



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
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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.* (October 10, 2020).

Formal Request for Board of Review:

This letter is in response to the October 10, 2020 Gazette Notice in which the Governor in Council, on the recommendation of the Minister of the Environment, proposed an Order to add "Plastic Manufactured Items" to Schedule 1 of the Canadian Environmental Protection Act, 1999 (CEPA).

CKF Incorporated formally objects to the proposed Order and requests the establishment of a Board of Review (under section 333 of CEPA) to review the recommendation.

About CKF Incorporated:

CKF has been in business within Canada for 87 years. We are a Canadian, family-owned, manufacturer that proudly offers a wide range of molded pulp fiber, expanded polystyrene (EPS)-foam and polyethylene terephthalate (PET) foodservice and packaging products to meet the specific demands of retail consumers, foodservice operators and the general packaging industry. CKF is Canada's largest manufacturer of single-use plates, marketed under the [Royal Chinet](#) brand name. CKF is a leader in a variety of other fiber, EPS-foam, and PET-plastic products, including egg cartons, meat trays, produce packs, food trays, carry-out trays and containers.

CKF has two molded-fiber plants; one in Hantsport, NS and one in Langley, BC. It has two EPS-foam plants; one in Rexdale, ON and one in Langley, BC. We also manufacture PET foodservice trays in Delta, BC and Rexdale, ON. Our Delta BC plant recently responded to the Covid-19 crisis by modifying operations to produce PET face-shields for front-line workers.

CKF produces over 3 billion units annually and employs approximately 650 workers nation-wide. Additional information about CKF can be found at www.ckfinc.com

CKF is a member of the [Chemistry Industry Association of Canada's \(CIAC\) Plastics Division](#) and the [Canada Coalition](#) of plastic packaging and resin producers. These associations represent Canada's leaders in plastics industry sustainability – a \$28 billion sector that directly employs over 93,000 Canadians and which indirectly employs over 279,000 (*ECCC – Economic Study of the Canadian Plastics Industry, Markets & Waste - 2019*). One third of employment in the entire plastic value chain (beyond construction, transportation, medical, textiles, agriculture, white goods and other plastics) is in plastic packaging!

Plastic Manufactured Items are not Toxic:

The Science Assessment of Plastic Pollution correctly identifies the potential harm associated with the presence of plastic in the environment as a result of pollution. There is broad agreement within industry and society that elimination of plastics litter, mismanaged waste released to the environment and keeping the valuable benefits of plastics resources available to Canadians is a priority. We must continuously improve to address the **less than 1%** of all plastics in the economy released through unmanaged landfills and litter caused by errant human behaviour. To declare all plastic manufactured items as “CEPA Toxic” when multiple subsequent intervening acts contribute to the adverse outcome ignores the true cause(s) of the unacceptable risk. The risk to the environment comes not from the item, but the behaviours, decisions and/or contract obligations of consumers, waste management groups and municipalities.

To put Canada's performance in managing plastics in perspective in global terms, Canada is #187 out of #192 countries with China the number one contributor of ocean plastics (*Jambeck Study - Plastic waste inputs from land into the ocean*). **Canada is managing ocean plastics pollution well versus other jurisdictions** as evidenced by the Jambeck study. However, Canada can always do better. Canada, through the CCME Zero Plastic Waste Strategy, is already implementing solutions to reach the Oceans Charter goal of “zero plastic waste”.

There are two significant types of plastic litter that need to be addressed. The first is **mismanaged waste** from the waste system (e.g. windblown litter from waste bins or landfills) and the second is **intentional litter** caused by people who knowingly/willingly discard trash into the environment. A discussion about litter and waste must draw on a clear distinction between a product, which has value to a consumer for one purpose, that product's alternative uses, and the material(s) it is made of.

Canada is recognized for its advanced waste management and recovery systems (e.g. United Nations recognized Ontario Blue Box) to manage plastic and other waste resources. A solution exists that is supported by all levels of governments, industry and stakeholders - the Canadian Council of Ministers of Environment (CCME) Zero Plastic Waste Strategy. This strategy was developed collaboratively with all levels of government, industry and other stakeholders to eliminate plastic waste.

