

**Parliamentary Review Process – Canadian Environmental Protection Act (CEPA 1999)
ENGO Delegation to the Parliamentary Review of CEPA 1999
October 2005**

Summary

- The *Canadian Environmental Protection Act* (CEPA 1999) includes a mandatory provision for a review of the Act's performance, five years after becoming law (2005). The review process consists of four distinct phases (described below).
- A parliamentary review process provides stakeholders and governments with the opportunity to have input on and to determine if the federal Act (Law) is working, and what, if anything, is necessary to improve the Act's performance.
- The CEPA 1999 provides a foundation for pollution prevention efforts to protect the environment and human health; however, pollution in many forms continues to increase in Canada.
- The CEPA review process is an opportunity to improve the Act.
- An environmental non-governmental organization (ENGO) delegation, selected by and coordinated through the Canadian Environmental Network (CEN), has taken an active role throughout the pre-Parliamentary Review process (Phase 1, April 2004 – present), and has identified five main issues for improving the CEPA 1999. The issues are; pollution prevention; the precautionary principle; international agreements; the assessment of substances and toxics management; and, enforcement.
- Phase 2 of the process, the "Review of Act by a Parliamentary Committee", is an analysis and determination by a House of Commons Committee on the CEPA 1999 issues that need to be reviewed (a 'scoping' exercise), and then the Committee's one-year review of the Act begins.
- Phase 2 is crucial, as it will form the basis for what, if any, changes to the CEPA 1999 are deemed necessary to protect the environment and human health.

Background

- Section 343 of CEPA, states that the Act must be reviewed by a parliamentary committee every five years after the Act comes into force. On April 5, 2005, a motion was passed in the House of Commons giving the Standing Committee on Environment and Sustainable Development the responsibility for the review of CEPA 1999.
- There are four phases to the CEPA 1999 review, consisting of:
[Phase 1 - Preparations for Parliamentary Review 2004-2005](#)
[Phase 2 - Review of Act by Parliamentary Committee current-2006](#)
[Phase 3 - Government response](#) the Parliamentary Committee presents their report with recommendations (one year after commencement of Review, an extension may be requested by the Committee), then the Government Response to the Committee Report is prepared (within 120 calendar days of Committee Report) **2007**
[Phase 4 - Bill phase](#) if the government decides to revise the Bill **2007-2008**.

Considerations

- **Phase 1** consisted of a consultation between Environment Canada/Health Canada (the Departments) and affected stakeholders (public and industry interests), various levels of government, and an independent evaluation of the Departments' performance relating to CEPA issues. The Departments then provided the Phase 1 exercise results to their respective Ministers as their advice on how CEPA 1999 is working, or not.

- It is believed that the Departments consider it is too soon to form a comprehensive evaluation on CEPA 1999 effectiveness, that in general the Act is working, and that any changes to improve the Act can be managed administratively – thus revisions to the Act itself may not be necessary at this time. ENGOs do not share this view.
- **Phase 2** provides stakeholders with opportunities to present their views on CEPA 1999 via letters, briefs and presentations to the Members of Parliament (MPs) on the Committee. The issues raised will guide the MPs' determination of the scope and direction for the one-year review of CEPA 1999, and the Committee's subsequent report and recommendations to Parliament. Phase 2 may also include consideration of previous Committee reviews, reports and recommendations for CEPA, the Departments' evaluation and the Ministers' views on the CEPA issues.
- **Phases 3 and 4** will be based on Phases 1 and 2, with ENGOs, other stakeholders (health, aboriginal communities, etc.) and the general public responding to reports provided at each stage of the Parliamentary review process.
- **The current Minority government** status provides a rare opportunity for the public to effect improvements to Canada's principal environmental protection legislation, especially given the certainty of an upcoming election. Although Phase 2 is not expected to be completed before the next election, the next Parliament and Committee are expected to reference the current Committee's efforts on the CEPA 1999 review.

Recommendations

Strong participation and representation from the public to the parliamentary committee is crucial during the Phase 2 review period, particularly since CEPA 1999 is under attack from many quarters. The CEPA issues raised will be a point of interest from several stakeholders during and after the election.

ENGO background documents, fact sheets and committee correspondence on CEPA issues have been prepared to provide guidance in preparation for the committee hearings, and can be found at the CEN website. To contact ENGOs on this file, the web site has regional contacts.

http://www.cen-rce.org/eng/consultations/delegate_calls/05_1_cepa.html.

Communications to the Committee can be directed via the Clerk, who can be reached at:

<http://www.parl.gc.ca/committee/CommitteeList.aspx?Lang=1&PARLSES=381&JNT=0&SELD=CONTACT&COM=8976>

CEPA 1999 issues can also be directed to individual MPs on the Committee:

http://www.parl.gc.ca/committee/CommitteeList.aspx?Lang=1&PARLSES=381&JNT=0&SELD=e18_&COM=8976

We encourage the public to also contact their MP, to ask both the MP's views on environmental issues and to present our issues in CEPA Review. Contacts are found at:

<http://www.parl.gc.ca/common/index.asp?Language=E>

The Government CEPA Review documents, background and considerations are at:

<http://www.ec.gc.ca/CEPARegistry/review/default.cfm>