



December 9, 2020

The Honourable Jonathan Wilkinson, P.C., M.P.
Minister of the Environment
c/o The Executive Director Program Development and Engagement Division
Department of the Environment
Gatineau, Quebec K1A 0H3
eccc.substances.eccc@canada.ca

Re: Notice of Objection and Request for Board of Review in relation to the Proposed Order to add plastic manufactured items to Schedule 1 to the *Canadian Environmental Protection Act, Canada Gazette, Part I, Volume 154, Number 41: Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999*

Dear Minister Wilkinson:

The American Chemistry Council (ACC), which represents the business of chemistry in the United States, writes to express our formal objection to the above-referenced Proposed Order. ACC's Plastics Division represents the major plastic resin manufacturers in the U.S. ACC requests the establishment of a Board of Review to review the recommendation for the reasons set out below.

Lack of Any Science and Risk-Based Screening Assessment

The draft science assessment of plastic pollution, and the final Science Assessment of Plastic Pollution, fail to meet CEPA's requirements for a screening assessment. These documents are not analyses or assessments, but compiled literature reviews. There is no science or risk-based assessment of specific chemical substances or recognized chemical categories accompanying the literature review(s).

Failure to Conduct Screening Assessment of the Designated Category of "Plastic Manufactured Items"

Environment and Climate Change Canada (ECCC) is proposing to list the category of "plastic manufactured items." This category, however, is not itself a recognizable category of plastics or polymers. It is so ambiguous that it is impossible to anticipate what it includes: for example, a "manufactured item" might include both naturally occurring and synthesized polymers. Paper is itself a manufactured item, and paper contains cellulose (a polymer) so it is even unclear whether this category applies to paper. COVID vaccines rely on RNA technology which is manufactured, and RNA is itself a polymer – so this category on its face applies to COVID vaccines. The draft and final science assessments did not consider paper and COVID vaccines within their ambit.

For that matter, ECCC did not conduct an analysis of specific polymers or specific articles/items and connect this analysis with specific environmental harm. In some cases, the review relied on limited or



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anecdotal instances of physical harm from macroplastics in the environment and conflated this with microplastics.

Lack of Rational Basis for Designation/Conclusion of “Toxic”

The term “toxic” is generally understood by the public to mean that a substance, material or item has acute or chronic hazard characteristics. Conversely, items such as cosmetics, foods, toys, and children’s products such as crayons are considered to be “non-toxic” and are often certified to be, regulated to be, and marketed as non-toxic. Children’s crayons and paints, for example, which are polymers, are famously promoted as non-toxic pursuant to the Art & Creative Materials Institute (ACMI) Approved Product designation as non-toxic. Food contact materials, including plastics, are regulated to a strict safety requirement. The Proposed Order would list these same materials that are determined to be non-toxic by standards or regulatory bodies as toxic. There is no rational basis to list materials as “toxic” that are regulated or certified as “non-toxic.”

Risk to the Environment Does Not Arise from Plastic as a Material – but from Improperly Disposed of Items/Articles without Regard to Material Composition

The Science Assessment improperly concludes that “plastic” items cause or can cause harm to the environment because the plastic has the property of being durable. Of course by this logic, any durable item, of any material, could be said to similarly cause environmental harm if improperly entering the environment. Likewise, any safe and non-toxic, non-durable material (like a roadside spill of food-grade cooking oil) could be said to cause environmental harm. An isolated roadside spill of food-grade cooking oil that resulted in three birds overeating cannot support a result whereby a regulator concludes that the material is “toxic” and seeks to ban the cooking oil to reduce the risk. Yet Canada seeks to do that here with its Proposed Order related to “Plastic Manufactured Items.”

There is no Nexus to the Conclusions with Respect to Microplastics

Section 10 of the Science Assessment states that with respect to microplastics, “a concern for human health has not been identified at this time.” With respect to ecotoxicity, the report says “the evidence for potential effects of microplastic pollution on environmental receptors is less clear and sometimes contradictory, and further research is required.” Additional research is then recommended for ecotoxicity. Inexplicably, however, the draft order concludes that action is needed to reduce “microplastics” that end up in the environment despite no evidence that microplastics are causing adverse environmental or human health impacts.

Thank you for the opportunity to submit this notice of objection. We look forward to the Board of Review.

Very truly yours,



Karyn M. Schmidt
Senior Director, Regulatory & Technical Affairs
American Chemistry Council