



Japan Machinery Center
for Trade and Investment

16th May, 2023

Ms. Tracey Spack
Director
Plastics Regulatory Affairs Division
351 Saint-Joseph Blvd
Gatineau QC J8Y 3Z5
Canada

Dear Ms.Tracey Spack,

Our comments on Regulatory framework paper: Recycled content and labelling rules for plastics and Technical paper: Federal Plastics Registry

The Japan Machinery Center for Trade and Investment (“**JMC**”) is a non-profit organization. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorization of the Minister of Economy, Trade and Industry of Japan. The objective of the JMC is to engage in activities that enhance the common benefit of member companies and promote the sound development of international trade and investment by the machinery industry. JMC comprises member companies engaged in machinery and systems-related exports and foreign investments such as machinery manufacturers, trading houses and engineering companies. At present, the total number of JMC member companies is about 240.

Our committee handles environmental and product safety issues regarding products for trade and is strongly concerned with overseas environment- and product safety-related regulations on products. From this standpoint, we would like to comment on Regulatory framework paper: Recycled content and labelling rules for plastics and Technical paper: Federal Plastics Registry

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Japan Machinery Center
for Trade and Investment

If you have any questions, please feel free to contact our secretariat (Mr. Chiaki Morikawa, E-mail: morikawa@jmcti.or.jp)).

Sincerely yours,

A handwritten signature in black ink that reads 'Kanno Yasuhiko' in a cursive style.

KANNO Yasuhiko

Chairman

Environment Law Committee



Our comments on “Regulatory framework paper: Recycled content and labelling rules for plastics” and “Technical paper: Federal Plastics Registry”

We, the Japan Machinery Center for Trade and Investment, would like to express our gratitude to the Government of Canada for inviting comments regarding consultation on “Regulatory framework paper: Recycled content and labelling rules for plastics” and “Technical paper: Federal Plastics Registry”.

Regulatory framework paper: Recycled content and labelling rules for plastics

[Recycled content and labelling rules for plastics - Canada.ca](#)

Technical paper: Federal Plastics Registry

[Technical paper: Federal Plastics Registry - Canada.ca](#)

We welcome the enhanced recycling and composting of plastics that the Government of Canada is promoting to reduce the environmental impact of plastic waste.

We are vigorously committed to protecting human health and the environment, to reducing plastic waste worldwide, to voluntarily promoting assessment activities that take into account the entire life cycle, and to complying with national regulations. In particular, we have been active in complying with regulations on plastic waste by a number of countries, including those in Europe and the USA. After diligent consideration of the above policy, we are concerned about several provisions that make it difficult for producers to comply with the policy in practical terms, and we would like to submit the following comments.

1. Regulatory framework paper: Recycled content and labelling rules for plastics

(1) Requirement on Recycled Content (Section 4)

PCR (post-consumer recycled) content use requirement may be effective to drive recycling business in Canada for packaging manufactured in Canada. However, we would like to note that packaging for electronic and electrical and machinery equipment is rarely procured in Canada, and requiring PCR content use for electronic and electrical and machinery equipment packaging may not serve the purpose of the law. We therefore request that electronic and electrical and machinery products imported into Canada be excluded from the scope of the PCR content use requirement. If the use of recycled content is mandated, we would like to propose the following:

- a) Requirements should be aligned with existing rules such as in California. To be specific, only rigid plastic containers which are fully enclosed or made of plastic only fall within the scope of requirements.
- b) EPS cushions should be excluded from the scope of requirements. Owing to unavailability of suitable PCR material, PCR use requirement may effectively become an EPS ban. EPS is currently the only option for shock absorbent for heavy products or precision equipment.
- c) Only new packaging designed after the effective date should be regulated. Many types of packaging for electronic and electrical and machinery equipment are designed to fit the shape of the product. A PCR content use requirement may also necessitate a change in packaging material which requires fundamental re-designing of each product model's existing packaging, imposing huge additional costs on manufacturers.
- d) Packaging materials that do not merely serve as product packaging but also serve to preserve the quality of the packaged electronic and electrical and mechanical products during transportation and use should be excluded because the forced introduction of recycled materials may lead to deterioration in the quality of the products themselves.

(2) Recyclability and compostability labelling rules (Section 5)

1) Labelling rules

EEE packaging design is usually unified globally. If the Canadian government were to require its own recyclability labeling rules, manufacturers would be forced to design packaging specifically for the Canadian market, which would add administrative costs to design and distribution management, which would add to the price of the product, to the great detriment of the Canadian public. Therefore, labeling requirements that interfere with our common design should be avoided. In addition, the recyclability of plastics will change in the future with the development of recycling schemes. Determining the recyclability of each type of plastic in a uniform manner may have a negative impact on improving the recyclability of plastics, contrary to the policy objective. Specifically, we would like to request the following:

- a) Many countries and regions require by regulation that packaging materials bear the recycling symbol, including chasing arrows. As mentioned above, EEE packaging design is usually globally uniform, but if the chasing arrows symbol is banned in Canada, packaging for the Canadian market will have to be specially prepared. In addition to the economic aspect, this could increase the disposal of unused packaging, which in turn could increase the environmental impact. At the very least, the chasing arrow symbol, which is mandatory in other countries, should be allowed to be displayed either fully or conditionally.

