



Written Submission to the Public Consultation on Competition Act's new Greenwashing Provisions

On behalf of Canadian beef producers, we would like to share our concerns regarding the new greenwashing provisions in Bill C-59 – the Fall Economic Statement Implementation Act, 2023. While we acknowledge that greenwashing is an issue, we believe that the current provisions may deter, rather than advance, positive environmental and economic outcomes for Canada.

Key Concerns:

1. Lack of clarity and implementation guidance

The amendments require businesses to prove claims based on “internationally recognized methodologies.” However, such methodologies may not exist or accurately reflect the Canadian context, potentially putting Canadian industries, including beef, at a competitive disadvantage. The amendments were implemented without meaningful consultation and as a result they are vague and left open to interpretation. They require significant clarification for impacted organizations.

2. Lack of transparency and unintended consequences

These amendments were introduced in a non-transparent way, without meaningful study, debate, or scrutiny, which could lead to unintended consequences for the beef cattle industry. Additionally, we are deeply concerned that the Private Rights to Action provision could be used by groups opposing the beef industry to overwhelm companies with costly litigation, causing unintended harm to our industry and the broader Canadian agri-food sector.

3. Chilling effect

These provisions could deter commodity marketing and stifle innovation, with potential negative impacts on food prices, global food security, and Canada's reputation as a high-quality beef producer. This is a problem that would extend far beyond the beef industry and would be experienced by many other sectors, including energy, mining, forestry, transportation, finance, and others.

Recommendations:

- **Clear Guidance on Compliance:** The Competition Bureau should develop clear implementation guidance to help industries comply with the new greenwashing rules and avoid unnecessary lawsuits.
- **Internationally Recognized Methodologies:** Clarify what constitutes “internationally recognized methodologies” and allow for science-based evidence in support of claims. The Competition Bureau should not be prescriptive on what methods can be used but should support the best available science and data without undue cost.
- **Further Study and Delay in Private Right to Action:** The Competition Bureau should study the unintended consequences of the provisions and delay the Private Rights to Action until sufficient evidence can inform Tribunal decisions.
- **Balanced Burden of Proof:** Ensure that accusers also provide evidence before a Private Right to Action can proceed, balancing the onus of proof and deterring frivolous lawsuits.

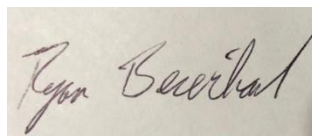
The Canadian beef industry is proud of the work we’ve done on sustainability and Canadian farmers and ranchers are long-time partners with the environment. Our industry has developed a suite of long-term goals that provide clear messaging and direction about the process to continually improve how cattle are raised and enhance the natural environments under the care of beef producers^[1]. To measure progress, we rely on the Canadian Roundtable for Sustainable Beef’s National Beef Sustainability Assessment (NBSA), an extensive third-party reviewed scientific study evaluating the sustainability performance of the Canadian beef value chain from environmental, social, and economic perspectives^{[2], [3]}. In addition, components of the NBSA including the Environmental Life Cycle Assessment^[4] and Social Assessment^[5] have been peer-reviewed and published in scientific journals.

Greenwashing is a modern problem; and we believe that properly studied and carefully implemented greenwashing provisions could be beneficial to industries as well as to the public. However, we urge the Competition Bureau to revisit the amendments and to further study their implications and implementation. We would like to request a meeting to further highlight our concerns with the amendments.

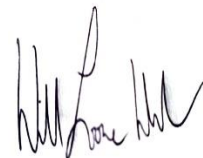
Respectfully submitted by,



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[¹] <https://beefstrategy.com/2030-goals>

[²] Canadian Roundtable for Sustainable Beef. (2024a). National Beef Sustainability Assessment: Environmental and Social Assessments. Calgary, AB: Groupe AGECO.

[³] Canadian Roundtable for Sustainable Beef. (2024b). National Beef Sustainability Assessment: Economic Assessment. Calgary, AB: Canfax Research Services.

[⁴] Isaac A. Aboagye, Gayathri Valappil, Baishali Dutta, Hugues Imbeault-Tétreault, Kim H. Ominski, Marcos R.C. Cordeiro, Roland Kröbel, Sarah J. Pogue, and Tim A. McAllister. 2024. An assessment of the environmental sustainability of beef production in Canada. *Canadian Journal of Animal Science*. 104(2): 221-240. <https://doi.org/10.1139/cjas-2023-0077>

[⁵] Graham, R., Couture, JM., Nadeau, S. et al. Applied qualitative methods for social life cycle assessment: a case study of Canadian beef. *Int J Life Cycle Assess* (2024). <https://doi.org/10.1007/s11367-024-02358-y>