

December 8, 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
Sent via email to - 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*

Canada Kuwait Petrochemical Corporation (CKPC) is a 50/50 joint venture between Kuwait's Petrochemical Industries Company K.S.C. (PIC) and Pembina Pipeline Corporation (Pembina). The joint venture was established to build and operate a world-scale, integrated propane dehydrogenation and polypropylene facility with a name plate capacity of 550,000 metric tonnes of various poly propylene products per annum. The project will directly create 1,800+ construction jobs, 200+ full time jobs and will contribute significantly to Canada's long-term economic growth with over \$25 BB added to Canada's GDP through construction and operations.

CKPC is also a member of the Chemistry Industry Association of Canada (CIAC), the Association for Canada's chemistry and plastic sector leaders, innovators, solution providers, and world class stewardship pioneers.

CKPC formally objects to the Proposed Order and requests the establishment of a Board of Review to review the recommendation.

Plastic Manufactured Items are not Toxic

Plastics are vital to our modern way of life and are used to advance our society's environmental, health and safety priorities, including a transition to a net-zero emissions future. Looking across the full life cycle, plastic alternatives can significantly increase GHG emissions and environmental impacts.

CKPC understands that plastic pollution is a significant issue both globally and in Canada. The issue requires a solution to waste management focused on recapturing plastics, recycling them back into useful products and therefore creating a circular economy and increased value opportunity.

CKPC believes that the Canadian Environmental Protection Act (CEPA), 1999 is not an appropriate tool for managing post consumer plastic waste. CEPA is a criminal law statute that is designed to regulate



specific individual hazardous substances, not consumer products. Labelling plastic manufactured items as toxic would place common products found in every Canadian home in the same category as hazardous substances such as asbestos and lead. Plastics are an inert material and are not inherently toxic. Listing plastic items on Schedule 1 of CEPA could seriously impede the ability of industry and the provinces to develop a circular economy for plastics.

The Proposed Order applies to every single piece of plastic in Canada, without exception, regardless of how it is disposed. The risk to the environment does not come from the item, but from behaviours, decisions and/or contract obligations of consumers, waste management groups and municipalities. There are intervening steps that must occur before the alleged risk to environment exists

- the plastic manufactured item must be used by a consumer
- the plastic manufactured item must be improperly disposed of
- poor municipal waste management practices could also contribute

Declaring plastic manufactured items as toxic when these acts contribute to the adverse outcome ignores the true cause of the unacceptable risk.

Historically the Chemical Management Plan has not found materials to be toxic when the exposures of concern do not emanate from an intended use. The identified risk does not come from the plastic item itself but from inappropriate disposal.

Lack of Screening Assessment

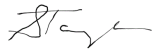
The science assessment of plastic pollution is not a screening assessment as required in section 74 but a literature review that identifies uncertainties in the available science that need to be rectified. A screening assessment of all 'plastic manufactured items' is an insufficient basis for the broad category identified in the Proposed Order. There is a significant weight of evidence to suggest that the risk to the environment is not from plastic manufactured items and is not related to the physical/chemical properties of the designated items.

Government Commitment to Sound Science

A scientific review panel should be established that has no vested political interest in the outcome of the investigation. The panel could fill the scientific gaps in Science Assessment that preclude the ability to conduct a quantitative risk assessment. Moving ahead with significant data gaps is not overly precautionary. This approach would be consistent with the Prime Minister's instructions in the Minister's mandate letter to ensure that "Government of Canada is committed to strengthen science in government decision-making and to support scientists' vital work."

Overall CKPC supports the development of national waste legislation that will provide the appropriate authorities the tools to support advancing a circular economy for plastics in Canada but believes that Canadian Environmental Protection Act (CEPA), 1999 is not an appropriate tool for managing post consumer plastic waste.

Sincerely,



Stuart Taylor
Director
Canada Kuwait Petrochemical Limited partnership,
by its general partner, Canada Kuwait Petrochemical Corporation



Dr. Salman Alajmi
Director
Canada Kuwait Petrochemical Limited partnership,
by its general partner, Canada Kuwait Petrochemical Corporation