

Guidance published for reporting to the Federal Plastics Registry – Phase 1

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On December 31, 2024, the Government of Canada released the [Guide for Reporting to the Federal Plastics Registry – Phase 1](#) (the Guide). Prepared to assist companies in determining whether they are required to report to the [Federal Plastics Registry](#) (FPR) and understand the FPR obligations, the Guide describes the reporting requirements and provides additional guidance, including FAQs and calculation aids.

In this Osler Update, we discuss the key elements of the FPR and the Guide, describe the reporting standard that companies must meet, discuss available exemptions and protections for confidential business information (CBI) and consider implications for industry.

Overview of the Federal Plastics Registry and the Guide

On April 20, 2024, the Government of Canada published the [Notice with respect to reporting of plastic resins and certain plastic products for the Federal Plastics Registry for 2024, 2025 and 2026](#) (the Notice) in Part I of the *Canada Gazette*. The Notice was published pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999* (CEPA), which authorizes the federal Minister of the Environment to issue notices compelling the submission of information for the purposes of conducting research, creating an inventory of data, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment.

The FPR is intended to collect standardized data on the lifecycle of plastics within the Canadian economy to support actions that prevent plastic pollution. Reporting to the FPR is mandatory, and companies that fail to meet their reporting requirements face penalties under CEPA of up to \$500,000 for a first offence and \$1,000,000 for a subsequent offence.

Reporting requirements will be implemented in phases, referred to as Phase 1, Phase 2 and Phase 3. The Guide focuses on Phase 1 of the reporting requirements, which pertains to data from the 2024 calendar year, with reports due by September 29, 2025. The Government of Canada has indicated that subsequent guidance will be published for Phases 2 and 3.

Phase 1 targets “producers” of plastic packaging, electronic and electrical equipment and single-use or disposable products that are destined for the residential waste stream. The Phase 1 reporting obligation applies to anyone who manufactures, imports and places plastics on the market in Canada in packaging, electronic and electrical equipment and

single-use or disposable products.

Phase 1 does not include products destined for the industrial, commercial and institutional (ICI) waste streams or other sectors such as agriculture, transportation and construction, which will be covered in subsequent phases.

Key elements

The Guide provides information on key elements of Phase 1 reporting to the FPR, including

- **who is obligated to report:** explanation (with examples) of “producers”, “marketplace sellers”, and “marketplace facilitators” who must report and those who are exempt from Phase 1 reporting requirements.
- **reporting timelines:** deadlines for submission and the phased approach to reporting. For Phase 1 reporting, the deadline to submit the report for 2024 data is September 29, 2025.
- **information required:** details on the types of plastic resins and plastics, including packaging and products, that need to be reported.
- **calculation methods:** various methods for calculating the quantities of plastics, including specific component identification, average bill of materials and fixed factor calculation.
- **confidential business information:** procedures for claiming confidentiality over information to be reported, and the rationale required.
- **designating another person to report:** clarification that producers have the option of designating a producer responsibility organization to prepare a report to the FPR on their behalf. However, the producer is ultimately responsible for submitting the report and ensuring that the information is accurate and correct.

Reporting standard: reasonably accessible information

The Guide stipulates that obligated persons must provide information that is “reasonably accessible”. This means that companies are expected to report data they possess or can reasonably obtain from within their supply chain.

To meet this standard, companies are encouraged to make reasonable efforts to contact their suppliers and other entities in their supply chain to gather necessary information about the composition and quantities of plastics in their products. To this end, the Government of Canada has published a [template letter](#) for communicating with suppliers to obtain information to complete submissions to the FPR.

Exemptions from the Registry

Certain entities are exempt from reporting under the FPR.

Notably, companies are exempt from reporting to the FPR that manufacture, import or place on the market less than 1,000 kg of plastic products or packaging per calendar year. This *de minimis* exemption helps to reduce the administrative burden on smaller entities and ensures that the FPR focuses on significant contributors to plastic waste. The *de minimis* exemption is based on the amount of plastic within the plastic item, rather than the overall weight of the item.

Additionally, foreign suppliers are not obligated to report to the FPR — only persons resident in Canada. However, foreign suppliers are encouraged to support Canadian importers that

have the reporting obligation by providing information on the identities, sources and quantities of plastic resins that they supply. Canadian importers should seek to obtain the necessary information from their foreign suppliers to fulfill their reporting obligations.

Confidential business information

Entities can request that certain information submitted to the FPR be treated as confidential business information (CBI). To do so, they must provide a written supporting rationale based on the reasons set out in [section 52 of CEPA](#) — namely, that at least one of the following applies:

- a. the information constitutes a trade secret
- b. the disclosure of the information would likely cause material financial loss to, or prejudice to the competitive position of, the person providing the information or on whose behalf it is provided
- c. the disclosure of the information would likely interfere with contractual or other negotiations being conducted by the person providing the information or on whose behalf it is provided

The Government of Canada may review CBI claims and, in some cases, disclose the information if it serves to protect the environment or is necessary for the administration or enforcement of CEPA. In these situations, the Government will conduct a review under [section 53 of CEPA](#) to determine whether information claimed as CBI could be released to promote transparency or because it is in the best interest of Canadians.

The Guide indicates that the following types of information are generally not expected to be confidential:

- the province or territory in which plastic products were placed on the market/collected for diversion
- the category of plastic products
- the subcategory of plastic products
- whether plastics belong to residential or ICI streams

When evaluating whether to make a confidentiality request, companies should be aware that the Government of Canada intends to publish, in part, information on resins and plastic products provided to the FPR. In addition, information in the possession of the Government of Canada, including Environment and Climate Change Canada, is subject to the federal access to information and privacy regime, which provides residents of Canada with a right to access records held by government institutions.

Implications for industry

The Guide provides helpful guidance for companies to determine whether they have an obligation to report to the FPR and, if so, to compile the necessary information to meet the September 2025 Phase 1 reporting deadline. Companies that manufacture, import or place plastic products on the market — particularly those with significant operations and substantial supply chains — should evaluate their reporting obligations early to ensure they can meet the reporting deadline or, if needed, file an extension request with the Minister.

Companies that are concerned about CBI would be wise to consider whether they wish to make a confidentiality request when submitting information to the FPR. If a claim for confidentiality is made, companies should provide a clear rationale for the request.

Osler's Environmental team has considerable experience assisting clients with their reporting obligations under CEPA, including evaluating whether companies have an obligation to report, meeting reporting requirements and preparing extension requests and confidentiality claims. For assistance, please contact a member of our [Environmental](#) group.