

Phase 1 of the Federal Plastics Registry: Deadline to Submit Reports Fast Approaching

By Peter Ciechanowski

On April 20, 2024, the federal Department of the Environment published a notice in the Gazette ("**Notice**") pursuant to section 46(1) of the *Canadian Environmental Protection Act, 1999* (the "**CEPA**") for reporting obligations in respect of plastic resins and certain plastic products for the Federal Plastics Registry (the "**Registry**").¹

The first phase of the reporting obligations for the Registry must be completed and submitted by producers via the Regulatory Service Platform by September 29, 2025 (the "**Reporting Deadline**").² After the first phase, the reporting requirements will increase over the next two years.

Background

The purpose of the Registry is to create a data inventory on plastics in Canada for stakeholders and the government, particularly with respect to plastic usage, waste, value recovery and pollution. The intent of the federal government is to use the Registry to:

- i. develop future compliance promotion and activities;
- ii. support the implementation and monitoring of measures outlined in the Canada-wide *Strategy on Zero Plastic Waste*,³
- iii. identify gaps in the plastics value chain for further potential government action; and
- iv. standardize data collected on Extended Producer Responsibility ("**EPR**") programs and support the development of provincial and territorial EPR programs, including its expansion to new product categories.

Information Criteria to Fulfill Reporting Obligations

A person is designated as a "producer" if that person imports, manufactures, or places plastic on the market in Canada. A producer is exempt from the reporting obligations if that producer's total production of plastic is less than 1,000 kg for the reporting year.

For the first phase, producers must only report those plastics that typically accumulate as household waste. A plastic is considered to be within the residential waste stream if the consumer is ultimately responsible for disposing of the plastic waste. Producers must submit information during the 2024 calendar year for the following product categories prior to the Reporting Deadline:

- 1) rigid and flexible plastic packaging,
- 2) electronic and electrical equipment, and
- 3) single-use or disposable products.

¹ Canada Gazette, Part I, Volume 158, Number 16, [Notice with respect to reporting of plastic resins and certain plastic products for the Federal Plastics Registry for 2024, 2025 and 2026](#), 20 April 2024.

² Environment and Climate Change Canada, [Regulatory Services Platform](#).

³ Canadian Council of Minister of the Environment, [Strategy on Zero Plastic Waste](#), 2018 November 23.

Reporting information must also provide the resin type and resin source for each product category applicable to a producer's operations, including the total quantity of each resin in plastic packaging that is manufactured, imported and placed on the market in Canada.

Record Keeping and Reporting Transparency

A producer must keep copies of the information used to complete its reporting obligations for three years after the Reporting Deadline. This includes any calculations, measurements and any other data used by a producer to complete the information in a submitted report.

In accordance with Canada's *Directive on Open Government* and *Directive on Service and Digital*,⁴ all information that is submitted to the Registry, and is not personal information protected under the *Privacy Act* (Canada), shall be publicly available to promote transparency. Examples of information that are expected to be public are: the province or territory where a plastic product was placed on the market or collected for diversion and the plastic category and subcategory.

A producer may still submit a request to keep certain information confidential before the Reporting Deadline. A confidentiality request must be based on any of the following reasons:

- the information constitutes a trade secret;
- the disclosure of the information would likely cause material financial loss or prejudice the producer's competitive position; and
- the disclosure of the information would likely interfere with the producer's contractual or other negotiations.

Penalties for Non-Compliance

A producer is liable under the CEPA for non-compliance if that producer does not submit its report prior to the Reporting Deadline or provides false or misleading information. Potential liability under the CEPA for large corporations can be up to a maximum of \$500,000 or \$250,000 for the first offence on conviction under indictment or summary conviction, respectively. Any conviction of a subsequent offence doubles the potential maximum fine.

If you have any questions regarding the Registry and satisfying the reporting obligations, please contact any member of our [Regulatory, Environmental and Indigenous-related group](#), or if your business is subject to non-compliance, please contact any member of our [Litigation group](#).

⁴ Government of Canada, [Directive on Open Government](#), 9 October 2014; Government of Canada, [Directive on Service and Digital](#), 1 April 2020.