CANADIAN HEALTH FOOD ASSOCIATION
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Submitted via email: plastiques-plastics@ec.gc.ca

Re: Feedback on the Pollution Prevention Planning Notice for Primary Food Plastic Packaging

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On behalf of the Canadian Health Food Association ("**CHFA**"), we are writing to provide comments on the consultation for *Pollution Prevention Planning Notice for Primary Food Plastic Packaging*. As Canada's largest trade association dedicated to natural health, organic and wellness products, CHFA is committed to representing our members and the industry on proposed regulatory changes that will directly influence their business operations.

CHFA's membership base consists of hundreds of businesses across Canada, notably including four of the largest grocery retailers in the country that sell a variety of food products which could be impacted by the proposed pollution prevention plan for primary food plastic packaging. In our role of advocating for our retail constituents, we have reviewed and are aligned with the feedback articulated by the Retail Council of Canada. This endorsement specifically pertains to three critical points: firstly, the intricate nature of control; secondly, the significant cost to business; and lastly, the overlap with existing plastic reduction efforts. Major grocery retailers act as intermediaries in the supply chain, which could give rise to challenges between suppliers and retailers in determining the primary custodian responsible for the packaging end-of-life outcomes. Furthermore, this Pollution Prevention (P2) proposal will impart a large cost and administrative burden to the businesses who are required to implement a P2 plan. Importantly, the introduction of this proposal would introduce duplicative measures alongside pre-existing plastic commitments to reduce, reuse and enhance recyclability that have already been thoughtfully implemented in many Canadian food companies.

In tandem with our role in representing retailers throughout Canada, CHFA plays a pivotal role as a representative for hundreds of food manufacturers across the country. While we have heard the intended focus of this notice was directed towards major retailers to reduce the amount of plastic packaging in stores, the practical reality unveils a more intricate landscape. A substantial proportion of plastic food packaging within grocery retailers comes from companies (food manufacturers) that are selling food into

retailers. This interdependency underscores a significant downstream impact on Canadian manufacturers, an aspect that has regrettably remained unaddressed within the existing notice. As such, we urge Environment and Climate Change Canada to consider not only the effect this initiative has on retailers, but also the economic responsibility that will ultimately be absorbed by the suppliers/ manufacturers to reduce the amount of plastic that shows up at stores. It's important to recognize that this could necessitate a complete overhaul of packaging designs, involving meticulous food safety and stability assessments for new container formats. In more challenging scenarios, it might even compel the reformulation of products, potentially incorporating food additives that misalign with the natural food product ethos our members and industry work hard to offer Canadians. This could even require substantial capital investment to establish new manufacturing lines compatible with the new packaging requisitess. Consequently, we ask that any forthcoming cost-benefit analysis and stakeholder surveys (integral components of the consultation process), include and account for not only major retailers, but is extended to food manufacturers as well.

In parallel to the economic implications, we advocate for an in-depth consideration of food safety to include collaboration with Health Canada, Canadian Food Inspection Agency, and the Public Health Agency of Canada prior to the stakeholder consultation. Such a collaborative approach will ensure that the pursuit of environmentally friendly goals is harmoniously aligned with the paramount goal of safeguarding the immediate health and well-being of the Canadian public.

It is widely acknowledged that recycled plastic presently available carries an elevated risk of contamination and leaching concerns. Given the inherent irregularities within recycled plastics, it is noteworthy that the *Recycled Content and Labelling Rules for Plastics* proposal consciously excluded primary food packaging. As such recycled plastics for primary food packaging cannot be regarded as a viable remedy for pollution prevention at this juncture. Hence, it will be necessary for retailers and manufacturers to turn to non-plastic packaging alternatives or embrace reuse-refill to meet the targets outlined in the notice. These alternatives carry with them a new set of complexities and concerns.

Displacing single-use packaging with reuse-refill systems brings forth a myriad of food safety concerns, particularly when implemented on a substantial scale within grocery retail settings. A prime illustration of this lies in the potential risks associated with inadequately cleaned or sanitized personal use containers brought in by consumers. Such containers have the capacity to propagate bacteria, viruses, or parasites onto bulk products, thereby precipitating the onset of foodborne illnesses. The consequential expenses of which could include hospitalization of Canadian consumers. Furthermore, variations in individual consumer awareness and hygiene practices pertaining to food safety compound the risk of cross-contamination. Instances of suboptimal food safety handling among consumers during grocery shopping have been recurrently documented. A pertinent case in point involves a study encompassing consumer behavior in grocery stores, where unsafe handling practices such as food touching, repositioning of handled items, and

even sampling were noted, alongside lapses in hygienic practices[1]. Another noteworthy example pertains to the need for meticulous cleaning and sanitation of bulk vessels, a concern underscored by the precedent of a listeria outbreak that recently occurred in a Frugals burger restaurant in Washington state USA due to improper cleaning of their ice cream dispensing machines[2]. Three people to consume milkshakes made from the ice cream machine at Frugals died and two people were hospitalized with listeria infections. Replacing plastic food packaging that confidently prevents contamination from external contaminants with bulk dispensing containers at the retail level would significantly widen the aperture of a manufacturer's investigation into food borne illness subsequent to product consumption. By introducing the potential for contamination at the retailer stage, the manufacturer's ability to precisely delineate the parameters of their investigation, such as specific lots and production dates, becomes inherently challenging. Reuse-refill solutions would require a collaborative effort between retailers and manufacturers to conduct a comprehensive root cause analysis. While possible, it will undoubtedly make for a more complicated recall process inferior to the currently established industry best practices that support the ability for a manufacturer to define the scope, inform consumers and remediate appropriately in a timely manner to minimize impact on Canadian consumers and public health. These instances merely scratch the surface of the multitude of potential contamination sources that could be introduced into Canada's food system on a considerable scale.

While CHFA supports pollution prevention, it is imperative that the intricate nature of this endeavor is not underestimated. The complexity of this initiative deserves careful recognition, as its successful implementation, with minimal impact on the economy and public health, requires meticulous planning and time. We would like to express our concerns with ambitious timelines for the regulatory development and stakeholder implementation of this pollution prevention intervention. Tight deadlines could bring about significant changes for retailers and food manufacturers, burdening them with increased responsibilities without adequate time for planning, feasibility assessments, and safety considerations. We are surprised by potential implications of the Canadian government's regulations, which might unintentionally hinder retailers and manufacturers from upholding the highest standards of food delivery safety and quality. This raises concerns about liability in cases of heightened food contamination resulting from the pursuit of pollution prevention targets. The crucial question persists: who will take responsibility for any compromised food safety that may arise?

Thank you for considering our feedback on primary food plastic packaging. We are hopeful that our input is given due consideration and await the opportunity to provide further feedback throughout the consultation process.

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[1] https:/www.foodprotection.org/files/food-protection-trends/mar-apr-17-paulin.pdf
[2] https://globalnews.ca/news/9914492/listeria-milkshakes-contaminated-tacoma-washington/#:~:text=Investigators%20with%20the%20Washington%20State,hadn%27t%20been%20cleaned%20properly.

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Sincerely,

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