

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
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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*

The Plastics Pipe Institute, Inc. (PPI) is the major North American trade association representing the plastic pipe industry and is dedicated to promoting plastic as the materials of choice for pipe and conduit applications. PPI is the premier technical, engineering and industry knowledge resource publishing data for use in the development and design of plastic pipe and conduit systems. Additionally, PPI collaborates with industry organizations that set standards for manufacturing practices and installation methods.

The Plastics Pipe Institute formally objects to the Proposed Order and requests the establishment of a Board of Review to review the recommendation.

Draft Screening Level Risk Assessment Requirement:

The final science assessment of plastic pollution does not fulfill the requirement for a screening assessment of all 'plastic manufactured items', given the insufficient basis for the broad category identified in the Proposed Order. A draft screening level risk assessment (DSLRA) would:

- have a different conclusion;
- would not have led to such a broad designation;
- 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 note that DSLRA was not offered for public comment, which is inconsistent with the established CMP process for adding substances to Schedule 1.

Plastic Manufactured Items are not 'Toxic':

The Proposed Order is not as specific as the Science Assessment, which correctly identifies the potential harm of plastic pollution in the environment. This applies to every single piece of plastic in Canada, without exception, regardless of how it is disposed. 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 presents are that the plastic manufactured item has to be used by a consumer; and that the plastic manufactured item has to be improperly disposed of. Poor municipal waste management practices could also contribute to plastic waste in the environment.

Declaring plastic manufactured items as toxic when these acts contribute to the adverse outcome ignores the true cause(s) of the unacceptable risk. Such declaration would also be inconsistent with the tradition of the CMP, where materials are not found to be toxic when the exposures of concern do not emanate from an intended use. The identified risk does not come from the plastic item itself; it is from disposal after intended use.

Furthermore, the Science Approach Document was published without a complete view of the best available science. 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. Any 'toxic' designation must be more precise to target individual concerns.

Government Commitment to Sound Science:

A scientific panel should be established to review government's work. It should have no vested political interest in the outcome of the investigation. As the Canadian government admitted to scientific gaps in the Science Assessment that preclude the ability to conduct a quantitative risk assessment, a panel could fill these gaps. Moving ahead with significant data gaps is not overly precautionary. In fact, it would be 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." ECCC's *Economic Study of the Canadian Plastic Industry, Markets, and Waste (2019)* indicates that plastic leakage (pollution) into the environment from Canada is 1 per cent.

Conclusion:

The Plastics Pipe Institute asks the Environment and Climate Change Canada and Health Canada to consider an alternative, better suited legal mechanism to address the issue of plastic waste. An alternative mechanism could better consider the life cycle trade-offs of alternatives to plastics and better address Canada's interest in pursuing circular economy solutions to plastic waste issues. We offer our support in development of an alternate approach and are willing to participate in creation of a scientific panel to address this concern.

Sincerely,



David M. Fink
President
Plastics Pipe Institute