

PLAN FOR THE BAN: CANADA'S FEDERAL PLASTICS REGISTRY – LET'S TALK REPORTING OBLIGATIONS

Posted on April 29, 2024

Categories: [Insights](#), [Publications](#)

On April 20, 2024, the Government of Canada published the final [notice](#) for the establishment of the Federal Plastics Registry (the “**Notice**”)^[1] under section 46(1) of the [Canadian Environmental Protection Act, 1999](#) (“**CEPA**”). The publication of the Notice authorizes the Minister of Environment and Climate Change Canada (“**Environment Canada**”) to collect data on plastics in Canada for the purpose of conducting research, creating an inventory of data, formulating objectives and codes of practice, issuing guidelines, and assessing and reporting on the state of the environment.

The publication of the Notice follows Canada’s publication of a notice of intent (to issue the Notice) dated December 30, 2023 (the “**Notice of Intent**”)^[2] discussed in our prior bulletin available [here](#). This Bulletin provides a summary of the provisions of the Notice that passed the finish line as well as a few instances where Environment Canada’s proposed terms in the Notice of Intent did not make the final cut.

This is the latest bulletin in our “Plan for the Ban” series regarding prohibitions and increased regulation of single-use plastics and other plastic products across Canada. This bulletin discusses who and what will be required to be reported under the Federal Plastics Registry.

What is the Federal Plastics Registry?

The Federal Plastics Registry will require companies to register and report on plastics supplied in Canada. The reported information is intended to inform Canada’s extended producer responsibility (“**EPR**”) policy, which aims to improve waste reduction and recycling activities by extending a producer’s physical and financial responsibility for a product to the post-consumer stage of its lifecycle (e.g., the end of the product’s useful life when it becomes waste). This initiative is part of Canada’s broader strategy to reduce plastic pollution and promote a circular economy, ensuring that plastic remains within the economy and is kept out of the environment.^[3]

These new requirements mandate companies, including resin manufacturers, service providers for the management of plastics, and producers of plastic products, to report annually to Environment Canada on the quantity and types of plastic they manufacture, import and place on the market. Additionally, producers of

plastic products and service providers will also be required to report on the quantity of plastic collected and diverted, reused, repaired, remanufactured, refurbished, recycled, processed into chemicals, composted, incinerated, and landfilled. Those who generate packaging or plastic product waste will also be required to report on the amount of packaging or plastic waste generated on their industrial, commercial, and institutional premises.

What Categories of Products are Subject to the Federal Plastics Registry?

The Notice applies to all plastic resins and products listed in Parts 1 through 4 of Schedule 1 to the Notice (“**Schedule 1**”) that are manufactured in Canada, imported into Canada, or placed on the market in Canada, which are summarized in the table below.

Since the publication of the Notice of Intent, the categories of products subject to the reporting requirements have been revised. Notably, the “White Goods” category has been subsumed within Category 1 of Part 4 and the catch all-provision for single-use or disposable plastic products has been replaced with a designated list of products under Category 8.

Schedule 1 Plastics Resins & Products	
PART 1 & 2: Plastic Resins	Plastic resins identified according to the North American Classification System (NAPCS) and certain designated resin sources.
PART 3: Plastic Packaging	Rigid and flexible plastic packaging both filled and unfilled within the following subcategories: (a) beverage container, (b) food contact material, (c) packaging for hazardous materials, (d) other packaging.
PART 4: Other Plastic Products	Other plastic products that fall under the following eight categories and subcategories (where a plastic product or component falls under one category or subcategory, it does not need to be reported under any other category or subcategory).
Part 4 Categories	Subcategories

