



FERTILIZER CANADA

FERTILISANTS CANADA

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December 3, 2021

Ministère de l'Environnement et de la Lutte contre les changements climatiques
Édifice Marie-Guyart, 9e étage
Boîte 71, 675, boulevard René-Lévesque Est, Québec
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Via email: genevieve.rodrique@environnement.gouv.qc.ca

Re: *Gazette officielle du Québec, October 13, 2021, Vol. 153, No. 41* – Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

On behalf of our member companies, Fertilizer Canada would like to thank you for this opportunity to provide feedback from our industry on the draft *Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises* as published in the *Gazette officielle du Québec* on October 13, 2021. Product stewardship is a key priority for Canada's fertilizer industry, and we are committed to ensuring that our products are used safely and sustainably.

Fertilizer Canada represents manufacturers, wholesalers, and retail distributors of nitrogen, phosphate, potash, and sulphur fertilizers – the backbone of Canada's agri-food economy. Fertilizer is responsible for half of the world's current food production, and our industry is a major contributor to this global supply, supporting food security in Canada and around the world. We also contribute approximately \$24 billion annually to Canada's economic activity. Our industry has facilities across Canada supporting the employment of over 76,000 individuals throughout the supply chain. However, as an energy-intensive, trade-exposed (EITE) industry, our members are highly vulnerable to increases in cost and regulatory burden that are not shared by competitors in other jurisdictions.

Our industry supports science-based policy that achieves environmental objectives while also maintaining our industry's competitiveness, and we know that industry has a role to play in ensuring that our products are well-stewarded throughout their use and including end-of-life. However, after reviewing the proposed regulatory changes, we are left with some concerns about how these changes would function in practice and whether the proposed regulations would have the intended effects.

Fertilizer products are captured in the draft regulations under "Division 7 Agricultural Products". The draft indicates that obligated fertilizer suppliers in Québec would be required to fund and operate a program for the collection and management of waste fertilizer packaging and residual fertilizer product.



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Packaging

In terms of fertilizer packaging, fertilizer products used for agricultural or commercial purposes are generally sold in bulk with no packaging to be recycled or disposed of. While some of our products are sold in plastic bags or jugs, bulk products make up the majority of fertilizer products sold in Canada. Thus, the fertilizer industry does not create significant amounts of packaging waste, particularly in relation to the quantity of fertilizer products sold. Further, there are existing programs already in place that manage the small amount of packaging associated with agricultural fertilizers – in Québec, Cleanfarms, a non-profit environmental stewardship organization for agricultural products and waste, has established a program to collect and manage fertilizer packaging waste from agricultural operations, including fertilizer bags, totes, and plastic containers.

Based on our review of the draft regulations, it appears that Cleanfarms' existing program would cover the new requirements for fertilizer bags and plastic jugs or other containers.

Fertilizer Canada asks for confirmation that Cleanfarms' current program is sufficient for obligated fertilizer suppliers to meet their requirements as outlined in the draft regulation.

Further, **we recommend that the Government of Québec work with industry to provide flexibility in how results are achieved.** As the product suppliers are responsible for operating and funding the collection program, they should be allowed as much flexibility as possible to achieve the intended outcomes in an efficient manner.

For our member companies that import fertilizer in large bags, in some cases they already pay a levy in the product's country of origin for using the bag. The requirement for a collection program for fertilizer packaging could result in a double taxation situation for those companies, wherein they are required to pay twice for stewardship of the same packaging material. **Fertilizer Canada encourages the Government of Québec to take into consideration that industry that is newly captured under the proposed regulations may already be facing fees for the management of their packaging products and ensure that industry is not unnecessarily burdened by the new regulations.**

Residual Product

Section 53.0.8, paragraph 7 contains the requirement for establishing a collection program for residual fertilizer product alongside the same requirement for pesticide products. This requirement is concerning for our industry, and we would first like to ensure that fertilizers are clearly distinguished from crop protection products. Fertilizer is food for plants, and the use, storage, handling, and disposal of fertilizers follows very different patterns from crop protection products, including pesticides.



