



Canadian Pork Council's Recommendations on Bill C-59: Greenwashing

Competition Act amendments June 20, 2024

The Canadian Pork Council (CPC), representing pork producers nationwide, appreciates the opportunity to provide input on Bill C-59, particularly the sections concerning greenwashing. Our pork producers are committed to sustainable farming and are proactive in using environmentally friendly farming practices as stewards of the land on which they farm. This is extremely important to the communities in which our members live and work and the farming business.

Our producers continue to make great improvements in sustainability, and we see this bill as an excellent opportunity to enhance transparency while promoting best management practices. However, regardless of how beneficial the bill might be regarding information disclosure, producers will face significant challenges in proving their sustainability efforts and defending against accusations of "greenwashing," especially regarding the complexity of environmental claims.

Here are the CPC's key concerns and recommendations:

1. Creation of negative perceptions and consumer lack of trust

Pork producers have improved animal health and care, natural resource management, and environmental stewardship. However, the greenwashing provisions risk undermining these genuine efforts by creating doubt on all sustainability claims, potentially fostering consumer distrust.

Recommendation:

- The government must offer more detailed information and explanation on what qualifies as misleading sustainability claims. This will ensure genuine efforts are not unfairly penalized, and producers can confidently continue their sustainability practices.

2. Limited federal-provincial collaboration on agricultural regulation

Agriculture is a shared jurisdiction between the federal and provincial governments, and any regulations developed must respect this partnership to ensure they are practical, effective, and regionally appropriate. The pork sector operates across diverse provinces, each with unique environmental conditions, regulatory frameworks, and sustainability practices. A collaborative approach between the federal government and provinces is essential for creating regulations that meet national goals and accommodate regional diversity.

Recommendation:

- The federal government should consult closely with provincial governments when developing sustainability and environmental regulations to ensure alignment with regional needs.

- Tailoring regulations to reflect the diverse agricultural practices across provinces will improve practicality and ease of implementation.
- A collaborative approach will enhance the credibility of sustainability claims, ensuring consistency and fairness across the sector.
- Federal-provincial cooperation will facilitate smoother compliance, benefiting producers and fostering a unified agricultural strategy.

3. Risk of discouraging sustainability messaging

The fear of legal repercussions from the new provisions could deter producers from making legitimate environmental claims. This would undermine efforts to promote sustainability and reduce the visibility of producers' environmental achievements.

Recommendation:

- Practical communication guidelines that allow producers to confidently deliver the messages on their sustainability efforts without fear of unjust legal action should be established. This will encourage more producers to share their environmental accomplishments.

4. Lack of clarity on the definitions of “greenwashing”

There's no clear definition of "greenwashing," which makes it difficult for businesses, especially those in agriculture, to communicate their sustainability efforts.

Recommendation:

- Provide a precise definition of "greenwashing" tailored to agriculture and food production.
- Clarify what constitutes "adequate and proper testing," ensuring that these definitions align with the realities of different sectors so that genuine claims are not penalized due to varied methodologies.
- Create guidelines to help businesses distinguish between real sustainability efforts and misleading claims, especially in complex agricultural sectors where sustainability metrics are still evolving.

5. Unequal rules for international competitors

Agriculture will be subject the rules of this Bill, while agricultural products from other countries will have the ability to make claims that cannot be monitored by this legislation, thus creating a significant competitive advantage for imported products.

Recommendation:



- Create Canadian licensing standards international producers would need to satisfy before making any environmental claims in Canada, to help consumers distinguish between real sustainability efforts and misleading claims.

6. Absence of clear methodologies and protection from litigation risks

Reliable, standardized data indicators are essential for demonstrating sustainability, particularly in agriculture. The absence of clear definitions for "internationally recognized methodologies" and proper testing, combined with the "reverse onus provision" that places the burden of proof solely on the claim maker, increases the risk of unnecessary or irritating lawsuits. This can lead to higher costs, reduced ability to secure investment, and unnecessary legal challenges.

Recommendation:

- Establish standardized agricultural data indicators to be followed across agricultural businesses and industries. This system should align with internationally recognized methodologies to ensure compliance, enabling Canadian businesses to remain competitive in the market while maintaining credibility with both national and international partners.
- Define and support internationally recognized methodologies that allow flexibility for science-based evidence without exposing the sector to excessive regulatory burdens or litigation risks.

7. Complexity among environmental claims

Verifying on-farm environmental claims is complex because conditions vary across farms. Many farms lack tools for tracking emissions and water usage in real time.

Recommendation:

- Financial and technical assistance to help producers adopt affordable monitoring tools and certification processes.
- Develop an efficient compliance framework that accounts for the diversity of agricultural operations.
- Specialized training and capacity-building programs to help producers understand and meet evolving sustainability standards.

8. Insufficient incentives for Best Management Practices (BMPs)

Producers face challenges in adopting innovative and sustainable Best Management Practices (BMPs), often due to a lack of financial incentives. Without sufficient funding, implementing new ideas—and thus supporting sustainability claims becomes difficult.

Recommendation:



- Increasing government funding and incentive programs to promote the adoption of BMPs, particularly those focused on water conservation, soil health, and reducing carbon footprints.
- Streamlining access to federal and provincial funding through tools like the CPC's Funding Portal Solutions, making it easier for producers to engage.

9. Lack of support for innovation and research in precision agriculture

Innovation and research are critical to developing scalable and effective sustainable practices. Precision agriculture systems, in particular, hold great promise for improving farm management and data collection.

Recommendation:

- Government partnerships with academia and industry to drive research that supports sustainable practices and promotes the adoption of advanced technologies in the pork sector.
- Increasing federal funding for research and innovation in precision agriculture to boost sustainability outcomes and improve on-farm data management.

10. Inadequate capacity building and knowledge transfer for BMPs

Adopting BMPs and new technologies requires both financial resources and significant efforts to transfer knowledge and build new skills.

Recommendation:

- Government support for knowledge transfer and skill-building initiatives that assist producers in integrating BMPs into their operations.
- Funding for educational programs and campaigns to promote the use of advanced data management and sustainability technologies, ensuring producers can continue to make truthful, credible claims about their environmental impact.

While the CPC commends Bill C-59 for addressing greenwashing, the government must tackle some structural challenges preventing producers from making credible sustainability claims. By clarifying definitions, creating a national data management system, increasing financial incentives, encouraging innovation, and funding skill development, the government can help Canada's agriculture sector lead the way in sustainable production.

Sincerely,

The Canadian Pork Council