



Re: Notice of Objection and Request for Board of Review in relation to the Proposed Order to add 'Crude Tall Oil' to Schedule 1 to the Canadian Environmental Protection Act, Canada Gazette, Part I, Volume 157 (February 18, 2023), Number 7: Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999

This letter is being sent on behalf of Irving Pulp & Paper Limited, Irving Paper Limited, and Lake Utopia Paper, a Division of J.D. Irving Limited (Collectively the "Irving Mills").

This submission responds to the February 18th, 2023 Gazette Notice in which the Governor in Council, on the recommendation of the Minister of the Environment ("Minister"), proposed an Order to add "Crude Tall Oil" (CTO) to Schedule 1 of the Canadian Environmental Protection Act, 1999 ("CEPA") (hereafter referred to as "Proposed Order"). The Irving Mills support the position taken by FPAC in objecting to the Proposed Order, and requesting a Board of Review be established under Section 333 of CEPA to review the recommendation.

There are three key reasons for this objection:

1. It is incorrect to assume that all kraft pulping facilities have the potential to release CTO, as only certain plants can produce CTO. The Irving Mills do not produce CTO.
2. Testing for resin acids and extrapolating to quantify CTO emissions is not effective, as resin acids are present from pulping and chemical recovery areas of a kraft pulp mill and do not signify production of CTO.
3. Consultation opportunities were inadequate as the Final Screening Assessment and Risk Management Approach for CTO included significant updates to methodology that were not present in the draft screening assessment.

1. Crude Tall Oil Production

Only certain plants around the world can produce CTO, and none of the Irving Mills produce CTO. This is in contrast to the conclusions of the Final Screening Assessment (FSA), which erroneously assumes that all kraft pulping facilities in Canada have the potential to release CTO. CTO is not a by-product of kraft pulp manufacturing, as it can only be produced at mills with a separate, self-contained tall oil plant operating under strongly acidic conditions and elevated temperatures. CTO is a product and as such it is not released to the environment. It cannot be inadvertently produced in mill effluents.

2. Correlation of resin acids to CTO

The FSA assumes that the concentration of resin acids in condensates is directly associated with the presence or potential presence of CTO in effluent. Resin acids in condensates predominantly come from pulping and chemical recovery areas of a kraft pulp mill, and therefore, presence of resin acids in a condensate stream cannot be construed as evidence of the presence of CTO product. The mathematical



extrapolation of CTO concentration in condensates from resin acids data, and the use of that concentration to develop an emission factor to wastewater treatment for CTO, is not scientifically sound.

3. Consultation

The Final Screening Assessment included an altered approach for the estimation of CTO releases into the environment and did not provide the opportunity for comment. Given the significance of the change, a revision of the draft screening assessment should have been released before finalizing it, to allow for additional public comment.

Conclusion

The development of risk management instruments under CEPA for CTO would result in undue regulatory burden based on incorrect information. We request that the Board of review examine the Proposed Order to ensure that it is scientifically accurate and that the characterization of CTO in the pulp and paper sector in Canada is representative.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Mosher", is written over a horizontal line.

Mark Mosher

Vice President, Pulp & Paper