



JUN 16 2022

Robert Samplonius
Lab Manager
Kafrit NA Ltd.
5411 275th Street
Langley BC V4W 3X8

Dear Robert Samplonius:

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 18, 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 some of the arguments you raised. Firstly, in your Notice of Objection, you cited the Great Canadian Shoreline Cleanup data for single-use plastic ring carriers, checkout bags, cutlery, stir sticks and straws and stated that these are not common forms of litter. You provided Canadian metropolitan census data and questioned the source of the 4.1 percent litter rate for single-use plastic checkout bags. You also commented that litter data is an unscientific source of data. These arguments do not provide any new information that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations. Secondly, the 4.1 percent litter rate for single-use plastic checkout bags was drawn from the *Assessment of measures to reduce marine litter from single use plastics: final report and annex*, published by the Directorate-General for Environment of the European Commission (RIAS citation No. 29). More generally, litter data is a valid and accepted source of evidence for

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the prevalence of single-use plastics in the environment. Canada joins a number of other international jurisdictions, such as the European Union, that rely on litter data to improve their understanding of litter in the environment. While the five categories of single-use plastics previously mentioned may make up a small proportion of the litter stream, the data you have referenced show that, in absolute terms, those five categories of single-use plastics are prevalent in the Canadian environment, and once in the environment they could pose a threat of harm.

In your Notice of Objection, you commented that it seemed to you implicit that any harm from macroplastics is by nature reversible, and that it is not inevitable or even likely that an individual plastic item will pollute the environment. You also commented that it is incorrect to assume that all plastic pollution is equally harmful, and provided a reference to a study cited in the Regulatory Impact Analysis Statement (RIAS). These arguments do not provide any new information that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations. Litter clean-up initiatives cannot in themselves be considered evidence that plastic pollution does not pose a threat of harm to the environment because litter can be picked up and removed. However, litter data from Canada and international jurisdictions provide evidence that some single-use plastics end up polluting the environment. I reiterate that, based on the *Science Assessment of Plastic Pollution*, plastic pollution poses a threat of harm to environmental receptors, and the Government of Canada is taking action accordingly, by prohibiting certain single-use plastic items.

In your Notice of Objection, you criticized the use of the *Science Assessment of Plastic Pollution* as a statement of the impacts associated with plastics, without completing a quantitative risk assessment. This critique does not provide any new information that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations. The Science Assessment is a vigorous, scientific document that presented a thorough summary of the science available in peer-reviewed literature at the time. Scientific studies discussed in the report were validated against a set of qualitative criteria, and study limitations identified were clearly indicated in the text. You also argued that some studies cited in the Science Assessment are not relevant to the Canadian environment. Please note that the Science Assessment reviewed a number of effect studies in section 6.2.2 ("Ecotoxicological effects"). Many of the species included in this section, such as pacific oysters (*Crassostrea gigas*), mussels (*Mytilus edulis*) and *Daphnia magna*, are considered standard test species and are therefore relevant to the Canadian environment.

In your Notice of Objection, you commented on perceived assertions and suppositions in the RIAS that were not directly linked to a citation ("long time before sinking" or "does not decompose easily"). Please note that the *Science Assessment of Plastic Pollution*, referring to all plastic pollution, stated "...plastics degrade very slowly and persist in the environment" and that plastic degradation "can be affected by multiple factors." The use of the term "decompose" in the RIAS was a drafting error and will be replaced with "degrade" in the final version of the RIAS to be consistent with the language in the Science Assessment. However, this does not provide any new information that would raise uncertainty or doubt in the scientific considerations underlying the proposed Regulations. RIAS citation No. 33, referring to all plastic pollution, indicates that "plastic items have generally longer lifespans in the marine environment than some natural debris and potentially could be moved by ocean currents over longer distances for longer timespans."

In your Notice of Objection, you commented on the leakage rate of plastic waste that was estimated in the Deloitte Report and based on the Jambeck et al. (2015) paper and the inherent inaccuracy of estimates referred to in the Regulations (e.g. the one-percent leakage rate of plastic waste). While any estimate has an inherent possibility for error, the most up-to-date science was used in the estimation of plastic waste and the one-percent leakage rate of plastic waste from the Deloitte Report is justified. In conclusion, this argument provides no new information that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Regulations.

With regard to the non-scientific points raised in your Notice, 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 RIAS that will be published with the final Regulations in the *Canada Gazette*, Part II.

I appreciate your bringing Kafrit NA Ltd.'s concerns to my attention. Please accept my best regards.

Sincerely,



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