

**SUMMARY REPORT
ON THE
PUBLIC WORKSHOPS ASSISTING
ENVIRONMENT CANADA AND HEALTH CANADA
IN PREPARING FOR THE
PARLIAMENTARY REVIEW
OF THE
CANADIAN ENVIRONMENTAL PROTECTION ACT,
1999**

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Submitted To:
Environment Canada and Health Canada

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1. INTRODUCTION

The *Canadian Environmental Protection Act, 1999* (CEPA 1999) includes a provision requiring that the Act be referred to Parliament for review five years after its entry into force. Given that the Act came into force March 31, 2000, it must be referred to Parliament by March 31, 2005, and the review will begin sometime thereafter.

The Parliamentary Committee assigned to review CEPA 1999 will have up to one year from the time it begins to undertake the task and submit a report to Parliament on the changes it recommends to the Act and/or its administration. The Committee may be granted an extension. From the point of tabling its report in Parliament, the Government of Canada will have 150 days to respond to the recommendations made by the Parliamentary Committee. If the report and government response call for amendments to the legislation, the final phase will consist of either amendments or a new bill, which will follow the normal parliamentary process. Given these timelines, a revised CEPA might be expected to come into force around 2008. However, identified administrative improvements in the implementation of the Act do not require legislative amendments and could commence as soon as practical.

While it is a Parliamentary Committee which will undertake the review of the Act, the federal Ministers of the Environment and Health intend to provide their

advice to the Committee. In order to assist in their preparations for the review, and as well, to help Canadians prepare for the Review, Environment Canada and Health Canada (sometimes referred to as “the departments” in this Report) have undertaken a number of initiatives, including:

- the release in late 2004 of a *CEPA 1999 Scoping Paper (Scoping the Issues: Preparation for the Parliamentary Review of the Canadian Environmental Protection Act, 1999)* to provide background information for the public engagement process to assist Environment Canada and Health Canada in preparing for the Parliamentary Review. The *CEPA 1999 Scoping Paper* is an extensive document covering the context for the review, broad themes addressing the Act and specific issues that have been identified as priorities for consideration by the two departments in preparing for the Parliamentary Review;
- an interactive website, specifically designed around the CEPA Review activities was set up within the CEPA Registry (www.ec.gc.ca/CEPARegistry). The website provides detailed information on CEPA 1999, its policies and processes, and additional background information, including: fact sheets on various aspects of CEPA 1999, a comprehensive plain language *Guide to Understanding the Canadian Environmental Protection Act, 1999* and the *CEPA 1999 Scoping Paper*. (Note: this section of Registry will continue to provide detailed information throughout the Review process). The website also allowed for electronic inputs on the *CEPA 1999 Scoping Paper* or any other matter any person wished to raise with respect to CEPA 1999 and the Review process; and,
- six public workshops held across Canada in late January and early February, 2005, to allow any one with an interest in CEPA 1999 to express their views.

The stated purposes of the web-based engagement process and the public workshops included:

- providing background information to help Canadians develop their views on CEPA 1999 issues;
- hearing from Canadians about their experiences with CEPA 1999 and in particular the challenges they feel need to be addressed during the Parliamentary Review; and,
- inviting feedback from Canadians on the issues that Environment Canada and Health Canada officials identified in the *CEPA 1999 Scoping Paper* as priorities for consideration in preparing for the Parliamentary Review.

2. Structure of Public Workshops

The workshops were intended to involve as large a number of people as possible in the preparation phase leading up to the Parliamentary Committee Review of CEPA 1999. Consultants were engaged to assist in the design and to facilitate the workshops. In addition, the consultants were responsible for preparing this summary report highlighting the key issues, options and messages that were heard during the sessions.

Over 1,500 organizations, associations, networks, groups and individuals with an interest in CEPA 1999 were directly contacted about the public engagement opportunities and were given information on how to get involved. In total, approximately 475 individuals attended the six regional workshops. These individuals were affiliated with a broad cross-section of interests including: all levels of government, aboriginal groups, industry, business and the natural resource sectors (e.g., farming, fisheries and forestry), environmental non-government organizations, labour, public health and consumer groups and individual members of the Canadian public.

A more detailed description of the workshop structure and process can be found in Appendix 1.

3. STRUCTURE AND CONTENT OF THIS SUMMARY REPORT

CEPA 1999 is a sizeable, complex Act that addresses a varied and large number of topics. In order to provide some structure and manageability to the workshop discussions, the agenda and the government presentations were structured along four broad themes, as follows: Knowledge for Protecting Human Health and the Environment; Tools for Taking Action; Fair and Efficient Compliance Promotion and Enforcement; and, Information for Canadians. While a wide range of views were raised by participants, in most cases these views can be categorized by one or more of the themes proposed by the departmental representatives at the beginning of each session. (The presentation “slide show” used throughout the workshops is included in this Report in Appendix 2.) As a result, the summary of views presented in the following sections is organized in accordance with these themes. This Report strives to ensure that all of the issues that were heard in each of the sessions are presented fairly. However, “the details” that often accompanied a specific view, and examples used to illustrate these views are not presented in this Summary Report. Readers who participated in the sessions are cautioned that the issues they raised are not reported verbatim. However, workshop participants should be able to recognize the general intent and thrust of the issues that they raised in the sessions.

