

May 13, 2020

The Honorable Jonathan Wilkinson
Minister
Environment and Climate Change Canada
200, Sacré-Coeur Blvd, 2nd Floor
Gatineau, Quebec K1A 0H3
Canada

Original: transmission by email to Jonathan.Wilkinson@canada.ca

Dear Minister Wilkinson:

Re: Canada's withdrawal of exemption for recycling articles with flame retardants under the Stockholm Convention on Persistent Organic Pollutants

Our organizations, the Canadian Environmental Law Association (CELA) and Health and Environment Justice Support (HEJSupport), wish to congratulate Canada's decision to withdraw its need for specific exemption under Parts IV and V of Annex A of the Stockholm Convention for four polybrominated diphenyl ethers (PBDEs) : tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether effective February 11, 2020.

We welcome Canada's decision. It will have global significance as it addresses the concerns outlined in our letter dated April 16, 2019 with the specific exemptions that allow the recycling of articles that contain or may contain these PBDEs under the Stockholm Convention on POPs. Canada's decision is made well in advance of the expiration date outlined under the Stockholm Convention for 2030.

We urge Canada to use this opportunity leading to the next Conference of the Parties to share its experience and provide necessary support to those Parties that still maintain a need for this exemption.

The impacts of PBDEs to health and the environment will continue to be of global concern with several Parties to the Stockholm Convention that have not withdrawn their need for the exemption. In our April 2019 letter, we noted that "The principal consequence of the recycling exemption is contamination of products made of recycled plastic or foam with toxic chemicals. The flame retardant substances at issue resemble PCBs and are known to disrupt human hormone systems, adversely impacting the development of the nervous system and children's intelligence." The global NGO community highlighted studies from 2019 showing the presence of POPs in a wide range of products including children's toys. We emphasized that withdrawing the need for specific exemptions "will contribute to the achieving the ultimate goal of elimination under the Convention for these POPs." Canada is well positioned to provide assistance to other Parties in these efforts.

Finally, we would like to ensure that Canada's decision is implemented effectively at the domestic level. To achieve this outcome, we expect your department to review and amend existing regulations on these PBDEs regulated under the Canadian Environmental Protection Act to prohibit recycling of articles containing these POPs.

Thank you for your consideration. We look forward to your response.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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c.c. Gwen Goodier, Director General, Environment and Climate Change Canada; Ms. Lorraine Anderson, First Secretary, Permanent Mission of Canada,