

2020-2025 Environmental Performance Agreement

Respecting the Use of Tin Stabilizers in the Vinyl Industry

BETWEEN

**Her Majesty the Queen in Right of Canada, as represented by
the Minister of the Environment**

(Herein “Environment and Climate Change Canada” or “ECCC”)

AND

the Vinyl Institute of Canada

(Herein “VIC”)

AND

Participating Companies with Vinyl Compounding Facilities

WHEREAS in order to determine whether or not they are toxic or capable of becoming toxic to the environment or human health, ECCC has assessed over 100 organotin substances on the Domestic Substances List and 9 other organotin substances notified to ECCC from 1994 to 2000 under the New Substances and/or Transitional Substances provisions of the *Canadian Environmental Protection Act, 1999* (CEPA);

WHEREAS mono and dialkyltin stabilizers (monomethyltins, monobutyltins, monooctyltins, dimethyltins, dibutyltins, dioctyltins, herein referred to as “tin stabilizers”), used mainly to produce vinyl compounds, were included in such assessment;

WHEREAS available data and weight of evidence show that tin stabilizers are currently not entering the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment, or its biological diversity, or that constitute or may constitute a danger to the environment on which life depends (criteria in paragraphs 64(a) or 64(b) of CEPA), due to the presence of industry-wide stewardship efforts;

WHEREAS in the absence of effective stewardship practices, tin stabilizers may enter the environment in quantities or concentrations above a level that may be harmful and could, in particular, present a risk to sensitive species;

WHEREAS a group of vinyl processing facilities, manufacturers of tin stabilizers and vinyl compounding facilities using tin stabilizers, as part of their industry-wide stewardship efforts, developed a “Guideline for the Environmental Management of Tin Stabilizers in Canada” (Annex 1, herein referred to as the

“guideline”), in consultation with ECCC, for all vinyl compounding facilities using tin stabilizers in Canada, in order to prevent the release of tin stabilizers into the environment;

WHEREAS ECCC recognizes the proactive efforts taken by the VIC to encourage continuous and full implementation of the guideline by vinyl compounding facilities using tin stabilizers;

WHEREAS in light of industry-wide efforts which help ensure tin stabilizers are not entering the environment in a quantity or concentration above a level that may be harmful to aquatic organisms, these substances have not been recommended to be added to Schedule 1, the List of Toxic Substances of CEPA;

WHEREAS the former five-year *Environmental Performance Agreement Respecting the Use of Tin Stabilizers in the Vinyl Industry*, which expired in March 2020, was successful in preventing the release of tin stabilizers into the environment through the full implementation of the Guideline by all vinyl compounding facilities using tin stabilizers in Canada, and ECCC recognizes that this new agreement will help ensure continued implementation of the Guideline and industry-wide stewardship;

WHEREAS a notice that a proposed renewal of the 2015-2020 agreement was posted for public consultation on the Government of Canada (GC) website from December 6, 2019 to January 6, 2020. In addition, Provincial and Aboriginal Governments and stakeholders of non-government organizations were informed about the publication of the notice as a part of this consultation process;

THEREFORE, the Parties agree to the following:

1.0 PURPOSE OF AGREEMENT AND OBJECTIVE

The purpose and objective of the *2020-2025 Environmental Performance Agreement Respecting the Use of Tin Stabilizers in the Vinyl Industry* (herein referred to as the “agreement”) is to prevent the release of tin stabilizers into the environment, through the full implementation of the Guideline by all vinyl compounding facilities using tin stabilizers in Canada.

2.0 DEFINITIONS

“Former Agreement” means the *Environmental Performance Agreement Respecting the Use of Tin Stabilizers in the Vinyl Industry* that was in place from March 17, 2015, to March 16, 2020.

“New Company” means a company that, at the time of signing of this agreement, did not exist or did not have any vinyl compounding facilities using tin stabilizers, and therefore was not participating in the agreement, but that now has a facility using tin stabilizers.

“New Facility” means a vinyl compounding facility that started using tin stabilizers and that was not verified under the former agreement, or a facility that has relocated its vinyl compounding facility to a new address.

“Participating Company” means a company that owns one or more vinyl compounding facilities using tin stabilizers, agrees to participate in this agreement, agrees to have each of its facilities fulfill the requirements of this agreement that are applicable to facilities, and has signed the commitment form in Annex 2.