The facilitator stressed that the purpose of the sessions was to solicit the views of participants, and not necessarily to strive towards consensus with respect to any particular view. As a result, a particular perspective on CEPA 1999 that was proposed by one individual at one session is as legitimate and may be as important in helping the departments prepare for the Review as a perspective that was shared by many participants across sectors in all sessions.

As mentioned at the sessions, the views detailed in this Report are not attributed to any particular individual. In some cases this Report does attribute a particular perspective to a specific stakeholder interest (e.g., environmental organizations, or industry groups) where this is appropriate and helpful. In addition, this Report does identify “overarching” or “cross-cutting” messages where it seemed apparent that many participants across sectoral interests in most sessions tended to agree with a particular view. These are detailed in Section 4.1, below.

4. SUMMARY OF WHAT WAS HEARD

4.1 Overarching Messages

CEPA 1999 is fundamentally sound but needs better implementation: Many participants across sectors and across the country generally felt that CEPA 1999 is fundamentally sound and does not require significant amendment to ensure effective and ongoing protection of human health and the environment. However, many participants were also generally of the view that much more needs to be done to effectively implement the Act to ensure that it delivers on its full potential, including taking faster action to reduce risks.

Many participants acknowledged the numerous, complex and fundamental structural changes from the original 1988 CEPA that were put in place when CEPA 1999 came into force in 2000. These participants generally recognized that five years is a relatively short time to implement, and to see the results from all of the major requirements of the new legislation. Therefore, these participants urged the departments to improve implementation opportunities, but not to propose to Parliament significant legislative amendments to the current structure of the Act. Many felt that the basic framework of the Act should not undergo review every five years (suggested Review period timeframes ranged from seven to 10 years). Most importantly, participants generally insisted that the preparations for the Parliamentary Review, and the Review itself, should not divert human and financial resources from implementation initiatives. Indeed, several participants expressly stated they were concerned that the current resources needed to deliver CEPA 1999 are already inadequate.

By the end of the public workshop process, it was apparent that many participants had identified four discreet but interrelated expectations or objectives

for CEPA 1999 and for the federal government's implementation of CEPA 1999 that cut across all of the themes identified below. Any initiatives for improving the implementation of, or the amendment of CEPA 1999, must take these crosscutting objectives into account, as follows:

National Leadership and Coherence: the federal government should recognize and use CEPA 1999 as the central Act for preventing pollution, setting national standards and establishing a coherent set of environmental laws and policies in Canada. In particular, CEPA 1999 should champion cooperation and collaboration both within the federal government and among the various jurisdictions involved in protecting the environment and human health, (e.g., federal, provincial, territorial, municipal and aboriginal governments and regulatory bodies). With respect to promoting coherence among federal laws and policies, participants routinely flagged seeming discrepancies, potential gaps, potential duplication, or inconsistencies among a variety of federal laws including the *Fisheries Act*, the *Pest Control Products Act*, the *Canadian Environmental Assessment Act*, the *Transportation of Dangerous Goods Act*, the *Motor Vehicle Safety Act*, the proposed *Canada Health Protection Act*, various Territorial laws and CEPA 1999.

Smart Regulation: CEPA 1999 itself should provide for an optimum mix of incentives and disincentives and ensure that risk managers have easy access to a comprehensive toolbox to ensure the most effective management strategy for substances to be managed under the Act. CEPA should also enable the use of the most effective tool by the jurisdiction that is in the best position to take action (including other federal departments). CEPA should ensure that the range of available risk management tools is sophisticated enough to effectively and efficiently address specific ecological and regional circumstances. In this regard, virtually all participants at the Yellowknife session emphasized the importance of ensuring that risk management strategies specifically recognize and use appropriate tools to address northern realities, needs and expectations.

Some participants were hesitant to have substances, which were assessed under CEPA, managed by another department or jurisdiction. However, participants did stress that where federal risk managers decide that an issue is best managed outside of CEPA, the Act must still ensure that such decisions are completely transparent. As importantly, the Ministers of the Environment and Health must remain fully accountable for ensuring that the toxic substances in question are managed effectively, must track progress, and must be able to act quickly and decisively when other jurisdictions are not managing the risk effectively. In this context there were concerns raised regarding progress made under the Canadian Council of Ministers of the Environment (CCME) Harmonization Accord and development and implementation of Canada-wide Standards.

International Collaboration: Many participants recognized the international dimensions of environmental and human health protection, especially as it relates to the assessment and management of existing and new substances. In this regard, participants were generally of the view that international collaboration is useful and necessary. Some of these participants generally felt that CEPA 1999 should take a leadership role in promoting an international agenda (as opposed to having other jurisdictions or international agencies set the agenda for Canada). They also felt that CEPA 1999 is an important tool for facilitating this cooperation and for implementing international environmental protection agreements. Participants generally recognized the need for cooperation with other national and international jurisdictions as well as domestic jurisdictions to promote effective international action. Participants also flagged the need to ensure that all the implications of international cooperation are fully understood before committing to a particular course of action.

