



Comments on the Repeal of the Single-Use Plastic Export Prohibition

PRESENTATION TO ENVIRONMENT AND CLIMATE CHANGE CANADA



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RE: Oceana Canada's response to Canada Gazette, Part I, Volume 159, Number 51: [Regulations Amending the Single-use Plastics Prohibition Regulations](#)

Oceana Canada does not support Environment and Climate Change Canada's proposed amendment to repeal the prohibition on the manufacture, import, and sale for the purpose of export under the *Single-use Plastics Prohibition Regulations*. The current prohibition on the export of targeted single-use plastics contributes directly to the goal of ending plastic pollution in our oceans, our environments, and our bodies.

Plastic pollution is an international crisis. Two dump trucks of plastics enter the ocean every minute, resulting in the death of marine wildlife and the degradation of marine habitats.¹ Plastic consumption is projected to nearly triple by 2060, with an estimated two-thirds coming from single-use plastic packaging alone.² Domestically, Canada produces more than 4.3 million tonnes of plastic waste annually, approximately half of which is single-use plastic packaging. Nationally, less than 10 per cent of plastic waste is mechanically recycled; the remainder is landfilled, incinerated, or released into the environment.³ Since 2021, the federal government has introduced strong plastic pollution reduction regulations and has recently reaffirmed its authority to take further regulatory action to end plastic pollution.⁴

Recommendation

Oceana Canada recommends that the federal government **delay, rather than repeal**, the prohibition on the manufacture, import, and sale for the purpose of export, from December 20, 2025, to December 20, 2029.

Proposed amendments:

Section 2 of the Single-use Plastics Prohibition Regulations footnote 1 is amended by adding the following after subsection (1):

Export

(2) Subject to sections 8 and 9, these Regulations **are delayed until December 20, 2029**, in respect of plastic manufactured items referred to in section 1 that are manufactured, imported or sold for the purpose of export.

¹ <https://oceana.ca/en/reports/drowning-plastic/>

² <https://www.oecd.org/en/topics/plastics.html>

³ <https://oceana.ca/en/reports/breaking-the-plastic-cycle-a-policy-roadmap-to-eliminate-one-third-of-canadas-plastic-packaging-waste/>

⁴ <https://oceana.ca/en/press-releases/health-and-environmental-groups-celebrate-victory-in-plastic-pollution-regulation-case/>

Item	Manufacture and import for sale in Canada	Sale	Manufacture, import and sale for export
Checkout bags, cutlery, foodservice ware, stir sticks, straws*	December 20, 2022	December 20, 2023	December 20, 2029 ⁹
Ring carriers	June 20, 2023	June 20, 2024	December 20, 2029 ⁹
Flexible straws packaged with beverage containers	Not applicable	June 20, 2024	December 20, 2029 ⁹

Rationale

Environment and Climate Change Canada should delay, rather than repeal, the export prohibition for the following reasons:

1. Canada has committed to greater plastics stewardship internationally.
2. Businesses require clear and consistent policy signals to support investments and supply-chain transitions.
3. The United States federal administration’s position on paper straws is neither a permanent law nor a material trade barrier.
4. Canadians support strong federal regulatory action to end plastic pollution.

1. Canada has committed to greater plastics stewardship internationally.

Repealing the export prohibition would run counter to Canada’s existing legal and international obligations to protect the environment, particularly the marine environment, from plastic pollution. As affirmed by the Federal Court of Appeal in *Canada (Attorney General) v. Responsible Plastic Use Coalition*, amendments to the *Canadian Environmental Protection Act (CEPA)* strengthened the federal government’s duty to prevent environmental harm, embedding the precautionary principle and an ecosystem-based approach into federal law.

