IT'S OUR NATURE TO PROTECT™

December 7, 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: 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

Winpak Ltd. produces high-barrier protective plastic packaging for the preservation of perishable foods and healthcare products. Winpak is committed to delivering these important products while making significant efforts to reduce our environmental footprint. Our Sustainability goals remain to transition our entire product range, whether flexible or rigid high barrier plastic packaging into recyclable ones by 2025, reduce our GHG emissions intensity, our energy intensity, and achieving zero waste to landfill, while creating a safe and equitable workplace for our employees. Winpak Ltd directly employs 1,350 highly skilled, highly paid employees in manufacturing sites in Manitoba, Ontario and Quebec and contributed $33.5 million in Federal taxes in 2019.

Winpak Ltd. is also a member of the Chemistry Industry Association of Canada (CIAC), the Association for Canada's chemistry and plastic sector leaders, innovators, solution providers, and world class stewardship pioneers.

Winpak Ltd. 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.' This broad designation in the order is not supported by the evidence in the Assessment. The screening assessment is a key component of the comprehensive risk assessment required as part of the Chemical Management Plan (CMP) and is missing from the process used to conclude that plastic manufactured items should be added to CEPA Schedule 1. A draft screening level risk assessment (DSLRA) would not have led to such a broad designation. The DSLRA would show that the risk is not related to the physical/chemical properties of the designated items, but due to improper disposal by end users.

Plastic Manufactured Items are not Toxic

The Proposed Order applies to every single piece of plastic in Canada, without exception, regardless of how it is disposed. This is much broader than the Science Assessment, which correctly identifies the

potential harm of plastic pollution in the environment; that macroplastics are not harmful, and that insufficient evidence exists to determine the risk of microplastics.

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. Declaring plastic manufactured items as toxic when these acts contribute to the adverse outcome ignores the true cause(s) of the unacceptable risk. In many cases the plastic items are manufactured from materials identified as safe by Health Canada. The identified risk does not come from the plastic item itself; it is from disposal after intended use.

The *Final Science Assessment of Plastic Pollution*, by its own admission, lacks a comprehensive review of scientific literature. 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.

Strengthening Science in Decision-Making

A Board of Review should be established to review government's work on this proposal. The Board has no vested political interest in the outcome of the investigation. The government admitted to scientific gaps in Science Assessment that preclude the ability to conduct a quantitative risk assessment. The Board of Review could fill these gaps. Moving forward without confirming the science would be a significant deviation from the norms of CMT and CEPA, and is inconsistent 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." The Board of Review is an opportunity to fulfill the stated mandate.

Conclusion

Adding Plastic Manufactured Items to CEPA Schedule 1, and the accompanying "toxic" designation is not supported by the science the government has presented and will create confusion among the public. Plastic is essential in many areas, especially during a pandemic. Masks, PPE, food packaging, and other applications are required to keep society safe and functioning. Winpak is committed to Sustainability and to building a circular economy for plastics. This will not be facilitated by adding plastic to CEPA Schedule 1. We ask that the government reconsider the Proposed Order listing plastic, establish a Board of Review, and convene industry and government panels to begin work on building the markets and infrastructure to implement a circular economy for plastics in Canada. Winpak is willing to participate in these efforts.

Sincerely,

Olivier Y. Muggli
President and CEO
Winpak, Ltd.