

# **RCEN Toxics Caucus Annual Report 2009-2010**

## **April 2010**

### **Caucus Chair:**

Anna Tilman, STORM Coalition, ON

### **Steering Committee Members:**

David Boehm, Friends of Cathedral Grove, BC

Sandra Boswell, The Allergy & Environmental Illness Group, PEI

John Jackson, Citizens Network on Waste Management, ON

Sandra Madray, Chemical Sensitivities Manitoba, MB

Rohini Peris, The Allergy and Environmental Health Association of Quebec, QC

Mary Richardson, Crooked Creek Conservancy Society of Athabasca, AB

Julie Sommerfreund, Pollution Probe, ON

Dave Stevens, Community Health Opposition to Known Emissions Dangers (CHOKED), BC

The [Toxics Caucus](#) Steering Committee (SC) for this term was established in June 2009, after elections were held in May 2009. The SC held teleconferences on April 22, May 28, September 1, December 3, 2008 and on March 18, 2010. Approximately 17 Caucus members were able to attend the RCEN AGA in June 2009. At this face-to-face national caucus meeting, Toxics Caucus members reviewed and discussed some of the key working issues for this fiscal year.

### **Consultations:**

Caucus members participated in the following consultations. All consultations are with Environment Canada unless otherwise indicated. For more information on a given consultation, please follow the link to the relevant consultations page on the RCEN website.

1. [Methyl Bromide Critical Use Advisory Committee](#): (under the Montreal Protocol): Anna Tilman of STORM Coalition participated in this multi-stakeholder Committee. The Committee met by teleconference on October 14, 2009 to advise and evaluate applications regarding the use of methyl bromide. The recommendations concerning the applications will be forwarded to Environment Canada.
2. [NGO Advisory Committee to the RCEN-ED Chemicals Management Plan NGO Capacity Building project](#): In 2007, RCEN selected two ENGO delegates (Anna Tilman and Fe de Leon) plus an alternate (Mary Richardson) to serve on a national Non-Government Organization (NGO) Advisory Committee to the RCEN-ED Chemicals Management Plan NGO Capacity Building project. For the fiscal year of 2009-10, the AC included representatives from five ENGOs (Anna Tilman, Mary Richardson, Fe de Leon, Sandra Madray, Julie Sommerfreund), two labor groups (Pat Van Horne and Andrea Peart), three health groups (Claire Checkland, Warren Foster, and Gordon Albright) and two aboriginal groups (Soha Kneen and Don Sharp). The AC establishes common priorities and collaborative workplans for civil society activities and responses in relation to the CMP Challenge Program. These priorities and workplans inform the work of the Technical Experts for the Capacity Building Project, as well as that of individual NGOs.
3. [Environment Canada and Health Canada's Stakeholder Advisory Council for the Chemicals Management Plan](#): Fe de Leon of CELA and Mary Richardson of Crooked Creek Conservancy Society of Athabasca are delegates to this multi-stakeholder Council which focuses on the program implementation of the CMP. Janelle Witzel of Environmental Defence was also directly invited by Environment Canada to sit as a member on the Council. The Council met 3 times this fiscal year: June 18 and October 2, 2009, and January 29, 2010.