The strategy is being implemented through the provinces, who through **Canada's Constitution** are responsible for their own waste management and resources. Industry partners are active through extended producer responsibility and design changes to their products to support reduction, reuse, recycling and recovery of plastic resources. Federal government action through CEPA (using specific bans) is not required, not the appropriate legislative mechanism, interferes with provincial waste resource recovery plans and will be an impediment to establishing the Plastics Circular Economy.

Plastics manufactured items are not toxic. Not only is the sector a large and critical part of the economy, but plastics are also among best materials available to meet the needs of consumers in an environmentally sustainable manner. Plastics manufactured items, used in most industrial and consumer products today, have played an important role in improved health care (including in the response to COVID-19), and were designed and implemented in many instances to reduce unintended environmental impacts from alternate substrates. To equate fighting climate change to bans on single-use plastic packaging is erroneous and misleading. The use of plastics helps advance many of the sustainability goals we have in modern society such as lighter cars for greater fuel efficiency and reduced GHG emissions, electricity production through windmills, and light-weight packaging that has a lower environmental footprint than alternative materials.

Government Commitment to Strengthen Science in Decision-Making:

CKF is asking that a non-partisan scientific panel be established to review government's work. We believe an independent review will evaluate the current proposal under CEPA schedule 1 and conclude that Plastics are indeed not toxic. The Federal government admitted to scientific gaps in Science Assessment that preclude the ability to conduct a quantitative risk assessment – an independent review panel could fill these gaps.

Conclusion

CKF would argue that Schedule 1 of the CEPA was designed to safely manage substances that are of urgent, acute, or long-term concern to human health (e.g., asbestos). Lumping specific material classes like plastic manufactured items into a similar categorization and labeling it as a toxic substance – due to improper end of use management – is inappropriate and will lead to many unintended consequences. We believe Federal participation/legislation should instead be focused on the following outcomes:

- **Harmonized Extended Producer Responsibility:** to eliminate confusion around what gets recycled; increase collection rates; grow end-markets for recycled content, and; reduce costs.
- **Expanded Infrastructure** to recover value from ALL used plastics, including investments in: advanced collection and sorting systems; advanced plastics recycling and recovery initiatives including mechanical and chemical recycling, and; removal of regulatory barriers.
- **Support for innovation:** ensure that ALL plastics products are designed for durability, reuse and recyclability, and; support new and emerging chemical recycling innovation. Canada needs to keep plastics in our economy but out of our environment.
- **A life cycle approach:** We need to look at the entire life cycle of a product. If the replacement to the plastic product is worse for the environment in the long-term, this does not provide a viable solution.
- **Working with Provinces and CCME Zero Plastic Waste Strategy:** We support the important work of the CCME as it uses science and data to avoid the negative unintended environmental, economic and social consequences of bans. Canada is recognized for its advanced waste management and recovery systems (e.g. United Nations recognized Ontario Blue Box) to manage plastic and other waste resources. A solution exists that is supported by all levels of governments, industry and stakeholders - the Canadian Council of Ministers of Environment (CCME) Zero Plastic Waste Strategy. This strategy was developed collaboratively with all levels of government, industry and other stakeholders to eliminate plastic waste.

The strategy is being implemented through the provinces, who through Canada's Constitution are responsible for their own waste management and resources. Industry partners are active through extended producer responsibility (EPR) and design changes to their products to support reduction, reuse, recycling and recovery of plastic resources.

CEPA is not the right tool: Creating an impression that safe, sanitary plastic materials are toxic through the Canadian Environmental Protection Act (CEPA) will ultimately make it more difficult for Canada to achieve its ZERO WASTE objectives. We need a strategy that deals with plastic waste specifically and effectively. The federal government action through CEPA (with bans) is not required, not the appropriate legislative mechanism, interferes with provincial waste resource recovery plans and will be an impediment to establishing the Plastics Circular Economy.

Sincerely,



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CKF inc.

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