Sound Science and Informed Decision-Making: CEPA 1999 should provide high quality science and information (including information derived from traditional aboriginal knowledge, traditional ecological knowledge and community-based knowledge) to support timely, preventative, precautionary and transparent decisions by government. CEPA should also provide user-friendly and free access to high-quality, plain language information to support informed choices by all Canadians.

4.2 What was Heard on Knowledge for Protecting Human Health and the Environment

Many participants across sectors felt that the departments could do more to generate knowledge for protecting health and the environment in ways that could take advantage of other national and international efforts and that support current and emerging risk management priorities. Participants who were aware of the categorization and screening level assessment processes in Part 5 of CEPA 1999 recognized that Canada is a world leader in dealing with the legacy of existing substances that were brought into commerce, largely from the 1940s to the mid 1990s, without thorough assessment and management of the risks. These participants suggested that the departments should maximize collaboration with Canadian partners and the international community in order to acquire and access the data necessary to assess and manage existing substances systematically and efficiently. Collaboration can include sharing workloads and exchanging findings in order to avoid duplication of effort, and to reduce human and financial resource burdens.

There was considerable discussion on the relative roles and interrelationships within CEPA 1999 to promote the “three pillars” of healthy environment, healthy Canadians and a competitive economy. Some participants felt that the CEPA

mandate should remain focused on health and the environment and not on a competitive economy. Some other participants felt that CEPA 1999 should promote all three pillars, and in particular that health and environmental protection in Canada should line up with the laws of Canada's major trading partners to ensure there is a level playing/trading field. It was noted that strong environmental laws can provide competitive advantages to companies with environmentally responsible products. It was also noted that health, the environment and the economy are not in competition with each other and that CEPA 1999 should be reviewed from this integrated synergistic perspective.

Some participants argued that CEPA 1999 must shift focus from "sustainable development" to "sustainable consumption" that its overriding principle should be "do no harm", and that it not only protect but also promote human and environmental health.

Concerns were raised that the Act does not have clear steps and timelines for the screening assessment process which follows categorization. Various participants suggested that the departments should work more closely together to establish priorities for screening assessments and for grouping substances to enable:

- consideration of the risks of alternatives/substitutes;
- development of multi-pollutant, sectoral risk management approaches; and
- consideration of the risks of cumulative effects.

Many participants felt that proposed changes to chemicals management in the European Union should be discussed during this Review. In particular, consideration should be given to the registration and authorization of substances as is contemplated in the European Union-REACH (Registration, Evaluation, and Authorization of Chemicals) proposal.

Some participants suggested that CEPA 1999 be amended to explicitly mandate the Minister of Health to conduct biomonitoring, in order to provide information about which environmental contaminants are present in the human body, and at what levels. Some felt that Health Canada should strengthen relationships with institutions and public health groups that do research on human illness. It was suggested that the total burden of chemicals in humans must be better understood and considered when managing substances.

Some participants, particularly from the public health and environmental sectors stressed that CEPA must explicitly require that assessments take into account susceptible populations, including infants and children, pregnant women, people with environmental sensitivities, and individuals with allergies and respiratory ailments.

It was suggested that the CEPA National Advisory Committee (NAC) process be strengthened, used to its full potential and become more transparent. With the increased role of municipalities in dealing with air and water quality, it was felt by some that they should be provided with a seat at the CEPA NAC. Also, the current process for identifying participation from aboriginal governments on the NAC should be made more representative of aboriginal interests.

Some participants suggested that the administrative and equivalency agreements in CEPA 1999 need to be clarified and used far more frequently in appropriate circumstances.

Some participants suggested that the roles of traditional aboriginal knowledge, traditional ecological knowledge in and community-based research and knowledge be clarified in CEPA 1999. In particular, implementation procedures need to be developed to clarify how and where these types of knowledge will be used.

There were varying perspectives as to whether government or industry should have the onus for either proving a substance is toxic or proving it is safe, respectively. Some felt that there should be some type of system among various industries for cost sharing the generation of data for existing substances.

Concern was raised by some participants that substances which were determined to be toxic in other countries have not been found toxic in Canada under CEPA 1999.

4.3 What was Heard on Tools for Taking Action

Various participants, particularly within the environmental and public health sectors, stressed the fundamental importance of the precautionary principle and pollution prevention as the foundation for sustained environmental and human health protection within CEPA 1999. These participants generally felt that much more needed to be done to operationalize both pollution prevention and the precautionary principle in CEPA 1999. It was suggested that there be more public disclosure on the contents of pollution prevention plans.

Some participants, primarily from the industry sector, felt that the term "toxic" is misleading, particularly where an assessment determines that a substance has low hazard potential but high environmental exposure. Some participants, primarily from within the environmental and public health sectors, felt that a substance with a low hazard characterization but with high exposure can still cause significant damage to the environment and requires appropriate action. A few participants noted that some substances that are assessed as having high hazard potential but low exposure may not meet the criteria for a toxic substance under CEPA 1999. Many participants did agree that listed substances need more

context to explain why they have been listed and require much better risk communication.

