



DART CONTAINER CORPORATION

www.dartcontainer.com

500 Hogsback Road • Mason, Michigan 48854 • (800) 248-5960

December 9, 2020

The Honorable 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: 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:

On behalf of Dart Container Corporation (Dart) please accept this submission as our formal objection to the addition of “plastic manufactured items” to Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA) as well as our request that a board of review be established.

About Dart

Dart is a leading manufacturer of sanitary, individual use foodservice containers. We manufacture foodservice ware containers made from paper, recycled content, bio-resin, as well as from several plastic resins - polyethylene terephthalate (PET), polypropylene (PP), polystyrene (PS) and expanded polystyrene (EPS). Headquartered in Michigan, Dart operates in four countries. This includes manufacturing and office facilities in Ontario, Canada as well as a salesforce located throughout the country. We directly employ over 400 Canadians.

As a manufacturer that accepts responsibility for the environmental impacts of our products, sustainability is a strong focus for Dart. Three core areas that we lead on are:

Dart sets the Industry Standard of Excellence by safely and efficiently providing high-quality food and beverage packaging solutions and exceptionally reliable service to each and every one of our customers.

- Inspiration
- Innovation
- Investment

We inspire our customers, employees, and industry to be part of the solution and join us in driving measurable environmental change. We minimize our company's environmental impact by innovating new or improved processes, programs, and products with thoughtful design for sustainability. And we invest in real solutions for environmental issues at home, on the go and around the world. Our most recent investment provides up to USD100,000 in grants for municipalities in Canada and the United States for the purchase and installation of UltraTech's patented Ultra-Drain Guard stormwater management products, which prevent litter, oil and sediment from entering waterways via storm drains.

Returning to innovation, in 1990 Dart pioneered recycling of post-consumer EPS foodservice packaging and shape molded EPS. Thirty years later we remain a leader in this space through the EPS recycling facilities and collection depots in which we are involved.

Dart has a long record of working in partnership with Ontario municipalities to assist them in acquiring the necessary equipment to recycle EPS such as densifiers, recycling communications, and assisting with end markets for the material municipalities collect. This work and our investments in Ontario recycling infrastructure has contributed to a growing market and processing innovations for EPS that will contribute to a Circular Economy and supports the goal of zero plastic waste, investment, and jobs.

Dart is a founding member of the Canada Coalition housed at the Foodservice Packaging Institute (FPI). The Canada Coalition represents companies involved in the manufacture of plastic packaging and resins. Its members produce plastic food packaging, single-use and reusable bags in Canada and have extensive experience working to find solutions for their products at end-of-life. FPI is the trade association for the foodservice packaging industry and the leading voice on foodservice packaging in North America.

Dart 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.

Notice of Objection and Request for Board of Review

As noted previously, Dart respectfully objects to the addition of plastic manufactured items to Schedule 1 of CEPA and requests that a board of review be established under CEPA to review the recommendation. Our objection and request are also reflected in the Notice of Objections filed by both CIAC and the Canada Coalition at FPI. Considering the detailed responses they provided, our comments will be brief.

No Screening Assessment Completed

For the Minister to add a substance to Schedule 1 under Part 90 of CEPA requires a screening assessment be completed per Section 74. It is our view that the Science Assessment of Plastics Pollution (Assessment) is not a screening. We hold that the Assessment was a review of existing literature that was inconclusive. Therefore a Board of Review is warranted regarding the addition of plastic manufactured items to Schedule 1.

Plastic Manufactured Items are not Toxic

The Assessment identifies potential harm associated with the presences of plastic in the environment as a result of pollution. The desired classification of plastic manufactured items in Schedule 1 would apply to all plastic in Canada. This means lifesaving items such as plastic face shields and breathing tubes to flexible plastic straws needed by some in the disabled community would be considered CEPA toxic.

Items such as asbestos and mercury that have undergone proper scientific assessments are in Schedule 1. Now the government which has approved plastics for food contact use wants to claim these materials are toxic based on an inconclusive review of existing literature. This is not only deeply concerning but sends mixed messages.

Conclusion

In closing, we object to the addition of plastic manufactured items to Schedule 1 of CEPA and urge the government to establish a board of review to evaluate the recommendation. We also stress the importance of ensuring the panel has no vested political interest in the outcome of the investigation.

We appreciate your time and consideration of our comments.

Sincerely,



AnnMarie Treglia
Global Manager, Government Affairs and the Environment