



APR 21 2021

Ottawa, Canada K1A 0H3

Tyler Edgington
President
Dow Chemical Canada ULC
215 2 Street S.W., Suite 2400
Calgary AB T2P 1M4

Dear Tyler Edgington:

I am responding to the Notice of Objection and request to establish a Board of Review that you filed on behalf of Dow Chemical Canada ULC 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. I have also thoroughly reviewed the additional references you provided in your comments on the Final Science Assessment of Plastic Pollution. 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 stated that the Science Assessment of Plastic Pollution was not a fulsome review of the scientific literature. I can assure you that in preparing the Science Assessment, the current state of science regarding plastic pollution was reviewed and the assessment presented a thorough summary of the science available in the peer-reviewed literature at the time it was written. Scientific studies discussed in the report were validated against a set of qualitative criteria, and where study limitations were identified, this is

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Environment and Climate Change Canada's 50th anniversary

150^e anniversaire du Service météorologique du Canada
Meteorological Service of Canada's 150th anniversary



clearly indicated in the text. In addition, the report underwent an external peer review by both domestic and international experts, and was subject to a 90-day public comment period. The report clearly acknowledges that uncertainties exist and high quality information is lacking in several study areas.

In your Notice of Objection, you refer to the following issues with the scientific information in the Science Assessment of Plastic Pollution: it contains speculation, the lack of environmentally relevant conditions for microplastic effect studies, that microplastics do not bioaccumulate and biomagnify, that the risk of microplastics to human health has not been demonstrated, the lack of information on additives and polymers, and the overgeneralization of findings. 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 Dow Chemical Canada ULC's concerns to my attention.

Please accept my best regards.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Wilkinson', written in a cursive style.

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

c.c.: Monique Lemoine, Dow Chemical Canada ULC