“Participating Facility” means a vinyl compounding facility using tin stabilizers that is owned by a company participating in this agreement.

A “Significant Change” is when one or both of the following situations arise:

- The type of containers/packages (the mode of supply) in which the tin stabilizers are received at the facility has changed since the end of the former agreement or at any time during the course of the current agreement; or
- A facility has expanded or relocated its tin stabilizer–related infrastructure since the end of the former agreement or at any time during the course of the current agreement.

“Verification” means a verification process to confirm that the commitments made by each company under this agreement or its facilities (as outlined in the Participating Company Commitment Form in Annex 2 of this agreement) are being met. Verification can include documentation review, a site visit and follow-up activities.

3.0 PARTIES AND LEGAL STATUS

3.1 This agreement represents an understanding between ECCC, the VIC and each Participating Company which shall collectively be referred to herein as “Parties”.

3.2 This agreement is not intended to create legally binding obligations between the Parties and is therefore not legally enforceable by any Party. Nothing in this agreement and the guideline attached hereto should be construed as precluding a Party from implementing any other environmental initiatives as it sees fit. Adherence to this agreement and the guideline does not in any way exempt any participating company and facility from complying with all applicable laws and regulations.

- 3.3 By signing a commitment form (Annex 2: Participating Company Commitment Form) and returning a copy to the VIC, who will then forward a copy to ECCC, each participating company and its facilities using tin stabilizers agree to participate in this agreement, and to fully implement, or continue to fully implement, the guideline for as long as this agreement remains in effect.
- 3.4 Any new company that is not currently participating in this agreement but that now has vinyl compounding facilities starting to use tin stabilizers will be encouraged by the VIC to participate in this agreement.
- 3.5 This agreement will apply to the successors or assigns of the Parties.

4.0 DURATION, AMENDMENTS AND OTHER MEASURES

- 4.1 This agreement will be in effect for a five-year period starting on the date of its signature by the representatives of Environment and Climate Change Canada and the Vinyl Institute of Canada (i.e. after the expiry of the former agreement) and it will be reviewed annually by ECCC to ensure that its commitments are met.
- 4.2 Before it expires, this agreement may be amended or renewed with the written consent of all Parties.
- 4.3 Nothing in this agreement precludes the federal government from taking regulatory action or any other measure that it may consider necessary.
- 4.4 Nothing in this agreement precludes the VIC or any participating company from implementing additional environmental initiatives in their facilities that are complementary to this agreement.

5.0 PERFORMANCE OBJECTIVE

The following activities will be conducted to verify whether the practices and procedures identified in the guideline have been implemented, to determine whether the overall objective, specified in section 1.0 of this agreement, has been met. The performance objectives are as follows:

- 5.1 Participating facilities that were not previously verified or re-verified under the former agreement and that do not meet the definition of new facilities will be included into a pool for selection. Each year, site visit re-verifications will be conducted at three facilities in this pool, which will be randomly selected through a draw conducted each year in the first week of April or at another time as agreed upon by the parties. Once all facilities from this pool have been verified (expected during year 5 of this agreement), participating facilities that were verified or re-verified under the former agreement will be added into the pool for the subsequent draw.
- 5.2 Site visit verification will be conducted at all new facilities within 24 months after the facilities started to use tin stabilizers, to determine if the guideline has been implemented, with the expectation that

all of them will demonstrate that they fully implemented the guideline before the expiry of this agreement.

- 5.3 Facilities that have undergone significant changes will submit all required documentation to the VIC and ECCC within three months following the signing of this agreement or three months following the submission to the VIC of their Annual Report on Compliance with the Guideline (Appendix G of the guideline) identifying those changes. The verifiers will conduct a verification by examining the submitted documentation to determine if the guideline has fully been implemented as it pertains to the significant change and will perform a site visit if required.
- 5.4 The Annual Report on Compliance (Appendix G of the guideline) will be completed by all participating facilities and submitted to the VIC pursuant to the timeline in section 6.3 of this agreement. The VIC will submit the consolidated Annual Report on Compliance to ECCC pursuant to the timeline in section 6.4 and with the expectation that the last consolidated report will demonstrate that all the facilities have fully implemented the guideline.

