

December 2, 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

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

INEOS Styrolution is a leading global styrenics supplier, with a focus on styrene monomer, polystyrene, ABS Standard and styrenic specialties. Our company provides styrenic applications for many everyday products across a broad range of industries, including automotive, electronics, household, construction, healthcare, packaging and toys/sports/leisure. INEOS Styrolution employs approximately 3,600 people and operates 20 production sites in ten countries, including Canada.

Our company has strong sustainability goals that aim to improve and increase the recovery of post-consumer waste and strengthen innovation for plastics circularity. We have world-class production facilities, cutting-edge R&D centers, international reach, and over 90 years' experience pioneering real change through innovative and sustainable best-in-class solutions to help make the circular economy for plastics a reality.

INEOS Styrolution Canada 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.

This submission responds 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").

INEOS Styrolution Canada, 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.

Lack of Screening Assessment:

The Proposed Order to add plastic manufactured items to Schedule 1 is inconsistent with previous Chemicals Management Plan (CMP) screening assessments (“Assessments”). The Order warrants A Board of Review, as the Proposed Order was not offered for public comment where more narrow options, if applicable, could have been canvassed, as is established practice under the CMP. This is a significant deviation from the previously established CMP process.

Section 74 of the Act requires that a screening assessment be completed in order for the Minister to subsequently add a substance to Schedule 1 under Part 90 of the Act. We believe the final science assessment of plastic pollution is not a screening assessment. Additionally, a screening assessment of plastic pollution is not a screening assessment of all ‘plastic manufactured items’ – and therefore there is insufficient basis for the broad category identified in the Proposed Order.

Incorrect Toxic Designation:

INEOS Styrolution shares the public’s concern about protecting our environment and conserving natural resources. However, this order will not address the true target of the legislation, litter.

There is nothing in the science assessment of plastic pollution justifying such a broad categorization.

While the Science Assessment of Plastic Pollution correctly identifies the potential, for harm associated with the presence of plastic in the environment as a result of pollution. The Proposed Order is nowhere near as specific. The Proposed Order applies to every single piece of plastic in Canada, without exception, irrespective of how it is disposed of. However, at least two intervening steps must occur before an alleged risk to the environment has the opportunity to present itself: a consumer must use the plastic manufactured item and the plastic manufactured item must be improperly disposed of. There is also potential for a third intervening act – poor municipal waste management practices. This too could 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 does not originate from the item, but rather from the behaviours, decisions and/or contract obligations of consumers, waste management groups and municipalities.

Government Commitment to Sound Science:

As a government committed to sound science, to make the categorical, sweeping statement that all plastic manufactured items present the risks identified in the science assessment of plastic pollution is unsupported by the conclusions made in the document or the exposure scenarios upon which the document itself is centered. Furthermore, while continuous improvements in consumer behaviour and business practices are certainly warranted, a one percent 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 actual behaviours causing the environmental leakage.

To be 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.", we believe the establishment of a scientific panel to review the work of the government is required.

In Conclusion:

Our company, alongside Partners, are working on innovative technologies to increase the reuse and recycling of plastics. We are seeing a significant shift in the plastics industry towards providing innovative, sustainable and circular solutions for the products we produce.

For the aforementioned reasons, we respectfully Object 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.*

Sincerely,



Brian Lucas
Site Director, Sarnia, Ontario
INEOS Styrolution Canada Ltd.