



## Public consultation on *Competition Act's* new greenwashing provisions

Sept 27, 2024

To: greenwashingconsultationecoblanchiment@cb-bc.gc.ca

Dear Sir or Madam,

Thank you for the opportunity to provide feedback on the new greenwashing provisions. We are **very supportive** of regulations to address greenwashing. Zero Waste BC is a non-profit association dedicated to driving systemic change towards Zero Waste in BC. Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. Our feedback is based on this definition, the [Zero Waste Hierarchy](#) and the greenwashing that has been seen relating to solid waste management.

As the greenwashing related to products and services can also related to businesses, we have included this in the same answers.

Please see our feedback below. Feel free to contact us if you have any questions.

Sincerely,  
Sue Maxwell  
Board Chair,  
Zero Waste BC

1. What kinds of claims about environmental benefits are commonly made about products or services or businesses in the marketplace? Why are these claims more common than others?
  - Claims seen are that an item is recyclable or compostable when in most cases it is not given the collection and processing systems that exist or the chemical makeup of the product and the markets that exist. Claims made about “recyclable” -mobius loop symbol is interpreted by the public to mean recyclable but as identified by ECCC, labelling is misleading about the actually recyclability of the material as well as the ability to recycle the item (even if actually recyclable) in a given location (due to accessibility of the appropriate recycling facilities, collection systems, etc.). The Competition Bureau should be clear on what packaging and advertising can’t say and they should co-ordinate with ECCC on the standards to set for when it is greenwashing.
  - Claiming that plastic products, in particular, are recyclable or compostable when they are not recycled or composted in practice at scale is also a common greenwashing tactic, particularly for consumer goods and packaging. These claims have been common because consumers are concerned about the impact of plastic packaging and waste on the environment and their health. Recycling claims can be used to imply that a product is more environmentally-friendly or sustainable than it is in practice. As well, claims that a product or package can be recycled or composted when it is not possible in practice leads to consumer anger. It also erodes trust in the recycling system and decreases participation in recycling programs.
  - Furthermore, companies that claim to recycle plastic must demonstrate that their process produces plastic products and that the feedstocks can be traced to marketable products. As it stands today, claims that plastic waste can be processed through “advanced” or “chemical” recycling into new plastic products have not held up to scrutiny. In fact, the State of California has just launched a suit against ExxonMobile, majority owner of Imperial Oil and one of the world’s biggest plastic producers, for misleading claims it makes about plastics recycling. California’s suit charges that the company destroys 92 per cent of the waste it claims to recycle using its “advanced” process and that the ethane feedstock used to produce new plastics represents only 0.09 per cent of the total feedstock, with the rest – more than 99 per cent – being virgin ethane.
  - Another claim is that an item is biodegradable when in most cases this is irrelevant.
  - Greenwashing in the plastics sector relates particularly to claims of recyclability of products or packaging. Changes to the *Competition Act* should make it clear that it is against the law to make unsubstantiated claims about products. Implementation of this provision must align with proposed regulations under the *Canadian Environmental Protection Act (CEPA)* for recyclability and compostability labelling. Furthermore, companies must be required to refrain from claims about the recyclability of their products if that processing results in a product other than plastic. Treating plastic waste with heat and/or catalysts to produce fuels or other chemicals does not amount to plastics recycling but is rather a waste management process that does not produce any significant amount of plastic for new products. Finally, plastic waste must not be considered an alternative to fossil fuels given that plastic is fossil fuel in another form. Companies should not be able to claim that burning plastic waste as fuel is substantively different from, or more sustainable than, burning oil, gas or coal. We are also concerned about plastic waste being considered a “low-carbon” alternative to other fossil fuels. Plastics are carbon-based and there is no evidence that burning plastic waste causes less air pollution or has less climate-warming potential than burning other fossil fuels. At the same time, the practice suggests there is a benefit to generating plastic waste as an energy feedstock, which creates a perverse demand for plastic products, and particularly single-use

plastics, that are harmful to the environment throughout their lifecycle and not simply because they are overwhelming our landfills. Companies that burn plastic waste as fuel should not be able to claim it is “low carbon.”

