



Association pour la santé environnementale,
les hypersensibilités et les allergies du Québec

Allergy and Environmental Health Association of Quebec

REVIEW OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA 99)

SUBMITTED TO

**HOUSE OF COMMONS STANDING COMMITTEE ON
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

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Rohini Peris
President
Allergy and Environmental Health Association of
Quebec (AEHAQ)
6 Trianon
Dollard-des-Ormeaux
Québec H9A 2H8

Tel : (514) 683-5701
Fax : (514) 683-2468
aehaq@aeha-quebec.ca
www.aeha-quebec.ca

Allergy and Environmental Health Association of Quebec
6 Trianon, Dollard-des-Ormeaux, Québec H9A 2H8
Tel : (514) 683-5701 : Fax : (514) 683-2468
aehaq@aeha-quebec.ca
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Mr. Bob Mills, Chair
House of Commons Standing Committee on
Environment and Sustainable Development

Members of the Standing Committee on
Environment and Sustainable Development
House of Commons
Ottawa, Ontario K1A 0A6

To the Chair and Members of the Committee:

RE: The Parliamentary Review of the *Canadian Environmental Protection Act (CEPA 1999)*

Introduction

The Allergy and Environmental Health Association of Quebec (AEHAQ) expresses thanks to the Chair and the Committee for the occasion to provide public comment on Parliament's Legislative Review of the Canadian Environmental Protection Act (CEPA 1999).

AEHAQ is a non-profit organization, created to secure the facilities and services needed to enhance the lives of people suffering from environmental sensitivities. It is the first non-profit group in the Province of Quebec whose mission is to support people who suffer from intolerance to commonly encountered environmental exposures and to raise awareness on issues surrounding environmental sensitivities (ES) or Multiple Chemical Sensitivities (MCS). For the purpose of simplicity, we shall refer to this as ES.

ES and its impact

Environmental sensitivities

Some people may be genetically more susceptible to adverse effects from exposure to relatively low levels of environmental chemicals¹.

Evidence has also been forthcoming about how exposure to Volatile Organic Compounds (VOCs) can increase the release of the biochemical mediators of sensitivity responses².

Due to an increasingly contaminated environment, the number of people with environmental sensitivities is steadily increasing. According to a study published in the peer-reviewed journal *Environmental Health Perspectives (EHP)*, 12.6% of the population suffers from MCS, a condition in which they experience adverse reactions when exposed to low concentrations of chemicals or

¹ <http://www.aeha-quebec.ca/pdf/MCSgenotypesIJE.pdf>

² <http://www.aeha-quebec.ca/pdf/MCS%20-%20volatile%20cpds.pdf>



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irritants.³ Of these, 13.7% (or 1.8% of the population) are affected severely enough to lose their jobs. EHP is the journal of the National Institute of Environmental Health Sciences, part of the U.S. Department of Health and Human Services.

Environmental exposures (chemicals, petrochemicals, pesticides, moulds, heavy metals, etc.) trigger multi-system symptoms in those with ES or other environmentally related illnesses (chronic fatigue syndrome, fibromyalgia, arthritis, migraines, sinusitis, asthma, etc). ES is a chronic multi-system disorder that can lead to disability.⁴ ES can occur when people become sensitive to substances or phenomena in their everyday environment at levels well below what would be considered to be acceptable to "normal" people. Sensitivity reactions can be triggered by scented products, cleaning products, laundry detergents, paints, petrochemicals, cigarette smoke, pesticides, pets, plants, fuels, electromagnetic radiation, moulds, foods, etc.

According to the Environmental Health Clinic in Nova Scotia,⁵ "Ill health associated with the environment is a critical public health problem and of growing concern throughout Canada and the rest of the world. Some people who experience intense, ongoing or cumulative, low level exposure to one or more chemicals or irritants become sensitive to them. People with ES often become ill and develop a range of disorders marked by debilitating symptoms affecting multiple organ systems. Frequency and/or severity of these symptoms are made worse by subsequent exposures, even at very low doses to a wider range of chemicals and irritants."