<p>1. Electronic and Electrical Equipment (EEE)</p>	<p>(1) Electronic or electrical information technology or telecommunication devices or equipment, (2) Electronic or electrical audiovisual and consumer equipment or media, (3) Electronic or electrical appliances, (4) Electronic or electrical tools, other than large-scale stationary industrial tools, (5) Electronic or electrical lighting equipment, (6) Electronic or electrical toys, (7) Electronic or electrical sports equipment, (8) Electronic or electrical devices for arts, hobbies or crafts, (9) Electronic or electrical monitoring, and control instruments, (10) Electronic or electrical dispensers, (11) Electronic or electrical medical devices or equipment, (12) Accessories for use with any products referred to in Category 1, (13) Photovoltaic panels, (14) Chargers for battery-electric vehicles and plug-in hybrid electric vehicles, whether free-standing or wall-mounted.</p>
<p>2. Tires</p>	<p>(1) Tires for light-duty vehicles, (2) Tires for medium-duty vehicles, (3) Tires for heavy-duty vehicles, (4) Tires for motorcycles, (5) Tires for trailers, (6) Tires for snowmobiles and restricted-use vehicles, (7) Tires for mobility aids, (8) Tires for bicycles, bicycle trailers and motor-assisted bicycles, (9) Tires for muscular-powered equipment.</p>
<p>3. Transportation</p>	<p>(1) Light-duty vehicles, (2) Medium-duty vehicles, (3) Heavy-duty vehicles, (4) Motorcycles, (5) Trailers, (6) Snowmobiles and restricted-use vehicles, (7) Mobility aids, (8) Bicycles, bicycle trailers and motor-assisted bicycles, (9) Muscular-powered equipment.</p>
<p>4. Construction</p>	<p>(1) Windows and doors, (2) Interior finishes (including flooring), (3) Construction film and sheeting, (4) Insulation materials, (5) Paints and coatings, (6) Piping, including pipe fittings, (7) Roofing materials, (8) Siding and cladding (9) Decking and fencing.</p>
<p>5. Agriculture and horticulture</p>	<p>(1) Agricultural containers, (2) Animal health product containers, (3) Agricultural totes and drums, (4) Agricultural bags and large tote bags, (5) Clips, supports, hooks, (6) Bale wrap, bags or tubes, (7) Grain bags, (8) Agricultural and horticultural film and sheeting (e.g. for silage, mulch, flooring, plant protection), (9) Net wrap, (10) Structural plastic for greenhouses, (11) CO2 tubing for greenhouses, (12) Propagation trays and growing pots, (13) Irrigation equipment, (14) Maple syrup tubing and taps, (15) Agricultural and horticultural twine.</p>

6. Fishing and aquaculture	(1) Longlines, (2) Nets (e.g. seines, gillnet mesh and associated float and sink lines), (3) Traps and pots, (4) Trawl nets, (5) Trolls, (6) Buoy lines, (7) Anchors, (8) Fishing gear markers, (9) Buoys, (10) Weirs, (11) Groundlines (e.g. ropes and bridles connecting traps/pots in a trawl), (12) Bait bags, (13) Weak links/whale release systems in buoy lines, (14) Smart Buoys, smart release buoy systems, other emerging technology for fishing gear recovery systems, (15) On-Demand/Ropeless Fishing Systems (floats, inflatable bags, acoustic releases, rope containment systems), (16) Buckets, bins and barrels, (17) Flotation for raft structures for aquaculture, (18) Ropes, bags and netting for aquaculture, (19) Trays for aquaculture.
7. Apparel and textiles	(1) Apparel, (2) Interior textiles, (3) Industrial textiles, (4) Carpet and other floor coverings, (5) Footwear, (6) Yarn, thread, twine, cordage, ropes, cables, woven and knitted or crocheted fabric, (7) Luggage, (8) Reusable fabric checkout bags.
8. Single-use or disposable products	(1) Food service ware: (a) Clamshell containers, lidded containers, boxes, plates, and bowls (b) Takeaway cups, (c) Lids for takeaway cups, (d) Rigid ring carriers, (e) Foam trays, (f) Single-serve capsules and pods, (g) Bags provided by a retailer and filled within the store with produce or bulk products, (2) Personal hygiene and care products: (a) Manual toothbrushes and replaceable toothbrush heads, (b) Disposable diapers and menstrual products, (c) Tubes for personal hygiene and care products, (d) Razors and razor heads, (e) Dental floss and flossers, (f) Cotton swab sticks, (g) Wipes, (3) Novelty items, (4) Tobacco and vaping products, (a) Tobacco products containing filters, (b) Vaping devices, (c) Vaping cartridges, (5) Personal protective equipment, (a) Masks, (b) Gloves.

