

Press release

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Environmental, health, and justice groups available for comment on new priority plan for chemicals management and draft guidance for implementing right to a healthy environment

Ottawa | Traditional, Unceded Territory of the Algonquin Anishinaabeg People | October 2, 2024 — Today, the federal minister of environment and climate change announced draft policies that will guide federal action on toxic chemicals and pollution under 2023 amendments to the *Canadian Environmental Protection Act* (CEPA) will be published on Friday.

Amendments to CEPA, passed as Bill S-5 in June 2023, included the first recognition of the right to a healthy environment in Canadian law, a new rigorous process for chemicals management planning, and a watchlist to identify chemicals of potential concern.

Leading environmental, health, and justice groups are concerned that improvements to the legislation will be eroded by delays, lack of ambition, and insufficient resources for implementation. They welcome the minister's indication that development of key policies is proceeding. At the same time, they note that today's announcement made no mention of new regulations required to operationalize amendments targeting highest-risk chemicals. Without this regulation in place, substances that pose the highest risk to human health are unlikely to be banned.

The following spokespeople will be available for background and can provide comment next week once the policy drafts are published:

- Dr. Elaine MacDonald, Healthy Communities Program Director, Ecojustice
- Lisa Gue, National Policy Manager, David Suzuki Foundation (English and French)
- Cassie Barker, Toxics Senior Program Manager, Environmental Defence
- Dr. Ojistoh Horn, Board Member, Canadian Association of Physicians for the Environment (CAPE)
- Jennifer Beeman, Programs and Advocacy Coordinator, Breast Cancer Action Quebec (English and French)

Background

Bill S-5 legislated the right to a healthy environment for the first time in federal law and required the environment minister to develop a framework for implementing the new right under CEPA. The draft framework must be finalized by June 2025 and will then guide decision-making under the Act. In a submission to the government earlier this year, groups recommended that a strong framework should:

- define the principles of environmental justice, non-regression, and intergenerational equity (which the framework is required to address);
- be consistent with UNDRIP and respect the rights, title, sovereignty and decision-making authority of Indigenous nations;
- Adopt an intersectional approach to assess vulnerability and impacts to people and communities;
- Outline a process for identifying gaps in the government's duty to protect the right and closing any gaps;
- Provide for a human rights lens on enforcement of environmental violations.

The new requirement for a CEPA priority plan will bring much-needed transparency and predictability to chemicals management under CEPA. Advocates are seeking assurance that toxic chemical threats will be quickly assessed and regulated, avoiding the lengthy delays that have plagued the program in the past. A comprehensive and well-resourced priority plan for chemicals management is needed to protect against harmful pollution threats.

Information made available today indicates the draft plan identifies only about 30 substances, or substance groups — including the PFAS “forever chemicals”. Groups urge swifter action to regulate PFAS and other toxic chemicals for which assessments are already underway and a dramatic scaling up of the plan to address a much larger number of chemicals in the face of the global pollution crisis. The CEPA priority plan must support several government mandates, including the UN global plastic treaty negotiations on chemicals in plastics and the development of the national strategy to address environmental racism. [Recent polls](#) have shown that four out of five people want the government to protect them from hazardous chemicals such as PFAS.

The 2023 amendments to CEPA require the minister to establish a “Watch list” to identify substances with hazardous properties not currently classified as “toxic” under Canadian law. The minister announced forthcoming publication of only a “proposed approach” to establishing the watch list. Groups are pressing the government to move forward with publication of the actual list to prevent potentially toxic substances from replacing similar chemicals that have already been banned.

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