

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
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*

CP Flexible Packaging, Aurora Ontario, producer of sustainable flexible packaging

CP Flexible Packaging is also a member of the Chemistry Industry Association of Canada's (CIAC) Plastics Division, which represents Canada's leaders in plastics industry sustainability – a \$28 billion sector that directly employs over 93,000 Canadians. Our plant in Aurora employs over 200 employees.

CP flexible packaging]

- formally objects to the Proposed Order
- requests the establishment of a Board of Review to review the recommendation

Lack of Screening Assessment

The final science assessment of plastic pollution is not / does not fulfill the requirement for:

- a screening assessment, and/or
- a screening assessment of all 'plastic manufactured items' (insufficient basis for the broad category identified in the Proposed Order)

A draft screening level risk assessment (DSLRA) would:

- have a different conclusion;
- would not have led to such a broad designation;
- show a significant weight of evidence to suggest that the risk to the environment is not from plastic manufactured items; and
- show that the risk is not related to the physical/chemical properties of the designated items

Other inconsistencies in established CMP process for adding substances to Schedule 1:

- Not offered for public comment in draft form

Possible headings: Plastic Manufactured Items are not Toxic, Incorrect Toxic Designation, Imprecise Toxic Designation, Consideration of Cause, Risk, and Exposure, etc.

The Proposed Order

- not as specific as Science Assessment, which correctly identifies the potential harm of plastic pollution in the environment
- applies to every single piece of plastic in Canada, without exception, regardless of how it is disposed

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.
- Intervening steps that must occur before alleged risk to environment presents:
 - the plastic manufactured item has to be used by a consumer;
 - the plastic manufactured item has to 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(s) of the unacceptable risk **OR** The true cause(s) of the unacceptable risk are disregarded in this proposal

Tradition of CMP: materials are not found 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; it is from disposal after intended use.

Science Approach Document

- published without a complete view of the best available science **OR** lacks a comprehensive review of scientific literature
- DSLRA approach would have:
 - led to a more fulsome review of scientific literature and application/contextualization to pollution in Canada
 - would not have concluded that all plastic manufactured plastic items have the potential to cause ecological harm.
- designation must be more precise to target individual concerns

Government Commitment to Sound Science

Scientific panel

- should be established to review government's work
- has no vested political interest in the outcome of the investigation
- government admitted to scientific gaps in Science Assessment that preclude the ability to conduct a quantitative risk assessment – panel could fill these gaps
- Moving ahead with significant data gaps is not overly precautionary
- consistent with the Prime Minister's instructions in the Minister's mandate letter to ensure that "(t)he Government of Canada is committed to strengthen science in government decision-making and to support scientists' vital work."
- ECCC's *Economic Study of the Canadian Plastic Industry, Markets, and Waste (2019)* indicates that plastic leakage (pollution) into the environment from Canada is 1 per cent.

Sincerely,

William Reilly

Director of Innovation

CP Flexible Packaging