There was some support for enabling substances to be managed outside of CEPA 1999 where a non-CEPA measure would be more timely and effective, but only if: a transparent process is established for identifying the selected risk management plan; at the beginning of the process, the Ministers establish clear targets and spell out consequences for failure to deliver; the Ministers remain accountable; transparent and effective tracking systems are in place and the Ministers have clear and decisive means for responding quickly when the other measures do not meet predetermined targets; and, it is made clear when CEPA 1999 and non-CEPA tools can be used.

Many participants stressed that, when developing and implementing tools for taking action, the departments need to ensure and facilitate effective and timely dialogue with aboriginal governments and municipal governments.

Some participants noted that some of the regulatory authorities in the current Act are too blunt to provide targeted backstops and do not encourage effective incentives for "beyond compliance" performance by industry. It was noted that backstop regulations should not disadvantage industry leaders that comply with the Act, but rather should target the "bad actors" that are not in compliance.

Some participants noted that CEPA 1999 should expand and optimize the use of economic instruments by providing for more incentives and by enabling the government to make better use of the polluter pays principle.

Some participants, primarily from the environmental and public health sectors, felt that CEPA 1999 needs clearer and more comprehensive authority to manage risks of substances in products over the full lifecycle of the product. It was noted there was a particular need to strengthen the regulation of new substances found in consumer products. It was also suggested that more information on substances in products, including much better labeling of products to disclose risks, is needed so that consumers can make informed choices (the Product Registry in Denmark was raised as an example). It was recommended that the federal government take a leadership role in providing safe consumer products, particularly those used by children. Some other participants cautioned that regulating all substances might pose trade barrier issues and should be restricted to products where specific adverse effects are observed.

Many participants, particularly from the industry sector and from the natural resource user sector (e.g., farming interests) stressed the need to consider competitiveness issues when taking action, particularly as it relates to trade across the Canada-US border.

Some participants felt that there is no federal vision for a comprehensive chemical policy. It was suggested that: Canada should examine the proposed European Union REACH timelines for dealing with substances to assist in measuring progress. Various participants suggested that more work is needed for: finding safer alternatives for some chemicals; encouraging the application of the substitution principle; and, promoting green chemistry.

Some participants criticized CEPA 1999 as being far too cumbersome and slow in protecting the health and environment of Canadians (e.g., on polybrominated flame retardants some of which have already been banned in the European Union).

Some participants argued that the virtual elimination provisions are ineffective and should be amended to provide a simpler process and timelines for the virtual elimination of certain substances.

4.4 What was Heard on Fair and Efficient Compliance Promotion and Enforcement

Generally, participants were comfortable with the enforcement powers in CEPA 1999. Most participants who addressed this topic agreed that the enforcement provisions are comprehensive and flexible, allowing for an appropriate range of enforcement actions and penalties to suit specific situations. Some participants expressed the view that these powers must be used much more frequently and consistently, and that enforcement statistics must be made readily available to the general public. It was noted that enforcement was needed to level the playing field between those that do not comply with the law and those who do comply. It was felt by some that those who do not comply undermine the rest of the sector.

Some participants suggested that the approach to enforcement in CEPA 1999 is not effective as CEPA 1999 is an enabling law that provides the Ministers with too much discretion. There should be more prohibition provisions built into CEPA 1999 similar to those in the *Fisheries Act*, including a general prohibition on the release of toxic substances.

Many participants agreed that efforts to promote compliance with CEPA 1999 (e.g. the maintenance of the Environment Canada Enforcement website, the publication of compliance and enforcement policy guidelines, direct communications and engagement with the regulated communities and members of the public) must be improved. In particular, participants stressed the need for:

- more outreach to affected parties/regulated communities, especially small and medium enterprises who often do not have the resources needed to find and understand the law;
- more outreach to the public so that they better understand the law, and in particular, the legal rights and responsibilities of neighboring facilities;
- the use of plain language in all compliance promotion initiatives;,,
- much more clarity on how CEPA 1999 interacts/intersects with other federal laws and with provincial, territorial and municipal laws; and
- better, publicly accessible databases on compliance rates and performance measures.

4.5 What was Heard on Information for Canadians

Participants generally noted that CEPA 1999 provides adequate provisions for enabling the departments to generate and provide public access to information. However, there was also general agreement that the departments could do considerably more to improve access to easily understandable, reliable and relevant information. In particular, the CEPA Environmental Registry, the National Pollutant Release Inventory (NPRI) and the numerous scientific and policy papers prepared by Environment Canada and Health Canada must be made more accessible, made available free of charge, written in plain language, and more user-friendly (especially the CEPA 1999 Registry). It was suggested that the departments implement an e-mail subscribers list that notifies people when specific changes have been made on the CEPA 1999 Registry.

