



December 8th, 2020

The Honourable Jonathan Wilkinson, P.C., M.P.
Minister of Environment and Climate Change Canada
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,

I am writing to you today in response to the October 10th, 2020 Gazette Notice (“Notice”) in which the Governor in Council, on the recommendation of the Minister of the Environment (“Minister”), proposed an Order to add “Plastic Manufactured Items” to Schedule 1 of the *Canadian Environmental Protection Act, 1999* (“CEPA”) (hereafter referred to as “Proposed Order”).

Dyne-A-Pak is a leader in the manufacture of polystyrene (PS) foam trays used for the packing of meat, poultry, fish, fruits and vegetables. In operation for more than 45 years, the company is also a pioneer in food packaging made of compostable foam, using bio-polymers. We are a privately owned business, operating in Quebec and providing quality jobs to skilled workers in the Montreal area. Our state-of-the-art facility serves the entire North American market, as the company exports a significant amount of its production to the USA.

Our customers include most grocery chains, meat and vegetable packers and distributors in the North American food industry. Dyne-a-Pak actively supports recycling efforts and is directly involved in various PS recycling projects in Canada and the United States. In addition, all of our PS products contain recycled content.

Objection to the Proposed Order: Dyne-a-pak, formally objects to the Proposed Order, and requests that you establish a Board of Review under section 333 of the *Canadian Environmental Protection Act* (the Act) to review the recommendation.

Plastic Manufactured Items are not Toxic: The Proposed Order applies to every single piece of plastic in Canada, without exception, irrespective of how it is disposed of. There are at least two intervening steps that must occur before alleged risk to the environment has the opportunity to present itself: the plastic manufactured item has to be used by a consumer and the plastic manufactured item has to be improperly disposed. A potential third intervening act – poor municipal waste management practices – could also contribute to the potential environmental risk.

To declare the plastic manufactured item 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. Risk does not come from the plastic item itself. Rather, it emanated from how the plastic is improperly disposed of after its intended use.

Commitment to Sound Science: We believe that the public has a right to have the science underlying any Proposed Order tested by the best available scientific minds. A government that is committed to transparency and scientific rigour should not have any objection to such a test. To categorically state that all plastic manufactured items present the risks identified in the science assessment of plastic pollution is not supported by the conclusions made in the document or the exposure scenarios upon which the document is predicated. Moreover, ECCC’s Economic Study of the Canadian Plastic Industry, Markets, and Waste (2019) indicates that

plastic leakage (pollution) into the environment from Canada is one per cent. While continuous improvements in consumer behaviour and business practices are warranted, a one per cent leakage into the environment does not justify the Proposed Order applying to all 'plastic manufactured items' nor is there evidence that the broad designation would address the behaviours causing the environmental leakage. A Board of Review would challenge the conclusions of the science assessment and act as a check to non-peer reviewed data upon which the exposure scenarios are based.

Once again, Dyne-a-pak, formally objects to the Proposed Order, and requests that you establish a Board of Review under section 333 of the Canadian Environmental Protection Act.

If you have any question, please do not hesitate to contact me or Mr. Pascal Labrie, our V.P. & General Manager.

Best Regards,



Mario Grenier
Strategic & Technical Advisor
Dyne-a-pak div. of ProAmpac

CC: Johanna Vanhove - Sales, Marketing Logistics Manager ó Dyne-a-pak
Pascal Labrie - V.P. & General Manager ó Dyne-a-pak