- Claims around burning of waste tend to say there are no emissions, only steam is emitted or that the emissions are not harmful. There are also claims about the climate impact of waste burning (incineration, pyrolysis, gasification, plasmification, waste to energy, etc.). There are claims that this is a greener way to handle waste and that solid waste is suitable for gasification and pyrolysis.
- The area of “advanced recycling” or “chemical recycling” (particularly “chemical recycling to fuel” is another area where the claims far surpass the reality in terms of what is physically possible and what is actually occurring. Chemical recycling to fuel is not recycling of the materials, but another form of burning waste. Examples can be seen in this article ([Heated, July 2024](#)).
- Common claims about environmental benefits of products and services often use vague or undefined buzzwords and phrases, such as: green, clean, sustainable, climate-friendly, low-carbon, carbon-neutral, eco-friendly, eco-certified, natural, responsible, recyclable, compostable, circular, zero waste (when items are getting burned in particular). These types of claims are more common because they avoid technical jargon and use simple language to entice customers with good feelings about potential purchases. But in doing so these terms often fail to provide evidence, substance, or even clear meaning behind such claims.

2. Are there certain types of claims about environmental benefits of products or services or businesses that are less likely to be based on adequate and proper testing? Is there something about those types of claims that makes them harder to test?

- There are many claims about the greenness of a product, often to do with climate impact. We see the lack of climate literacy among the public as well as the IPCC GHG accounting system that excludes biogenic emissions as parts of the issue.
- There are also various Life Cycle Analyses of different items but the LCA results are often skewed by the parameters selected (influenced by the client to favour their product) and tend to be location specific (and so not always transferable especially as it relates to electricity source). In addition, it is hard to compare different impacts (electricity, water use, biodiversity, waste). Good examples of this are numerous LCAs comparing hand dryers to paper towel in public washrooms.
- Compostability and recyclability are made up of two parts -can the item physically be composted or recycled (easier to test and some standards for this) and then the accessibility/feasibility that depend on the availability of recycling or composting services in a given area (at reasonable accessibility) and the market or policy to drive the service availability (which will vary widely across the country). Recyclability also is claimed for an entire product when perhaps only a small portion of it can realistically go back into a new product. We support the work of ECCC in developing labelling rules around recycling and compostability and have submitted feedback on those specific aspects.
- Laboratory testing about the technical feasibility of waste management processes is not adequate to make claims that a product is recyclable or compostable in Canada. As proposed in the government’s [Regulatory Framework Paper](#) on plastics labelling, companies must be required to demonstrate that their product or packaging is collected and processed in practice and at scale across Canada in order to label a product or package as recyclable or compostable. While we await regulations under CEPA on labelling, the Act is key to prevent further misleading claims on products and packaging.

3. What should the Bureau consider when it evaluates whether testing to support claims about the environmental benefits of products or services or businesses is “adequate and proper”?

- See if there is an existing standard for a claim. If not, consider developing them in partnership with other organizations. For example, the Zero Waste International Alliance has the peer-reviewed definition of Zero Waste while waste management companies have tried to misuse this term to support their services (Zero Waste to Landfill when burning the waste at an incinerator).
- Check with environmental groups working on those areas as they are the most likely to know about false claims, loop holes and common standards.
- Use panels of citizens to test if the “general impression” is inaccurate from what can be proven as well as standards to check the literal meaning.

4. What challenges may businesses and advertisers face when complying with this provision?

- Businesses (small businesses in particular) do not always have the knowledge of a particular product to know if a claim is true or not. They may be sold something by another business with green claims that are not true. A good example is all of the “compostable” plastic takeout ware sold to well-intentioned foodservice businesses when in fact almost no compost systems would accept them and many of them did not meet suitable compost standards (ASTM, BPI).
- The same will hold true for advertisers.

5. What other information should the Bureau be aware of when thinking about how and when to enforce this provision?

- Standards are often behind paywalls (for example, CSA standards) so it is unlikely that any businesses are reviewing them if it is not their core business.
- Businesses are often far removed from the actual producer or manufacturer and so may be less aware of the history and makeup of a product than they should be -this should not be an excuse for not regulating greenwashing but a reality that means the systems required to change may be widespread. Transparency and verification throughout the supply chain will be a necessary and welcome change.
- Consider that products may also claim a social benefit along with an environmental benefit (such as Fair Trade, employee owned, etc.) and these should also be required to be proven.
- The federal government is looking at the Right to Repair and so actions on this may increase claims about product lifespans and warranties which can be hard to verify and hard for a consumer to get redress years later.
- If the Bureau is not putting out specific approved language then it may wish to ensure there is a robust way for consumers to report suspect claims and to show examples of marketing that breaches the law so others can learn from it.
- Testing should also be done more often for textiles. The Bureau should work with textile recyclers who are often the ones who are discovering that even the makeup of clothes are often not as labelled.