"Possible symptoms include:

- Central nervous system - fatigue, tension, headaches, confusion, memory loss, depression, hyperactivity, sleep disturbances, dizziness
- Gastrointestinal - bloating, nausea, constipation, cramps, diarrhea
- Genitourinary - frequency, incontinence
- Skin - eczema, flushing, rashes, hives
- Musculoskeletal - muscles spasms, joint pain, backaches, swollen limbs
- Respiratory - frequent colds, bronchitis, asthma, shortness of breath
- Cardiovascular - rapid heartbeat, irregular heartbeat, hypertension, migraines
- Ear, eye, nose, throat - nasal stuffiness, earaches, watery eyes, sinus infection, congestion."⁵

³ <http://ehp.niehs.nih.gov/press/12pop.html>

⁴ http://www.chrc-ccdp.ca/discrimination/barrier_free-en.asp?highlight

⁵ <http://www.cdha.nshealth.ca/facilities/nsehc/index.html>



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The impact of environmental sensitivities

The effect of environmental sensitivities can be overwhelming.

Productive people suddenly or gradually become unable to tolerate offices, homes, schools, hospitals and public places.

Many people with sensitivities lose their jobs if they are not provided with the accommodations they need to work productively. Some become homeless.

All too often, retirement savings are depleted and debts are incurred in an attempt to create safe living conditions and to fund the cost of treatment.

Sadly, despite skills and education, more often than not they eventually find themselves living on social assistance.

Many become socially isolated as they are forced to retreat from places and activities they love.

However, we know that individuals with sensitivities improve significantly once they find a safe (toxin-free) environment in which to live and work.

According to a study headed by the Canada Mortgage and Housing Corporation (CMHC), 86% of people with environmental sensitivities improved significantly after access to adequate housing⁶. Some, who had a bleak prognosis, almost completely recovered.

Body Burden

Pesticides and other chemicals, which pervade our environment, are alien and destructive to our bodies. By mimicking hormones they may disrupt normal metabolic processes, and trigger tumour development and other diseases. They may be stored for years in fatty tissue and contaminate breast milk. These chemicals damage reproductive and neurological processes such as learning, intelligence and mood stability.

No records of this contamination have been kept - no records of the production or importation of chemicals, of distribution, or of body burden.

The long term effects of these exposures and of the combinations of these chemicals in our bodies, which can vastly multiply the toxicity of individual chemicals (synergism) are only partially understood. Studies done on synergism at very low levels show that the magnified effects should be a matter of grave public concern.⁷

⁶ “Survey of the medical impact on environmentally hypersensitive people and change in habitat”, Stephen R. Barron, MD. CCFP, CMHC Project Manager, Peter Russell, P.eng.

Le Dilemme De L’Hypersensible: Que Faire?, Août / Septembre 1996, La Maison du 21^e siècle

⁷ <http://www.dukemednews.org/news/article.php?id=797>

<http://www.dukemednews.org/news/article.php?id=5500>



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Adequate scientific evidence exists for an association between exposures to chemical mixtures and unforeseen effects, including unexpected organ deterioration. At times, the effects are far greater than expected, particularly adverse effects observed from exposure to mixtures of chemicals at low levels, but not to individual chemicals, have been observed. This is relevant to ES cases⁸ and to certain cancer clusters.⁹

Laboratory testing conducted by the Centers for Disease Control and Prevention (CDC) on over nine thousand people in the USA revealed that all the tested subjects had a body burden of chemicals and pesticides. The highest levels were found in little children.¹⁰ Subsequent testing on a smaller scale across Canada by Environmental Defence has yielded disturbing results.¹¹

Since many of the chemicals and pesticides found in the test subjects have been linked to serious short and long-term health effects including infertility, birth defects, immune system damage, and childhood and adult cancers – **it is imperative that only alternatives to pesticides as well as only chemicals proven to be safe for our most vulnerable segments of the population be approved and allowed for use in Canada.**

A substantial body burden has been found in chemically sensitive patients.¹²

It is essential that ES sufferers be recognized and included as a vulnerable segment of our society.

<http://www.dukemednews.org/news/article.php?id=7496>

⁸ Zelinger, H.I. 2003. Toxic Effects of Chemical Mixtures. *Archives of Environmental Health* 58 (1) :23-29.

⁹ Zelinger, H.I. 2004. Unexplained Cancer Clusters: Common Threads. *Archives of Environmental Health* 59(4): 172-176.

¹⁰ <http://www.panna.org/campaigns/docs/Trespass/chemicalTrespass2004.dv.html>

¹¹ <http://www.environmentaldefence.ca/protecting/toxicnation.htm>

¹² Considerations for the Diagnosis of Chemical Sensitivity, William J. Rea, Alfred R. Johnson, Gerald H. Ross, Joel R. Butler, Ervin J. Fenyves, Bertie Griffiths, John Laseter



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Summary

The *Canadian Environmental Protection Act* (CEPA 1999) is Canada's key federal legislation whose function is the protection of human health and the environment. Especially due to recent body burden testing, scientific data on the hazards of toxic products, and information on the safe alternatives to toxic products, Canadians are more acutely aware of the adverse health effects of some of the ingredients in everyday consumer products and of the ability of some of the chemicals present in them to pass through and build up in the human body. No doubt, Canadians look forward to responsible, strong and timely initiatives to decrease and eliminate exposure to toxic substances.

