



December 9, 2020

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
Gatineau, Quebec K1A 0H3

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RE: 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

Dear Honourable Minister Wilkinson:

On behalf of Plumbing Manufacturers International (PMI), I am writing about our concerns with the Canadian government's recent proposal to add "plastic manufactured items" to Schedule 1 (the "Toxic Substances List") of the Canadian Environmental Protection Act (CEPA).

PMI is an international, U.S.-based trade association representing manufacturers that export key plumbing and sanitation products to Canada. In fact, the U.S. is the largest provider of plumbing products into Canada's import market. PMI's members are industry leaders in producing safe, reliable, and innovative water efficient plumbing technologies. Our highly engineered plumbing products include toilets, kitchen and bathroom faucets, showerheads, bathtubs, sinks, urinals, drinking fountains, and eye wash stations, as well as hundreds of types of components, valves, and piping, are key to your nation's indoor plumbing systems. Plastic components are utilized within a variety of plumbing products for a variety of reasons including safety and sanitation.

Our plumbing products are readily available at home improvement stores, hardware stores and showrooms across Canada, as well as online. PMI members supply these products to residential, commercial, and not-for-profit customers, including schools, hospitals, nursing homes, restaurants, hotels, manufacturing facilities, correctional facilities, and military bases.

The CEPA proposal to declare plastics as toxic under Schedule 1 and place it on the Toxic Substances List would have significant consequences for both nations. First, the proposed ban on any product containing plastic and manufactured in the United States would meet the definition of a non-tariff barrier and has the potential to have a significant impact on trade, including potential bans on the importation of plastic materials into Canada.

Such bans could impact over \$12.1 billion in U.S. exports to Canada, exclusive of other products that contain plastic, including plumbing products. This approach by Canada directly threatens trade in plastic materials and products containing plastics, causing unintended consequences and commercial impacts across virtually every value chain.

Furthermore, action by Canada to ban products manufactured in North America from being offered for sale in Canada violates the country's international trade obligations under the Canada-United States-Mexico Agreement (CUSMA) and World Trade Organization (WTO). This is contrary to Canada's obligation under the CUSMA Sectoral Annex 12A.4.3 to endeavor to use a risk-based approach to the assessment of specific chemical substances and chemical mixtures, where appropriate. This approach may also violate Article 2.2 of the WTO Technical Barriers to Trade (TBT) Agreement, which requires that technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create.

We recognize the impact of plastic waste on the environment, and strongly support viable end of life solutions such as recycling and composting. We urge the Canadian government to work collaboratively with all the various affected sectors, consumers, and the provinces to improve waste management systems and implement, policies and enforcement measure.

In conclusion, PMI urges Canada not to list "plastic manufactured items" on Schedule 1 of CEPA and request the establishment of a Board of Review to investigate the nature and extent of the danger posed by "plastic manufactured items", as well as developing a coordinated approach to our common goals of keeping plastic waste out of the environment. We appreciate the opportunity to provide these comments and welcome the opportunity to respond to any questions.

Sincerely,



Kerry Stackpole, FASAE CAE
Chief Executive Officer (CEO) & Executive Director
Plumbing Manufacturers International
kstackpole@safep plumbing.org

cc: Hon. Mary Ng, Minister of Small Business, Export Promotion and International Trade -
Mary.Ng@parl.gc.ca

PMI Members

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