



Honourary Spokesperson:  
Kevin Hearn, Bare Naked  
Ladies

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- British Columbia Cancer Agency
- Canadian Association of Provincial Cancer Agencies
- Canadian Cancer Advocacy Network
- Canadian Cancer Society
- Canadian Institutes for Health Research
- Cancer Care Manitoba
- Cancer Care Nova Scotia
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- Council of Canadian Pediatric Hematology/Oncology Directors
- Health Canada
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- New Brunswick Dept. of Health and Wellness
- Newfoundland Cancer Treatment and Research Foundation
- Prince Edward Island Dept. of Health and Social Services
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October 12, 2005

Mr. Alan Tonks  
Chair, Standing Committee on Environment  
and Sustainable Development  
6<sup>th</sup> Floor, 180 Wellington Street  
Wellington Building  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Mr. Tonks:

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

The Canadian Strategy for Cancer Control's National Committee on Environmental and Occupational Exposures, (NCEOE), welcomes this opportunity to inform the standing committee of a series of priority recommendations concerning the prevention of exposure to identified human carcinogens in the Canadian environment.

Since 1999, Health Canada (now the Public Health Agency of Canada) has been working in partnership with the Canadian Association of Provincial Cancer Agencies, the Canadian Cancer Society, the National Cancer Institute of Canada and other stakeholders to develop the Canadian Strategy for Cancer Control (CSCC).

The CSCC is a collective effort by the major cancer players to present an integrated and national approach to fight cancer. Led by a Council selected from the major stakeholders, health service providers, and non-governmental organizations and supported by a secretariat, the CSCC addresses all the components of the cancer control continuum, not just the therapeutic care of cancer patients. It includes efforts for preventing cancer, as well as supporting cancer patients and their families by way of psychosocial and palliative services. The CSCC implements its key priorities through six Action Groups, whose innovative projects will lead to major changes and improvements in the current cancer control system in Canada.

The National Committee on Environmental and Occupational Exposures, (NCEOE), is a tripartite and multi stakeholder sub-committee of the Primary Prevention Action Group of the Canadian Strategy for Cancer Control. Following NCEOE review of best practices on primary prevention in Canada and abroad, the CSCC has recently published the committee report and endorsed 7 priority recommendations for implementation by stakeholders in Canada. The full report and recommendations can be found at [www.cancercontrol.org](http://www.cancercontrol.org)

The Canadian Environmental Protection Act was identified as one of Canada's best practices concerning the monitoring and control of certain carcinogens in our environment. Several examples where such compounds have been targeted for substitution and phase out were cited. In addition, the potential for linking NPRI data to federal, provincial, municipal, and community prevention programs was noted. However, significant gaps in best practice were noted, leading to important recommendations for strengthening CEPA concerning its approach in particular to IARC 1 and 2A designated human carcinogens.

The following excerpt from the full Best Practices Report addresses these issues:

***Best Practices in Environmental Legislation in Canada***

Although environmental legislation in Canada does not focus on carcinogens, many federal and provincial statutes have provisions for controlling pollution. The most important one is the Canadian Environmental Protection Act, 1999 (CEPA). It is the primary statute governing the management of toxic chemicals in Canada. The Act is jointly administered by Environment Canada and Health Canada, and its goal is the protection of human health and the environment. As such, it has the greatest legislative potential for the control of carcinogens.

Yet, even the federal Commissioner of the Environment and Sustainable Development in her 2002 Report to the House of Commons, has observed that the federal government's "ability to detect, understand, and prevent the harmful effects of toxic substances is still limited. The processes we observed seem to defy timely, decisive, and precautionary action"<sup>i</sup>.

Currently Environment Canada and Health Canada are reviewing some 23,000 chemicals in commercial use to determine which ones require more in-depth assessment. These chemicals are part of an inventory known as the Domestic Substances List. As the assessment is being done, however, a number of chemicals have already been identified as "toxic substances". If they are added to the List of Toxic Substances under CEPA, then the onus is on the government to develop a control program, either through regulation, pollution prevention plans or through voluntary procedures such as guidelines and memoranda of understanding.

Pollution Prevention Plans can be required by the federal government with respect to specific chemicals deemed to be toxic under CEPA. However, industries do not have to submit these plans to the federal government or make them public. They are only required to make declarations to the government that they have developed and are implementing a Pollution Prevention Plan<sup>ii</sup>.

