

February, 23, 2022

The Honourable Steven Guilbeault, P.C., M.P.
Minister, Environment and Climate Change
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Tracey Spack
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Dear Minister Guilbeault,

RE: Notice of Objection and Request for Board of Review in relation to the Single-Use Plastics Prohibition Regulations, *Canada Gazette*, Part I, Volume 155, Number 52, 2021-12-25

Inno-Pak, LLC is an American company that specializes in foodservice, grocery, bakery, and convenience store food packaging. This includes single use plastics like polypropylene clamshells, containers, and now many certified compostable PLA plastic items through our acquisition of Asean Corporation, who is a leader in the compostable packaging space.

Inno-Pak, LLC is also a member of the Biodegradable Products Institute (BPI), the Sustainable Packaging Coalition (SPC), the Iowa State University Polymer and Food Protection Consortium (ISUPFPC), and the Western Plastics Association (WPA). Inno-Pak along with these other entities are leaders, innovators, and solution providers in the food packaging space.

Based on our industry expertise, Inno-Pak, LLC formally objects to the Proposed Single-Use Plastics Prohibition Regulations and requests the establishment of a Board of Review to review these objections:

The Expansion of the Prohibitions Beyond What was Included in October 2020:

- Six single-use plastic items were proposed to be prohibited based on the following criteria: environmentally problematic, recovery problematic, and existing alternatives. The six items were: checkout bags, cutlery, stir stick, straws, ring carriers and foodservice ware. No additional consultation or reasoning was given prior to including compostable plastics.
- The Regulatory Impact Analysis Statement (RIAS) indicates that compostable plastic single-use versions of the six will also be banned. The rationale for including compostable plastic items is not credible or evidence-based. Adding these items to the prohibitions, without further scientific analysis, engagement or consultation is a breach of the regulatory process.
- Compostable foodservice ware is a key to achieving the maximum amount of food waste diversion from landfills.

Bans do not take Innovative Technologies into account and Processes not Assessed in Determining Whether Materials are Recovery Problematic:

- Critical technology not considered when assessing if a plastic was recovery problematic.

- For example, Carbon Black Plastics Are a valuable source of polypropylene resin and technology is available on the market today to sort black plastic. Municipal budgetary constraints, and the absence of investment in available technology by many MRFs is the reason it is not collected, not the availability of technology.
- For Plastic Checkout Bags, RIAS fails to fully account for the benefits of secondary uses while using a single California study as an analogue to Canadian re-use rates. Store drop programs also provide a chance to recover materials and put them into the recycling stream.

Full evaluation of the Impacts of Substitutes not Considered:

- The RIAS focuses heavily on single-use plastic litter and its impact on the environment as rationale for the proposed prohibitions.
- Littering is a human behavior issue not a specific product or substance issue.
- Bans will not prevent litter, the RIAS states that it is assumed the single-use plastic alternatives will be littered at the same rate as their single-use plastic counterparts.
- Impact of the new/increased source of pollution not accounted for and downplayed saying since the alternatives are likely to be made of wood, paper and moulded fibre, they are not expected to result in long term harm.
- Additives in substitutes may have impacts over time as a result of cumulative exposure, which should be explored by risk assessors who are the experts in that area.
- Regulations are expected to increase waste generated from substitutes by around 3.2 million tonnes over the 10 year period between 2032 to 2032. This goes against the idea of waste diversion, which is what compostable plastic products are able to help with.
- Ultimately, the result of the proposed prohibitions will be a greater mass of waste and litter in the environment with unknown, or unstudied, long-term impacts.

Assumptions in Strategic Environmental Assessments are Incomplete Lack Scientific Rigour:

- RIAS treatment of Life Cycle Assessment (LCA) literature not aligned to standard practice; LCA sources are not cited; and LCAs are not compared through any appropriate, standard methodology such as ISO14040/44.
- Strategic Environmental Assessment (SEA), analysis relies on other evidence sources, including the Science Assessment of Plastic Pollution.
- RIAS relies on October 2020 Science Assessment, which the government itself identified as incomplete, as a statement of the impacts associated with plastic in the environment.
- Does not consider the increased transportation emissions as a result of increased weight of material being transported to management facilities or the littering impact of substitutes also not considered. No evidence is provided in the RIAS that the use of substitutes will reduce littering and pollution in the environment.
- Assessment acknowledges that alternatives to plastic will lead to higher pollution, thus the government is proposing substitutes that will not actually achieve environmental goals.
- It is critical the analysis of substitutes includes the emissions associated with sourcing, manufacturing, transporting and their end of life.

Conclusion

As a manufacturing and sourcing company, Inno-Pak takes the sustainability of our products seriously. We work on transitioning out of unsustainable products every day. These changes take time, effort, and

capital. The burden should not be only on the producers like us. The burden needs to be placed on the recovery facilities to maintain and invest in relevant technology. The burden needs to fall on government to help fund these changes as well as industrial composting facilities. And lastly, the burden needs to fall on the end user and the consumer. Ultimately, the end user is responsible for how something gets disposed. They have a choice to make the right choice and dispose of something in the appropriate bin.

We all need to work together to solve problems the right ways across all levels of the value chain. Let's work together to create something that works for everyone, supports industry, jobs, trade, and the environment.

Sincerely,

Nathan Schultz

Creative Director/Sustainability Lead

Inno-Pak, LLC