

May 1, 2020

Executive Director  
Program Development and Engagement Division  
Department of the Environment  
Gatineau, Quebec K1A 0H3

Re: Flexible Packaging Association Comments on Draft Science Assessment of  
Plastic Pollution

Dear Executive Director:

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 Government of Canada's Draft Science Assessment of Plastic Pollution (Draft), published in the Gazette Part 1 on February 1, 2020 under the Canadian Environmental Protection Act, 1999. Flexible packaging represents over \$31 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.

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.

FPA understands the importance of reducing and recycling solid waste to minimize litter, marine debris, optimize landfill space, and work towards a circular economy. However, FPA believes it is simply not appropriate to use CEPA to support classification of plastics as toxic in order to address what is a solid waste and not a toxics issue. To reiterate the points that our trade association partner, the American Chemistry Council has also submitted:

- First, we believe that aggressive, global and regional public-private commitments and partnerships are in place to drive solutions to plastic waste and marine debris, and should be given an opportunity to work. Global waste, litter, and marine debris challenges require solutions through these partnerships.
- Second, CEPA is not an appropriate regulatory framework to apply to leakage of plastic into the environment – what is fundamentally a solid waste issue, not a chemical management, issue. For that matter, CEPA assesses the individual chemical, while here, a true risk assessment must also take into account the behavior leading to the waste issue.
- Third, the generalized approach to reviewing all macroplastics and microplastics lacks an adequate scientific foundation to support conclusions specific to particular plastic products, packaging, or resins to support further action under CEPA. In short, such an approach is inadequate to support adding “plastics” or “single use plastics” generally as a category under CEPA;
- Fourth, we are deeply concerned that Canada appears to be poised to skip a critical step under CEPA, namely, the development of a scientifically robust risk assessment that presents knowledge of exposures and hazards and integrates these to quantify potential risks to ecological species and human health;
- Fifth, we believe a truncated and incomplete CEPA review that bypasses risk assessment is necessarily inconsistent with Canada’s commitments to risk principles under the recently signed US-Mexico-Canada trade agreement; and
- Sixth, and perhaps most importantly, we are deeply concerned that moving forward with risk management action now could jeopardize public health given the key role that many plastic products play in health care, particularly in light of the expanding global coronavirus crisis. In fact, sanitary single-use plastic medical products and food packaging are on the front lines protecting public health during the current crisis – and every day.

To the last point, if the COVID-19 response has taught us anything, it is that consumer health is the number one priority and packaging, single-use or not, plastic, or multi-material is not easily substitutable when it comes to protecting and preserving its products and the consuming public. As a critical essential infrastructure workforce, the flexible packaging industry did not miss a beat in ramping up efforts to support the increased demand for the necessary supply chain of food, health, hygiene and medical supplies. In addition, many companies transitioned or added assets to assist in the increased production of much needed personal protective equipment and supplies for our medical professionals, first responders, and front-line workers. Amid the concern over containing the spread and flattening the curve of the virus, many of the industry’s products, most notably plastic packaging, has become indispensable. It is not plastics or packaging, which protects and preserves and is vital to public health, but the lack of infrastructure for the collection and recycling of today’s packaging materials that is the problem. Thus, we urge Environment and Climate Change Canada and Health Canada

to consider an alternative, better suited, legal mechanism to address the issue of plastic waste. We likewise urge the agencies to consider the public health consequences of making a CEPA toxic determination that the public would associate with plastics, plastic packaging, or resins - a government determination that surely will be misunderstood and misinterpreted by the public at the worst possible time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alison Keane', with a stylized flourish at the end.

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

*\*\*Submitted electronically to [eccc.substances.eccc@canada.ca](mailto:eccc.substances.eccc@canada.ca)\*\**