



February 28, 2025

Deceptive Marketing Practices Directorate  
Competition Bureau  
50 Victoria Street  
Gatineau, Quebec  
K1A 0C9

Via email: [environmentalclaims-declarationsenvironnementales@cb-bc.gc.ca](mailto:environmentalclaims-declarationsenvironnementales@cb-bc.gc.ca)

**RE: Public Consultation on the Competition Bureau's Proposed Guidelines for the New Greenwashing Provisions in the Competition Act**

On behalf of the 190,000 farm businesses represented through our membership, the Agricultural Carbon Alliance (ACA) respectfully shares these comments on the Competition Bureau's proposed guidelines for the new greenwashing provisions in the *Competition Act*.

ACA was established to ensure that Canadian farmers' sustainable practices are recognized through a policy environment that maintains their competitiveness, supports their livelihoods, and leverages their critical role as stewards of the land. We are a coalition of 16 national farm organizations committed to promoting meaningful and collaborative dialogue around carbon pricing and agri-environmental policy. Our membership encompasses major agriculture commodities, including grains, oilseeds, pulses, cattle, sheep, pork, fruit and vegetables, dairy, forage and grasslands, seed, ornamental plants and poultry. Collectively, we steward over 62 million hectares of land, or 7% of Canada's land mass, to feed and fuel Canadians and the world.

ACA understands that environmental claims can influence consumer decision-making and agrees claims should be truthful, clear and backed by data. However, the ACA continues to share concerns regarding the proposed greenwashing provisions, their recently released guidelines, and the extension of the private right to action to environmental claims, especially considering the political and economic uncertainty the country is faced with today. The guidance document continues to lack clarity and create confusion around terms, especially "internationally recognized methodologies". In addition, the threat of unintended consequences resulting from a potential increase in frivolous lawsuits with the expansion of the private right to action is concerning and could quickly lead to greenhushing.

Having highlighted the vague and undefined nature of the greenwashing provisions in ACA's previous submission, the guidance documents continue to cause confusion. The amendments require businesses to prove claims based on "proper and adequate tests" and "internationally

recognized methodologies” however, definitions outlined in the guidance documents do not provide the clarity required.

#### *Internationally Recognized Methodology*

ACA is concerned with the lack of Canadian context and regionality referenced in this definition. Canadian-based research must be recognized especially regarding agriculture and the environment, as regionality is of the utmost importance. The Competition Bureau does not need to be prescriptive on what methods can be used but should support the best available science and data without undue cost. Requiring a methodology to be recognized in two countries restricts the data that can be used and risks the agriculture sector being limited to inappropriate or inapplicable methodologies. Also, clarity regarding the term “recognized” is required as it is still unclear if peer-reviewed articles are appropriate. We must ensure the uncertainty around this definition is not putting Canadian industries at a competitive disadvantage.

#### *Proper and Adequate Tests*

ACA understands the flexible nature in defining proper and adequate tests and that it depends on the general impression that the representation conveys to consumers. However, in conjunction with the Private Right to Action, the lack of clarity on how to interpret this definition will lead to significant confusion and will discourage sectors from speaking about the environmental sustainability of their products.

In addition, ACA highlights its concerns with ‘Principle 6: Environmental claims about the future should be supported by substantiation and a clear plan’. It appears that even if an organization has laid out the best of plans to achieve a future target, if the claim is viewed as misleading, the claim would be cause for concern. A path to a future target can only be so clear, and the vague nature of this principle will likely disincentivize organizations from making forward looking environmental commitments.

ACA continues to be deeply concerned that the shift toward private access to the Competition Tribunal now including these greenwashing provisions will expose sectors to a variety of risks. The potential for an increase in frivolous lawsuits could strain resources within the Bureau and negatively impact business reputations. ACA continues to urge the Bureau to study the unintended consequences of the provisions and support the delay of the enactment of the expansion of the Private-Action provision until sufficient evidence can inform Tribunal decisions. ACA is of the understanding that guidance documents are in progress for the Tribunal regarding the inclusion of environmental , but as June quickly approaches, more time is required for all involved parties to better understand the implications and seek clarity on this provision.

Overall, the guidance documents do not change the fact that the new provisions will have wide-reaching negative impacts on investment, innovation, adoption, and marketing. The ambiguity of the newly added greenwashing provisions and the current guidance documents undermines the industry’s genuine efforts to advance sustainability and discourages sectors from making claims regarding the environmental benefits of their products or activities. This is because of the uncertainties and costs of defending against accusations of greenwashing. As a result, we could see industry hesitation to invest in innovation and sustainability or share the beneficial results of their

research. The potential for a significant increase in costly legal fees due to frivolous claims could negatively impact Canada's reputation as a high-quality agricultural producer or decrease the frequency in which Canada speaks to the sustainability of the sector. This can put Canadian companies and sectors at a competitive disadvantage compared to international organizations.

Finally, the ACA urges the Competition Bureau to consider the current political landscape and associated uncertainties. The Canadian agriculture sector needs to be as resilient as possible and not burdened with the potential unintended consequences that these amendments could have on the competitiveness of the agriculture sector. Even with the guidance documents, these provisions undermine genuine efforts to improve our industry standards by casting doubt on all sustainability claims, thus hurting Canada's reputation and competitiveness during a pivotal time in politics.

Thank you for your consideration of this submission, and please do not hesitate to reach out should you have additional questions.

Our members include Canadian Canola Growers Association, Canadian Federation of Agriculture, Canadian Cattle Association, Grain Growers of Canada, Canadian Pork Council, Chicken Farmers of Canada, Turkey Farmers of Canada, Fruit and Vegetable Growers of Canada, Canadian Hatching Egg Producers, Canadian Forage and Grassland Association, National Sheep Network, National Cattle Feeders' Association, Canadian Seed Growers' Association, Mushrooms Canada, Canadian Nursery Landscape Association and Canadian Ornamental Horticulture Alliance.

Sincerely,

Original signed by

Dave Carey  
Co-Chair  
Agriculture Carbon Alliance

Original signed by

Scott Ross  
Co-Chair  
Agriculture Carbon Alliance