6.0 REPORTING

- 6.1 At the time of signing this agreement or before, participating companies will need to report to the VIC (who will forward a copy to ECCC) their commitment form (Annex 2) and indicate on it whether they had a significant change (as defined in section 2 of this agreement) at one or more of their facilities.
- 6.2 Each new company will need to report to VIC their commitment form (Annex 2) and the VIC will forward a copy to ECCC.
- 6.3 By June 30 of each year this agreement is in effect (as per Annex 3), participating companies on behalf of facilities will continue, as under the former agreement, to report to the VIC by completing the “Annual Report on Compliance with the Guideline for the Environmental Management of Tin Stabilizers in Canada” (Appendix G of the guideline).
- 6.4 The Annual Reports on Compliance from participating facilities will be collected, reviewed, and consolidated by the VIC to produce a consolidated Annual Report on Compliance with the Guideline, which the VIC will provide to ECCC by September 30 of each year that this agreement is in effect, plus one year after. All reports will be submitted electronically to the following address: ec.epa-epe.ec@canada.ca. The first consolidated Annual Report on Compliance will be sent by the VIC to ECCC by September 30, 2021, referencing the status of the facilities implementation of the guideline as of April 1, 2020. Details of significant changes from the Appendix G reports will be transmitted separately to ECCC by the VIC for further action.
- 6.5 Every year this agreement is in effect, plus one year after, ECCC will publish on GC’s website (<https://www.canada.ca/en/environment-climate-change/services/environmental-performance-agreements/list.html>) a report of progress made under this agreement. ECCC will provide a draft of

this progress report, and any other information to be published by ECCC pertaining to this agreement, to VIC for review prior to its publication.

7.0 ROLES AND RESPONSIBILITIES

7.1 Environment and Climate Change Canada (ECCC)

In addition to the specific reporting requirements outlined in section 6.5, ECCC agrees to:

- 7.1.1 Monitor progress under this agreement, and oversee the administration of this agreement;
- 7.1.2 Consult with VIC to determine what further steps may be necessary if the purpose, the objective, and the performance objectives of this agreement, as outlined in sections 1.0 and 5.0, are not being met; and
- 7.1.3 Participate in the verification program described in section 8.0.

7.2 Vinyl Institute of Canada (VIC)

In addition to the specific reporting requirements outlined in section 6.4, the VIC agrees to:

- 7.2.1 Assist ECCC in administering this agreement;
- 7.2.2 Provide information about this agreement and the guideline to all known vinyl compounding facilities in Canada using tin stabilizers within 3 months after signing this agreement;
- 7.2.3 Provide information about this agreement and the guideline to all known suppliers of tin stabilizers for vinyl compounding in Canada within 3 months after signing the agreement;
- 7.2.4 Collect commitment forms from participating companies and share these with ECCC at the time of signing of this agreement, and as each new company joins this agreement;
- 7.2.5 Collect and consolidate all Annual Reports on Compliance (Appendix G of the guideline) from all participating facilities as described in section 6.4;
- 7.2.6 Identify any new companies and facilities that should participate in this agreement and encourage them to participate in this agreement;
- 7.2.7 Maintain a comprehensive list of current vinyl compounding facilities using tin stabilizers, including those that are and are not members of the VIC, and annually update ECCC on the overall status of this list;
- 7.2.8 Participate in the verification program described in section 8.0;
- 7.2.9 Assist participating facilities to fully or continue to fully implement the guideline; and
- 7.2.10 Promote the full implementation of the guideline with all users of tin stabilizers in Canada.

7.3 Participating Companies

In addition to the specific reporting requirements outlined in sections 6.1, 6.2 and 6.3, participating companies, on behalf of their participating facilities, agree to:

- 7.3.1 Take all necessary steps to familiarize themselves with the content and requirements of the guideline;
- 7.3.2 Take all necessary action to implement, or continue implementing, all sections of the guideline that pertain to their operation;
- 7.3.3 Participate in the verification program described in section 8.0; and
- 7.3.4 Complete follow-up actions identified from the verification program within the agreed timelines.

8.0 VERIFICATION

8.1 Verification Program

- 8.1.1 In order to ensure that participating facilities have implemented or continue to fully implement the guideline, the VIC and ECCC will initiate the verification program, as described in the verification protocol pertaining to this agreement, within three months of the signing of this agreement.
- 8.1.2 Verifications will be conducted by a “Verification Team” consisting of representatives from the VIC or their designate, and ECCC.
- 8.1.3 ECCC will publicly post an annual summary of verification results on GC’s website in a report of progress made under this agreement as specified in section 6.5 (<https://www.canada.ca/en/environment-climate-change/services/environmental-performance-agreements/list.html>).

