LAYFIELD
FLEXIBLE FILMS

Tuesday February 22nd

The Honourable Steven Guilbeault, P.C., M.P.
Minister, Environment and Climate Change
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Tracey Spack
Director, Plastics Regulatory Affairs Division
Environment and Climate Change Canada
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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

Plastics are the most environmentally friendly material and offer the lowest carbon footprint for almost every application. By banning or prohibiting plastic we are creating a much worse problem for the environment. Why would we ban plastic in favour of more harmful materials? If our biggest challenge is global warming over the next 100 years we need to strongly consider the unintended consequences of these actions.

The Layfield Group is a vertically integrated manufacturing, distribution, and installations company. We provide tailored solutions that give our customers peace of mind, protect our communities, the environment, and our families. We are proud to offer a variety of sustainable plastic packaging solutions that address end of life concerns including Bioflex™ https://www.bioflexpackaging.com/. This is a recyclable and degradable form of plastic that can also include recycled content. Every KG of this waste will not only disappear in our generation but also has the potential to power an electric car for 25KM's leveraging gas collection systems in modern landfills should it escape mechanical recycling streams.

Layfield Group Ltd. 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 $35 billion sector that directly employs over 100,000 Canadians.

Layfield Group Ltd.

- formally objects to the Proposed Single-Use Plastics Prohibition Regulations
- requests the establishment of a Board of Review to review the recommendation

Expansion of the Scope of the Prohibitions Beyond What was Included in October 2020 Consultations

The October 2020 consultation proposed six single-use plastic items be prohibited based on the following criteria: environmentally problematic, recovery problematic, and alternatives exist.

- Those six items were: checkout bags, cutlery, stir stick, straws, ring carriers and foodservice ware.
- No additional consultation prior to including compostable and all extruded polystyrene, vs foamed polystyrene from was consultation
- Compostables:
    - The Regulatory Impact Analysis Statement (RIAS) indicates that compostable plastic single-use versions of the six will also be banned.
    - Rationale for including compostable plastic items not a credible or evidence based.
- Polystyrene
    - Proposed regulatory text does not align with the October 2020 management approach or the RIAS, both of which referred to foamed polystyrene.
    - Proposed regulatory text the definition of foodservice ware simply states “extruded” and “expanded” polystyrene without the “foamed” qualifier.
    - Including all “extruded polystyrene” in the regulations, was done without scientific evidence or consultation
- Adding items to the prohibitions, without further scientific analysis, engagement or consultation is a breach of the regulatory process.

Innovative Technologies and Processes not Assessed in Determining

Whether Materials are Recovery Problematic

The Federal Government’s criteria used to assess items for prohibition can be briefly summarized as: is it environmentally problematic, is it value-recovery problematic, and alternatives are available.

- Critical technology not considered when assessing if a plastic was recovery problematic.
    - Carbon Black Plastics
        - Are a valuable source of polypropylene resin.
        - Technology available on the market today to sort black plastic, has the capacity to process higher volumes of carbon black plastics
        - Municipal budgetary constraints, and the absence of investment in available technology by many sortation and recycling facilities is the reason it is not collected, not the availability of technology.

- Given there is an industry solution in place for value-recovery, a prohibition on 'carbon black' foodservice ware does not meet the Government's criteria for prohibition.
- Carbon black is critical for many applications that require UV protection for extended shelf life and for environmental protection applications such as expose geomembrane liners

- Plastic Checkout Bags
  - Rather than bans, would it not make more sense to offer more than one type of material? We all know paper bags are worse. Why not give consumers choice for their application?
  - 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
  - Canadian studies[1] that show that plastic checkout bags are not single use and have high re-use and recycle rates.
    - Canadian studies show that 77 per cent of plastic checkout bags are re-used
    - Of the remaining 23 per cent, 15 per cent are recycled and only 8 per cent are not re-used or recycled
    - The net result is that plastic checkout bags have a 92 per cent reuse and recycling rate
    - Provincial Extended Producer Responsibility programs have recycling targets that will lead to improved recycling rates
  - 2020 study by Materials Recovery for the Future[2] concluded successful pilot projects demonstrating that flexible plastic packaging can be collected, sorted and baled at a material recovery facility (MRF) through curbside recycling programs
  - Many cities in Canada use a bag-in-bag approach to collecting plastic check out bags and "soft plastics", including ring carriers.
  - It seems ridiculous that because we lack the recycling infrastructure that Canadian Government would ban a perfectly recyclable lower carbon footprint material.

- Requesting a Board of Review take into account the contribution of each of the technologies above be considered when determining if a plastic manufactured item is recovery problematic.

[1] Faits saillants des résultats de l'analyse du cycle de vie environnementale et économique des sacs d'emplettes (gouv.qc.ca). See also City of Toronto 2010/2011 Waste Audit.
[2] www.materialsrecoveryforthefuture.com/research-results/2020-research-results

Extended Producer Responsibility Programs Address Many Concerns about Post-Use Management of Single-Use Plastics, Extended Producer Responsibility Programs not Considered

- We would appreciate technology like Bioflex being recognized as better and offered a lower EPR penalty. https://www.bioflexpackaging.com/. This material also disappears in oceanic environments and does not contribute microplastics. It's the best material technology environmentally, functionally, and practically available today.
- The implementation of other regulations were ignored or misrepresented.
- RIAS demonstrates a fundamental lack of understanding of EPR programs.
- By removing certain single-use plastic items from EPR programs producers are required to find substitutes that in many cases do not have the value recovery proposition plastics do
- Removing value from the recycling system is not a positive for the province or the producer, counter to the position stated in the RIAS.
- EPR programs require that producers meet recycling targets thereby ensuring that value-recovery is derived from plastics.
- Under EPR the concept of a single-use item will disappear
- Believe a Board of Review would conclude that under EPR plastic manufactured items currently deemed recovery problematic would no longer be evaluated as such.

Trades one Source of Pollution for Another Without Fully Evaluating Impacts, Pollution Changed not Reduced, 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.
- 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 Assessment are Based on Incomplete Science, Incomplete Science used for Environmental Assessment, Environmental Assumptions Lack Scientific Rigour

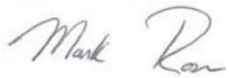
- RIAS treatment of Life Cycle Assessment (LCA) literature not aligned to standard practice; LCA sources are not cited; and LCAs are not compared through any appropriate, standard methodology such as ISO14040/44.
- Strategic Environmental Assessment (SEA), analysis relies on other evidence sources, including 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.
- EPR programs are fully implemented in Canada these items will have higher collection rates and the economies of scale will also be present to allow for the investment in technology with will provide value recovery.
- Does not consider the increased transportation emissions as a result of increased weight of material being transported to management facilities.
- 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

We recognize that there is a lot of pressure for government to take steps towards a more circular economy. We urge the government to consider the unintended consequences. While we believe adding recycling and circular infrastructure will be viewed positively, we know bans not based in science, in fact do more damage and can create significant harm politically and practically.

We believe strongly that Bioflex™ technology can be quickly introduced and we are happy to share how we see this as a far more sustainable solution, to start making a difference in our generation.

Sincerely,



Mark Rose
President – Flexible Films
Layfield Group Ltd.