

July 13, 2022

The Honourable **Steven Guilbeault**

Minister of the Environment

c/o **Christina Paradiso**

Executive Director Chemicals Management, Environmental Protection Branch

Department of the Environment

351 Saint-Joseph Boulevard, Gatineau, Quebec K1A 0H3

Email: ec.interdiction-prohibition.ec@ec.gc.ca

interdiction-prohibition@ec.gc.ca.

Re: Notice of Objection and Request for Board of Review in relation to proposed regulations prohibiting the manufacture, use, sale and import of decabromodiphenyl ethane (DBDPE, CAS Registry Number 84852-53-9) and polybrominated diphenyl ethers (PBDEs) while providing exemptions to the prohibitions, Canada Gazette, Part I, Volume 156, Number 20 (May 14, 2022), Prohibition of Certain Toxic Substances Regulations, 2022.

Dear Minister Guilbeault:

Our company/organization is writing to express our formal objection to the above referenced regulatory proposal.

Prysmian Group North America is the largest wire and cable company in the world, and we provide many types of products that end up in various equipment, buildings and infrastructure throughout the United States and Canada.

We sell products directly into Canada and we also distribute large volumes of various types of cable through third parties into Canada. Our distribution streams add a complexity of tracking cables that may contain DBDPE. It could be a challenge to maintain segregation and labeling these products separately would need to be evaluated. The uncertainty of how the "ban" will be monitored and enforced is a concern as it is unclear how it will be controlled.

As provided for by section 332(2) of CEPA 1999, Prysmian Group North America is filing this Notice of Objection and respectfully request that a Board of Review be established, pursuant to section 333 of CEPA 1999, to "inquire into the nature and extent of danger" posed by DBDPE and PBDEs for the reasons set out below.

Proposed Risk Management Measures May Lead to Severe Risk to Public Health and Safety

DBDPE performs a valuable function by reducing the flammability of the products where it is used. Those products include many consumer devices, as well as appliances, airplanes, and motor vehicles. In the absence of alternatives, the prohibitions of these chemicals could pose a risk of increasing flammability of those products which could present a risk to public health and safety.

As a wire and cable manufacturer we use many different types of compounds in our products. We also make internal compounds that use DBDPE as a flame retardant to help protect our wire and cable products against fire which indirectly help protect people. Our products go through extensive testing through various regulatory/safety agencies in which they are tested for fire reactions and/or to various flame tests depending on the application. Anytime we replace a chemical ingredient in a compound we are required to requalify or re-list our products with each required agency which requires re-testing. The engineering and certification of products is a time-consuming process that can take years, and there are considerable financial costs involved in this effort.

Proposed Risk Management Measures for DBDPE are Not Aligned with Other Regulatory Agencies or Agreements

The proposed risk management measures as set out in the proposed Prohibition of Certain Toxic Substances Regulations, 2022 (the "draft Regulation") for DBDPE appear to be an outlier globally. Canada appears to be acting alone to prohibit DBDPE.

Proposed Risk Management Measures May Lead to Supply Chain Disruptions

Product manufacturers operate in a global regulatory environment and must take into account a broad range of product safety and design factors. This includes considerations related to product certification, performance, use and end of life, and chemical registration. These regulatory, design, and performance requirements are addressed through a complex global supply chain for components and subcomponents.

The current supply of alternates is inadequate to meet the increased demand which would result from the DBDPE ban in Canada. Successful requalification of our wire and cable products which use DBDPE can take several years given the stringent flame and long-term wet electrical and thermal stability testing involved. We will not compromise on the safety and performance of our products sold into Canada so the challenge will be to find stable alternates.

Prysmian Group North America designs products to meet relevant safety standards and that are safe when used as intended. Given the lack of available alternatives for DBDPE and unknown costs of compliance with the regulatory proposal, we are requesting that ECCC revise its approach in regulating DBDPE to avoid disruptions to an already overburdened supply chain.

Based upon the facts and arguments set out above we ask the Minister to appoint a Board of Review to "inquire into the nature and extent of danger" posed by DBDPE and PBDEs.

Sincerely,


name VALERIA GARCIA
Research and Development

Prysmian Group North America