4. **Environmental Assessment Working Group (EAWG) and Subcommittees for substances regulated under the Food and Drug Act - recommendations for revised Environmental Assessment Regulations:** Members (Kapil Khatter, Sandra Madray, Maureen Carter-Whitney and Gail Krantzberg) of the Working Group attended EAWG meetings in Ottawa on July 2009 and October 2009. In July, 2009, Maureen Carter-Whitney, Sandra Madray and Kapil Khatter participated in a bilateral teleconference with Health Canada to discuss direct human health assessment and cosmetics. Also in July, 2009, Maria Castro and Sandra Madray attended an EAWG workshop on risk assessment. At the October meeting, the EAWG decided to restructure the existing Subcommittees into "biologically active" substances - (Subcommittee #1), and "not designed to be biologically active" substances - (Subcommittee #2) with the intent to streamline the process and avoid duplication of work. Subcommittee 1 continued their work on active ingredients and Subcommittee 2 was revamped to include representation from foods, natural health products, pharmaceuticals, cosmetics and personal care products. Maria Castro and Sandra Madray continued work on the In Commerce List (ICL) Committee. All EAWG delegate members continue to be actively involved in subcommittee work and well as participating in working groups of the subcommittees. Subcommittees 1 and 2 are expected to complete their work by June 2010 and the ICL committee, by the spring of 2011.
5. **National Pollutant Release Inventory (NPRI) Work Group:** Anna Tilman, John Jackson, Olga Schwartzkopf, Anne Mitchell, and James White sit on the NPRI WG. The WG met by teleconference on May 5, July 14 & 16, November 18, 2009. An in-person meeting was planned for February 2010, but was delayed by the NPRI office until Fall 2010. The main achievement on this file during this year was the court decision requiring the mining industry to report their discharges to tailings ponds and rock piles. The NPRI WG made input into the development of the Gazette Notice to implement this court case.
6. **Pest Management Advisory Council:** In October 2007, Sandra Madray (Chemical Sensitivities Manitoba) was accepted for a one year (not a two year term) with Health Canada's Pest Management Advisory Council (PMAC). PMAC reports directly to the Minister and gives advice to the Pest Management Regulatory Agency (PMRA). Sandra attended the PMAC meeting in Ottawa May 22-23, 2008. There has been a lengthy delay in re-electing Sandra and her alternate, Susan Sang (York Region Environmental Alliance) to the PMAC. PMAC meetings scheduled for 2009 were cancelled and there has been no official update on re-instatement or upcoming PMAC meetings.
7. **Technical Expert Group on screening assessments of living organisms on the Domestic Substances List (TEG):** Maria Castro, Beyond Factory Farming, has been participating as the ENGO member in this Technical Expert Group since its inception in May 2007. She participated in two teleconferences in April and October of 2009. The screening assessment is a scientific evaluation of whether a living organism on the DSL is entering or may enter the environment in a quantity, concentration or under conditions that may become harmful to human health or the environment. The Technical Expert Group (TEG) advises the NSP on the Screening Assessment Project to ensure that the proposed process, intended outcomes and guideline documents are scientifically sound and transparent. Prioritization of the 45 organisms listed on the DSL and a pilot Screening Assessment of one organism have been completed. The TEG is expected to continue its work until at least 2012. More information about the process is available on the [EC website](#).
8. **Stakeholder Information Session on Risk Assessments/Management under the Chemicals Management Plan – Workshop:** The RCEN's two selected ENGO delegates (Anna Tilman and Sandra Madray) attended a multi-stakeholder workshop (including health and environmental NGOs, industry, Environment Canada, and Health Canada representatives) in Ottawa in April 2009. This full one-day workshop allowed EC and HC to present and discuss with participants, processes and approaches to risk assessment and the basis for conclusions under the Chemical Management Plan (CMP), Industry Challenge

Program. In October 2009, the same two RCEN delegates attended a multi-stakeholder workshop on Risk Management.

