



January 20, 2019

Mr. Michael Friesen  
Toxics Reduction Program  
Ministry of the Environment, Conservation and Parks  
40 St. Clair Avenue West, 4<sup>th</sup> Floor  
Toronto, ON M4V 1M2

Via email: [michael.friesen@ontario.ca](mailto:michael.friesen@ontario.ca)

Dear Mr. Friesen:

**Re: Canadian Plastics Industry Association Comments on ERO 013-4234, Repeal of the *Toxics Reduction Act, 2009* and changes to Ontario Regulation 455/09, ERO 013-4235**

The Canadian Plastics industry Association (CPIA) is pleased to offer comments on the repeal of the *Toxics Reduction Act, 2009* (“the TRA”) by December 31, 2021 and changes and repeal of related regulations on or before December 31, 2021.

The CPIA applauds the direction being proposed by this action. The stated objectives of the TRA and its Regulations were to encourage Ontario industries to reduce the use of environmentally toxic substances at the front-end of their operations, based on the premise that doing so would reduce toxic substances in air, land, water and consumer products and support a shift to “greener” products. We question whether the TRA and its Regulations are currently achieving these goals.

**About the Canadian Plastics Industry Association**

CPIA has served as the national voice for, and leader in, plastics sustainability since 1943. It is our mission to be the chief advocate for plastics in Canada, providing leadership on pivotal issues and policies throughout the plastics lifecycle and promoting the economic, environmental, and social benefits of the plastics industry and our products.

With more than 2,600 companies employing 82,000 workers, Canada’s \$24.3 billion-dollar plastics industry is a sophisticated, multi-faceted sector encompassing plastic products manufacturing, machinery, moulds, recyclers, brand-owners, and resin/raw material suppliers. While the plastics industry is pan-Canadian, the majority is concentrated in Ontario with 46% of the establishments (1196 establishments) and 55% of the output (\$13.4 billion). The plastics industry is part of dynamic and highly integrated value chain for which the largest end user

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markets are packaging, building & construction, and automotive. While much of the plastics industry is not directly affected by the TRA, parts of the value chain are so impacted.

CPIA believes in managing plastics waste in a sustainable way by minimizing the economic and policy barriers to technological innovation and developing end markets for recycled products. We promote plastics sustainability while encouraging investments and job creation in Ontario.

Additionally, CPIA advocates for resource productivity, zero waste to landfill, and emphasizing a sustainable materials management life-cycle approach to measuring and reducing environmental and economic impacts of managing waste resources.

### **CPIA's Views on the *Toxics Reduction Act* and related Regulations**

The TRA is one of several legislative measures at the Provincial and Federal levels intended to protect the environment and human health, and it is our belief that the TRA should be considered from Ontario's place in this context, as well as the broader political, economic, environmental, social and technological competitive dynamic that we live and do business in. After all, it would be counterproductive to pursue policies that shift the nexus of production to other regions of the world and to import the environmental policies of those jurisdictions by proxy.

It is CPIA's view that the TRA's intent is better addressed at the Federal level through the Canadian Environmental Protection Act (CEPA), its related regulations, the National Pollutant Release Inventory (NPRI), the Chemicals Management Plan (CMP), and industry standards and practices such as the Chemistry Industry Association of Canada's Responsible Care® ethics and practice.

In fact, the TRA prescribes reporting criteria and processes that are duplicative or in conflict with such an informed approach to environmental, health and safety stewardship. Contrary to its intent, the additional regulatory burden imposed by the TRA encourages Ontario-based companies to locate to jurisdictions where environmental regulations are less stringent.

It is worth pointing out that Canada is recognized by its peers in Europe and the United States as a leader in its approach to the identification and regulation of toxic substances. In administering CEPA, Environment and Climate Change Canada and Health Canada actively consult with an industry consultation group that includes CPIA and over thirty other industry associations, councils and major employers in pursuing an evidence-based risk assessment and management process that identifies 3160 existing substances and is on track to complete its evaluation of another 1100 chemicals by March 31, 2021. In addition, CEPA regulators are continually evaluating risks of new substances and new scientific information on existing substances.

The Federal Government has been actively engaged in an update to CEPA post-2020, when its work on these 4300 chemical substances is complete. Industry resources are already being directed toward these consultations on the renewal of CEPA.

**Conclusion and Recommendation:**

Given this context, it is CPIA's position that there would be negligible environmental risk and much to gain by an orderly repeal of the TRA and its Regulations as soon as possible and well before December 2021.

If you have any questions or would like to discuss, please contact me.

Sincerely,



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