

September 27, 2005

Mr. Alan Tonks, 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

Dear Chair and Members;

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

The *Canadian Environmental Protection Act (CEPA 1999)* is Canada's principal piece of federal environmental protection legislation. Section 343 of the CEPA states that there must be a review of the Act by a Parliamentary Committee every five years after the Act comes into force. On April 5, 2005, a motion was passed by unanimous consent in the House of Commons making the Standing Committee on Environment and Sustainable Development responsible for the review.

We are submitting the following letter to emphasize the importance of the legislative review, to reiterate on issues of concern relating to the CEPA by the environmental non-governmental community (ENGO) as presented in our March, 2005 correspondence to the Committee, and to raise our increasing alarm that the continued absence of a review both weakens the impact of the review and the level of trust, on the part of Canadians and witnesses, that the Government values or will listen to their recommendations.

Background

An Advisory Committee for CEPA Review (ACCR) was formed in April, 2004, to provide advice to Environment Canada and Health Canada on substantive issues and options related to the *Canadian Environmental Protection Act (CEPA 1999)*, in preparing for the Parliamentary Committee Review of the CEPA.

This initiative led to an invitation to Canadians to identify issues of concern with the CEPA via a review scoping document and a series of public workshops in Halifax, Toronto, Montreal, Edmonton, Yellowknife, and Vancouver. This public consultation exercise provided feedback, suggestions and advice that will lead to better protection of our shared environment and human health.

ENGO Position – Improving the CEPA

The ENGO delegation to the Advisory Committee for the CEPA Review (ACCR) identifies five main CEPA issues that should be addressed by EC/HC and Parliament:

- Pollution prevention;
- Precautionary principle;
- International agreements;
- Assessment of substances and toxics management, and;
- Enforcement.

The list of critical issues to be raised by NGOs extend beyond those listed above. However, these are key issues within the CEPA that should be a priority as the review process gets underway.

The CEPA is described as “*An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.*” Unfortunately, despite industry and government efforts to control pollution, the volume of dangerous chemicals released into Canada’s shared environment continues to increase.

We believe that the CEPA ‘tool box’ provides the basic foundation on which to achieve effective environmental protection, improve stakeholder accountability, reduce both short- and long-term health care systems’ costs, encourage a measurable improvement in the state of our shared environment, and contribute overall to Canada’s well-being and sustainability.

Recent and Ongoing Events

Recent and ongoing events highlight the need and importance of the CEPA review:

- A record and increasing number of ‘Smog Days’ in Ontario and in Canada;
- Decisions in Europe and in United States jurisdictions to address PBDEs and phthalates that better protect their citizens, yet Canada chooses not to adopt;
- Reports that document the alarming pollution levels found in newborns, summarize scientific evidence of environmental and occupational links to nearly 30 types of cancer, and forecast increasing rates of cancer in Canadians;
- Growing public concerns on the high and increasing rates of learning deficiencies, asthma, birth defects, cancer, difficulties with reproduction, boil water orders, species extinctions, and pollution in general;
- Questions on the ability and capacity of governments to respond effectively to environmental emergencies such as hazardous waste fires and Lake Wabamung;
- Initiatives in the United States and in Europe to require chemical companies to conduct testing that proves substance safety, rather than the current burden placed on governments, tax payers and the public at large (‘reverse onus’ and REACH), and;
- Global efforts to encourage the innovation, business efficiencies, and improved public safety that Green Chemistry and substance or process substitution presents.

Next Steps

The CEPA 1999 review provides Parliamentarians, Industry, and Canadians at large with the rare opportunity to improve substantively our shared environment and human health. It will be imperative for all review participants to retain a clear focus on CEPA's purpose: *The Protection of Human Health and the Environment*.

It is our understanding that the Committee has completed its substantive review and welcome report on the Kyoto Protocol, and will now consider proceeding in the Fall Session on a variety of environmental issues and challenges.

We support and encourage these important endeavours by the Committee. However, we trust that the Committee will recognize also the important role that the CEPA review should play in achieving both the Government of Canada's promises to prevent pollution and Canada's Statutory objectives to protect the environment and human health.

It is our understanding also that there has been some discussion on continuing to defer the CEPA 1999 review until some later date in the 38th Session, or perhaps after the next election. We believe that this approach will not only perpetuate identified deficiencies and inefficiencies in the Act, leading to further degradation of the environment and increased risks to human health, but limit the opportunities for Canadians to make sound decisions on their Government's and elected representatives' commitment to environmental protection and human health.

To paraphrase the Committee's welcome resolve as demonstrated in its 5th Report to Parliament; the increasing rate of pollution in Canada requires immediate action. Canada's stakeholders and Canadians at large are ready and willing to make the decisions necessary to reduce pollution, but they need certainty in both their Government's commitment and in their investment environment. The government must act clearly and accountably, and it must do it now.

We respectfully request that the Chair, and Members of the Committee, convey the importance and necessity of improved environmental protection measures by addressing the CEPA review as expeditiously as possible.

Thank you for your time and consideration in this matter, and we look forward to providing any assistance to the Committee during this important CEPA review.

Sincerely yours;

ENGO Delegates to the ACCR:
Canadian Environmental Law Association
Great Lakes United
STORM Coalition
Under the Sleeping Buffalo Research