Single-Use Plastics Prohibition Regulations: Impact on Businesses

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On June 20, 2022, the federal government registered regulations that, as the name implies, prohibit (or restrict, in some cases) the manufacture, import and sale of certain single-use plastics that pose a threat to the environment. The Regulations will come into force on December 20, 2022, with the exception of certain provisions taking effect in the following months.[1]

Manufacturing, importing and selling certain single-use plastic products made entirely or partially of plastic, such as foodservice ware, checkout bags and straws, will be soon be prohibited.

This regulation is expected to affect more than 250,000 Canadian businesses that sell or provide single-use plastic products, primarily in the retail, food service, hospitality and healthcare industries.

The following is a comprehensive list of items that will be prohibited:

1. **Single-use plastic ring carriers** designed to hold and carry beverage containers together[2];
2. **Single-use plastic stir sticks** designed to stir or mix beverages or to prevent liquid from spilling from the lid of its container[3];
3. **Single-use plastic foodservice ware** (a) designed in the form of a clamshell container, lidded container, box, cup, plate or bowl, (b) designed to serve or transport ready-to-eat food or beverages without further preparation, and (c) made from certain materials[4];
4. **Single-use plastic checkout bags** designed to carry purchased goods from a business and (a) whose plastic is not a fabric, or (b) whose plastic is a fabric that will break or tear, as the case may be, (i) if it is used to carry 10 kg over a distance of 53 m 100 times; (ii) if it is washed in accordance with the washing procedures specified for a single domestic wash in the International Organization for Standardization standard ISO 6330, as amended from time to time[5];
5. **Single-use plastic cutlery** that is formed in the shape of a fork, knife, spoon, spork or chopstick that either (a) contains polystyrene or polyethylene, or (b) changes its physical properties after being run through an electrically operated household dishwasher 100 times[6];
6. **Single-use plastic straws** that either (a) contain polystyrene or polyethylene, or (b) change their physical properties after being run through an electrically operated household dishwasher 100 times[7].

The main exceptions

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1. **Single-use flexible plastic straws**

   Single-use flexible plastic straws, i.e. those with a corrugated section that allows the straw to bend and maintain its position at various angles,[8] may be manufactured and imported[9].

   These flexible straws may also be sold in any of the following circumstances:

   - The sale does not take place in a commercial, industrial, or institutional setting[10]. This exception means that individuals can sell these flexible straws.
   - The sale is between businesses in packages of at least 20 straws.[11]
   - The sale is made by a retail store of a package of 20 or more straws to a customer who requests it without the package being displayed in a manner that permits the customer to view the package without the help of a store employee[12];
   - The sale of straws is between a retail store and a customer, if the straw is packaged together with a beverage container and the packaging was done at a location other than the retail store[13];
   - The sale is between a care facility, such as a hospital or long-term care facility, and its patients or residents[14].

2. **The export of single-use plastic items -**

   All the manufactured single-use plastic items listed above may be manufactured, imported or sold for export[15].

   That said, any person who manufactures or imports such items for export will be required to keep a record of certain information and documents as appropriate for each type of plastic manufactured item[16]. Records of the information and documents will have to be kept for at least five years in Canada[17].

Conclusion: an opportunity to rethink common practices

In the short term, businesses will need to start thinking about how they will replace the plastic manufactured items they use.

To help businesses select alternatives to single-use plastic items, the federal government has released its *Guidance for selecting alternatives to the single-use plastics in the proposed Single-Use Plastics Prohibition Regulations.*[18]

According to this document, the aim should be to **reduce** plastics. Businesses may begin by considering whether a single-use plastic should be replaced or no longer provided. Only products that perform essential functions should be replaced with non-plastic equivalents. Stir sticks and straws can be eliminated most of the time.

Another way to reduce waste is to opt for reusable products and packaging. Businesses are invited to rethink their products and services to provide reusable options. Reusable container programs (i.e. offering customers the option of using their own reusable containers) are a reuse option that businesses may want to consider, in particular to reduce the amount of plastic food containers.

Only where reusable products are not feasible should businesses substitute a single-use plastic product with a recyclable single-use alternative. Businesses in this situation are encouraged to contact local recycling facilities to ensure that they can successfully recycle products at their end of life. Ultimately, charging consumers for certain single-use substitutes (e.g. single-use wooden or moulded fibre cutlery) may also discourage their use.

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1. Ibid, s. 1
2. Ibid, s. 3
3. Ibid, s. 6
4. Polystyrene foam, polyvinyl chloride, plastic containing black pigment produced through the partial or incomplete

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combustion of hydrocarbons or oxo-degradable plastic; Ibid.

5. This standard is entitled Textiles – Domestic washing and drying procedures for textile testing; Ibid.
6. Ibid.
7. Ibid, ss. 4 and 5.
8. Ibid, s. 1.
9. Ibid, s. 4.
10. Ibid, para. 5(2).
11. Ibid, para. 5(3).
12. Ibid, para. 5(4); According to Guidance for selecting alternatives to the single-use plastics in the proposed Single-Use Plastics Prohibition Regulations, the goal is to ensure that people with disabilities who need flexible single-use plastic straws continue to have access to them at home and can carry them to restaurants and other premises.
13. Ibid, para. 5(5).
14. Ibid, para. 5(6).
15. Ibid, para. 2(2).
16. Ibid., s. 8
17. Ibid, para. 9(1).
18. https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/consultations/proposed-single-use-plastics-prohibition-regulations-consultation-document.html

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