To live in good health, people need clean water to drink, clean air to breathe, clean land for safe living and food and adequate, strong, responsible regulations to eliminate toxic chemicals/products so that our living space is a safe and healthy environment. Even more important, is the necessity to leave a safe environment for our children and future generations.

CEPA is pivotal in ensuring that products allowed for use in Canada are safe and do not compromise human health by polluting our basic needs for life, i.e., our water, air and earth, with chemicals that are toxic, persistent and gender bending.

To be effective, CEPA needs to be strengthened and must direct strong regulations towards eliminating toxic chemicals from consumer products.

Recommendations to Committee

While supporting every proposal to strengthen CEPA made by ENGOS, AEHAQ makes the following recommendations, especially with regard to ES/MCS:

The implementation of the Precautionary Principle in CEPA – safe alternatives

The Precautionary Principle must be enshrined in every part of the Act so that Canadians are protected from toxic exposures in the home, workplace, community and all inside and outside environments.

The most important part of treatment for ES is avoidance of chemicals and other factors that contribute to the worsening of ES. As mentioned previously (pg 2 & 3, Environmental Sensitivities) 12.6% of the population suffers from sensitivities and 1.8% are affected severely enough to lose their jobs. Between four million and half a million people practice avoidance in order to better their health. This includes the use of non-toxic cleaning and personal care products, non-toxic construction and renovation materials and the use of less to non-toxic chemicals for all their daily requirements. There are several companies that make ecologically sound products that are used to clean homes, for personal and beauty products, etc. This health benefit must be extended to all Canadians.

CEPA must set standards for ecological products, just as standards are set for organic farming or ecological pest control. Today with such products becoming more in demand, it has been observed that questionable chemicals are used under the guise of 'ecological.'



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The timelines to remove toxic chemicals from the shelves are far too long – especially when human health and the environment are at stake. All companies can be given up to a year to manufacture only non-toxic products. Testing of products to show safety is the responsibility of the manufacturer, who must have or have access to state-of-the-art laboratories, and must also be completed within one year. To eliminate doubt as to the veracity of the results, they should be verified and authenticated by an independent laboratory. These tests must cover all aspects of toxicity, including synergism. The results should be handed in as they are completed and if there is any danger to human or animal health or to the environment, the product must be removed from the shelf without any delay.

The practice of allowing a product on the shelf even after its danger has been established must be banned under CEPA. There can be no link between the mandate of CEPA and any financial interests or concern for the corporate dollar. Decisions to act in the interest of the population in a timely manner must never depend on economic interests. A case in point that this can be achieved is the recent overnight removal of spinach from Canadian shelves due to the risk of harm. This shows that such a policy can be implemented and carried out quickly. In addition, the Pesticide Code of Quebec banned several active ingredients, which resulted in over 200 pesticide products being prohibited for sale in the Province of Quebec. The market for alternatives to pesticides has filled the gap. Also, several members have informed us that their health has improved since pesticide bylaws and product bans have come into effect in Quebec.

In addition to the banning of toxic products, CEPA should entail an education campaign on the use of non-toxic products. Education without legislation is not effective. Just as water quality advisories are issued to let the public know if water is safe to swim in, CEPA must ensure that air quality tests are carried out at the expense of owners of buildings and commercial establishments to inform the public on the types and quantities of the chemicals, VOCs, etc, present in the air, including their health effects, so that the public can make an informed choice when they enter a building. Reduction of pollutants through ventilation is not the answer as such chemical releases will affect others. It is important to educate people that when safe choices are made, there will be a reduction or elimination of indoor pollution. Education/Advisories would help vulnerable populations including people suffering from ES to protect themselves from further harm. They would also serve as a mode of prevention of the development of ES.

There is a misconception of “safety” since a majority of the population believes that products on the market are government regulated and therefore safe to use. Hence, when advertising products (including on television), industry must list the chemicals present and include the negative health effects, as they are required to do when advertising medications. Labelling of products must be mandatory to include mention of carcinogens, mutagens, hormone disruptors, chemicals toxic to human reproduction or development, etc., in clear layman terms that can be easily understood by the public.