If the Minister of Environment wants to assess the company's control actions, the Minister may require the plans to be submitted to the government by publishing a notice in the Canada Gazette. Unlike Massachusetts, the federal government uses pollution prevention plans to limit specific toxic substances rather than to require companies to do comprehensive planning and reductions. In Canada, it is not possible to evaluate the effectiveness of these Plans as a strategy for eliminating carcinogens and other toxic chemicals because of the lack of publicly available information.

In contrast, regulations for carcinogens under CEPA are legally binding, more transparent and have clearly articulated targets for reduction.

The federal government, using CEPA, has proposed to ban one carcinogen from use, nitrosodimethylamine (NDMA), and put restrictions on another, benzidine, as well as on hexachlorobenzene (listed as 2B, a possible carcinogen by IARC) under their "Total, Partial or Conditional Prohibition of Certain Toxic Substances Regulations". The provinces have banned very few substances and no carcinogens under their environmental protection legislation<sup>iii</sup>.

Other CEPA regulations have imposed some reductions on carcinogens. The Benzene in Gasoline Regulations, for example, promulgated in 1999, have been effective in reducing levels of benzene in Canada<sup>iv</sup>. Urban ambient benzene concentrations have fallen almost 47 per cent since 1998, a year prior to the regulations, and rural ambient benzene concentrations have fallen by over 32 per cent.

The Regulations for the pulp and paper industry under the Fisheries Act, with complementary CEPA regulations, have also been effective. The Pulp and Paper Mill Chlorinated Dioxins and Furans Effluent Regulations, introduced by the federal government in 1992 under the Fisheries Act, set discharge limits and monitoring requirements for dioxins and furans from pulp mill effluents. The Pulp and Paper Effluent Regulations, under CEPA, required all mills to do environmental effects monitoring of their effluents.

As a result, most mills in Canada invested in control equipment and converted from using chlorine-to-chlorine dioxide in their processes. Discharges of chlorinated dioxins and furans have almost been eliminated, dropping from 288 grams per year in 1989 to 3 grams per year in 1997 – a reduction of 99 per cent<sup>v</sup>. Fish advisories have been lifted in most areas where levels of dioxins and furans in fish have declined since the regulations came into effect – evidence that regulations effectively eliminate carcinogens.

The most recent regulations under CEPA, the solvent degreasing regulations, were published in the Canada Gazette in August 2003. Both trichloroethylene and tetrachloroethylene (perchloroethylene) were assessed as toxic under CEPA.

Although IARC lists them as probable human carcinogens, carcinogenicity is only considered as one test of a chemical's impact on human health. It does not necessarily make a substance "toxic" under CEPA. According to Environment Canada's Pollution Prevention Office<sup>vi</sup>, the regulations were designed primarily to protect the environment from perchloroethylene and trichloroethylene wastes, although occupational health benefits such as a reduction in cancer were considered.

The regulations implement a three-year freeze in consumption of the two chemicals, followed by a 65 per cent reduction in the following years. The regulations apply to companies using more than 1,000 kilograms of solvent per year<sup>vii</sup>.

According to Environment Canada, the regulations will drive most large users to eliminate these chemicals or to find substitutes. Once any regulation is issued, companies prefer to find alternatives rather than be subject to the monitoring and reporting regimes required by the regulations. Environment Canada publishes a list of alternatives to solvent degreasers on its Pollution Prevention website.

Tetrachloroethylene Regulations have also been published for dry cleaning facilities to reduce releases of perchloroethylene to the environment. These regulations allow dry cleaners to attain reductions by requiring newer, more efficient dry-cleaning machines, rather than promoting substitution. They will likely result in overall reductions of perchloroethylene to the environment but they will not eliminate it by forcing a switch to cleaner technology.

Under CEPA, the Federal Departments of Health and Environment must categorize all of the approximately 23000 substances on the Domestic Substances List (a list of substances in use in Canada) by September 2006. The substances are categorized by virtue of being potentially Persistent, Bioaccumulative or Toxic, or having the Greatest Potential for Human Exposure. Substances meeting these criteria must undergo a subsequent Screening Level Risk Assessment (SLRA). High priority substances will be assessed first, and Some SLRAs are currently out for stakeholder comment. This screening is a formidable effort. Greater focus needs to be placed on screening confirmed and probable human carcinogens (IARC) on the list, and consideration of these chemicals and compounds as CEPA Toxic.

