

Press release

For immediate release: October 07, 2024

***Federal government needs to go back to the drawing board on proposed framework for environmental rights, and ramp up action on toxics under strengthened environmental protection law.***

**OTTAWA | TRADITIONAL, UNCEDED TERRITORY OF THE ALGONQUIN ANISHNAABEG PEOPLE, October 7, 2024** — On Friday afternoon, the federal government published long-awaited draft policies to guide federal action on toxic chemicals and pollution under 2023 amendments to the Canadian Environmental Protection Act (CEPA). Environmental, health and justice groups are concerned that only 33 chemicals and chemical groups have been prioritized for assessment when thousands of chemicals are in use. Further, Canada’s first framework for implementing the right to a healthy environment needs to explicitly align with the United Nations resolution recognizing the right to a healthy environment, which Canada supported, and include guidance for integrating a rights-based approach to decision-making under CEPA.

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. Bill S-5 also modernized the approach to chemicals regulation, including requirements to consult on priorities, report annually on progress, and establish a “watch list” identifying hazardous chemicals of potential concern. Groups welcomed the changes as necessary improvements to transparency and accountability. However, they are concerned that these improvements to the legislation will be eroded by delays, lack of ambition, and insufficient resources for implementation.

The groups released the following reactions to the CEPA implementation framework:

**On the environmental rights framework:**

**Lisa Gue, National Policy Manager, David Suzuki Foundation said:**

“At last, Canada has recognized in law its duty to protect the right to a healthy environment. Now Environment and Climate Change Canada and Health Canada need to develop a human rights-based approach to guide decision-making about environmental protection. Unfortunately, this guidance is missing from the draft implementation framework, which mainly catalogues existing CEPA programs. While this is a useful step, it’s crucially important that the framework be

strengthened to support a human rights lens on environmental protection in line with international standards for human rights-based approaches.”

**Dr. Elaine MacDonald, Ecojustice Healthy Communities Program Director said:**

“I expected far more information on how the government actually intends to uphold our right to a healthy environment in the draft implementation framework. Pointing to the government’s ongoing objectives and processes under CEPA as fulfilling the government’s duty to uphold the right to a healthy environment lacks ambition and diminishes this right to the status quo under CEPA. The right to a healthy environment implementation framework must be strengthened to ensure this newly recognized right is meaningful.”

**Dr. Ojistoh Horn, Board Member, Canadian Association of Physicians for the Environment (CAPE) said:**

“As a family physician in Akwesasne, I see firsthand the effects of pollution as it overwhelms the natural checks and balances of our environments and our bodies. We have anecdotally high rates of cancer, autoimmune disease, endocrine disorders, and mental health disequilibrium following years of industrial contamination. That is why the new right to a healthy environment under the updated CEPA is so important. But it is not enough to have this right on the books – it is critically important that it is framed and implemented in a meaningful way, with a rights-based approach and in accordance with UNDRIP.”

**Joseph Castrilli, Counsel, Canadian Environmental Law Association:**

“In the face of increasing exposure to chemicals that cause cancer and other health harm, the draft CEPA implementation framework falls short. It creates uncertainty in the effort to advance justice for the environment and human rights. We do not know from this framework how the right is expected to be protected under this regime. A list is a start, but not a process for reaching or ensuring environmentally sound decision-making.”

**Kristian Ferreira, LL. B Coalition for Environmental Rights Co-Chair said:**

“We are encouraged by the government having recognized the right to a healthy environment in law. The government’s next goal needs to be establishing the law in all Canadian’s everyday life, and allowing them to access their human right. This draft framework has not done that, instead it has raised concerns that the right will not be upheld, protected, or articulated in line with international standards. This draft implementation framework lacks details on how the government would resolve long-standing issues with ‘procedural rights’. These issues include limits on ‘access to justice’ and barriers an individual faces when attempting to prevent or halt environmental harm under CEPA. The right to a healthy environment is a fundamental human right. In this current form, the framework risks relegating the right to an aspirational target.”

**On the Priorities Plan for regulating chemicals:****Cassie Barker, Toxics Senior Program Manager, Environmental Defence, said:**

“These new CEPA tools need to go further and faster to prioritize human and environmental health. We are glad to hear the Minister reiterate the importance of tackling toxic chemicals in plastics, and Canada’s commitment to phasing out PFAS “forever chemicals”. However, the Priorities Plan only includes a handful of substances in a sea of toxics and the government seems to be dragging its feet on establishing the chemicals watch list required by legislative amendments passed more than a year ago. This global pollution crisis demands bold federal leadership. The thousands of toxic chemicals hiding in plastics, electronics and other everyday products—and the industry that puts them there—must be stopped.”

