February 18, 2022

The Honourable Steven Guilbeault, P.C., M.P.
Minister, Environment and Climate Change
200 boul., Sacré-Coeur
Gatineau, Québec, K1A 0H3
ec.plastiques-plastics.ec@canada.ca

Tracey Spack
Director, Plastics Regulatory Affairs Division
Environment and Climate Change Canada
351 Saint-Joseph Blvd.
Gatineau, Québec, K1A 0H3

Dear Minister Guilbeault,

RE: Notice of Objection and Request for Board of Review in relation to the Single-Use Plastics Prohibition Regulations, *Canada Gazette*, Part I, Volume 155, Number 52, 2021-12-25

Petro Plastics Corporation Ltd. is a 3rd generation plastics manufacture specializing in grocery checkout bags and grocery produce bags. Petro Plastics has been in business for 37 years, since 1985. Petro Plastics employs 25-30 people at any given time. Petro Plastics has been working with recyclers since the beginning of the company. For more than a decade, Petro Plastics has been producing bags for hospitals with a 100% recycling rate.

Petro Plastics Corporation Ltd is also a member of the Chemistry Industry Association of Canada's (CIAC) Plastics Division, which represents Canada's leaders in plastics industry sustainability – a $35 billion sector that directly employs over 100,000 Canadians.

Petro Plastics Corporation Ltd. formally objects to the Proposed Single-Use Plastics Prohibition Regulations, and requests the establishment of a Board of Review to review the recommendation.

Scope of the Prohibitions Expanded Beyond What was Included in October 2020 Consultations, New Items Added without Consultation, Scope Creep without Consultation

The October 2020 consultation proposed six single-use plastic items be prohibited based on the following criteria: environmentally problematic, recovery problematic, and alternatives exist. Those six items were: checkout bags, cutlery, stir stick, straws, ring carriers and foodservice ware. No additional consultation prior to including compostable and all extruded polystyrene, vs foamed polystyrene from was consultation

- Compostables:
    - The Regulatory Impact Analysis Statement (RIAS) indicates that compostable plastic single-use versions of the six will also be banned.
    - Rationale for including compostable plastic items not a credible or evidence-based.
- Polystyrene
    - Proposed regulatory text does not align with the October 2020 management approach or the RIAS, both of which referred to foamed polystyrene.

- Proposed regulatory text the definition of foodservice ware simply states “extruded” and “expanded” polystyrene without the “foamed” qualifier.
- Including all “extruded polystyrene” in the regulations, was done without scientific evidence or consultation

Adding items to the prohibitions, without further scientific analysis, engagement or consultation is a breach of the regulatory process.

Bans do not take Technology into account

The Federal Government’s criteria used to assess items for prohibition can be briefly summarized as: is it environmentally problematic, is it value-recovery problematic, and alternatives are available.

- Critical technology not considered when assessing if a plastic was recovery problematic.
  - Carbon Black Plastics
    - Are a valuable source of polypropylene resin.
    - Technology available on the market today to sort black plastic, has the capacity to process higher volumes of carbon black plastics
    - Municipal budgetary constraints, and the absence of investment in available technology by many sortation and recycling facilities is the reason it is not collected, not the availability of technology.
    - Given there is an industry solution in place for value-recovery, a prohibition on ‘carbon black’ foodservice ware does not meet the Government’s criteria for prohibition.
  - Expanded and Extruded Polystyrene Foam Foodservice Ware
    - Polystyrene is one of the most recyclable materials, either through mechanical recycling or through advanced recycling
    - Increased collection, densification and technology advances have addressed past issues with the economics and logistics around polystyrene recycling.
    - Recycled polystyrene is in high demand, and has a multitude of applications, including food and non-food packaging, durable goods, and insulation and construction materials.
    - the circular economy of polystyrene is already in being demonstrated in Québec
    - Not acknowledging the current commercial polystyrene recycling technologies and established market led to the erroneous determination that foamed polystyrene was recovery problematic contributing to its inclusion in the proposed prohibition regulations.
  - **Plastic Checkout Bags**
    - RIAS fails to fully account for the benefits of secondary uses while using a single California study as an analogue to Canadian re-use rates

- Canadian studies[1] that show that plastic checkout bags are not single use and have high re-use and recycle rates.
    - Canadian studies show that 77 per cent of plastic checkout bags are re-used
    - Of the remaining 23 per cent, 15 per cent are recycled and only 8 per cent are not re-used or recycled
    - The net result is that plastic checkout bags have a 92 per cent reuse and recycling rate
    - Provincial Extended Producer Responsibility programs have recycling targets that will lead to improved recycling rates
- 2020 study by Materials Recovery for the Future[2] concluded successful pilot projects demonstrating that flexible plastic packaging can be collected, sorted and baled at a material recovery facility (MRF) through curbside recycling programs
- Many cities in Canada use a bag-in-bag approach to collecting plastic check out bags and "soft plastics", including ring carriers.

Petro Plastics Corporation Ltd. Has been recycling plastic checkout bag cutouts since 1987. 100% of what doesn't get sold gets recycled with minimal wastage. Since 2010 Petro Plastics has been part of a group of companies working together to collect and recycle post-consumer plastic film where possible with a 100% recycling rate. In fact, the demand for these post-consumer bags and films exceeds our capacity to satisfy the recycling companies that buys them.

