



Ottawa, Canada K1A 0H3

JUN 16 2022

Joe Hruska
Canada Coalition of Plastic Producers
joe@pathwaygroup.com

Dear Joe Hruska:

This letter is in response to your Notice of Objection and request to establish a board of review to the publication of the proposed Single-Use Plastics Prohibition Regulations, which was received by Environment and Climate Change Canada on February 23, 2022. The proposed Regulations were published in the *Canada Gazette*, Part I, on December 25, 2021.

I have carefully considered the issues set out in your Notice of Objection. As the scientific information provided in this notice did not raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations to warrant the establishment of a board of review, I am denying your request to establish this board. The scientific considerations that underlay the proposed Regulations are related to the prevalence in and harmful effects on the environment of the six categories of single-use plastics subject to these regulations.

I would like to address two particular arguments you raised. Firstly, in your Notice of Objection, you provided a link to reference the results of 44 North American municipal litter studies and then stated that single-use plastic checkout bags are not a common form of litter. The link opens to a website with a cropped figure from a larger report; however, the actual report is not accessible from this website. You stated that 44 litter audits were reviewed by the report's authors, but the cropped figure you provided only shows the results of 35 audits. Data from nine litter audits is missing, and the Department was not able to find a copy of this report so I could review and consider the results from all 44 audits. I do not consider the submission of unsupported and unverifiable data as a rigorous scientific evidence source.

Secondly, in your Notice of Objection, you expressed the view that single-use plastic checkout bags and polystyrene foam should not be prohibited based on the problematic environmental designation. This does not provide any information that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations. Furthermore, I disagree

.../2

with your view that single-use plastic checkout bags and polystyrene foam are not environmentally problematic. The *Science Assessment of Plastic Pollution* cites many studies that showed that plastic bags can cause entanglement with organisms, and citation No. 11 in the Regulatory Impact Analysis Statement states that “plastic bags pose among the most significant threats of entanglement to marine life, along with fishing gear and balloons.” The Science Assessment also states that polystyrene foam pieces “were the most frequently observed macroplastics surveyed in the South Pacific, North Pacific, South Atlantic, and Indian Oceans as well as around Australia” and has an entire section (6.1.2) on the harmful effects of macroplastics (which include polystyrene foam pieces) when they are ingested by marine organisms. The Regulatory Impact Analysis Statement also points to litter data that shows that 31 164 bags were collected in the Canadian environment through the Great Canadian Shoreline Cleanup in 2019. That same year, 595 227 units of small plastic or foam pieces were collected. Data from the Great Canadian Shoreline Cleanup in 2018 was similar with 26 512 bags and 353 773 units of small plastic or foam pieces that were collected. Combined, these sources show that single-use plastic checkout bags and polystyrene foam are environmentally problematic.

With regard to the non-scientific points raised in your Notice of Objection, these are being considered alongside other comments received on the proposed Regulations. The Department will summarize these comments and describe how these matters have been addressed in the Regulatory Impact Analysis Statement that will be published with the final Regulations in the *Canada Gazette*, Part II.

I appreciate your bringing the Canada Coalition of Plastic Producers’ concerns to my attention. Please accept my best regards.

Sincerely,



The Honourable Steven Guilbeault, P.C., M. P. (il/lui/he/him)