

February 14, 2023

MP committee fails to establish timelines for action on toxic chemicals

Bill S-5 amendment improves CEPA but falls short of what is required

OTTAWA | TRADITIONAL, UNCEDED TERRITORY OF THE ALGONQUIN

ANISHNAABEG PEOPLE – MPs missed an opportunity to drive faster action on toxic substances by voting down a proposed amendment to the Canadian Environmental Protection Act (CEPA) that would have required the federal government to account for delays longer than two years.

While CEPA requires the federal environment minister to develop risk management strategies for each substance found to be toxic, implementation of planned control measures can be delayed by years, or even decades. Addressing this problem is a critical gap in the federal government's bill to modernize CEPA, say environmental and health groups.

MPs on the House of Commons environment committee (ENVI) rejected an amendment moved by MP Laurel Collins and also supported by MP Monique Pauzé that would have established an accountability mechanism to help ensure risk management plans stay on track. Instead, the committee adopted a weaker amendment requiring updates on regulatory timelines and reasons for delay in the CEPA annual report. While this will be a welcome addition to the annual report, groups say greater accountability is needed to fix the problem of long delays that has plagued regulation of toxic substances in Canada.

Bill S-5, which seeks to reform CEPA for the first time in more than two decades, is currently being reviewed by ENVI. The government introduced the bill first in the Senate, where it passed last Spring.

[ENVI reviewed CEPA in 2017 and recommended amendments to the Act](#) to “update, improve and prescribe timelines for all actions under CEPA.” [This group's joint submission on Bill S-5](#) reinforced this recommendation. Establishing timelines for action and clear requirements for reporting on progress are basic elements for accountability; there is no justifiable reason to omit accountability mechanisms from CEPA.

In the absence of clear timelines for action under CEPA, lengthy delays of years or even more than a decade are not uncommon as substances move through the various steps. These delays result in years of unnecessary risk to human health and the environment, as well as uncertainty.

These delays have real-life consequences for the health of people in Canada and the environment. For example, PBDE neurotoxic flame retardants used in consumer products were assessed as toxic in 2006, but the draft regulations restricting PBDEs in products were only published last year, a delay of 16 years. In the meantime, exposure to these chemicals continues at levels above Canada's environmental quality guidelines and put people and ecosystems at risk.

ENVI is scheduled to continue clause-by-clause consideration of Bill S-5 on Thursday (Feb. 16), and has yet to vote on several other priority matters. In particular, this group calls on the committee to adopt amendments to:

- set a higher bar around confidentiality claims to ensure public access to information
- ensure that a right to a healthy environment implementation framework will include progress on air quality and toxic substances, and
- Require labelling of substances that are, or may be, toxic in consumer products.

The federal government has claimed Bill S-5 is about “strengthening protections for Canadians and the environment from harmful chemicals and pollutants.” Environmental and health groups call on MPs on the environment committee to strengthen these critical aspects of the bill to ensure the promise is met.

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Groups supporting this statement:

- Ecojustice
- Canadian Association of Physicians for the Environment (CAPE)
- Environmental Defence
- David Suzuki Foundation
- Breast Cancer Action Quebec

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