There was almost universal agreement by participants on the value of, and the need to reinstate comprehensive State of the Environment Reporting by Environment Canada, to add State of Health Reporting by Health Canada, and to ensure that these two important initiatives are closely linked. Participants noted that full, fair and timely access to information requires comprehensive, regular, understandable (plain language) and credible signals of the impacts from polluting activities on human health and environment. State of the Environment and Health Reports are essential to help track the results of risk management programs, to help identify changes that warn of potential new threats, and to help shape environmental and health protection policies and practices.

While many participants generally agreed that the provisions for the NPRI are adequate, there was almost universal agreement on the significant administrative complexities of the NPRI reporting requirements and on the need to simplify these requirements for reporters. Some participants noted that independent audits should be conducted to ensure users of the NPRI, including the general public, that the NPRI data is reliable/accurate. Users also require more context to help interpret the significance of the data. Participants also tended to agree that the departments should use NPRI data far more transparently and effectively to

help assess the state of the environment over time and to help shape policies accordingly. Some suggested that the data submitted should be verified by a third party to ensure quality control. Some participants expressed concern that Environment Canada takes too long to publish NPRI reports. It was also suggested that: agricultural sources be required to report under the NPRI; all substances listed on Schedule 1 should be automatically reported on the NPRI by all sectors releasing those substances; and, all sectors releasing NPRI substances should be required to report those releases under the NPRI.

Some participants suggested that Act should require industry to publish annual reports on environmental performance to encourage information sharing and increase peer pressure for improvement.

Some participants suggested that the “whistleblower” and the “citizens’ civil suits” provisions in CEPA 1999 are not being used to full potential because the public is not aware of them. These provisions need to be better communicated to ensure that members of the public are aware of these rights and that they can be used effectively in appropriate circumstances. A few participants suggested that the “citizens’ civil suits” provisions might be too complicated to be used easily by the general public.

4.6 What was Heard on “Specific” Issues

The following is a list of non-prioritized specific issues/views raised by one or more participants that do not necessarily fall within the ambit of the themes discussed above.

- The scope of CEPA 1999 should be expanded to include the regulation of pesticides.
- The title "*Canadian Environmental Protection Act*" should be clarified to reflect its true scope and purpose. Either CEPA 1999 must expand its scope to truly reflect the full protection of the Canadian environment (e.g., include natural resources, land use planning, endangered species, etc), or the title should be changed to reflect that the focus of the Act is primarily concerned with the assessment and management of substances. One individual suggested that the word “Environment” be replaced with “Ecological Integrity”, as follows: the “*Canadian Environmental Integrity Protection Act*”.
- Many participants were of the view that the five year review period for CEPA 1999 is too short. Participants generally recognized the intensive work required to conduct a review for all parties involved, appreciated that it can be difficult to evaluate implementation initiatives across a five year timeline, and recognized that in any event the government could petition for amendments to legislation prior to the completion of a review period.

Proposals for extending the review period ranged from seven to 10 years. Some thought that CEPA 1999 should not be reviewed in isolation from other federal acts.

- Drinking water source protection, water quality in the Great Lakes and lack of regulations to reduce pollution from emissions and wastes was raised by numerous people.
- It was suggested that CEPA 1999 be used to:
 - reduce the environmental and human health impacts from intensive livestock operations;
 - shut down irresponsible operators that contaminate the land; and
 - deal with chemical wastes that have been buried in permafrost that is now melting.
- It was suggested that the Review of CEPA 1999 adopt the principles set forth in the Earth Charter.
- Reference was made to a United Kingdom Royal Commission recommendation that where synthetic chemicals are found in the tissues of humans and wildlife, regulatory steps should be taken to remove them from the market immediately.
- It was suggested that the “ecological footprint” analysis was a very good tool for measuring the progress of CEPA 1999.
- Environmental emergency plans need to be better implemented.
- The New Substances Notification Program should take the European Union chemical inventory into consideration and not just the US inventory.
- Care must be taken to ensure that the French and English versions of the Act have the same meaning. It was pointed out for example that the French statement of the Precautionary Principle calls for “effective” measures while the English version calls for “cost-effective measures”.
- It was suggested that the departments need to more carefully monitor and evaluate voluntary initiatives.

APPENDIX ONE

Structure of Public Workshop Sessions

The Intersol Group was contracted to assist in the design, facilitate and take notes for the cross-Canada, public workshop sessions. In addition, the Intersol Group was responsible for preparing this summary report highlighting the key issues, options and messages that were heard during these sessions.

Over 1,500 organizations, associations, networks, groups and individuals with an interest in CEPA 1999 were directly contacted about the engagement opportunities and were given information on how to get involved. In total, approximately 475 individuals attended the regional workshops. These individuals were affiliated with a broad cross-section of interests, including other federal government departments and agencies, Crown corporations, provincial, territorial, and municipal governments, aboriginal governments and organizations, industry, business and the natural resource sectors (e.g., farming, fisheries and forestry), environmental non-government organizations, labour, public health and consumer groups, academia, and individual members of the Canadian public. All workshops were open to anyone with an interest in CEPA 1999; there was no registration fee for attendees.

