



Ottawa, Canada K1A 0H3

JUN 16 2022

Harry Dahme
Gowling WLG (Canada) LLP
100 King Street West, Suite 1600
Toronto ON M5X 1G5

Dear Harry Dahme:

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 22, 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.

In your Notice of Objection, you expressed the view that the *Science Assessment of Plastic Pollution* presents no evidence or scientifically supportable rationale to support the proposed Regulations. I disagree with that opinion. The Science Assessment is a rigorous, scientific document that presented a thorough summary of the science available in peer-reviewed literature. Scientific studies discussed in this report were validated against a set of qualitative criteria, and where study limitations were identified, this is clearly indicated in the text. The Science Assessment found that plastic pollution is ubiquitous in the environment and poses a threat of harm to environmental receptors. Data and other evidence sources specifically related to the prevalence and threat posed to the environment of the six categories of single-use plastics is outlined in the Regulatory Impact Analysis Statement.

Beyond expressing your opinion, with which Environment and Climate Change Canada disagrees, you have not provided any information that would raise sufficient uncertainty or doubt about the scientific considerations underlying the

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proposed Regulations to warrant a board of review. You commented that the Deloitte report did not call for a ban on single-use plastics, nor did it identify single-use plastics as significant sources of plastic pollution. You also stated that the Department offered no measurement, data or peer-reviewed science establishing a "leakage" rate of one percent for single-use plastics. First, the Government of Canada recognizes that the one-percent estimate of plastic entering the environment as pollution is an estimate derived using the methodology outlined, and is not an actual measurement. However, the estimate is a reasonable one. Second, there is other data regarding the actual presence of plastic pollution in the environment. This includes data from shoreline clean-ups that shows significant plastic pollution, including significant presence of single-use plastics. It is also important to note that the one-percent leakage rate is used principally in the Regulatory Impact Analysis Statement as the basis for estimating the benefits and costs of the proposed Regulations in terms of potential reductions in plastic pollution that may occur as a result of prohibiting the six categories of single-use plastics, rather than their prevalence in the environment (or the threat of harm they pose to the environment). Third, while the Deloitte report contributes information, it is the responsibility of the Government of Canada to consider an appropriate response having regard to all of the information available, including the extensive information found in the *Science Assessment of Plastic Pollution*. Your objections on these points are not sufficiently related to the science supporting the proposed Regulations, and do not raise uncertainty or doubt about the scientific considerations underlying these regulations, so as to warrant a board of review.

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. Environment and Climate Change Canada 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 concerns of Gowling WLG (Canada) LLP and the Responsible Plastic Use Coalition to my attention. Please accept my best regards.

Sincerely,



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