- b) The requirement to display the symbol shown in Figure 4. and Figure 5. in the policy document on packaging is a Canada-specific requirement and should not be mandated owing to space issues. As an alternative, we propose the labeling of the RIC mark (a mark with a resin identification code in a triangle) that indicates only the type of plastic, which is internationally recognized.
- c) Unlike food products, which have short expiration dates, electrical and electronic equipment and mechanical equipment and their accessories are often stored for several years, which could lead to a discrepancy between the information on the labeling and the actual situation when the equipment reaches the user. Therefore, requests regarding the provision of labeling information for electrical and electronic equipment and mechanical products and their accessories should be accepted in electronic media that can be updated as appropriate. If not, it should be excluded from the scope of requirements for the time being, and introduction should be considered after the recycling system under this regulation operates stably.
- d) The requirement to investigate and evaluate recyclability measurements based on the three criteria (Criterion 1: collection of packaging materials in each province or territory; Criterion 2: whether the item can be successfully sorted into a bale that can be sent to North American re-processors for recycling; and Criterion 3: whether the item can be successfully re-processed into feedstock for new plastic products and packaging) would be extremely difficult and a high hurdle for companies outside of the country, especially outside of the North America region. In addition, businesses that manufacture complex equipment such as electrical and electronic equipment and machinery equipment use a wide variety of packaging materials, which are particularly difficult to manage in terms of both information gathering on the latest status and labeling practices, and could effectively result in an import ban. Therefore, this requirement should be removed from application to packaging of electrical and electronic and machinery equipment imported into Canada.
- e) As mentioned above, it is difficult for each company to ascertain the situation in each of the vast Canadian provinces and territories, it is also currently difficult to respond to the following information that is required to be disclosed via QR codes.
 - i) identify the provinces and territories in which the item is recyclable, non recyclable, or collected, as the case may be;
 - ii) provide an explanation of why the item is recyclable, non recyclable, or

collected, as the case may be, in each province and territory in which an item will be sold; and

iii) provide instructions on how to prepare an item for recycling, such as by rinsing the item or separating components

f) Since the availability of necessary recycled materials may vary by region, the first priority should be to establish a Canada-wide recyclable system rather than providing information through product labeling.

2) Recycled content targets

Recycled content targets should be set only after there is a reasonable prospect of obtaining recycled materials and recycling technology in sufficient quantity and quality. Excessive targets may lead to a shortage of recycled materials, which may result in the inability to supply necessary products in the future, to the detriment of consumers.

2. Technical paper: Federal Plastics Registry

Registration of Plastic Used in Electronic and Electrical Equipment

As the paper acknowledges, “calculating plastic in electronics products is complex.” Electronic products shall be excluded from reporting requirements, but if a requirement is mandatory, the content shall be feasible for manufacturers.

- (1) Registration of the amount of plastic used in electronic and electrical equipment is required from Phase 1 along with packaging materials, but there are various types of electronic and electrical equipment, and it is not practical to register all products.
- (2) It is not clear to what extent units contained in equipment such as electronic and electrical equipment must be reported. If all units are covered, for example, small and lightweight items such as packages of accessories for electronic and electrical equipment are included, which are difficult to totalize, and material information from upstream in the supply chain cannot be obtained. It is necessary to clarify the necessary reporting targets and define the reporting content.
- (3) Although the paper proposes to require reporting in 19 plastic categories in accordance with Statistics Canada's classification of plastics, it is not possible to make such reports because it does not match the handling of plastics in the industrial sector. For example, linear low-density polyethylene and low-density polyethylene are usually treated interchangeably as low-density polyethylene (LDPE).

- (4) The two documents (Regulatory framework paper: Recycled content and labelling rules for plastics and Technical paper: Federal Plastics Registry) are not consistent with each other and are not realistic in terms of reporting requirements and recycling requirement timelines. For example, in the case of electronic and electrical equipment, the following differences exist between the Regulatory framework paper: Recycled content and labelling rules for plastics (the Policy Document) and the Technical paper: Federal Plastics Registry (the Technical Document) for reporting as of 2025.

Policy Document (Section 4.5.1): Report annually on the total volume of plastics and the amount of recycled material used in each package (rigid and flexible) and product category in the previous calendar year.

Technical Document (Section 3): The total amount of plastic in products within a given category.

End