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<sup>i</sup> Commissioner of the Environment and Sustainable Development, Office of the Auditor General, "Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, 2002", Chapter 1: Toxic Substances Revisited, p.1

<sup>ii</sup> Canadian Environmental Protection Act, Part IV, Pollution Prevention, found at <http://laws.justice.gc.ca/en/C-15.31/29533.html>

<sup>iii</sup> John Jackson, Hugh Benevides, "Legislation and Regulations for Prohibited or Substantially Restricted Substances as Required under the Canadian Environmental Protection Act, Section 75: A review of provinces and territories", prepared for the Canadian Environmental Law Association, March 31, 2004

<sup>iv</sup> Personal Communication re: Benzene in Gasoline Regulations, with Lorri Thompson, Oil, Gas and Energy Branch, Environment Canada, August 2004

<sup>v</sup> Media Release, Government of Canada, "Environmental Regulation and Voluntary Actions Lead to Dramatic Reductions of Air and Water Pollution from Pulp and Paper Industry", Gatineau, Quebec, June 6, 2003

<sup>vi</sup> Personal Communication with Rick Loughlin, Solvent Degreasing Coordinator, Environment Canada, June 2004

<sup>vii</sup> Solvent Degreasing Regulations, National Office of Pollution Prevention, Environment Canada can be found at [Hhttp://www.ec.gc.ca/nopp/degrease/en/index.cfm](http://www.ec.gc.ca/nopp/degrease/en/index.cfm)

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The following gaps in Canadian Occupational and Environmental Legislation were identified in the Best Practices Review Report:

- There is a lack of toxicity data on thousands of chemicals in use, including information on carcinogenicity. Canada's process under CEPA for undertaking the evaluations of chemicals already in use may take decades to complete.
- There are very few bans or restrictions on carcinogenic substances in the workplace, in the environment or in products in Canadian legislation.
- Regulations that target toxic substances under CEPA, including probable carcinogens such as tetrachloroethylene or trichloroethylene, often promote pollution control rather than elimination or substitution.
- In Canada there is no focus on carcinogens as chemicals of high concern, as there is in Europe, and there is no articulated policy or strategy for reducing or eliminating them. CEPA does not specifically target carcinogens.

As a result of these gaps, the NCEOE developed the following priority recommendation for government intervention which seeks to strengthen carcinogen exposure prevention practices in Canadian federal environmental legislation:

***“CEPA 1999 should be updated and require pollution prevention programs for federally regulated sites using or producing Class 1 and 2A carcinogens.”***

In addition, the following recommendations for *future activity* were identified in the report, which may be effectively addressed through updating CEPA:

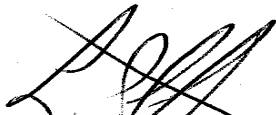
- In order to properly identify individual cases of environmental cancer it is necessary to begin collecting environmental exposure data and to investigate the development of pilot projects linking environmental exposure data with environmental health surveillance.
- Information bulletins should be developed to address cancer prevention and toxic use exposure/reduction (TUR), substitution arrangements and best available technology.
- The Mass. Toxic Use Exposure/Reduction model should be further investigated and funding for a Canadian Federal or Provincial counterpart considered.
- Incentives for Toxic Use Reporting Programs at all three levels of government should be investigated.

### **CONCLUSION**

The National Committee on Environmental and Occupational Exposures (PPAG/CSCC) submits the following recommendations for your consideration during this important CEPA review:

1. Designation of all IARC 1 and 2a carcinogens as CEPA Toxic and placed under Schedule 1
2. Restricted status, mandatory pollution prevention planning under CEPA Part IX, moving towards mandatory substitution wherever possible for these designated human carcinogens
3. Ongoing review of updated IARC 1 and 2 a and b lists with CEPA toxic designations for selected 2b's, upon review

Respectfully submitted,



Larry Stoffman  
Chair, National Committee on Environmental and Occupational Exposures, Primary Prevention Action Group, Canadian Strategy for Cancer Control



Barbara Kaminsky  
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**c.c. Eugene Morawski, Clerk of the Committee**