



February 23, 2022

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  
351 Saint-Joseph Blvd.  
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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

On behalf of the Plastics Industry Association (PLASTICS), we formally object to the proposed regulations referenced above. The process in determining the products and materials to ban was flawed and fails to take into account a robust and unbiased scientific approach. We respectfully request the establishment of a Board of Review to review the recommendation.

PLASTICS is the only organization that supports the entire U.S. plastics supply chain, representing over one million workers in the \$395 billion U.S. industry. Since 1937, PLASTICS has been working to make its members and the industry more globally competitive while advancing recycling and sustainability. There are PLASTICS members based in Canada and other members with Canadian operations.

We share the Government of Canada's concern with plastic pollution and waste and desire to protect the natural environment. PLASTICS' tools for manufacturers include a Zero Net Waste<sup>1</sup> program to maximize diversion from landfills, and Operation Clean Sweep (OCS)<sup>2</sup> to prevent resin pellet, flake and powder loss and help keep it out of the marine environment. The Chemistry Industry Association of Canada's (CIAC's) Plastics Division is a member of OCS, supporting the program's global reach.<sup>3</sup> PLASTICS is committed to preventing and mitigating marine debris,<sup>4</sup> and has supported legislation<sup>5</sup> that would improve infrastructure, further research, and enhance international cooperation to solve the problem.

### **Job Loss, Trade and Treaty Obligations**

PLASTICS and its members have had positive interactions with Canada and enjoy a robust and reciprocal trading relationship. Canada is the second largest market for U.S. plastics machinery, materials and products. According to the *2021 Global Trends* report, the U.S. plastics industry exported \$11.7

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<sup>1</sup> <https://www.plasticsindustry.org/resources/industry-programs/zero-net-waste>

<sup>2</sup> <https://www.opcleansweep.org/about/about-plastics/>

<sup>3</sup> <https://canadianchemistry.ca/blog/2020/11/16/chemistry-industry-association-of-canada-joins-operation-clean-sweep/>

<sup>4</sup> <https://www.plasticsindustry.org/supply-chain/recycling-sustainability/marine-debris>

<sup>5</sup> <https://www.plasticsindustry.org/article/plastics-applauds-senate-passing-save-our-seas-20-act>

billion worth of goods to Canada in 2020. These goods include products that will be banned under the proposed regulations as well as healthcare, construction, transportation and other consumer markets.

We believe and reiterate that the proposed regulations are so broad and sweeping that they do not live up to the spirit of cooperation found in the U.S.-Canadian trading relationship and in the ratification of the United States-Mexico-Canada Agreement (USMCA). The North American plastics industry has been guided by that spirit over the years. In 2017, PLASTICS and the Canadian Plastics Industry Association (CPIA)<sup>6</sup> joined with our counterpart in Mexico, the Asociación Nacional de Industrias del Plástico (ANIPAC), to detail a list of North American trade priorities that were shared with each government as negotiations began on the USMCA. Our mutual priorities were received with great appreciation. We urge Canada to uphold the cooperation between our two countries as specified in the USMCA's Sectoral Annex 12-A for Chemical Substances and Article 24.12 for Marine Litter.

PLASTICS has heard from its members that the proposed regulation will result in job loss in their facilities in both Canada and the United States. Additionally, the proposed Order will have unintended consequences for Canadian consumers and manufacturers up and down the plastics supply chain. Particularly impacted will be small to medium enterprises (SMEs), the lifeblood of Canadian plastics manufacturing. Some businesses could be forced to close completely.

### **Faulty Science Used to Conclude Product Bans are the Only Option**

The determination made in the regulatory process that banning these six products is the only effective way of keeping them out of the environment underscores the political nature of this regulation. The Regulatory Impact Analysis Statement (RIAS) ignores scientific innovations that in recent years have proven the viability of economic and large-scale recycling that partnered together with more effective collection, sortation and enforcement of litter laws will prove a better alternative to increasing costs on consumers and killing jobs both in Canada and the United States.

For instance, plastic checkout bags, as defined by the proposed regulation have been proven time and again by life-cycle assessments to be the least environmentally harmful choices at the checkout counter. According to RECYC-Québec<sup>7</sup>, 78% of people reuse their bags. Combine this with estimates of recycling rates between 10-15% and one can conclude that more than 9 out of 10 bags are either reused or recycled. Additionally, the alternatives that will be forced to be used are manufactured in some of the worst polluting nations in the world and simply use a different type of plastic. Banning traditional plastic checkout bags will indeed eliminate them, but at what cost? Studies have shown that the alternatives rarely get used the necessary amount of times to offset the additional environmental impacts that they create.

Polystyrene is 100% recyclable and newer technologies have shown its ability to be molecularly recycled and used repeatedly. With innovation that has proven effective in facilitating a circular economy, it would

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<sup>6</sup> Members of the former CPIA became part of the Chemistry Industry Council of Canada (CIAC) when it launched a Plastics Division on July 2, 2020; <https://canadianchemistry.ca/blog/2020/07/02/ciac-plastics-division-launch/>  
<sup>7</sup> [Environmental and Economic Highlights of the Results of the Life Cycle Assessment of Shopping Bags](#), RECYC-QUÉBEC December 2017

be counter productive to eliminate the material altogether. Instead, the focus should be on improving the infrastructure to ensure more of the materials are collected and sorted.

PLASTICS and our members supported fair and equitable extended producer responsibility (EPR) policies. We understand that the industry has an important role in helping to fund the necessary improvements in the recycling infrastructure and we are working hard to help the adoption of policies that achieve shared sustainability goals. The proposed regulation does cite provincial EPR programs, but mistakenly concludes that the banning of material will help those programs. Economies of scale in recycling work when feedstock is readily available. The proposed regulation will actually hinder EPR programs, not help them. A better approach would be to increase end-markets for the recycled material in a manner that spurs further investment and innovation in recycling capabilities.

Additionally, the RIAS determined that litter from plastic waste will be replaced with alternatives that are heavier and in turn will increase the tonnage of litter in the environment. The lack of research that exists in determining the threat posed by those alternatives would suggest that the conclusion of banning these plastic products is better for the environment is being reached using large assumptions and biased viewpoints.

### **Closing**

We formally object to the proposed regulation and urge the reconsideration of banning these plastic products and materials as the best way to reduce overall litter and waste. Establishment of a Board of Review would demonstrate the Canadian government's commitment to strengthen science in its decision-making, address data gaps, increase transparency, more fully engage agencies that regulate plastics products critical to safety and health, avoid stakeholder and marketplace confusion, and ultimately support an appropriate coordinated provincial and territory approach to keep plastic waste out of the environment.

Sincerely,



Matt Seaholm  
Vice President, Government Affairs