CEPA 1999 is a sizeable, complex Act that addresses a varied and large number of topics. In order to provide some structure and manageability to the workshop discussions, the agenda and the government presentations were structured along four broad themes drawn from the content of the *CEPA 1999 Scoping Paper*, as follows: Knowledge for Protecting Human Health and the Environment; Tools for Taking Action; Fair and Efficient Compliance Promotion and Enforcement; and, Information for Canadians. The CEPA Registry website provided information on the workshops, including the exact dates, cities and venues, the agenda, and references to background information that might assist in understanding the Act and related policies.

The workshops were held in Halifax (twice, because a snowstorm accounted for low attendance at the first session), Toronto, Montreal, Edmonton, Yellowknife and Vancouver. With the exception of Yellowknife, all workshops were conducted with two sessions held at each location.

- The *daytime session* (10:00 a.m. to 4:00 p.m.) followed a fairly structured agenda and provided the opportunity for smaller, break-out group discussions of CEPA 1999 issues, specifics of the Act and the various questions posed in the Scoping Paper.
- The *evening session* (6:30 p.m. to 9:30 p.m.) had a less structured agenda than the daytime session, but still provided for smaller group discussions of issues of interest.

In Yellowknife only one session was held, in the evening. In Halifax the first scheduled evening session was cancelled and the rescheduled session was held during the day.

Regional and Headquarters representatives from Environment Canada and Health Canada were present at all sessions. The Directors General responsible for CEPA 1999 in Environment Canada and Health Canada were both present at all sessions, except in Montreal where the Director General from Health Canada was represented by his Director. These individuals provided opening comments, detailed the reasons for the Parliamentary Review, and proposed issues for consideration. The presentation "slide show" used throughout the sessions is included in this Report in Appendix 2. Opening presentations consistently stressed that the workshops were not part of the Parliamentary Review; rather, their purpose was to provide information to assist participants in developing and sharing their views on CEPA 1999, and to assist the departments in their preparations for the Parliamentary Review. Departmental presentations were intentionally brief in order to maximize the time for participants to provide their views on CEPA 1999. Following the departmental presentations, opportunity was provided to participants to ask questions of clarification relating to CEPA 1999, the departmental preparations for the Review and the Parliamentary Review process itself. This "question and answer" period proved to be most informative and useful in addressing one of the stated objectives of the workshops in helping Canadians understand and develop their views on CEPA 1999. While this Summary Report does not specifically capture these "questions and answers", a great deal of this discussion assisted in the formulation of the messages that were then presented by participants to the departmental representatives for their consideration.

All public notifications and the introductory comments for each of the public workshops stressed that all of the inputs from Canadians would contribute to the preparation of advice that the Ministers of the Environment and Health will provide when the Act is referred to the Parliamentary Committee for review. To assist in this process, Environment Canada and Health Canada undertook to post summaries of comments received from the public workshops on the CEPA 1999 Registry. This report summarizes comments that were heard during the public workshops.

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APPENDIX TWO - Workshop Presentation Deck Used By Government Representatives



WELCOME TO THE EDMONTON

Public Session

in preparation for the

CEPA 1999 REVIEW



www.ec.gc.ca/CEPARRegistry/review

THE CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA 1999)

Preparing for the 5 Year Parliamentary Review

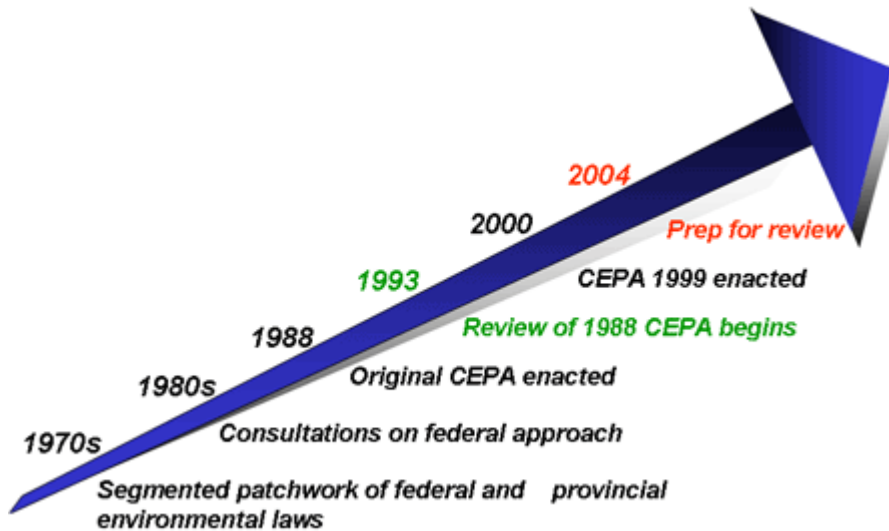
Introductory Remarks

Structure of Today's Presentation

- Introductory Remarks, Including Purpose of Sessions
- Context of CEPA Review

- Themes for Today's Workshops
- Closing Remarks

CEPA Milestones



Why We Are Here

- Legislative requirement that CEPA be reviewed by Parliament every 5 years
- Parliament will embark on the 2nd Review of the Act sometime after March 2005
- We need your continuing help in preparing for the Review

