April 27, 2021

Mr. Francis Scarpaleggia, M.P.
Chair,
Standing Committee on Environment and Sustainable Development
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

By email: ENVI@parl.gc.ca

Re: Study on Single-Use Plastic

Dear Mr. Scarpaleggia,

The Canadian Environmental law Association (CELA) and Health and Environment Justice Support (HEJSupport) are pleased to provide the following submission related to the committee's study on single-use plastics. We believe that the government is in a position to identify steps necessary towards addressing plastic pollution in Canada pave the way for the elimination of non-essential plastic products and materials and support better product design to create safe and toxic free circular economy. These actions on plastic waste are necessary if we are to protect our environment and health.

In February 2021 CELA and HEJSupport co-signed a letter urging the government to address plastic pollution in Canada without further delay[1]. In the letter NGOs requested the government to list "plastic manufactured items" on Schedule 1 of *Canadian Environmental Protection Act* (CEPA) to be followed with the release of regulations to ban unnecessary plastic products and eliminate plastic waste.

As we wait for the listing of "plastic manufactured items" to Schedule 1 of CEPA, it is worth noting that the proposed ban of the six single-use items identified in the integrated management, which has yet to come into effect, is, according to Minister Wilkinson "the ban is only a small step"[2] and much more has to be done to address plastic pollution in Canada.

In December 2020 CELA, HEJSupport, Toronto Environmental Alliance, and Citizen's Network on Waste Management sent a letter to Mr. Ryan Parmenter, Director, Plastics and Marine Litter Division at Environment and Climate Change Canada with detailed

[1] NGO-letter-on-Plastic-Pollution-and-Listing-under-CEPA-Feb-11-2021-final-with-supporting-NGOs.pdf (d36rd3gki5z3d3.cloudfront.net)
[2] https://www.cbc.ca/news/politics/single-use-plastics-1.5753327

recommendations regarding Canada's approach towards the work on addressing plastic pollution[3].

In addition, CELA and HEJSupport urge the government of Canada to:

1. Use findings from its Science Assessment of Plastic Pollution published on October 8, 2020 as the scientifically based justification to support the proposed integrated approach and listing "plastic manufactured items" to Schedule 1 of CEPA.
2. Acknowledge that more than 140 chemicals are used in plastic manufacturing[4] , including bisphenol A, flame retardants, phthalates, per- and polyfluoroalkyl substances (PFAS), dioxins, UV-stabilizers, and toxic metals such as lead and cadmium. These are endocrine-disrupting chemicals (EDCs) that leach from plastic and cause adverse effect to people's health and the environment. For some vulnerable groups and communities including children and pregnant women and Indigenous communities, the risk of exposure to toxic chemicals are even greater.
3. Agree that "the Canadian plastics economy is mostly linear, with an estimated nine percent of plastic waste recycled, four percent incinerated with energy recovery, 86 percent landfilled, and one percent leaked into the environment in 2016"[5]. This means that plastic will largely end up in landfills where toxic chemicals leach into the environment and contaminate air, soil and water of the neighbouring communities. Unwanted migration of short chain chlorinated paraffins (SCCPs), industrial chemicals primarily used in metalworking, but also as flame retardants and softeners in plastics, and other toxic chemicals from PVC plastic is described in the Overview of chemical additives present in plastics: Migration, release, fate and environmental impact during their use, disposal and recycling[6]. The impacts on affected communities including neighbouring Indigenous communities and other vulnerable communities (including low-income communities) from these facilities and their toxic releases, the cost to health and their environment are inadequately considered.
4. Require mandatory disclosure of all additives in plastic to ensure the right of consumers to make a responsible and safe choice of plastic products. A survey of 2017 of children's products in 10 countries, including Canada, found widespread contamination with SCCPs of a variety of plastic products for children, including slippers, jump ropes, balls, and plastic ducks[7]. No information about the presence of this chemicals in toys was available on the product labels.

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[3] NGO-response-ECCC-Discussion-Paper-Proposed-Integrated-Management-Approach-Plastic-Products.pdf (cela.ca)
[4] https://ipen.org/site/plastics-pose-threat-human-health
[5] http://publications.gc.ca/collections/collection_2019/ecccc/En4-366-1-2019-eng.pdf
[6] An overview of chemical additives present in plastics: Migration, release, fate and environmental impact during their use, disposal and recycling - ScienceDirect
[7] Press Release: Children's Toys Contaminated with a Toxic Industrial Chemical that is Recommended for Global Prohibition | IPEN

5. Acknowledge that mandatory disclosure of all additives in plastic is also crucial to achieve a non-toxic circular economy and prevent toxic chemicals from contaminating products made of recycled plastic.
6. Recognize that one of the reasons Canada is committed to ban certain types of single-use plastic (SUP) is because it has no capacity to recycle it safely. According to the Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste on a visit to Canada in May-June 2019, "only 9-11% of Canadian plastic waste is recycled, amidst concerns that recycling of plastic is technically a myth"[8].
7. Accept that "chemical recycling is a climate polluter", "is also an environmental health risk"[9] , and is not the right substitution to mechanical recycling. In fact, chemical recycling is nothing but a plastic-to-fuel technology that breaks down plastic waste into fuel or "building blocks for new plastic"[10]. Noting that plastic contains a variety of toxic additives (studies show that ordinary plastic consumer products may contain up to 100,000 different substances[11], including EDCs, flame retardants, carcinogenic or mutagenic chemicals), chemical recycling of plastic waste result in toxic emissions and releases into the environment and in products. Despite the evidence of toxic emissons associated with chemical recycling, the Ontario government's Discussion paper on reducing litter and waste in our communities, suggests that "The increased use of chemical recycling could be used to improve the effectiveness of existing recycling processes and to enable economic growth by expanding the potential end uses for materials that currently are sent to landfill."[12] Furthermore, the Ontario government is examining whether thermal applications like pyrolysis plants in Edmonton, Alberta and Chester, Nova Scotia "should count as diversion".[13] Ontario's approach effectively weakens the EPR framework by permitting this type of recycling process.
8. Consider the revision of the Arrangement between the US and Canada on non-hazardous waste trade[14] in accordance with the Basel plastic amendments[15] that Canada has ratified recently. Non-hazardous plastic waste is not specifically mentioned in the US-Canada Arrangement of 2020. Thus, there is no clarity under this Arrangement which non-hazardous plastic waste will require prior informed consent (meaning non-hazardous plastic waste included under Annex II of the Basel Convention), and which will not (meaning plastic waste included under Annex IX of

