



Ottawa, Canada K1A 0H3

APR 21 2021

Karyn M. Schmidt  
Senior Director, Regulatory and Technical Affairs  
American Chemistry Council  
700 Second Street, N.E.  
Washington, DC 20002  
U.S.A.

Dear Karyn M. Schmidt:

I am responding to the Notice of Objection and request to establish a Board of Review that you filed on behalf of the American Chemistry Council regarding the proposed Order to add plastic manufactured items to the *List of Toxic Substances* in Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA). The proposed Order was published in the *Canada Gazette*, Part I, on October 10, 2020.

Subsection 332(2) of the CEPA states that any person may file a Notice of Objection requesting that a Board of Review be established. As set out in subsection 333(1) of CEPA, the mandate of a Board of Review in this instance would be to inquire into the nature and extent of the danger posed by plastic manufactured items.

I have fully and carefully considered the issues set out in your Notice of Objection. As the scientific information provided in your Notice did not raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Order to warrant the establishment of a Board of Review, I am denying your request to establish a Board of Review. The scientific considerations that underlay the proposed Order were related to the ability of macroplastics to have an immediate or long-term harmful effect on the environment or its biological diversity as set out in section 64 CEPA.

In your Notice of Objection, you stated that the Science Assessment of Plastic Pollution conflated the occurrence of macroplastics with microplastics. I can assure you that macroplastic and microplastic occurrence and effects are clearly delineated in separate sections of the report. The Science Assessment states that macroplastics have been demonstrated to cause physical harm to the environment, but the evidence on the effects of microplastics is less clear.

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50<sup>e</sup> anniversaire d'Environnement et Changement climatique Canada  
Environment and Climate Change Canada's 50<sup>th</sup> anniversary

150<sup>e</sup> anniversaire du Service météorologique du Canada  
Meteorological Service of Canada's 150<sup>th</sup> anniversary



Further, Section 6.1 summarises the effects of macroplastics on environmental receptors. There are references in this section that demonstrate that plastic items may cause harm to organisms and their habitat via entanglement, ingestion and rafting. References also include literature reviews that reported the interaction between organisms and plastic pollution (Rochman et al. 2016), and a reference that reported over 30,000 occurrences of entanglement (Gall and Thompson 2015).

You also stated that the Science Assessment concludes that plastics can cause harm to the environment because they are durable. The finding in the Science Assessment related to the ability of macroplastics to cause harm to environmental receptors did not claim to be due to the durability of plastics. This finding was based on evidence that organisms may ingest macroplastics and can become entangled in macroplastics, which can result in direct harm and in many cases, mortality.

In your Notice of Objection you also state that specific polymers were not assessed and that there is no evidence that microplastics cause adverse environmental or human health impacts. As this information was not related to the science supporting the proposed Order, I did not consider it in my decision regarding the establishment of a Board of Review.

With regard to the non-scientific issues raised in your Notice of Objection, these are being considered alongside other comments received on the proposed Order and will be addressed in the Regulatory Impact Analysis Statement that is published with the final Order.

I appreciate your bringing the American Chemistry Council's concerns to my attention.

Please accept my best regards.

Sincerely,



The Honourable Jonathan Wilkinson, P.C., M.P.

c.c.: Edward Brzytwa, American Chemistry Council