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Fertilizer inputs are a major expense for any agricultural operation, and, with fertilizer prices rising dramatically in recent years, growers are actively looking to achieve the most out of their inputs. In 2019, StatsCan reported that Québec growers spent over \$330 million on fertilizer inputs, and this number has likely risen in the years since as fertilizer prices have increased.

Recognizing the large investment growers in Québec are making, Fertilizer Canada has partnered with Réseau végétal Québec to introduce the “*gestion des nutriments 4B*” program in 2018. Through this program, agricultural producers work with agrologists and nutrient management specialists to develop nutrient management plans utilizing the principals of 4B: “*le bon produit à la bonne dose, au bon moment et au bon endroit*”. This program encourages growers to invest in science-based practices that support the safe and sustainable use of nutrients. These practices include, for example, soil sampling to establish the right amount of fertilizer to be applied.

In addition to the voluntary 4B program, agricultural producers who spread fertilizer in Québec are required, under Section 22 of the *Agricultural Operations Regulation*, to develop an agro-environmental fertilization plan. These plans must be approved by an agrologist, and they contain key details on appropriate fertilizer doses, as well as when and how fertilizer will be spread. Growers can base their fertilizer purchases on their approved agro-environmental fertilization plan, making it unlikely that they will purchase excess product.

Because fertilizer inputs are a major expense and there are various resources available to assist agricultural producers with choosing the right sources and amounts of fertilizer to use, growers are unlikely to have excess product that needs to be disposed of. To further this point, bulk fertilizers do not expire if properly stored, so in rare cases where growers are left with excess fertilizer at the end of the fertilizer application season, the product should be safely stored and used later rather than thrown away.

For these reasons, it is highly unlikely that any agricultural operation would dispose of fertilizer products rather than simply storing them for later use. Therefore, we do not believe that a collection program for residual fertilizer product is necessary, nor would it improve the environmental sustainability of our products. Indeed, we are concerned that such a program could unintentionally encourage some agricultural producers to dispose of fertilizers unnecessarily, which would result in wasted resources and needless costs for both fertilizer suppliers operating the program and agricultural producers.

Fertilizer Canada works to educate homeowners and municipal leaders in the safe use, storage, and disposal of fertilizer products used on lawns and gardens through our widespread Greener World – Use It, Share It, Store It campaign. Through this campaign, we encourage consumers to either use up fertilizer, store it for later use, or share it with someone else who could use it, such as a neighbour, friend, or community group. While the Greener World campaign targets consumers of lawn and garden fertilizers, the



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principles of using up or storing unused product for later are applicable to agricultural operations as well. We do not encourage consumers of either lawn and garden fertilizers or agricultural fertilizers to throw away unused fertilizer, and we are concerned that establishing a collection program specifically for these products would send the opposite message.

Fertilizer Canada strongly recommends removing the requirement in Section 53.0.8, paragraph 7 of the draft regulations for obligated fertilizer suppliers to establish and operate a collection program for residual fertilizer product. We further recommend amending Section 53.0.8, paragraphs 2 and 3 to reflect the removal of paragraph 7. We encourage the Government of Québec to consult with fertilizer stakeholders to determine the most effective methods of end-of-life product stewardship for the sector. Additionally, if any data is available on amounts and sources of fertilizer currently being collected for disposal in Québec, we would greatly appreciate an opportunity to review this information.

Concluding Remarks

Thank you again for this opportunity to share input on the proposed *Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises*. We would be pleased to schedule a virtual meeting to answer any questions about the comments and recommendations outlined above. Fertilizer Canada and our member companies are deeply committed to product stewardship, and we support the comments submitted by our individual members companies to this consultation opportunity.

We stand ready to work with the Government of Québec to develop and implement waste management policies that efficiently improve environmental sustainability.

Sincerely,

Nadine Frost
Director
Policy & Industry Standards

McKenzie Smith
Director
Stewardship & Regulatory Affairs

CC: Jean-Bernard Marchand, Deputy Chief of Staff, Québec Ministry of Agriculture, Fisheries, and Food