8.2 Corrective Actions

Participating facilities that have not fully implemented all elements of the guideline, as indicated by the results of a verification, will be given the opportunity to correct the deficiency according to a time frame agreed to between the facility and the verification team, and will notify the VIC (which will forward a copy to ECCC) once the deficiency has been corrected.

9.0 FAILURE TO IMPLEMENT

- 9.1 If the guideline is not fully implemented by all vinyl compounding facilities using tin stabilizers, further risk management action respecting the environmental management of tin stabilizers may be taken. This includes the potential for further assessment of risk posed by these substances, a possible outcome of which is their addition to Schedule 1 of CEPA (List of Toxic Substances).
- 9.2 For greater certainty, it is the responsibility of each participating company and new company to comply with the guideline, and the reporting and verification measures contained herein, and the VIC shall in no way be held liable for failure of such companies to do so.

10.0 AVAILABILITY OF AGREEMENT AND CONFIDENTIAL INFORMATION

- 10.1 To promote transparency, a copy of this agreement will be made available on GC's website (<https://www.canada.ca/en/environment-climate-change/services/environmental-performance-agreements/list.html>) as well as on the VIC's website (<https://vinylinstituteofcanada.com/>).
- 10.2 The parties agree to treat confidentially any information obtained under this agreement that has been identified as being confidential. However, a written request for confidentiality must be submitted to ECCC and must specify the information that is considered to be confidential and the reason why it should be treated as such. Nothing in this agreement shall be interpreted so as to preclude ECCC from disclosing information that ECCC may be required or ordered to disclose pursuant to any applicable federal laws, including, the *Access to information Act*, R.S. 1985, c. A-1, the *Privacy Act*, R.S. 1985, c. P-21, the requirements of CEPA or a judicial order.

11. COMMUNICATION PERTAINING TO THE AGREEMENT

Each party agrees to provide to the other parties any information pertaining to this agreement that is to be communicated to the public or to stakeholders, for their review prior to the information being made public.

SIGNED FOR HER MAJESTY THE QUEEN IN RIGHT OF CANADA, AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT:

BY: John Moffet
Assistant Deputy Minister
Environmental Protection Branch

SIGNATURE:

DATE:

SIGNED FOR THE VINYL INSTITUTE OF CANADA:

BY: Aíne Curran
President and CEO

SIGNATURE:

DATE:

Annex 1: Guideline for the Environmental Management of Tin Stabilizers in Canada

HTML Link: <https://www.canada.ca/en/environment-climate-change/services/environmental-performance-agreements/list/tin-stabilizers-vinyl-industry-overview/guideline.html>

PDF Link: <https://www.canada.ca/content/dam/eccc/documents/pdf/epe-epa/20200429-01-En.pdf>

Annex 2: Participating Company Commitment Form

The participating company with the vinyl compounding facility or facilities using tin stabilizers that are listed below agrees to participate in the achievement of the performance objectives listed in section 5.0 of the *2020-2025 Environmental Performance Agreement Respecting the Use of Tin Stabilizers in the Vinyl Industry* (herein referred to as the “agreement”) and to fully implement or continue to fully implement the [Guideline for the Environmental Management of Tin Stabilizers in Canada](#) in each of its facilities using tin stabilizers for as long as this agreement remains in effect.

Company Name	Facility Name and Address

Significant Changes

Has the facility or one of the facilities that was owned by a party under the former agreement undergone a significant change as defined in section 2 of the agreement?

Yes No

If yes, please specify the facility (or facilities) and briefly describe the change(s):

Annex 3: Annual Report Submissions

As per sections 5.4 and 6.3 of the agreement, each facility agrees to report to the Vinyl Institute of Canada by completing Appendix G of the guideline, according to the following timelines:

Annual Report	Period Start	Period End	Due Date
1st Report	April 1, 2020	March 31, 2021	June 30, 2021
2nd Report	April 1, 2021	March 31, 2022	June 30, 2022
3rd Report	April 1, 2022	March 31, 2023	June 30, 2023
4th Report	April 1, 2023	March 31, 2024	June 30, 2024
5th Report	April 1, 2024	March 31, 2025	June 30, 2025

Authorized by:

Name (please print)

Title

Address

Telephone (with area code) and Email

Signature

Date