[8] Microsoft Word - A_HRC_45_12_Add_1_AUV.docx (srtoxics.org)
[9] Chemical Recycling: Miracle Cure, or Snake Oil? - Global Alliance for Incinerator Alternatives (no-burn.org)
[10] https://www.no-burn.org/wp-content/uploads/CR-Briefing_June-2020.pdf
[11] https://uploads-ssl.webflow.com/5e5989de7d8ff17dd9d726c9/5e5d6d961b4aa011e1d6fc3b_Declaration_Of_Concern_3March2020.pdf
[12] Reducing Litter and Waste in Our Communities Discussion Paper Delivering on the Made-in-Ontario Environment Plan (prod-environmental-registry.s3.amazonaws.com)
[13] Chemical recycling and what it means for Ontario Blue Box programs – CIF (thecif.ca)
[14] https://www.epa.gov/hwgenerators/arrangement-between-government-united-states-america-and-government-canada-concerning
[15] Overview (basel.int)

the Basel Convention). For example, PVC containing waste is traded freely between the two countries. However, PVC waste now falls under Annex II of the Basel Convention and thus requires PIC. By allowing PVC waste to be traded without PIC Canada undermines the requirements of the Basel Convention and allows uncontrolled PVC waste entering the country. In addition, the environmentally sound management mentioned in the US-Canada Arrangement of 2020 includes recycling, recovery, and disposal, meaning that it inter alia permits processes involving chemical recycling, energy recovery, and final landfilling which cannot be considered as environmentally sound and thus derogate from the requirements of the Basel Convention.

9. Agree that the absence of adequate rational provided in the US-Canada Arrangement on non-hazardous waste trade to include recycling (including chemical recycling), energy recovery and disposal have significant implications to our health and environment. This arrangement will facilitate further movement of plastic waste derived fuel going to cement kilns and steel mills in Canada and the US. An example includes a proposal from the International Recycling Group, based in Erie, PA, to construct a plant that would collect mixed plastics from around Northeastern US and Southern Ontario[16]. It would take out some plastics for recycling and turn the rest into pellets that would be shipped (back) across Lake Erie on a barge to Nanticoke, Ontario to be used as fuel in the steel smelter. This proposal is not in line with a circular economy and poses risks to the Great Lakes, both from the effects associated with burning the plastic but also due to potential pellet spills. Without the US-Canada arrangement in place this type of movement of plastics would be subject to the requirements of the Basel Convention's rules. Under the rules of the Basel Convention uncontrolled plastic wastes cannot go to waste to energy and can only be recycled in an environmentally sound manner. Nevertheless, the study conducted by a consortium composed of Deloitte and Cheminfo Services Inc in 2019 includes key end of life assumptions for 2030 which inter alia predict the increase of incineration of plastic waste with energy recovery from 4 to 22 percent. “This increase could be supported by additional facilities and by having existing industrial facilities (e.g., cement kilns) accept more plastics” [17] .Moreover, the report encourages government and policy makers to remove policy barrier to treat hard-to-recycle plastic by supporting waste to energy and industrial use such as cement kilns. The Great Lakes Basin is a primary source of drinking water for almost 40 million people across the basin. As the biggest source of freshwater in the world, the Great Lakes continue to face threats from toxic substances and the plastic pollution.[18]

[16] Canadian Environmental Law Association (CELA) Impacts and Challenges of Plastic Pollution Facing the Great Lakes Basin

[17] http://publications.gc.ca/collections/collection_2019/eccc/En4-366-1-2019-eng.pdf

[18] See: Mason, Sherrie A. 2019. Plastics, Plastics Everywhere: Studies in the Great Lakes and beyond highlight the ubiquity of microplastics in our rivers and drinking water. In American Scientists, Vol 107, No 5), page 284. DOI: 10.1511/2019.107.5.28

10. Ensure that import of all plastics prohibited in Canada, including in waste, are not permitted into Canada even for processing. Canada should not support an approach that allows the entry of imports of plastic waste for processing or recycling if those plastics have been designated for prohibition.

We urge the Standing Committee to include a focus on the impacts to health and environment associated with toxic chemicals used in the production of plastic and plastic products and those associated with the management of such plastics throughout the lifecycle of plastics. In addition, added consideration towards the investments needed towards innovative designs and application of effective extended producer responsibility mechanisms should also be taken into account as the Standing Committee further investigates the cost associated with plastics. Without tackling these difficult issues associated with the plastic pollution facing Canada and the global community, the Standing Committee's investigation on the costs associated with plastic waste will miss a significant component of the problems facing Canada on addressing plastic pollution.

Conclusion

CELA and HEJSupport reiterate our position that the government's integrated management approach to plastic products to prevent waste and pollution should lead to regulatory action relating to "manufactured plastic items" and should go beyond specifically mentioned types of single-use plastic, especially given Canada's current inability to recycle plastic safely and sufficiently.

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