



December 22, 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*.

As we previously communicated, our three associations had initial concerns with the overly broad scope presented in the proposed Order, originally published on August 1, 2015. We are happy to see that Environment Canada narrowed the language for the Schedule 1 listing (as per the email that was circulated on December 7, 2015) and have considered the inclusion of an Explanatory Note to accompany the Schedule 1 listing (shared in draft form on December 16, 2015).

We do, however, believe there are two areas in the Schedule 1 listing that should be further edited. CPIA, ACC, and CIAC strongly suggest the following changes to the Schedule 1 listing, noted below in red font:

“Solid synthetic organic ~~polymeric~~ plastic microbeads which have a size greater than ~~0.1~~ 0.5 micrometers and less than or equal to 2 millimeters”

The term “polymeric” should be changed to “plastic” in the listing, as this more clearly represents the material intended to be regulated. And we request that Environment Canada increase the lower bound of the size range from 0.1 micrometers to 0.5 micrometers, because this is a more accurate reflection of the size range for the microbeads used in personal care products, and is a size range that is supported by the studies from Environment Canada’s Science Summary that was published on August 1, 2015.

Additionally, many of our members request that Environment Canada add clarifying language related to the function of microbeads to the Schedule 1 listing. We understand that Environment Canada has limitations on the clarifying language that may be added to the Schedule 1 listing; however, the language used in the listing should make it abundantly clear that industrial feedstock materials (such as

pre-production pellets, powders, granules, flakes and emulsions) are not listed as CEPA Toxic. To that end, we also encourage Environment Canada to consider the inclusion of “from personal care products” in the listing language. It should be noted that there is a general preference in the industry for the term “personal care products”, and for most of our members, the secondary preference is “consumer products”.

Regarding the draft “Explanatory Note on Microbeads,” CPIA, ACC and CIAC offer the following edits and additions to the proposed text (also noted in red font):

***DRAFT EXPLANATORY NOTE ON MICROBEADS*** (from Environment Canada, December 16, 2015)

Objective

The purpose of ~~this e~~ explanatory note is to provide further information ~~and clarification as to on~~ the scope ~~and meaning of the proposed addition of~~ microbeads ~~added to 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 has reviewed the state of the existing knowledge on the presence of microbeads in the environment and their effects. On July 30, 2015 Environment Canada published a science summary to that effect. This report indicates that microbeads have shown adverse effects in aquatic organisms. In addition, 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 proposing to~~ **has added** this substance to the *List of Toxic Substances* in Schedule 1 of the *Canadian Environmental Protection Act, 1999* to allow for regulatory development.

~~As is Similar to~~ the case in other legislative definitions (e.g., in the United States), the proposed addition ~~and this explanatory note~~ addresses ~~and clarifies that the scope of~~ microbeads ~~as is~~ solid synthetic ~~organic~~ plastic particles, ~~which in their largest dimension are~~ larger than ~~0.1~~ 0.5 micrometers and smaller than 2 millimeters that are intentionally added to rinse-off ~~[personal care] [consumer] \*~~ products. ~~Concerns arise when microbeads, in products, find their way into, and which remain solid in such products and enter~~ the aquatic environment at the end of the product’s lifecycle.

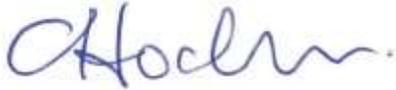
The afore-mentioned science summary does not address ~~polymers plastic materials~~ that are used as intermediates or as feed-stock in industrial or manufacturing sectors and processes (such as preproduction pellets ~~and powders~~ which are not present in products released to the aquatic environment). Consequently, the ~~proposed~~ addition to Schedule 1 does not ~~include cover~~ such ~~polymers plastic or other materials outside the scope described in the preceding paragraph~~.

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

*\*There is a general preference in the industry for the term “personal care products”, but for most of our members, the term “consumer products” would also be appropriate if Environment Canada concludes that this is the language it needs to use.*

We appreciate the opportunity to provide these comments and 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