obligated, under the Waste Diversion Act, to support diversion of their printed papers and packaging in Ontario.

In Canada, waste management and recycling policies and legislation are under provincial responsibility. Each province has some form of regulation that addresses packaging and/or product diversion programs. Ontario has passed a regulation that requires municipalities over 5,000 to recycle five mandatory materials and a minimum of two optional materials. However, no other province has implemented similar mandatory legislation. The decision as to what materials are collected and the type of recycling service provided is the responsibility of each of the more than 1,000 local municipal recycling programs across Canada.

Municipal waste management systems and industry managed producer responsibility programs are changing all of the time. The Guide needs to be forward looking and take both the variability

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and the ongoing evolution of programs into account. The must also reflect how products are produced and sold in Canada.

The vast majority of products available to consumers throughout Canada are sold across provincial borders. A large percentage of products are also now imported into Canada and this trend is likely to grow. It is not practically feasible for manufacturers to develop packaging labels that are specific to individual local recycling programs across Canada.

For illustration purposes, in 2006, plastic film was collected in programs that served approximately 53% of Ontario's population. Plastic film is collected at hundreds of retail stores across the country and by the Cities of Halifax, Montreal and Edmonton, but is not currently collected by the Cities of Toronto, Winnipeg, or Vancouver. While Toronto has indicated it will be adding plastic film to its recycling programs, the timing of this is dependent on a number of local factors including Council approval, the roll-out of a new collection system and re-tendering of processing contracts. It is not practical for manufacturers in Montreal, Los Angeles or Taipei to monitor decisions at the Canadian local municipal level when designing packaging labeling.

If revisions to the guidelines require municipal-specific information on labels, brand owners and retailers are likely to remove all claims of recyclability, compostability, recycled content and possibly the mobius loop from packaging. The net result would be less information for the consumer, limiting their ability to differentiate between products in the market.

We have attached supporting comments and recommendations to address your concerns for accuracy while ensuring that consumers continue to receive valuable information through labeling. It is our recommendation that the Bureau allow manufacturers to use the "Recyclable where facilities exist" claim because municipalities regularly provide residents with recycling information either through direct mail, information hotlines or municipal websites. These tools, combined with legitimate claims on packaging and products, will provide the consumer with the necessary information to make informed product choices.

If you should have further questions or clarifications, don't hesitate to contact Glenda Gies from WDO at 416-226-5113, extension 296, or Gordon Day from Stewardship Ontario at 647-777-3361.

Yours truly,
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Further comments from Waste Diversion Ontario and Stewardship Ontario

Section	Comments Included in the Guide	Implications	Recommendations
Section 7 - Mobius Loop	<p>The mobius loop can only be used to communicate recycled content or recyclability of the product. However, in order to be able to make the recyclable claim, “it is not adequate just to have municipal or industry collection systems – there must also be facilities to process the collected materials and reuse them as an input to another product that be marketed and used. And those facilities must be conveniently available to a reasonable proportion of purchasers.</p> <p>If that is not the case, then the Mobius loop must be used with a qualifying statement such as “This container is recyclable through the Blue Box program in Southern Ontario and at recycling depots in Winnipeg and Edmonton”.</p>	<p>The vast majority of plastic bottles, jugs and wide mouth containers include the mobius loop and a number that corresponds to the type of plastic resin. This system of identifying plastic containers has been widely used throughout North America for many years.</p> <p>This coding system is used by municipalities and recyclers to educate consumers about types of plastics accepted in their recycling programs. See http://www.cpia.ca/files/files/resincode.pdf for details. Does the proposal impact use of plastic resin codes on consumer plastic packaging?</p> <p>What is meant by “reasonable proportion of purchasers”?</p>	<p>Support that the mobius loop can only be used to communicate recyclability and/or recycled content. Where mobius loop is being used to signify recycled content, require manufacturers to provide post consumer content. (see 10.8.2)</p> <p>The existing plastic resin coding system should be allowed to continue.</p>
Section 10.1.2 Claims of “Where facilities exist”	<p>“For claims of recyclable, reusable and refillable facilities must be conveniently available to a reasonable portion of purchasers and potential purchasers in the area in which the product is to be sold.”</p> <p>“It is not considered adequate to state “recyclable where facilities exist” which is dependent on the existence of such facilities.</p> <p>Claims of recyclability must be qualified with information about where they are recyclable such as the statement used above, “This container is recyclable through the Blue Box program in Southern Ontario and at recycling depots in Winnipeg and Edmonton.”</p>	<p>Labeling product packaging to local municipal service levels is not feasible for an industry that manufactures and distributes in markets across multiple jurisdictions.</p> <p>Requiring industry to do so could result in a decision to exclude this type of labeling thus depriving the consumer of important information.</p>	<p>The Bureau continue to allow the “Where facilities exist” claim to reflect that municipalities across the country determine the type of recycling service provided and regularly provide residents (i.e. consumers) with information about what materials are accepted in the local recycling programs.</p>

