



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

January 9, 2009

The Hon. Jim Prentice
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, QC K1A 0H3

The Hon. Leona Aglukkaq
Minister of Health
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Postal Locator: 0906C
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Transmission by email
Original to be mailed

Dear Ministers Prentice and Aglukkaq:

Re: Delays in Government reports under the Chemicals Management Plan

The Canadian Environmental Law Association (CELA) is submitting this letter outlining our concerns on the delay of several key government reports and surveys related to Canada's Chemicals Management Plan (CMP). We are urging you to release these reports immediately for public comments since delays could have significant implications for the effective implementation of the CMP in the coming months.

CELA (www.cela.ca) is a non-profit, public interest organization that was established in 1970 to use existing laws to protect the environment and to advocate for environmental law reform. It is also a legal aid clinic that provides legal services to citizens or citizens' groups who are unable to afford legal assistance. Since its inception, CELA has also undertaken substantive environmental policy and legislation reform activities in the area of access to justice, pollution and health, water sustainability, and land use issues. Under its pollution and health program, CELA has been actively involved in matters that promote the prevention and elimination of toxic chemicals addressed in the *Canadian Environmental Protection Act (CEPA)*. These activities include the categorization process and implementation of the CMP. Currently, CELA is a member of the Chemicals Management Plan Stakeholder Advisory Council and participates in the joint project by the Canadian Environmental Network and Environmental Defence on the CMP, which receives support from the government and focuses on building capacity.

At the launch of the CMP in December 2006, Prime Minister Harper stated that "The Chemicals Management Plan we are unveiling today will make Canada a world leader in assessing and regulating chemicals that are used in thousands of industrial and consumer products." This statement was received with high expectations not only in Canada but also at the international level. The CMP was designed, in part, to address the 4,300 chemicals identified for further government action as part of Canada's effort to categorize the 23,000 chemicals listed under the Domestic Substances List. It was expected that the CMP would result in the development of regulatory actions for elimination and reduction of the most harmful chemicals in use, manufactured or imported into the Canadian market.

The workplan and schedule outlined under the CMP was ambitious, particularly for the chemicals identified under the Industry Challenge. There have been significant delays in November and December 2008 of the public release of:

- 1) Final assessment reports and proposed management strategies for Batch 2 chemicals;
- 2) Draft assessment reports for Batch 4 chemicals; and
- 3) Release of Batch 8 chemicals for Section 71 survey and voluntary questionnaire on risk management strategies.

As an organization that has had a long history of working to implement CEPA effectively and promoting the elimination of the worse persistent toxic substances from use in Canada, we are deeply concerned that the recent delays will have significant implications for effective implementation of the CMP. Our concerns focus on the effectiveness of public interest engagement in the CMP as well as the delays in taking regulatory actions that protect human health and the environment. Furthermore, we are concerned about the absence of communication with key stakeholders by your departments regarding these delays.

Effective public engagement has been a focal issue of concern expressed to each of your departments prior to the launch of the CMP. Despite the limited resources available for public interest organizations to participate in the CMP, each of the deadlines set out under the CMP for public comments has been met without delay. To ensure that the CMP will result in meaningful regulatory action of chemicals identified under the CMP, the release of these reports is critical.

We urge the government to release these reports without further delay to ensure minimal disruptions to the remaining workplan of the CMP.

If you have any questions, please do not hesitate to contact us at 416-960-2284.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa McClenaghan
Executive Director and Counsel

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c.c. Canadian Environmental Network