



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

15 September 2006

Honourable Rona Ambrose, PC, MP  
Minister of Environment  
House of Commons  
Ottawa, ON K1A 0A6

Honourable Tony Clement, PC, MP  
Minister of Health  
House of Commons  
Ottawa, ON K1A 0A6

Dear Ministers,

**Re: Categorization deadline under the *Canadian Environmental Protection Act, 1999***

I am writing to express the deep disappointment of the Canadian Environmental Law Association (CELA) for the Government of Canada's failure this week to make public both the results of the categorization of the Domestic Substances List, and the comprehensive plan for taking action on the most dangerous of those substances.

As we indicated in our July 7 letter to you, CELA had hoped that a plan for dealing with chemicals identified in the categorization process was in the works, and that the government would announce such a plan when it had completed this exercise.

Having been intimately involved with this process since the enactment of *CEPA, 1999* and the launch of consultations on this file, CELA continues to be most interested in its progress. We therefore consider it our responsibility to share with Canadians our impressions of the government's plan when it is released, and we will do so.

We expect your government's plan to include the following:

1. Mandatory timelines must be announced and committed to for the elimination / phase-out of the worst chemicals identified in the categorization process.
2. Persistent, bioaccumulative and inherently toxic (PBiT) substances determined through categorization not to be in current use in Canada should be subject to a special Significant New Activities (SNAc) process. Restrictive SNAc notices should be put in place such that any proposed future use of such a substance, in any amount (no matter how small), would trigger a screening assessment. Proponents should be required to provide, at a minimum, substantive toxicity data equivalent to the most rigorous data schedule required by the *New Substances Notification Regulations*. Proponents should have the burden of showing that the substance meets specified safety criteria before the substance can be introduced into Canada. For PBiTs that are directed to the SNAc process, there should be no minimum volume threshold, because these substances are

potentially harmful in very small amounts. Evidence already exists of these substances' hazardous properties, and their use should therefore not be allowed in Canada, unless the burden has been met by the proponent as described above. Any approvals should be time-limited, and subject to mandatory substitution by safer substances.

3. Of substances identified through categorization and currently in use, all PBiTs and the Health Canada top 100 chemicals must be placed on the List of Toxic Substances (Schedule I of CEPA) as soon as possible, with elimination of the most toxic within a year.
4. The 500 highest priority PiTs and BiTs should be identified and assessed within 2 years and, for any substance found to be CEPA-toxic, a toxics use reduction plan should be in place within one more year. The plan should be implemented within two further years.
5. The government should announce and launch its plan by the end of September 2006.

The categorization of 23,000 substances is an important milestone in the history of federal toxic substances regulation. Even more important is the next stage: the announcement of a systematic plan, including mandatory timelines, for dealing with these substances, beginning with the worst first.

CELA looks forward to your announcement, and to the development and implementation of the government's plan. Should you and your officials wish to discuss this matter, my colleagues and I would be pleased to do so.

Yours truly,



Counsel  
Canadian Environmental Law Association

cc. Mr. Bob Mills, M.P. and Chair  
House of Commons Standing Committee on Environment and Sustainable Development

Senator Tommy Banks, Chair  
Standing Senate Committee on Energy, Environment and Natural Resources

John Arseneau, Director General  
Science and Risk Assessment  
Environment Canada

Paul Glover, Director General  
Safe Environments Programme  
Health Canada

John Moffet, A/Director General  
Systems and Priorities  
Environment Canada