



Canadian National Millers Association

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Executive Director
Program Development and Engagement Division
Department of the Environment
Gatineau, Quebec
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Re: Canada Gazette, Part I, Volume 154, Number 41: Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999

<http://www.gazette.gc.ca/rp-pr/p1/2020/2020-10-10/html/reg1-eng.html>

I am writing on behalf of the Canadian National Millers Association (CNMA) to provide comment on the proposed addition of “plastic manufactured items” to Schedule 1 of CEPA, 1999, as published on October 10, 2020 in the above-noted volume of Canada Gazette Part I.

CNMA members are primary processors (millers) of cereal grains into foods and food ingredients. The majority of these milled grain products are used in the manufacture of a large number of foods found in most sections of retail grocery stores and used in Canada’s diverse foodservice industry. Packaging materials used in the grain milling industry include paper and others that are in whole or in part, plastic.

We understand the meaning of “toxic” as set out in Section 64 of CEPA, copied below for ease of reference.

64 For the purposes of this Part and Part 6, except where the expression “inherently toxic” appears, a substance is toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that

(a) have or may have an immediate or long-term harmful effect on the environment or its biological diversity;

(b) constitute or may constitute a danger to the environment on which life depends; or

(c) constitute or may constitute a danger in Canada to human life or health.

We have also carefully read and considered the information presented in the discussion paper also currently published by ECCC for consultation, entitled, *A proposed integrated management approach to plastic products: discussion paper* (hereinafter referred to as “Discussion Paper”). Likewise, we have carefully read the *Science Assessment of Plastic Pollution, October 2020* (hereinafter referred to as “Science Assessment”).

In consideration of all of the above, CNMA objects to the addition of “plastic manufactured items” to Schedule 1 of CEPA for the following reasons:

- This specific term, “plastic manufactured items” does not differentiate between macroplastics and microplastics. The Science Assessment concluded that macroplastics are not expected to be of concern for human health. The Gazette Notice confirms this, stating specifically: ***Exposure to macroplastics (as pollution or otherwise) is not expected to be of concern for human health.***
- Nor does the term “plastic manufactured items” differentiate between single use plastics and other plastics. If the purpose of the addition to Schedule 1 is to enable regulatory interventions on the part of ECCC, there is probably need to pause until such time as there is an “integrated management approach” completed, supported by all levels of government in Canada and ready for implementation.
- It is not necessary to add “plastic manufactured items” to Schedule 1 in order to develop an “integrated management approach” that includes meaningful and actionable steps to reduce release of plastics into the environment. To do so at this time would be premature.
- The Discussion Paper also reveals in multiple conclusions that there is scarcity of scientific information about the long-term environmental risks associated with release of plastics into the environment. Based on the discussion paper, one would rightfully conclude that there is almost no aspect of the implications of release, degradation and persistence of plastics in the environment that has been extensively and conclusively studied. We therefore question whether CEPA sections 64(a) and 64(b) have been satisfied, with or without invoking the precautionary principle.
- The requirements of CEPA Sections 2(1.1) have not been met.

CNMA is also concerned about the scope and depth of the Regulatory Analysis section of the Gazette notice. We find it to be lacking in both. We also find the following statement contained in that section to be somewhat misleading:

As no specific risk management measures are recommended as part of the proposed Order, developing an implementation plan and a compliance and enforcement strategy, as well as establishing service standards, are not necessary at this time. In the event that the ministers propose risk management measures for plastic manufactured items, the departments would assess these elements during the development of such measures.

While not specific, ECCC and Cabinet are in fact proposing risk management measures in the Discussion Paper for specific categories of plastics that will have far-reaching implications, not yet fully examined or understood. We think this to be the case for use of plastic materials in food production, distribution and storage. One could easily conclude from the Discussion Paper that food packaging materials are already in scope for possible bans or restricted use via regulatory intervention. However, the discussion paper does not adequately recognize the following:

- Plastics are widely used as food packaging, so widely in fact that there are few food and beverage supply chains that are not heavily reliant upon plastic packaging.

- Plastic packaging materials are the materials of choice because they are not, in fact, toxic other than as defined under Section 64 of CEPA.
- Rather, plastic packaging materials at the time of packaging are essentially sterile, unlikely to be a source of bacterial contamination.
- Plastic packaging materials, films, rigid containers and others, are also essentially inert. As such, they do not react chemically with either single ingredient or formulated foods, imparting to shelf-stable foods, a very long shelf life.
- Plastic packaging materials predictably prevent contact between foods and ambient air, preventing contamination from airborne bacteria, fungal spores and particulate matter.
- The very nature of plastic packaging materials has contributed immeasurably to the safety of Canada's food supply, including both prepared foods and ready-to-cook fresh and frozen foods.
- Plastic packaging materials are at present, probably the most important food safety preventive control available to food producers, processors and distributors, including those in the retail grocery and foodservice industries.
- If plastic packaging materials were, in fact, toxic, they would not be permitted for use in the packaging of foods and beverages, historically or today.

Neither the Gazette notice nor the Discussion Paper identify the need to manage communications strategies and key messages so as to not confuse consumers about the safety of plastics use in food packaging. Consumers with almost any level of secondary and post-secondary education will think in terms of "toxic" being poisonous or otherwise presenting an immediate health risk. Consumers will not understand that "toxic" in the context of CEPA means something different. Nor will most consumers ever read or be able to fully comprehend the contents of Section 64 of CEPA. There is not even a definition in the interpretation section of CEPA (Section 2) that would allow any reader, including consumers, to understand the meaning of "toxic" in the context of Section 64 as opposed to "toxic" in the context of the Food and Drugs Act, Section 4.1(a) "poisonous or harmful substance".

Whereas ECCC has neither a communications strategy nor a communications plan to accompany the proposed regulatory amendment, the regulatory amendment should not be made.

This is not to suggest that the time to take meaningful steps to reduce the release of plastics into the environment is not now. The government of Canada has our attention to this matter. We are willing and eager participants in the discussions that need to take place about the development of an effective integrated management approach. In that context, the discussion paper is aptly titled. The proposal to add "plastic manufactured items" in Schedule 1 of CEPA should be delayed indefinitely, until such time as this step is one that is integral to an "integrated management approach". This has not yet been demonstrated to be the case.

Yours sincerely,



Gordon Harrison
President