**Jennifer Beeman, Programs and Advocacy Coordinator, Breast Cancer Action Quebec said:**

“During Breast Cancer Awareness Month, it is important to underscore the demonstrated link between exposures to widely used toxic chemicals and increased risk of breast cancer and a range of other cancers and health harms, particularly for historically vulnerabilized communities. This suite of CEPA tools needs to be as strong as possible and their targets and timelines need to be much more ambitious. The vigorous application of these tools is essential to significantly advance the right to a healthy environment and start reducing the current widespread toxic exposures and their serious health consequences.”

**On plastics chemicals of concern:****Karen Wirsig, Plastics Senior Program Manager, Environmental Defence said:**

“Plastics are a toxic chemical soup and Canada needs to step up and protect people and the environment from them. We’re pleased that the government has identified a number of hazardous chemicals used in plastics as a priority for environmental and human health protection. We need to see regulatory action on these chemicals as soon as possible. But the government must also expand its list of priorities, which currently only scratches the surface of the thousands of chemicals of concern in plastics. These hazardous substances come into contact with our food and bodies every day in products like packaging, clothing and toys, putting the health of people in Canada at risk. There is no time to waste.”

**Background*****Right to a healthy environment***

[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 by June 2025. The framework outlines and defines three related principles: environmental justice,

non-regression and intergenerational equity. It also includes descriptions of the relevant factors considered in interpreting and applying the right including scientific, environmental, health, social and economic, which includes the economic benefits of action and the cost to populations of not taking action. Relevant decision-making points in CEPA programs and processes are identified.

However, the framework fails to acknowledge Canada's human rights obligations and does not provide sufficient guidance to support meaningful implementation of the right to a healthy environment. Groups call for the framework to explicitly align with the [United Nations resolution recognizing the right to a healthy environment](#), which Canada supported, and include guidance for integrating a rights-based approach to decision-making under CEPA.

### ***Plan of priorities for chemicals management***

The new requirement for a CEPA priority plan will bring much-needed transparency and predictability to chemicals management under CEPA. A comprehensive and well-resourced priority plan for chemicals management is needed to protect against harmful pollution threats. There is no indication in the proposed priorities plan that it was developed in consideration of the right to a healthy environment, or how the right will be considered in future updates to the plan. Groups call for the plan to be reviewed and updated in consideration of the forthcoming implementation framework for the right to a healthy environment, as well as the forthcoming national strategy on environmental racism and environmental justice.

The draft plan identifies only 15 individual substances, and 18 substance groups, totalling about 520 individual substances. It is not clear how many of the approximately 25,000 chemicals Health Canada identified as priorities in the August 2024 [Science Approach documents](#) are included in the priority plan. Groups urge swifter action to regulate PFAS “forever chemicals” and other toxic chemicals for which assessments are already underway and a dramatic scaling up of the priority plan to address a much larger number of chemicals in the face of the global pollution crisis. Several hazardous chemicals used in plastics are included in the draft list of priorities for assessment. Groups urge the government to take action on chemicals and polymers of concern in plastics, and to support related provisions in the global treaty to end plastic pollution currently being negotiated. [Recent polls](#) have shown that four out of five people want the government to protect them from hazardous chemicals such as PFAS.

New regulations required to operationalize the 2023 CEPA amendments targeting highest-risk chemicals have yet to be published. Without this regulation in place, substances that pose the highest risk to human health are unlikely to be banned.

### ***Watch List***

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.

-30-

**Media Contacts:**

- Lauren Thomas, Senior Communications Manager | Environmental Defence  
[media@environmentaldefence.ca](mailto:media@environmentaldefence.ca), 647-687-2687
- Zoryana Cherwick, Communications Strategist | Ecojustice  
[zcherwick@ecojustice.ca](mailto:zcherwick@ecojustice.ca), 1-800-926-7744 ext. 277
- Cyrielle Maison, Communications Manager | David Suzuki Foundation  
[cmaison@davidsuzuki.org](mailto:cmaison@davidsuzuki.org), 514 444-8119
- Reykia Fick, Director of Communications | Canadian Association of Physicians for the Environment  
[media@cape.ca](mailto:media@cape.ca), 647 762-9168,
- Naoual Laaroussi, Communications Coordinator, Breast Cancer Action Québec  
[naoual.laaroussi@acsqc.ca](mailto:naoual.laaroussi@acsqc.ca), 438 409-3641