Steps in Parliamentary Review of CEPA 1999

- Preparation phase - mid 2003 to March 31, 2005
- Parliamentary review - starts on or after April 1 (up to 12 months)
- Government response - up to 150 days
- Bill phase if necessary - to 2008

Preparing for CEPA 1999 Review

- Lessons learned from implementing CEPA over past 5 years
- Independent EC-HC evaluation of implementation of CEPA 1999 (to be finished by March '05)
- Advisory Committee (Spring - Fall '04)
- Public consultations (Winter '05)
- Ministers' advice to Committee (Spring '05)

Purpose of Sessions

1. Provide information to assist you in developing and sharing your views on CEPA 1999
2. Getting your views on CEPA 1999 issues that:
 - a. Environment Canada and Health Canada have identified (Scoping Paper)
 - b. You wish to raise with us

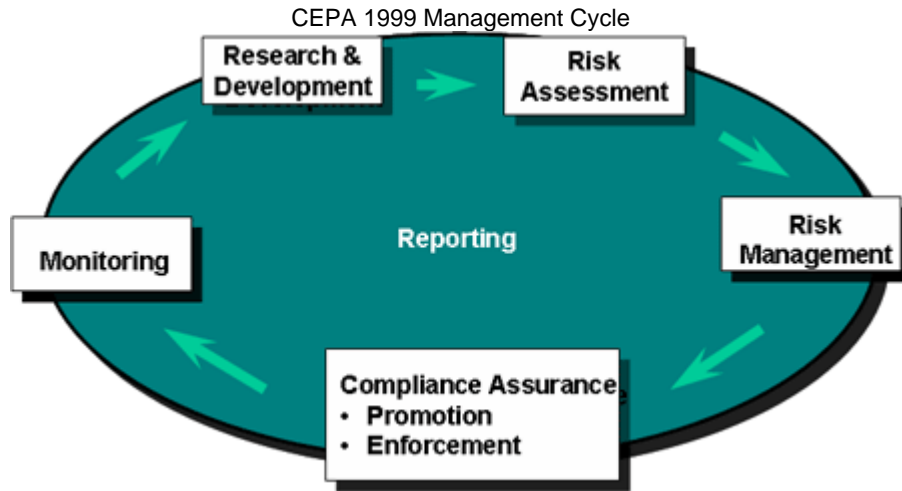
Preparing for the CEPA 1999 Review

CONTEXT

Overview of CEPA 1999

- **Mandate:**
 - CEPA is an Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development
- **Objectives:**
 - Pollution prevention
 - Timely management of toxic substances
 - Virtual elimination of worst toxics
 - Control of wide range of pollutants
 - Encourage public participation
 - Use of wide range of enforcement powers and tools

Overview of CEPA 1999

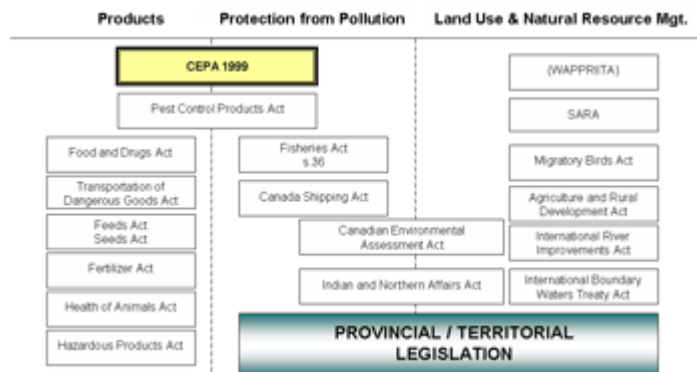


Risk Management Focus

- Existing Substances
- New Substances
 - Chemicals
 - Products of Biotechnology
- Federal & Aboriginal Lands
- Protect Marine Environment
- Transboundary Air and Water Issues
- Fuels and Engine Emissions
- Hazardous Wastes
- Environmental Emergencies

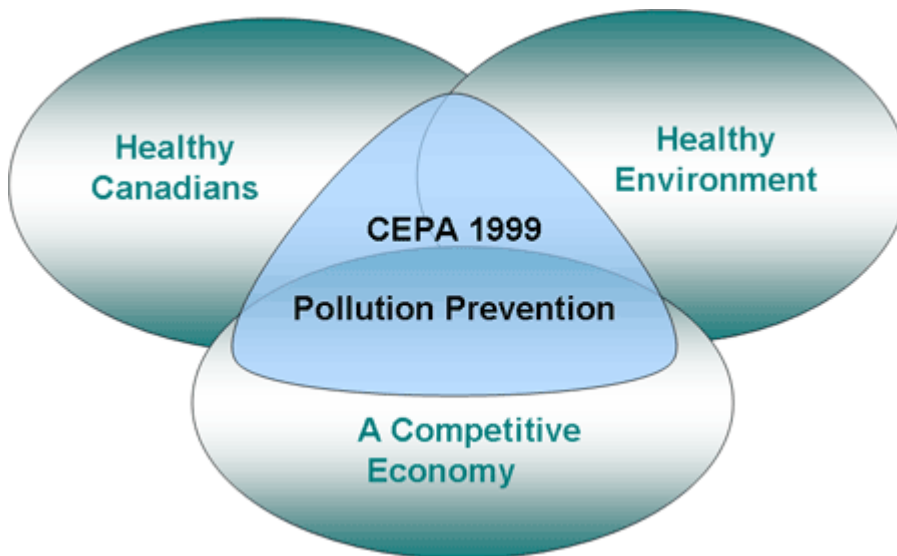
Federal Environmental Legislation

- Depending on issue of concern (e.g. sectors, substance) different federal authorities come into play, complement action by provinces / territories