9. **Stockholm Convention COP4 – ENGO position on Canadian Delegation:** Since 1998, RCEN has undertaken to identify an ENGO member to participate on the Canadian delegation participating in the intergovernmental negotiation sessions (INC 1-7) towards an global treaty on persistent organic pollutants (POPs). These negotiations resulted in the successful signing in 2001 and ratification of the Stockholm Convention on POPs in 2004. The RCEN continues to play a role to identify an ENGO to participate on the Canadian delegation for the implementation of the Stockholm Convention. In 2009-10, the RCEN was invited by Environment Canada to select one ENGO delegate to participate on the Canadian Delegation to the Fourth Conference of the Parties for the Stockholm Convention (COP4). Fe de Leon (Canadian Environmental Law Association) participated in COP4 in Geneva, Switzerland from May 4-8, 2009. The COP 4 marked the first opportunity for Parties to the Convention to consider the addition of nine POPs for elimination under the Stockholm Convention. COP4 also focused on a number of business and technical issues related to the successful implementation of the Stockholm Convention, including:
- synergies among several multilateral environmental agreements on toxic management including the Stockholm Convention on POPs, the Basel Convention on Trans-boundary Movement of Hazardous Waste and the Rotterdam Convention on Prior Informed Consent;
  - effectiveness evaluation of the Stockholm Convention;
  - on-going consideration of additional POPs to the Stockholm Convention through the work of the POPs Review Committee;
  - technical and financial assistance for developing countries and countries in economic transition; and,
  - establishing a non-compliance mechanism.

COP4 resulted in amendments to the Stockholm Convention, including the addition of nine POPs.

The Fifth Conference of the Parties is scheduled for 2011. Inter-sessional work for implementation of the Stockholm Convention is underway. Certain Parties to the Stockholm Convention, including Canada must submit ratification package before the amendments to the Convention apply. Canadian NGOs will be monitoring and responding to the status of Canada's efforts on this file.

10. **Forest Sector Sustainability Table (FSST) Water Working Group:** Delores Broten, Reach for Unbleached, attended two meetings (in March and February 2009) of the Water Working Group. The Water Working Group is called by Environment Canada to gather advice on water issues for the pulp and paper industry, specifically in relation to endocrine disruptors in effluent, but also other water issues. Members include industry, scientists, government and ENGOS. Currently industry is trying to get amendments to the fish test under the Fisheries Act and a webinar will be held to brief ENGOS sometime in 2010.
11. **Environment Canada Workshop on Canada's Engagement in the United Nations Environment Programme (UNEP) Global Mercury Partnership:** Four ENGO delegates were selected to attend the Environment Canada Workshop on Canada's Engagement in the United Nations Environment Programme (UNEP) Global Mercury Partnership in person (Fe de Leon, Anna Tilman, Kapil Khatter, Julie Sommerfreund) and five ENGO delegates were selected to participate by teleconference (Sandra Madray, Sandra Boswell, John Werring, Daniel Green, David Boehm). The purpose of the workshop was to inform stakeholders of the international efforts on mercury, specifically the UNEP Mercury Partnership Program. Stakeholders included ENGOS, industry representatives and other government departments. During the workshop EC asked participants to help identify priority actions for the Government of Canada.

12. **Bisphenol A (CAS 80-05-7) Proposed Regulations Consultation:** Five ENGO delegates were invited to participate in a one-day Environment Canada (EC) consultation to discuss the proposed regulatory provisions to limit the concentration of Bisphenol A (BPA) released from industrial final effluent. Delegates participated in an open-forum discussion related to BPA use and regulation in Canada. Information from this discussion will be considered in drafting regulations. This consultation took place in Toronto, ON, on November 27, 2009.
13. **NSNR (New Substances Notification Regulations - Organisms):** Anna Tilman, Maria de Castro - ENGO representatives on the Scientific Expert Group (SEG) of the New Substances Program attended a meeting held 10 - 11 December, 2009 in Gatineau on "ENHANCING THE SCIENTIFIC BASIS for REGULATORY AMENDMENTS to the NSNR(O)". The meeting was designed to provide discussion and advice on recommendations to the New Substances Program. The Proceedings will be made available to participants of a broader multi-stakeholder workshop planned in the spring/summer of March 2010.
14. **Consultation on Pollution Prevention Planning Notice in respect to Toluene Diisocyanates (TDI):** Two RCEN ENGOs (Mary Richardson and Fe de Leon) were invited to participate in a 1-day consultation to discuss the development of the proposed Pollution Prevention Planning Notice for the Urethane and Miscellaneous Foam Sector (excluding Polystyrene), with focus on Toluene Diisocyanates (TDI). The meeting, on March 22, 2010 in Ottawa, ON, focused on key elements that will be considered in the development of a proposed Pollution Prevention Planning instrument and on technical requirements that persons subject to the Notice will need to consider when developing and implementing their pollution prevention plans.