Who Will Have to Report?

Subject to a few exemptions noted below, the following companies have to submit annual reports to Environment Canada under the Federal Plastics Registry:

1. Manufacturers and importers of and companies who place **plastic resins** (Parts 1 and 2 of Schedule 1) on the market in Canada.
2. Producers of **plastic packaging** or **other plastic products** (Parts 3 and 4 of Schedule 1) who,

depending on the circumstances, may be the brand owner, intellectual property holder, manufacturer, first importer, distributor or supplier of the product.

3. Generators of **packaging and plastic product waste** at their industrial, commercial or institutional facility.

4. Service providers for the management of **plastic packaging or other plastic products** (Parts 3 and 4 of Schedule 1) via the following non-exhaustive list of activities: (a) collecting or hauling; (b) arranging for direct reuse; (c) refurbishing; (d) repairing; (e) remanufacturing; (f) mechanical recycling; (g) chemical recycling; (h) processing into chemicals, including fuels; or (i) composting; (j) incineration with energy recovery; (k) incineration for industrial processes; (l) incineration without energy recovery; (m) landfilling.

There are three exemptions to these reporting requirements intended to relieve small businesses or businesses with little involvement in the plastics industry of the obligations under the Federal Plastics Registry. A company is exempt from the reporting requirements if it:

- a. manufactures, imports or places on the market less than 1,000 kg of plastic products or packaging per calendar year;
- b. generates less than 1,000 kg of packaging and plastic product waste at their industrial, commercial or institutional facility per calendar year; or
- c. manages less than 1,000 kg of plastic via the activities listed in (4)(a) to (m) per calendar year.

In some instances, the company required to report may delegate this obligation to a third party, but will be required to provide additional information to Environment Canada on the delegation relationship in addition to the company's reporting requirements.

When Will Reporting Obligations Go Into Effect?

The Notice immediately came into effect upon publication and applies to the calendar years 2024, 2025, and 2026.

The Federal Plastics Registry requirements will be phased in by category of plastic products between 2025 and 2027 for the 2024 to 2026 calendar years (e.g., the 2024 calendar year report would need to be submitted by September 29, 2025; the 2025 calendar year report would need to be submitted by September 29, 2026; and the 2026 calendar year report would need to be submitted by September 29, 2027). The reporting obligations come into effect for each category as follows:

- 2024 Calendar Year: Reporting only required for Parts 1, 2 and 3 (resins and packaging) and Categories 1 and 8 (EEE and single-use or disposable products) of Part 4 of Schedule 1.

- 2025 and 2026 Calendar Years: Reporting required for all remaining categories.

What Information is Required in the Annual Reports?

The information required to be reported for each of the plastics categories is also intended to be phased-in between 2025 and 2027, beginning with the 2024 calendar year reporting period. The below table summarizes what information is required to be reported for each calendar year.

Sch. 4, Section	Information to be reported	2024 (Parts of Schedule 1)	2025 (Parts of Schedule 1)	2026 (Parts of Schedule 1)
1-6	Administrative information regarding company and its operations.	- Plastic resins and packaging (Parts 1, 2 & 3) - Categories 1 & 8 (Part 4)	- Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)	- Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)
7	For <i>manufacturers or importers</i> of plastic resins (Parts 1 & 2 of Schedule 1), identity, source and total quantity of each resin manufactured in, imported into and placed on the market in Canada and in each province and territory as well as the method used to determine these quantities.	N/A	- Plastic resins (Parts 1 & 2)	- Plastic resins (Parts 1 & 2)