Burden of Proof on Industry (polluter pays)

People who suffer from ES are the Chemical Refugees of the First World. (Refer to pages 3 & 4, ‘The Impact of Environmental Sensitivities’). AEHAQ is often contacted by people who suffer from ES, who have lost their jobs, have depleted savings, are now homeless and on welfare. Some end up in shelters which are woefully inadequate to accommodate their needs.



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“In a survey of 6,800 chemically sensitive persons, 80 percent asserted they knew 'when, where, with what, and how they were made ill' - of the 80 percent, 60 percent blamed pesticides.”¹³

A recent survey by AEHAQ shows that 17% of its members have a high school education, 10% post-secondary, 56% college/university and 17% post-graduate.¹⁴ Also in this survey 38% of respondents answered that chemical exposures were the cause of ES, 35% pesticides and 27% work-related exposures. Of the additional causes of developing ES, not asked for in the questionnaire, but mentioned by participants, the following causes are some that were mentioned: aftershave, air fresheners, always been sensitive to toxins, beauty products, carpet cleaner, caulking, combination of perfume, oil paint, excessive smog, vehicle exhaust, cooking of woodchips, dental products, diesel, electromagnetic fields, electromagnetic radiation, exposure to high frequencies, exposure to sterilizing chemicals in hospitals, formaldehyde, heavy metals (fumes), ink, mould, new carpets, organic solvents, outside open fires, paint, perfume, photocopier powder, preservative (e.g. sulfites), turpentine, urea formaldehyde foam insulation, wood alcohol, wood smoke and wood burning stove.

Presently, there is no uniform system in place across Canada to take care of this vulnerable population. Nova Scotia and Ontario are the only two Provinces that offer limited help; however, reports from patients state that this is far from adequate. Canada must take responsibility for the many people injured by chemicals and environmental toxins. Just as for the tobacco industry, the chemical industry must compensate for its irresponsible widespread distribution of toxic chemicals.

The onus to prove that the products they manufacture are completely safe for human health and the environment must rest squarely on Industry. Heavy, non-negotiable fines must be paid for pollution, non-disclosure, false disclosures, non-compliance, delays by requesting extensions for mandatory toxicity data, etc. This money must be used to take care of the chemically injured and provide ample care, adequate chemical-free housing and rehabilitation, subsidize safe alternatives to toxic products so that more people use them, finance groups who care for ES sufferers and for programs that promote health protection through avoidance of toxins. At present, funding for health and environment programs is extremely limited.

CEPA should include the ability to ask for random testing of products on the shelf. Risk to the public from chemicals added that are not listed on the label must result in heavy fines and removal of the product from the shelves. The existence of a less-toxic alternative should be grounds for not allowing importation, manufacture or use of a potentially toxic chemical.

¹³ Source: Chemical Exposures - Low Levels and High Stakes, Nicholas Ashford, Ph.D., J.D., Associate professor of technology and policy at the Massachusetts Institute of Technology, and Claudia Miller, M.D

¹⁴ Allergy and Environmental Health Association of Quebec, Questionnaire, Collaborators to a Canadian Human Rights Commission Project, ‘The Medical Perspective on Environmental Sensitivities: Issue Status’ – Margaret E. Sears (MEng., Ph.D.)



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Transparency

All data should be made easily available to the public. Canadians have the right to know what is being used in their homes, workplaces, communities and their environment. This will allow people to make a connection between exposure and ill health and to report such effects to the Government. Complaints on a product or chemical should result in immediate action towards removal and testing, in that order. Human health and the environment should always take precedence over corporate interests.

Quick time-lines for Ministerial action

The purpose of CEPA is to protect human health and the environment. An important part of that protection is timely action. CEPA must work out a format that would ensure quick response from the authorities when such action is necessary. Any such action must be made public immediately so that Canadians can protect themselves through immediate avoidance of the product/s.

Summary of Recommendations

1. To recognize and include ES sufferers as a vulnerable segment of the population.
2. The Precautionary Principle must be enshrined in every part of the Act so that Canadians are protected from toxic exposures in the home, workplace, community and all inside and outside environments.
3. Only chemicals and pesticides proven to be safe for our most vulnerable segments of the population be approved and allowed for use in Canada. All Canadians should have the health benefit of using only non-toxic products for everyday living. Industry must be given a maximum of one year to manufacture only non-toxic products.
4. Legislation coupled with education to inform the public regarding non-toxic products.
5. CEPA must set standards for ecological products, just as standards are set for organic farming or ecological pest control.
6. Industry must label all the chemicals present in all products and include the negative health effects in clear layman terms that can be easily understood by the public, as they are required to do when advertising medications. Labelling of products must be mandatory and include mention of sensitizers, carcinogens, mutagens, hormone disruptors, toxicity to human reproduction or development, etc.
7. CEPA must include the ability to ask for random testing of products on the shelf. Mis-labelling must result in heavy fines and immediate removal of the product from the shelves.
8. Proof of safety for chemicals must be carried out in a very short time-frame – present time frames for each stage in the process to establish safety of a chemical are far too long.



