

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

RE: *Canada Gazette*, Part I, Volume 154, Number 41: Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999

Dear Minister:

I am writing on behalf of the Flexible Packaging Association (FPA), who is the voice of U.S. manufacturers of flexible packaging and their suppliers, regarding the above referenced proposal to add plastic manufactured items to Schedule 1 of the Canadian Environmental Protection Act (CEPA). This is a follow-up letter to FPA's earlier submissions on the Government of Canada's Draft Science Assessment of Plastic Pollution (Draft), published in the Gazette Part 1 on February 1, 2020 under CEPA, 1999, and the Federal Government's plan to ban single-use plastics and declare them toxic under CEPA, where FPA expressed the same concerns.

Flexible packaging represents over \$33.6 billion in annual sales in the U.S. and is the second largest, and fastest growing segment of the packaging industry. The industry employs approximately 80,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products. Many of our member companies conduct commercial operations in both the United States and in Canada and Canada is one of our industries biggest trading partners. We are deeply concerned that the Canadian government has not undertaken a proper scientific assessment required by law of the toxicity of these plastics. In addition, the government has not examined the impact this will cause to the Canadian economy once plastic becomes a dangerous good. And, this will greatly impact the USMCA trade agreement, cross border supply chains, and the safety of food supply and the workplace.

Flexible packaging is represented in products that you and I use every day – including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula and juice; as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a

variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns and other personal protective equipment, maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical and household waste. Carry-out and take-out food containers and e-commerce delivery are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are vital to the supply chain when addressing the needs of US consumers in responding to the COVID-19 crisis. It is with this responsibility that FPA wants to express its formal opposition and significant concerns about the proposal to add plastic manufactured items to Schedule 1 of CEPA. FPA believes that it will result in permanent job losses, health risks to workers and consumers and increasing costs to the retail sector – all at a time when we are trying to respond and recover from the devastating impact of COVID-19 on businesses.

The final science assessment of plastic pollution does not fulfill the requirement for a screening assessment of all 'plastic manufactured items' so it is an insufficient basis for the broad category identified in the Proposed Order. A screening level risk assessment would have a different conclusion and would show the risk to the environment is not from plastic manufactured items and is not related to the physical/chemical properties of the designated items. Plastic manufactured items are not toxic and the Proposed Order is not as specific as a science assessment, which would correctly identify potential harm of plastic pollution in the environment. Risk to the environment does not come from a broad set of manufactured items, it comes from behaviours and lack of disposal and recycling infrastructure. Declaring plastic manufactured items as toxic when these acts contribute to the adverse outcome ignores the true cause(s) of the unacceptable risk designation must be more precise to target individual concerns.

Plastic pollution is a waste management issue that needs local, on the ground solutions. The Canadian federal government has an opportunity to show real and effective leadership by working collaboratively with the provinces to improve waste management systems, expand extended producer responsibility regimes and implement anti-littering public education. More extensive consultation is also required with workers, manufacturers, retailers, consumer product companies, health professionals and the plastics industry to examine the impacts as well as viable alternatives to the unworkable policy that is proposed.

Sincerely,



Alison A. Keane, Esq., CAE, IOM
President & CEO

** Submitted electronically @ eccc.substances.eccc@canada.ca and @ Jonathan.Wilkinson@parl.gc.ca **