8	<p>For <i>producers</i> of plastic packaging or other plastic products (Parts 3 & 4 of Schedule 1), the total quantity of plastic packaging and products by resin identity, resin source, category and sub-category that are <i>destined for the residential waste stream</i> and that are manufactured in, imported into and placed on the market in Canada and in each province and territory as well as the method used to determine these quantities.</p>	<ul style="list-style-type: none"> - Plastic resins and packaging (Parts 1, 2 & 3) - Categories 1 and 8 (Part 4) 	<ul style="list-style-type: none"> - Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4) 	<ul style="list-style-type: none"> - Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)
9	<p>For <i>producers</i> of plastic packaging or other plastic products (Parts 3 & 4 of Schedule 1), the total quantity of plastic packaging and products by resin identity, resin source, category and sub-category that are <i>destined for the industrial, commercial, institutional, construction, demolition and renovation waste streams</i> and that are manufactured in, imported into and placed on the market in Canada (for business to business sale) and in each province and territory as well as the method used to determine these quantities.</p>	N/A	<ul style="list-style-type: none"> - Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4) 	<ul style="list-style-type: none"> - Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)

10	For <i>generators</i> of packaging or plastic product waste at industrial, commercial or institutional facilities, the total quantity of packaging and products by resin identity, category and subcategory generated at their premises and sent for diversion or final disposal as well as the method used to determine these quantities.	N/A	- Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)	- Plastic resins and packaging (Parts 1, 2 & 3) - All Categories (Part 4)
11	For <i>producers and service providers</i> of plastic packaging or other plastic products (Parts 3 & 4 of Schedule 1), the total quantity of plastic by resin identity, category and sub-category collected at end of life and sent for diversion or disposal, subject to <i>designated activities</i> whether imported into Canada or within Canada as well as the method used to determine these quantities.	N/A	- Plastic resins and packaging (Parts 1, 2 & 3) - Categories 5 & 8 (Part 4)	- Plastic resins and packaging (Parts 1, 2 & 3) - Categories 1, 2, 5 & 8 (Part 4)

A company required to submit information under the Notice must keep its records of this information, together with any underlying calculations, measurements and data, for a period of no less than three years from the required submission date.^[4]

What Reported Information Will Become Public?

Companies subject to the Notice are required to submit the information discussed above using the Federal Plastics Registry online portal (which is expected to be live in the second half of 2024). Of the information collected, Environment Canada intends to publish certain information on resins and plastic products.

Any person who provides information in response to the Notice is able to submit a written request that the submitted information be treated as confidential based on certain reasons provided for in section 52 of CEPA (e.g. information constitutes trade secrets or breach of contractual obligations).^[5] Nonetheless, Environment Canada may decide to disclose the information publicly if certain justifications are met (such as interests of protection of the environment or public health or safety).^[6] In such circumstances, the person can seek a Federal Court review of Environment Canada's rejection of the confidentiality request.^[7]

Planning Ahead for Business

With the Federal Plastics Registry now in effect, companies that manufacture, import, sell, supply, generate, service or manage resins or plastic products in Canada must assess their reporting obligations and begin gathering the necessary information in preparation for reporting as early as 2025 for the 2024 calendar year. Companies should be aware that certain provinces also require the reporting of information pertaining to plastics as part of their local EPR programs, which often does not fully align with the information subject to the new federal requirements. Our environmental team at McMillan is available to assist in determining your company's specific obligations under this Notice.

As the federal government continues to move forward with plans to study and reduce the amount of plastic waste generated within its borders, businesses should remain alert to ongoing developments as Canada takes concrete steps towards its objective of zero plastic waste by 2030. We will continue to monitor these proposed measures and provide updates in our "Plan for the Ban" series.

[1] [Notice under section 46 of the Act with respect to reporting of certain plastic products for 2024, 2025 and 2026](#), (2024) C Gaz I, 848 (*Canadian Environmental Protection Act*, 1999) [Notice].

[2] Notice of intent to issue a notice under section 46 of the Act with respect to reporting of certain plastic products for 2024, 2025 and 2026, (2023) C Gaz I, 4141 (*Canadian Environmental Protection Act*, 1999).

[3] Environment and Climate Change Canada, [Canada's Zero Plastic Waste Agenda](#) (14 June 2023).

[4] CEPA, s. 46(8).

[5] CEPA, s. 52.

[6] CEPA, s. 53(3).

[7] CEPA, s. 53(5).

by [Talia Gordner](#), [Julia Loney](#), [Martin Thiboutot](#) and [Daniel Civichino](#) (Articling Student)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2024