

United States Senate

December 7, 2020

The Honorable Robert Lighthizer
United States Trade Representative
Executive Office of the President
600 17th Street, NW
Washington, DC 20508

The Honorable Mary Ng, P.C., M.P.
Minister of Small Business, Export
Promotion, and International Trade
125 Sussex Drive
Ottawa, ON K1A 0G2, Canada

Dear Ambassador Lighthizer and Minister Ng:

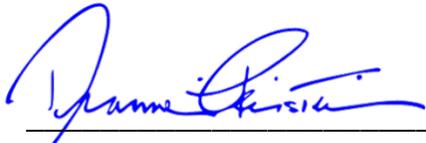
We write in support of Canada's effort to ban single-use plastics, and we believe that such a ban is fully consistent with the U.S.-Mexico-Canada Agreement (USMCA).

We believe that the September 21, 2020, letter from a coalition of U.S. industry groups to Trade Minister Ng that expressed opposition to Canada's efforts to ban single-use plastics is incorrect in several important respects. Much of the industry letter's arguments rest on the claim that a single-use plastics ban would not be based on sound science. In fact, the science clearly shows the detrimental impact of single-use plastics. An estimated 11 million metric tons of plastic waste enters the oceans each year. A new Oceana study estimates that 90% of marine mammals and sea turtles in cases examined had consumed plastics. The excessive presence of plastic waste damages the health of the environment and results in microplastics entering the food chain and ultimately being consumed by humans. And since global plastic pollution is expected to triple by 2050, these problems will only grow worse.

Moreover, the United States, Canada, and Mexico must have the ability to pursue policies that are in the public interest, and the ability to do so is explicitly provided for in the U.S.-Mexico-Canada Agreement (USMCA). For example, Article 28.2 of USMCA states that promoting regulatory quality can contribute "to each Party's ability to achieve its public policy objectives (including health, safety, and environmental goals) at the level of protection it considers appropriate." Article 24.12 of the agreement specifically states that the member countries will take action to prevent and reduce plastic and microplastic litter in marine settings. Further, Article 24.4 states that each member country may exercise discretion with respect to environmental regulatory matters. And while Article 24.2 states that an environmental policy may not be a "disguised restriction on trade or investment," there is no indication that is applicable in this situation.

The science on the harmfulness of single-use plastics is clear. If the Canadian government reasonably decides to take action to limit such plastics, we believe it is well within its rights to do so under USMCA.

Sincerely,



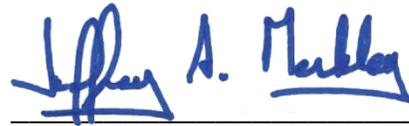
Dianne Feinstein
Dianne Feinstein
United States Senator

/s/ Patrick Leahy

Patrick Leahy
Patrick Leahy
United States Senator



Richard Blumenthal
Richard Blumenthal
United States Senator



Jeffrey A. Merkley
Jeffrey A. Merkley
United States Senator



Richard J. Durbin
Richard J. Durbin
United States Senator

/s/ Martin Heinrich

Martin Heinrich
Martin Heinrich
United States Senator



Tammy Baldwin
Tammy Baldwin
United States Senator