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December 3, 2020

The Honourable Jonathan Wilkinson, P.C., M.P.
Minister of the Environment
c/o The Executive Director Program Development & Engagement Division
Department of the Environment
Gatineau, Quebec
K1A 0H3

Dear Honourable Wilkinson:

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 Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999*

Hymopack is a private Canadian company that employs more than 170 employees in its manufacturing facility in Toronto, Ontario. Hymopack manufactures plastic shopping bags that are highly reused (77% reuse rate according to the Life Cycle Analysis conducted by Recyc Quebec), recyclable, sanitary and incorporate recycled material.

Hymopack is also a member of the Chemistry Industry Association of Canada's (CIAC) Plastics Division, which represents Canada's leaders in plastic industry sustainability – a \$28 billion sector that directly employs over 93,000 Canadians.

Hymopack supports the Government's goals of reducing the amount of plastic waste that ends up in landfills and moving towards a more circular economy for plastics. In particular, Hymopack supports the CCME strategy of Zero Waste and encourages the Government of Canada to provide incentives for the development and expansion of the recycling infrastructure in Canada.

Hymopack

- Formally objects to the Proposed Order.
- Requests the establishment of a Board of Review to review the recommendation.

Possible headings: No Screening Assessment Completed, Lack of Screening Assessment, Draft Screening Level Risk Assessment Requirement, Inconsistencies in the CMP Process, Deviation from Established Process, etc.

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:

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, decision 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

Possible headings: Government Commitment to Sound Science, Strengthening Science in Decision-Making, Supporting Sound Science, etc.

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* g:\hymopack general\honourablejwilkinson-responsegovnmtcanada-proposedorder-20-12-03.docx indicates that plastic leakage (pollution) into the environment from Canada is 1 per cent.

Conclusion

- We strongly believe that Government decisions should be based on scientific facts, not whims of popular misconceptions.
- We request that the Government of Canada conduct a thorough assessment of the underlying risks associated with the specific substances that it proposes to ban and to identify and evaluate proper, targeted cost effective measure to manage those risks. We request that a thorough risk assessment be conducted in accordance with scientific principles to achieve what is truly best for Canadians and the Canadian environment.

Should you wish additional information, please do not hesitate to contact the undersigned.

Gerry Maldoff
President

/jw