



APR 21 2021

Guy J. Pratte
Counsel, Canada Coalition of the
Foodservice Packaging Institute
Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3

Dear Guy J. Pratte:

I am responding to the Notice of Objection and request to establish a Board of Review that you filed on behalf of the Canada Coalition of the Foodservice Packaging Institute 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 and additional references 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 refer to studies that report the occurrence of microplastics are unreliable, and that studies in the science assessment do not conclusively show that toxicity is caused by the plastic and not the additives, and that study conditions often do not reflect actual environmental conditions and concentrations.



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 Canada Coalition of the Foodservice Packaging Institute's concerns to my attention.

Please accept my best regards.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Wilkinson".

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

c.c.: Suzette Christensen, Borden Ladner Gervais LLP
Jonathan Cocker, Borden Ladner Gervais LLP
Nadia Effendi, Borden Ladner Gervais LLP