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9. Reversal of onus – The obligation to prove that the products they manufacture are completely safe for human health and the environment must rest squarely on Industry. Testing must encompass all aspects of toxicity and must include the synergistic effect of mixtures in products.
10. Immediate removal of toxic materials triggered by a less toxic alternative. Public must be informed.
11. Immediate removal of toxic chemicals from the shelves as soon as a risk has been established. The public must immediately be informed.
12. There must be no link between CEPA and financial interests or concerns. Decisions to act in the interest of the public in a timely manner must never depend on or be hampered by economic interests.
13. Revenue generated from fines (polluter pays) must be used to care for people who suffer from ES. This will include safe, chemical-free, adequate, low cost housing; rehabilitation, financing for groups who care for ES sufferers, promotion of programs for health protection through avoidance of toxins and to subsidize safe alternatives to toxic products.
14. Adequate air advisories, listing the chemicals present inside buildings and commercial establishments, including their health effects.
15. The National Advisory Committee established by CEPA must have ENGOs as participants, especially those that represent vulnerable groups. Proceedings of this Committee must be available to the public.
16. Transparency - All data and records must be made easily available to the public, on chemical production, distribution, body burden and adverse health effects, and environmental degradation reporting. Canadians have the right to know what is being used in their homes, workplaces, communities and their environment. This will allow people to make a connection between exposure and ill health and to report such effects to the Government. Complaints on a product or chemical should result in immediate action towards removal and testing, in that order. Human health and the environment should always take precedence over corporate interests.



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Conclusion

The only products that people who suffer from ES can use in and around the home or as personal care products are those that do not contain any toxic chemicals. Every aspect of daily living ensures a lighter step on the planet. The homes of people suffering from ES are clean and well kept, and furthermore they do not have a cloud of toxic vapours in the form of air fresheners, polishes, cleaning chemicals and other substances that can be found in the homes of people who do not understand what they are regularly being exposed to.

Upon leaving the home, many ES sufferers inform us that they feel assaulted by the waves of chemicals which they encounter at places of learning and worship, shopping areas, doctors' offices, hospitals, schools, neighbouring homes or apartments, etc.

At eco-events where AEHAQ is present with a booth, the number of people who inform us that they have perfume sensitivity is alarming. Teachers complain of the strong chemicals used in schools, which make them choke. They raise fears about what these chemicals could be doing to the young people they teach, or pregnant staff and workers. Daycare workers worry about strong chemicals used and sprayed on items that little children and babies play with and put in the mouth, including hands. Nurses complain of strong chemicals in hospitals, which make them ill. Antibiotic resistance has been widely reported – could some cleaning chemicals also be creating super-bugs?

We urge you to encourage all Canadians across Canada to use products that do not contain toxic chemicals.

Some of our members have become disabled through workplace exposures. Even though employers may maintain the threshold limit values for daily exposures in the workplace, the values apply to a single chemical exposure, to an otherwise healthy person with good detoxification enzyme systems. In actual fact, workers are exposed to several different chemicals during the course of a working day. There are workers who react to toxins at much lower concentrations, and due to this, are at risk of harm. This would result in inadequate protection in the workplace. We urge you to ensure that workers are not exposed to toxic chemicals.

CEPA must be strengthened to protect the environment and the health of all Canadians. Many areas within its framework are not conducive towards this ultimate goal. AEHAQ has touched on some concerns; however, we support all other ENGO submissions that have similar objectives in mind.

AEHAQ urges The Standing Committee On Environment And Sustainable Development to mention in its CEPA report to Parliament, that environmental sensitivities (ES) or Multiple Chemical Sensitivities (MCS) are made known as an issue and raised by the public as a significantly increasing concern, affecting and disabling numerous Canadians through toxic chemical and environmental injury from unwanted and often hidden exposures; and that ES/MCS is one of many adverse effects on Canadians resulting from chemical exposures and resultant injury.



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The Board and members of the Allergy and Environmental Health Association of Quebec would like to thank the Committee for this opportunity for public participation in the CEPA 1999 Review.