Petro Plastics Corporation Ltd. does not have the capacity to start a municipal recycling program for plastic bags, but with a 92% re-use and recycling rate, all the government waste departments would have to do is adapt recycling programs to collect plastic waste every now and then. Example: in our municipality garbage is collected every two weeks and recycling and compost is collected weekly. A tweak to this could be a plastic collection week once a month. This would streamline collection of plastics and make it easier for recycling companies to acquire good material at a regular rate while giving consumers a way to offload their accumulated plastics without them ending up in a landfill. All this would require is minimal investment from the municipality or province.

- Requesting a Board of Review take into account the contribution of each of the technologies above be considered when determining if a plastic manufactured item is recovery problematic.

Extended Producer Responsibility Programs not considered

- The implementation of other regulations were ignored or misrepresented.
- RIAS demonstrates a fundamental lack of understanding of EPR programs.
- By removing certain single-use plastic items from EPR programs producers are required to find substitutes that in many cases do not have the value recovery proposition plastics do

[1] Faits saillants des résultats de l'analyse du cycle de vie environnementale et économique des sacs d'emplettes (gouv.qc.ca). See also City of Toronto 2010/2011 Waste Audit.
[2] www.materialsrecoveryforthefuture.com/research-results/2020-research-results

- Removing value from the recycling system is not a positive for the province or the producer, counter to the position stated in the RIAS.
- EPR programs require that producers meet recycling targets thereby ensuring that value-recovery is derived from plastics.
- Under EPR the concept of a single-use item will disappear
- Believe a Board of Review would conclude that under EPR plastic manufactured items currently deemed recovery problematic would no longer be evaluated as such.

As stated above, Petro Plastics Corporation Ltd. is part of a group of companies working together in an Extended Producer Responsibility Program to collect and recycle post-consumer plastics. These tons of plastics (20-40 tons monthly) which have a 100% recycling rate, are made from the exact same material as grocery checkout bags.

Recovery is not the problem, reuse is not the problem, recyclability is not the problem. The problem is the government had years and decades to bring municipal recycling programs up to date and they have not done so. Plastic checkout bags are always excluded from these programs despite demonstrable recycling capabilities.

Banning these items is a lazy solution to the problem which is not a solution at all. According to the governments own report, alternatives to plastic checkout bags will be littered at the same rate as plastic checkout bags and are not recyclable at all under current technologies, whereas plastic checkout bags are fully recyclable, with much potential for reuse.

Impacts of Substitutes not Considered

The RIAS focuses heavily on single-use plastic litter and its impact on the environment as rationale for the proposed prohibitions. Littering is a human behavior issue not a specific product or substance issue. Bans will not prevent litter, the RIAS states that it is assumed the single-use plastic alternatives will be littered at the same rate as their single-use plastic counterparts.

The Impact of the new/increased source of pollution in alternatives was not accounted for and downplayed saying since the alternatives are likely to be made of wood, paper, and moulded fibre, they are not expected to result in long term harm. Additives in substitutes may have impacts over time because of cumulative exposure, which should be explored by risk assessors who are the experts in that area.

Regulations are expected to increase waste generated from substitutes by around 3.2 million tonnes over the 10 year period between 2032 to 2032. Ultimately, the result of the proposed prohibitions will be a greater mass of waste and litter in the environment with unknown, or unstudied, long-term impacts.

Incomplete Science used for Environmental Assessment

RIAS treatment of Life Cycle Assessment (LCA) literature not aligned to standard practice; LCA sources are not cited; and LCAs are not compared through any appropriate, standard methodology such as ISO14040/44.

Strategic Environmental Assessment (SEA), analysis relies on other evidence sources, including the Science Assessment of Plastic Pollution. RIAS relies on October 2020 Science Assessment, which the government itself identified as incomplete, as a statement of the impacts associated with plastic in the environment.

EPR programs are fully implemented in Canada these items will have higher collection rates and the economies of scale will also be present to allow for the investment in technology with will provide value recovery. The SEA does not consider the increased transportation emissions as a result of increased weight of material being transported to management facilities. Nor does it consider the impact of littering unstudied substitutes.

No evidence is provided in the RIAS that the use of substitutes will reduce littering and pollution in the environment. The SEA acknowledges that alternatives to plastic will lead to higher pollution, thus the government is proposing substitutes that will not achieve its stated environmental goals. It is critical that the analysis of substitutes includes the emissions associated with sourcing, manufacturing, transporting, and their end of life.

Conclusion

A ban on the six single-use plastic items will not achieve what the governments stated goals are. It will drive an entire sector of the economy out of business while propping up another sector. Alternatives to the six single use plastics will be a new source pollution, the effects of which remain unstudied. The designation “Single-Use” is a misnomer, as plastic bags among other proposed items are fully reusable and have many reuses. The most appropriate plan going forward is to convince municipalities to expand recycling programs across the country. This will have the least environmental impact.

Sincerely,

David Barkel, 416-970-8499
Vice President, Finance
Petro Plastics Corporation Ltd.
I am available at the number above for discussion.