



December 9, 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

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*

Malpack Ltd. (“Malpack”) is an industry leader in the manufacturing, conversion and distribution of stretch film in North America. With over \$70MM invested in the last 5 years, Malpack has invested in equipment, processes and technology that enables users of its ultra-high performance stretch films to achieve up to a 40% reduction in the amount of plastic consumed, having an equivalent impact on the reduction of CO2 emissions. Malpack’s ultra-high performance stretch films are one of the most environmentally sustainable options available to support the movement of palletized goods between locations as, despite using less film, the advanced properties of its films improve the overall load stability of palletized goods and, as a result, reducing the risk of goods being damaged in transit.

Malpack is a member of the Chemistry Industry Association of Canada’s (CIAC) Plastics Division, which represents Canada’s leaders in plastics industry sustainability, this is a \$28 billion sector that directly employs over 93,000 Canadians.

Malpack formally objects to the Proposed Order and hereby requests the establishment of a Board of Review to review the recommendation.

Lack of Screening Assessment

The final science assessment of plastic pollution does not fulfill the requirement for a screening assessment of all ‘plastic manufactured items’ as there is insufficient basis for the broad category identified in the Proposed Order.

A thorough screening assessment is an important part of the CMP process as it will help to avoid unintended consequences with the categorization of truly sustainable manufactured plastic-based solutions as toxic without regard for the value of its contributions, such as those offered by the ultra-high performance films manufactured by Malpack.

We strongly believe that a draft screening level risk assessment (DSLRA) would have a different conclusion and as a result, would not have led to such a broad designation. We expect that such an assessment would 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.

We also believe that the Government is missing out on a tremendous opportunity for industry experts to weigh in to avoid unintended consequences of adding substances to Schedule 1 without having offered it for public comment in draft form.

Imprecise Toxic Designation

The Proposed Order is not as specific as a Science Assessment, which correctly identifies the potential harm of plastic pollution in the environment. Rather, in its proposed form it will apply to every single piece of plastic in Canada, without exception, regardless of how it is disposed. It is important to note that the risk to the environment does not come from the item, but from behaviours, decisions and/or contract obligations of consumers, waste management groups and municipalities.

Intervening steps that must occur before alleged risk to environment occurs include the use of a plastic manufactured item by a consumer, the improper disposal of the plastic manufactured item and the contributions of poor municipal waste management practices including the inability to recover, process and or recycle. Declaring plastic manufactured items as toxic when these acts contribute to the adverse outcome ignores the true cause(s) of the unacceptable risk.

Traditionally, in CMP, materials are not found to be toxic when the exposures of concern do not emanate from an intended use. Accordingly, the identified risk does not come from the plastic manufactured item itself. Rather, it is from disposal after intended use.

Furthermore, the Science Approach Document was published without a complete view of the best available science as a DSLRA approach would have led to a more fulsome review of scientific literature and application/contextualization to pollution in Canada and would not have concluded that all plastic manufactured plastic items have the potential to cause ecological harm. We believe that the designation must be more precise to target individual concerns.

Supporting Sound Science

We truly believe that a Scientific panel should be established to review government's work and that such a panel should no vested political interest in the outcome of the investigation. A Scientific panel would work to ensure that any scientific gaps are mitigated by conducting a quantitative risk assessment as moving ahead with significant data gaps is not overly precautionary. This is 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." Furthermore, the reality is that that plastic leakage (pollution) into the environment from Canada is 1 per cent as supported by the ECCC's *Economic Study of the Canadian Plastic Industry, Markets, and Waste (2019)*.

Conclusion

We strongly believe that the designation of plastic manufactured items as “toxic” without a proper risk assessment will undermine the spirit and intent of what we believe the Governments is setting out to accomplish. In our view, a major part of the issue of mitigating microplastics and macroplastics in the environment can and must be prevented by enhancing the capabilities to recover, process and recycle these plastic resources and is a vital step towards achieving economic sustainability in the transition towards a circular economy. Malpack ultimately recommends that the Government of Canada conduct a thorough assessment of the underlying risks associated with specific substances to identify and evaluate appropriate, targeted, cost-effective measures to manage those risks. Malpack is certainly open to continuing a dialogue and are willing to provide an experts to sit on any research panels and/or committees in the efforts to build to a solid foundation based on thorough risk assessment and management principles, thereby helping to avoid the potential for unintended consequences.

Sincerely,

A handwritten signature in black ink, appearing to read "Ricardo Cardoso". The signature is fluid and cursive, with the first name "Ricardo" being more prominent than the last name "Cardoso".

Ricardo Cardoso, CPA, CA
Chief Operating Officer
Malpack Ltd.