At paragraph 66,⁵ the Court explained that:

The 1999 amendments expanded the range of substances canvassed by [Canadian Environmental Protect Act] CEPA and introduced Part 4 “Pollution Prevention,” which aimed at fortifying CEPA’s ability to pre-empt environmental harm. The precautionary principle was also established as a binding administrative duty under paragraph 2(1)(a) and the “ecosystem approach” was embedded in a new paragraph of the preamble. The addition of “biological diversity” and “environment” in section 64 introduced the assessment of harm to ecosystems and reflected Canada’s increasing obligations under international environmental commitments (see, for example, the 2018 Ocean Plastics Charter,⁶ which commits G7 nations to greater plastics stewardship).

⁵ <https://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/521771/index.do# Disposition>

⁶ <https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/international-commitments/ocean-plastics-charter.html>

Canada has also positioned itself as a leader in the Intergovernmental Negotiating Committee (INC) process to develop a legally binding international instrument on plastic pollution, including in the marine environment. Canada's negotiating mandate and public commitments have made references to ending plastic pollution using a whole lifecycle approach, and a focus on upstream solutions. Repealing the prohibition on the export of targeted single-use plastic banned in Canada conflicts with those public commitments and market signals.

"Canada continues to take a leadership role in addressing plastic pollution by advocating for effective, science-based solutions. Our country is recognized internationally for its commitment to combating plastic pollution, which began with the introduction of the Ocean Plastics Charter during our G7 Presidency in 2018. ... Canada did not accept a treaty that only focuses on cleaning up the problem. Any global treaty on plastic pollution must prevent the problem from continuing."

— Minister of Environment and Climate Change, Julie Dabrusin, following the conclusion of INC 5.2.⁷

There is no data to support that single-use plastics made in Canada are recyclable or recoverable in other countries, and thus they contribute to the domestic plastic waste and pollution crisis of the purchasing country. Backtracking on Canada's vanguard plastic regulations during a time of international alignment on the prohibition of problematic single-use plastics puts us at risk of having to re-do the good work completed in 2021 to be in compliance with future obligations.

2. Businesses require clear and consistent policy signals to support investments and supply-chain transitions.

Many Canadian businesses have already transitioned away from prohibited single-use plastic packaging to comply with federal regulation introduced in 2022.⁸ Investments made in alternative products, materials, and equipment should not be undermined to accommodate laggards.

Rather than repealing the export prohibition, the federal government should work directly with remaining companies to support compliance and facilitate supply-chain transitions. Numerous jurisdictions prohibit the domestic sale and distribution of single-use plastic products and their markets would benefit from sourcing compliant Canadian alternatives.

Internationally, the European Union,⁹ France,¹⁰ the United Kingdom,¹¹ and South Korea¹² have adopted progressive regulations that prohibit the sale and distribution of single-use plastic packaging items, chemicals, and resin types. The World Trade Organization has identified 223 plastic trade-related policy measures globally, including product prohibitions.¹³

⁷ <https://www.canada.ca/en/environment-climate-change/news/2025/08/minister-dabrusin--statement-on-the-conclusion-of-the-resumed-fifth-intergovernmental-negotiating-committee-on-plastic-pollution-inc-52.html>

⁸ <https://gazette.gc.ca/rp-pr/p1/2025/2025-12-20/html/reg1-eng.html>

⁹ [Packaging & Packaging Waste Regulation](#). European Commission

¹⁰ [La loi anti-gaspillage pour une économie circulaire](#). France.

¹¹ [The Environmental Protection \(Plastic Plates etc. and Polystyrene Containers etc.\) \(England\) Regulations 2023](#)

¹² Ministry of Climate, Energy, and Environment – South Korea. [Enforcement Decree of the Act on the Promotion of Saving and Recycling of Resources, Exclusions to the single-use plastic items](#)

¹³ <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/TEIDP/W11.pdf&Open=True>

In the United States, there are numerous state-level prohibitions on single-use plastics, the strongest of which comes from the largest economy in North America – California.¹⁴

Washington, Virginia, Vermont, Rhode Island, Oregon, New York, New Jersey, Maryland, Maine, Hawaii, Delaware, Connecticut, Colorado, and California have regulated some category of single-use plastic, including straws, checkout bags, and foam food containers.¹⁵ Collectively, these states represent a consumer population of more than 110 million and a combined gross domestic product of over \$11 trillion USD – representing over one-third of the United States economy.¹⁶

When Canada announced its comprehensive single-use plastic prohibition, it was widely applauded for its global leadership.¹⁷ Repealing the export prohibition would threaten Canada's international reputation and weaken its trade competitiveness in jurisdictions moving toward stricter plastics controls.