### **Working Issues:**

In addition to work on consultations with government, the members of the Toxics Caucus were actively involved in, and considered of priority, the following two primary working issues for this fiscal year.

### **International Chemicals Management**

- **Persistent Organic Pollutants (POPs):** In April 2009, two meetings were held by EC to both debrief ENGOs in regards to the meetings in Geneva (March 4-8, 2009) and to provide a forum for discussion on Canada's position and implementation for POPs.
- **Sound Management of Chemicals Working Group (SMOC):** Several RCEN ENGOs participated in the April 2009 Stakeholder Meeting of the Sound Management of Chemicals Working Group. The work of ENGOs leading up to and after this conference is complimentary to the work being completed both independently and through the Toxics Caucus on international chemicals management. This was not held through an official consultation/delegate selection with the RCEN. RCEN members who participated in this meeting hosted by the Commission on Environmental Cooperation in San Antonio, Texas on April 1-2, 2009, include: Anna Tilman, John Jackson, Sandra Madray and Gabrielle Kretschmar. Note: This Conference was reported on in last year's annual report.
- **Bisphenol A (BPA):** Several members of the Toxics Caucus are in communications with Health Canada regarding active ENGO participation in the International BPA Science Forum to be held in Canada in September 2010.
- **Mercury:** In the Fall of 2009, EC held two stakeholder meetings on the upcoming International Negotiation Committee for a legally binding instrument on mercury. The meetings were held in advance and following the Open Ended Working Group meeting (October 2009, Thailand). Several RCEN ENGOs participated in the EC meetings. The work leading up to the meetings and subsequently has been completed both independently and through the Toxics Caucus. It has anticipated that this work will expand leading up to the first INC negotiation meeting (June 2010). One RCEN ENGO (Julie Sommerfreund) participated in the OEWG meeting in Thailand.

- **Pollutant Release and Transfer Registries (PRTR) Meeting of Commission for Environmental Cooperation under NAFTA:** On November 10 and 11, 2009, Anna Tilman and John Jackson attended this consultation meeting in Mexico. The purpose of the meeting was to make input into the CEC's workplan on PRTRs for the coming year and into their annual *Taking Stock* report.

### **Chemicals Management Plan**

The members of the Toxics caucus are extremely active on many aspects of the Health and Environment Canada Chemicals Management Plan. In 2009-10, RCEN members actively participated in the following pieces of the CMP through their work.

- **CMP Capacity Building Project:** Many Toxics Caucus members participate on the Steering Committee of the RCEN's CMP Capacity Building Project; more still in the CMP generally, through the Project. There is ongoing reporting to and from the CMP Project Advisory Committee and the Toxics Caucus & its Steering Committee.
- **Government CMP Stakeholder Advisory Council:** Two RCEN delegates sit as members on the Health & Environment Canada CMP Stakeholder Advisory Council. There is regular reporting back to the CMP Project Advisory Committee through to the Toxics Caucus & Steering Committee.
- **CMP related activities:** This year, Environment Canada held specific consultations on a number of chemicals declared CEPA toxic under the CMP Program (e.g. BPA, Toluene Diisocyanates) as well as workshops to help raise awareness on some of the more technical aspects of the CMP Program (e.g. Risk Assessment, Risk Management, and Domestic Substances List Inventory Updates). Members of the Toxics Caucus participated in these consultations and workshops.

### **Cross-Caucus Activities**

There are several activities and consultations that the Toxic Caucus addresses in collaboration with, and/or cross-over with the Atmosphere & Energy Caucus. These include the following activities/consultations that are reported on in the A&E Caucus Annual Report 2009-2010:

- [Volatile Organic Compounds](#)
- Nuclear Issues Working Group