

MAY 2, 2023

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SPECIFIC ISSUES OF INTEREST TO THE CCB:

Canada Opens a Public Consultation on Recycled Content and Labeling Rules for Plastics

- On April 18, Environment and Climate Change Canada (ECCC) announced a public consultation in support of the Canada-wide Strategy on Zero Plastic Waste, which includes last year's ban on several single-use plastics (*BCI Monitors 1-4-22, 6-28-22*).
- The public consultation is on a second draft of the Recycled content and labelling rules for plastics: Regulatory Framework Paper, outlining proposed regulations that would set minimum recycled content requirements for plastics and labeling rules for recyclability and composability. This follows consultations in February and July 2022 (*BCI Monitors 2-15-22, 7-26-22*). This legislation is the starting point for the proposed *Recycled Content and Labelling for Plastic Products Regulations* set to be published by the government later this year.
 - Recycled Content Requirements
 - The framework mandates minimum levels of recycled content and timelines for implementation in Article 4.3.
 - The framework excludes from this requirement primary food-contact packaging and primary and secondary packaging regulated by other Acts, such as the *Food and Drug Act*.
 - Recyclability Labeling Rules
 - The framework requires accurate information on all consumer-facing primary and secondary plastic packaging and single-use plastics. Packaging with a display surface of less than 15cm² is exempt unless the packaging is contained within secondary packaging, which must then be labeled.
 - Except in accordance with the labeling rules, the framework prohibits: the use of the chasing-arrows symbol and the use of resin identification codes that incorporate the chasing-arrows symbol; any term, symbol or expression that communicates that an item is recyclable or instructs a person to recycle the item; the terms "compostable", "biodegradable" or "degradable" or any form of those terms implying that the product will break down, fragment, or biodegrade in the environment; the use of green colored labeling, striping, or tinting of non-compostable plastic items that are associated with organic wastes; and the terms "home" or "backyard" compostable.
 - Before placing an item on the market, regulated parties would be required to assess its recyclability in each province or territory where the item is sold, based on the outlined recyclability measurement test described in Article 5.3.
 - Once a regulated party has assessed each item for recyclability, it would need to categorize the item under the specified recyclability categories described in Article 5.4.1.

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Canada Opens a Public Consultation on Recycled Content and Labeling Rules for Plastics (continued)

- Based on the recyclability category assigned to the item, the regulated party would then need to affix a label to the item, following Article 5.4.2.
- Additionally, regulated parties would be required to include a QR code that provides consumers with information about the item's recyclability.
- Compostability Labeling Rules
 - The framework prohibits the labeling of items with the term “degradable” or “biodegradable”, or any form of those terms that implies the item will break down, fragment, or biodegrade in the environment; instead, those items must be labeled as “non-recyclable.”
 - Items labelled “compostable” must be certified by an accredited third party.
 - Labels on compostable plastic items must display the word “compostable”, be labeled “non-recyclable”, and use green colored labelling, striping, or tinting.
 - All PLU produce stickers would be required to be compostable but would be exempt from the wording/coloring requirements.
 - Article 5.6 provides the product category and timelines for implementation.
- Following this consultation period, draft regulations will be targeted for publication by the end of 2023. This would be followed by a further consultation period and the final regulation will be targeted for publication before the end of 2024.
- Comments are due by May 18, 2023, and can be emailed to plastiques-plastics@ec.gc.ca.
- On April 25, the U.S. Department of Agriculture (USDA) Foreign Agricultural Services (FAS) published a [GAIN report](#) on the regulation.

General Issues of Interest to the CCB:

New Zealand Opens Consultation on Draft National Organic Standard

- On April 28, New Zealand [notified the WTO](#) and [published a consultation](#) regarding a [draft National Organic Standard](#) operationalizing the recently passed [Organic Products and Production Act 2023](#).
- The proposed National Organic Standard establishes requirements for the production and processing of food, beverages, plant, and animal products labeled as organic. Currently, New Zealand relies on voluntary systems.
- Imported foods are not explicitly mentioned in the draft National Organic Standard. However, according to Part 3, Sections 61 and 62 of the *Organic Products and Production Act 2023*, imported products may only be labeled as “organic” if they meet New Zealand’s standards or are approved by a Chief Executive as being produced under a compliant foreign organic products regime.
- Of note, the U.S. does not have an [organic equivalence agreement](#) in place with New Zealand. According to the [Organic Trade Association](#), [organic goods exported to New Zealand](#) must comply with the Fair Trading Act and certification requirements exist for goods that will be used as ingredients in goods then exported as organic.
- Comments can be sent directly to the New Zealand Ministry of Primary Industries Consultation at organicsconsultation@mpi.govt.nz by May 19, 2023.
- Comments can also be sent to the U.S. TBT Inquiry Point at usatbtep@nist.gov. The WTO comment deadline is June 27, 2023.
- According to the WTO notification, the proposed date of adoption for the standards is December 2023, with entry into force in December 2026.