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Tracey Spack
Director, Plastics Regulatory Affairs Division

Erin Silsbe.
Director, Multilateral Affairs Division

Environment and Climate Change Canada
Gatineau, Québec
K1A 0H3
Email: plastiques-plastics@ec.gc.ca

Re: Plastic chemicals and the right-to-know principle are the key areas to be addressed for an effective Plastics Treaty

Health and Environment Justice Support (HEJSupport) and the Canadian Environmental Law Association (CELA) submit the following comments in advance of the fourth meeting of the Intergovernmental Negotiating Committee (INC 4) towards an international legally binding instrument on plastic pollution, including in the marine environment. We urge the Canadian government to take a strong position at these critical negotiations to ensure countries advance the mechanisms supporting clear transparency, traceability, and labelling requirements for chemicals in plastics.

Our comments below provide background on the need for greater transparency and traceability of information on toxic chemicals in plastics and their role in supporting a safe circular economy free from harmful chemicals.

Plastics are essentially chemical products. According to a scientific report released recently by the [PlastChem Project](#), more than 16,000 chemicals have been documented to be used in plastics, out of which more than 4200 were found hazardous. However, information about the remaining nearly 12,000 chemicals is not sufficient to prove whether these chemicals are harmless to humans and the environment. This points to the need for a strong transparency and traceability system for chemicals in the plastic value chains as a tool for information collection and informed decisions on policy measures, design and circularity considerations.

Prior to INC 4, some countries tried to develop criteria for chemicals to be included in the “negative list” of chemicals to be restricted and banned under the Plastics Treaty.

However, having such a list is insufficient to secure a circular economy free of harmful chemicals, and having plastic product design criteria is insufficient to ensure a safe circular economy.

What is needed is the traceability of such information in individual materials and products. First, we are unsure whether the initial list of harmful chemicals in plastics will include all 4,200 chemicals identified in the PlastChem report or 3,200 chemicals identified by [UNEP](#). Second, not all of these chemicals can be banned or restricted immediately because the industry claims that there are no good substitutes. Thus, if these chemicals are present in the plastic material's lifecycle, they must be tracked in individual plastic materials and products.

Also, already banned or severely restricted chemicals must be tracked as they continue recirculating in new products made with recycled materials. Currently, there is no globally harmonized approach to track these chemicals in products.

Countries should be reminded that there are no adequate recycling processes in place for most plastics and that the presence of and potential circulation of toxic chemicals in the plastics in recycling impacts the environment and the health of many underserved and frontline communities. Mechanisms to require transparency of chemical information and its traceability in individual materials and products are important elements for a safe circular economy for plastics.

Countries have successfully included legally binding transparency and traceability considerations in [the draft Plastics Treaty text](#). Chapter 13 includes these considerations.

However, other chapters of the treaty text that discuss chemicals, emissions, waste, or design should refer to Chapter 13. This will clearly show the link between transparency and traceability, circularity, chemical regulations, design criteria, and monitoring of plastic chemical emissions.

To inform and support its continued work at these negotiations, Canada has undertaken foundational work to promote the need for transparency in the value chain. It has also initiated a process to develop an inventory of plastic products. Furthermore, Canada's efforts under the [Science Assessment of Plastic Pollution Report](#) in 2020 are also foundational to its work on plastics, but must do further work to prioritize the investigation of all chemicals in plastics and their impacts on the environment, health and well-being of Canadians. Special consideration should be given to the impacts on vulnerable, underserved, and frontline communities in these processes.

During INC-4 and in the lead-up to INC 5, we urge Canada to prioritize the following work related to plastic chemicals and disclosure of their identity and hazard classes as applicable in plastics:

1. *The Canadian Government should confirm its dedication to finding solutions that meet the increasing public demand for easily accessible information on chemicals in consumer products. This includes enhancing ingredient disclosure to facilitate informed decisions, such as replacing toxic chemicals with safer alternatives. These efforts align with insights from [public consultations](#) on labelling requirements for various consumer products initiated in 2022.*
2. *To phase out chemicals of concern in plastic products, the Canadian government should participate in developing criteria to identify the initial list of chemicals of concern to be included in the Annex to the Plastics Treaty text. The criteria should be hazard-based in accordance with the [SAICM Chemicals in Products Programme](#) that prioritizes chemicals with inherent hazard properties for disclosure (see page 9, chemical scope), complemented by criteria for monomers, oligomers and polymers. A grouping approach based on structural similarities can also be applied to speed up regulation.*
3. *To phase out problematic, unnecessary, and avoidable plastic products, the Canadian government should participate in developing criteria to identify the initial list of products to be phased out in accordance with the global criteria identified by the [Nordic Council of Ministers](#). Criteria for identifying problematic, unnecessary and avoidable plastics must be globally harmonized to avoid multiple national standards and also double standards. The provisions must clearly state that substitutes for hazardous, problematic and avoidable plastics shall be free from harmful chemicals, identified based on globally harmonized criteria, not contain intentionally added microplastics, or generate microplastics. This, in turn, requires transparency, traceability and labelling of all plastic materials and products. Consequently, clear links to Chapter 13 must be made also in Chapter 3.*
4. *To ensure the effectiveness of the Plastics Treaty, the Canadian government should support the development of a mechanism that provides regular updates of the lists of chemicals and products to be regulated and eventually phased out and banned.*
5. *Emissions and releases of plastics throughout their life cycles should be addressed to protect vulnerable and underserved populations and frontline communities. Noting that plastic pollution encompasses chemical pollution, including the dispersion of plastic particles (such as microplastics), as well as the release of toxic substances during the production, use, and disposal or recovery of plastic materials, plastic emissions are not just physical pollution but also chemical.*
6. *The Canadian government should support the inclusion of globally harmonized, effective, and transparent reporting on plastic pollution through pollutant release and transfer registers (PRTR) for plastic emissions in accordance with [UNEP's recommendations](#). Plastic chemicals, including groups of chemicals such as PFAS, POPs, heavy metals, VOCs, and bisphenols, should be reported.*

HEJSupport and CELA welcome an opportunity to meet with you to discuss the government's position at these negotiations and further measures the government can

take to address toxic chemicals in plastics, ensure the public right to know and protect human health in national and global policies to address plastics pollution.

Thank you for considering our commentary and recommendations.

Yours truly,

**HEALTH AND ENVIRONMENT
JUSTICE SUPPORT**



Olga Speranskaya, PhD
Co-Director
olga.speranskaya@hej-support.org

Alexandra Caterbow
Co-Director
Alexandra.caterbow@hej-support.org



**CANADIAN ENVIRONMENTAL
LAW ASSOCIATION**



Fe de Leon, MPH
Senior Researcher and Paralegal
deleonf@cela.ca