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10.2.2 Compostable	<p>Unless a product/packaging is compostable under all conditions, then the environmental claim must include information about the kind of composting facilities required and if those facilities are municipal then they must be conveniently available to a reasonable proportion of the population in the area where the product is marketed and must be labeled as such. E.g., “This package is compostable in municipal composting programs in Southern Ontario only.” Cannot use the claim “This package is compostable where municipal facilities exist.”</p>	<p>Composting programs and technologies vary considerably with some programs accepting a narrow range of materials and others accepting a wider range, including paper packaging such as molded fibre egg cartons, paper rolls/core and boxboard containers.</p> <p>Labeling product packaging to local municipal service levels is not feasible for an industry that manufactures and distributes in markets across multiple jurisdictions.</p> <p>Requiring industry to do so could result in a decision to exclude this type of labeling thus depriving the consumer of important information</p>	<p>The Bureau continue to allow the “Where facilities exist” claim to reflect that municipalities across the country determine the type of recycling service provided and regularly provide residents (i.e. consumers) with information about what materials are accepted in the local recycling programs.</p> <p>In the mind of consumers, the mobius loop means the item is recyclable. Therefore, the mobius loop should not be used on biodegradable and compostable packaging and products that are NOT recyclable.</p> <p>For packaging that is both recyclable and compostable (such as egg cartons, boxboard containers, etc.), the mobius loop can be shown, but an accompanying explanatory statement should indicate that the package is also compostable where facilities exist. On biodegradable packaging that is not recyclable (such as PLA plastic container), use of the mobius loop should be prohibited.</p>
10.3.2 Degradable Qualifications	<p>a)and shall be relevant to the circumstances in which the product or packaging is likely to be disposed.”</p>	<p>Products that claim degradability should not also claim recyclability to avoid consumers placing degradable products in recycling programs. For example, degradable plastic carry-out bags are being sold in jurisdictions where recyclable plastic carry-out bags are also being sold and retailers and/or local municipalities are collecting and recycling the recyclable plastic film while the degradable plastic film is a contaminant in the recycling process.</p>	<p>Change Section 10.3.2 a) page 34 to “shall be relevant to the circumstances in which the product or packaging is likely to be managed through degradation”.</p>

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10.4.3 Design for disassembly	c) General qualifications, such as “Can be disassembled where facilities exist”, which do not convey the limited availability of facilities are not adequate.	It is not practical to put disassembly locations on products or product packaging. Labeling product packaging to local disassembly locations is not feasible for an industry that manufactures and distributes in markets across multiple jurisdictions. Requiring industry to do so could result in a decision to exclude this type of labeling thus depriving the consumer of important information.	The Bureau modify its recommended approach to be: “Where facilities exist. Contact manufacturer for details.”
10.7.2 Recyclable	“... for claims of recyclable, reusable and refillable facilities must be conveniently available to a reasonable portion of purchasers and potential purchasers in the area in which the product is to be sold.” “it is not considered adequate to state “ recyclable where facilities exist”.” Claims of recyclability must be qualified with information about where they are recyclable such as the statement used above, “This container is recyclable through the Blue Box program in Southern Ontario and at recycling depots in Winnipeg and Edmonton.”	Labeling product packaging to local municipal capabilities is not feasible for an industry that manufactures and distributes in markets across multiple jurisdictions. Requiring industry to do so could result in a decision to not provide any recycling information, thus depriving the consumer of important information.	The Bureau continue to allow the “Where facilities exist” claim to reflect that municipalities across the country determine the type of recycling service provided and regularly provide residents (i.e. consumers) with information about what materials are accepted in the local recycling programs.
10.8.2 Recycled Content	Where a claim of recycled content is made, the percentage of recycled material shall be stated. If the percentage of recycled content is variable, it may be expressed with statements such as “at least x percent” or “greater than x percent” recycled content Use of a symbol. When making a claim, the use of a symbol is optional. If a symbol is used for recycled content, it shall be the mobius loop.	Generally we support greater clarity. The issue of recycled content will be increased interest for our organizations, and other potential programs across Canada over the coming years.	Where the mobius loop is being used to signify recycled content, require manufacturers to provide post consumer content. Where mobius loop is being used to signify recyclable, include the word below the mobius loop.

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10.12 Reusable and Refillable	<p>A characteristic of a product or packaging that has been conceived and designed to accomplish a certain number of trips. (10.12.1.1)</p> <p>“An unqualified claim of “refillable” could be made if the manufacturer sells a concentrated refill for the detergent bottle <u>in all locations</u> where the original bottle is sold” (10.12.1.2)</p>	<p>Support the comment about “intent”, as many forms of packaging can be reused for a number of different applications other than its intended use. Other examples include plastic pails of cat litter or dog food that may be used for something other than its original purpose.</p> <p>10.12.1.2 - it may not always be practical for a manufacturer to guarantee refillable is available in all locations</p> <p>10.12.2 – the proposed language is too specific to be practical for widespread application.</p>	Feasible if “all” is removed from examples in Section 10.12.1.2