3. The United States federal administration's position on paper straws is neither a permanent law nor a material trade barrier.

On February 10, 2025, President Donald Trump signed an Executive Order titled [Ending Procurement and Forced Use of Paper Straws](#). The Order directed federal agencies to eliminate the procurement of paper straws and make sure that paper straws are not provided in federal agency buildings. Agencies responsible for federal procurement have published a proposed rule to implement the Order, but it has not yet been finalized.

Importantly, once finalized, this rule would apply only to companies that contract with the federal government. It does not impose a nationwide ban on paper straws or other single-use plastic alternatives, nor does it restrict private-sector sales. There are no federal or state laws that ban the use of paper straws or mandate a return to plastics.

Further, the current United States administration has introduced a range of economic threats toward Canadian-made products. In this context, the competitiveness of Canadian-made plastics is unlikely to be strengthened, and may be weakened, by exposure to tariffs or other trade actions.

As foreign regulatory and trade policies are rapidly evolving, delaying this measure until 2029 would allow Environment and Climate Change Canada to maintain policy coherence until there is more certainty.

4. Canadians support strong federal regulatory action to end plastic pollution.

Regulatory action to end plastic pollution, particularly regulations targeting unnecessary single-use plastic, garner strong and consistent public support across Canada, regardless of age, gender, geography, or voting history. Market research released in January 2025 found that 82 per cent of Canadians support the single-use plastic ban.¹⁸ In December 2025, 85 per cent support federal regulations to reduce unnecessary single-use plastics, and 83 per cent believe the federal

¹⁴ <https://sd24.senate.ca.gov/news/press-release/governor-signs-senator-allens-landmark-plastic-pollution-bill>

¹⁵ <https://publicinterestnetwork.org/resources/plastics-legislation-map-2/>

¹⁶ <https://www.businessinsider.com/us-states-gdp-compared-countries-china-global-economy-2025-5>

¹⁷ <https://www.aljazeera.com/news/2022/6/20/canada-announces-ban-on-single-use-plastics>

¹⁸ <https://oceana.ca/en/press-releases/tackling-plastic-pollution-is-a-non-partisan-issue-oceana-canada-poll-shows-vast-majority-of-canadians-still-support-banning-single-use-plastics/>

government bears the greatest responsibility for regulating plastics, ranking it above provinces, municipalities, and businesses.¹⁹

The federal government must balance economic pressure from the United States with clear, consistent policies for Canadian business and its international obligations to protect oceans from plastic pollution. A delay in coming into force, rather than repeal, would provide certainty about the long-term direction of federal plastics policy while allowing additional time for remaining companies to transition away from single-use plastics.

Kind regards,



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About Oceana Canada

[Oceana Canada](https://oceana.ca/en/oceana-canada-plastic-market-research-december-2025/) was established as an independent charity in 2015 and is part of the largest international advocacy group dedicated solely to ocean conservation. Oceana Canada has successfully campaigned to end the shark fin trade, make rebuilding depleted fish populations the law, improve the way fisheries are managed and protect marine habitat. We work with civil society, academics, fishers, Indigenous Peoples and Environment and Climate Change Canada to return Canada's formerly vibrant oceans to health and abundance. By restoring Canada's oceans, we can strengthen our communities, reap greater economic and nutritional benefits and protect our future.

¹⁹ <https://oceana.ca/en/oceana-canada-plastic-market-research-december-2025/>