



January 26, 2015

David Morin
Director General
Science and Risk Assessment
Environment Canada
351, boul. Saint-Joseph
Gatineau, Quebec K1A 0H3

Dear Mr. Morin,

On behalf of the Canadian Plastics Industry Association (CPIA), the American Chemistry Council (ACC) and the Chemistry Industry Association of Canada (CIAC), please accept these comments for the proposed Schedule 1 listing and Explanatory Note related to the *Order to Add Microbeads to Schedule 1 of the Canadian Environmental Protection Act, 1999*.

In general, the three associations and our members support the proposed Schedule 1 listing and the Explanatory Note that were circulated by email on January 12, 2016. We do, however, have two requested edits to the Explanatory Note as detailed in the text below.

The first edit (in blue) is requested because we want to see Environment Canada pursue a harmonized regulatory approach to plastic microbeads that includes language aligned with the recently signed US law on microbeads. As a major trading partner with the US, increased regulatory cooperation can eliminate unnecessary trade burdens, reduce costs, foster investment and promote certainty. In particular, H.R. 1321 "Microbead-Free Waters Act of 2015" which President Obama signed into law on December 28, 2015, defines the term 'plastic microbead' to mean "any solid plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body or any part thereof".

Our second edit (in red) is requested to provide a more factual representation of the current situation of materials used in industrial processes. The suggested edit provides certainty that the plastic materials used as intermediates or as feed-stock in industrial or manufacturing sectors and processes (such as

preproduction pellets and powders), are not the material intended to be regulated by the Government of Canada.

PROPOSED LISTING NAME AND DRAFT TEXT FOR EXPLANATORY NOTE (from Environment Canada, January 12, 2016, via email)

Proposed Listing Name

Plastic microbeads which have a size greater than 0.5 micrometers and less than or equal to 2 millimeters

Draft Text for Explanatory Note

Objective

The purpose of the explanatory note is to provide further information on the scope of the addition of plastic microbeads on Schedule 1 of the *Canadian Environmental Protection Act, 1999*.

Context

The House of Commons unanimously voted on March 24, 2015 that microbeads in consumer products entering the environment could have serious harmful effects, and therefore the government should take immediate measures to add microbeads to the List of Toxic Substances managed by the government under the *Canadian Environmental Protection Act, 1999*.

In response to the House's motion, the Department of the Environment has reviewed the state of the existing knowledge on the presence of plastic microbeads in the environment and their effects. On July 30, 2015, the Department published a science summary to that effect. This report indicates that plastic microbeads have shown adverse effects in aquatic organisms. In addition, plastic microbeads may reside in the environment for a long time and they are continuously released to the environment resulting in long-term effects on biological diversity and in the ecosystem. As a precautionary step, the Government of Canada is adding this substance to the *List of Toxic Substances* in Schedule 1 of the *Canadian Environmental Protection Act, 1999* to allow for regulatory development.

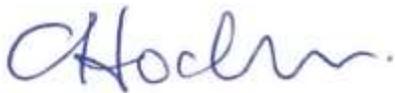
On June 23, 2015, under the Canadian Council of Ministers of the Environment (CCME), federal, provincial and territorial environment ministers acknowledged efforts by industry to eliminate the use of plastic microbeads from consumer products and supported the Department's scientific review of plastic microbeads in personal care products. Provinces and territories may take additional complementary actions to restrict the use of microbeads.

Plastic microbeads include solid plastic particles greater than 0.5 micrometers and less than or equal to 2 millimeters (in the largest external size dimension). These types of microbeads are added to personal care products that are used to exfoliate or cleanse the human body. ~~These types of Plastic~~ microbeads are not the plastics that are used as intermediates or as feed-stock in industrial or manufacturing sectors and processes (such as preproduction pellets and powders).

The name of the substance for addition was modified after extensive stakeholder consultations to further align with the Government of Canada's intentions to control plastic microbeads in personal care products.

We appreciate the opportunity to provide these suggested revisions to the proposed Schedule 1 listing and Explanatory Note related to the *Order to Add Microbeads to Schedule 1 of the Canadian Environmental Protection Act, 1999*.

Sincerely,



Carol Hochu
President and CEO
Canadian Plastics Industry Association



Steve Russell
Vice President, Plastics Division
American Chemistry Council



Bob Masterson
President and CEO
Chemistry Industry Association of Canada

Cc via email:

V Poter, Director General, Industrial Sectors, Chemicals and Waste Directorate, Environment Canada