Major laws within the Federal Environmental Management Regime are focused on one or more of three major objectives: managing products; reducing and preventing pollution from emissions and effluents; and, habitat protection, land use and natural resource management. Following are some specific examples: The *Canadian Environmental Protection Act 1999* addresses both product management and the reduction and prevention of pollution from emissions and effluents objectives as does the *Pest Control Products Act*. Managing Products objective is also addressed by the *Food and Drugs Act*; the *Transportation of Dangerous Goods Act, 1992*; the *Feeds Act*; the *Seeds Act*; the *Fertilizer Act*; the *Health of Animals Act* and the *Hazardous Products Act*. The objective of reducing and preventing pollution from emissions and effluents is addressed through the *Canada Shipping Act* and the *Arctic Waters Pollution Prevention Act*. This objective as well as that of habitat protection, land use and natural resource management are addressed through the *Fisheries Act*; the *Canadian Environmental Assessment Act*; the *Canada Water Act*; the *Indian Act*; the *Northwest Territories Waters Act*; the *Territorial Lands Act*; the *MacKenzie Valley Resource Management Act*; and the *Nunavut Waters & Nunavut Surface Rights Tribunal Act*. The objective of habitat protection, land use and natural resource management is also addressed through the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)*; the *Species at Risk Act*; the *Migratory Birds Convention Act, 1994*; the *International River Improvements Act*; the *International Boundary Waters Treaty Act*; and, the *Oceans Act*.

Goal: Create a Renewed CEPA that contributes to a Sustainable Environment, Healthy Canadians and a Competitive Economy



Positioning CEPA 1999

THEMES FOR TODAY

- **KNOWLEDGE** for protecting health and environment
- **TOOLS** for taking action
- Fair and efficient **COMPLIANCE PROMOTION** and **ENFORCEMENT**
- **INFORMATION** for Canadians

Questions?

Four Themes For Environmental and Health Sustainability

Environmental and Health Sustainability Requires:

1. KNOWLEDGE for protecting human health and the environment
2. TOOLS for taking action
3. Fair and efficient COMPLIANCE PROMOTION AND ENFORCEMENT
4. INFORMATION for Canadians

Should CEPA be implemented differently or changed

1. Knowledge for Protecting Human Health & Environment

Objective: *identify, understand and develop scientific information to assess and manage risks*

- CEPA currently promotes knowledge through various measures, including:
 - Science and technology research
 - Risk assessment of existing substances
 - In assessing and managing risks, CEPA requires application of the precautionary principle
-

2. Tools for Taking Action

Objective: *enable timely and effective risk management using most appropriate risk management measures*

- Pollution Prevention is the foundation of CEPA
 - CEPA has a flexible and wide range of tools to manage risks, including codes of practice, guidelines, economic instruments, pollution prevention plans and regulations
 - CEPA allows us to harmonize with tools of others (provinces, federal departments, etc.)
-

3. Fair and Efficient Compliance Promotion & Enforcement

Objective: *at minimum, enable compliance and fair, efficient enforcement with appropriate penalties*

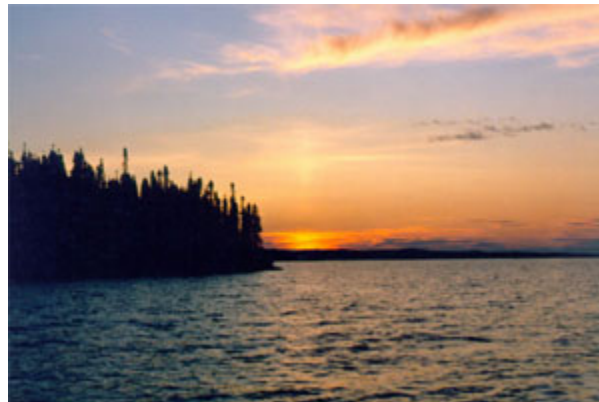
- CEPA has a wide range of compliance promotion practices, including provision of information on pollution prevention, regulation development and educational material
 - CEPA provides a modern suite of enforcement tools, including warnings, environmental protection compliance orders, environmental protection alternative measures and stiff penalties
- ▲

4. Information for Canadians

Objective: *generate knowledge, provide access to information on human health and environmental quality and effective public participation*

- CEPA has mechanisms to provide information, including the National Pollutant Release Inventory
 - CEPA Registry provides access to wide range of information
 - CEPA encourages public participation
- ▲

Questions?



Thank You

From Today's CEPA 1999 Review Information Team

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www.ec.gc.ca/CEPARRegistry/review