

**SUGGESTED TOPICS AND A POTENTIAL MEETING OUTLINE FOR THE REVIEW
OF THE *CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999***

**PREPARED FOR THE HOUSE OF COMMONS STANDING COMMITTEE
ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

**Tim Williams
Science and Technology Division**

31 May 2006



Library of
Parliament
Bibliothèque
du Parlement

**Parliamentary
Information and
Research Service**



CANADA

LIBRARY OF PARLIAMENT
BIBLIOTHÈQUE DU PARLEMENT

**SUGGESTED TOPICS AND A POTENTIAL MEETING OUTLINE FOR THE REVIEW
OF THE *CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999***

INTRODUCTION

The following tables set out a suggested list of topics and a potential list of meetings to guide the statutory review of the *Canadian Environmental Protection Act 1999* (CEPA). The first table outlines six general topics of interest and specific issues for discussion. The second table outlines a possible approach to the meetings. Twelve meetings are described that cover the topics and issues described in the first table. There is some overlap between topics. While twelve meetings are outlined, there are 11 sitting weeks in the fall for a total of 22 possible meetings. There likely remains enough flexibility to have a few additional meetings on CEPA, after accommodating the report of the Commissioner of the Environment and Sustainable Development and any other important issues that may arise.

**SUGGESTED TOPICS FOR THE REVIEW OF THE
CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999**

| TOPIC | SPECIFIC ISSUES |
|--|--|
| A. Measuring success: pollution prevention | <ol style="list-style-type: none"> 1. What are the goals of CEPA and how are they measured? 2. How can Canadians be best informed about the state of the environment? 3. How can monitoring of exposure to toxic substances be improved? |
| B. International activities | <ol style="list-style-type: none"> 1. What are other jurisdictions doing with respect to the management of toxic substances and what lessons could be learned for the Canadian context? |
| C. Assessment of substances | <ol style="list-style-type: none"> 1. Should the Act be changed to accommodate the different inherent toxicities and uses of chemicals? <ul style="list-style-type: none"> ▪ use of the word “toxic” ▪ chemicals under the <i>Food and Drug Act</i> ▪ carbon dioxide 2. How should the Government manage substances highlighted in the screening of the Domestic Substances List? 3. What aspects of the Act and its implementation can be changed to reduce the time required for assessments? 4. How should assessments take into account vulnerable populations and ecosystems? 5. Should the Act enable other jurisdictions’ risk assessments to be recognized? 6. How should the precautionary principle be applied to assessing substances? 7. What information should the government require of industry and who should assess the information? 8. What level of public disclosure should there be regarding data and its analysis? 9. Where should the burden of proof lie? |

| TOPIC | SPECIFIC ISSUES |
|---|---|
| D. Managing substances | <ol style="list-style-type: none"> 1. What are the appropriate tools to apply to substances that pose various risks to the environment and human health? 2. What aspects of the Act and its implementation can be changed to reduce the time required to put in place management tools once a substance has been assessed? 3. What does Virtual Elimination mean (including limits of quantification) and how could it be put into practice? 4. How should the precautionary principle be applied to managing substances? 5. Does enforcement of the Act need to be improved? 6. Do the Public Participation (civil suits) aspects need to be improved? |
| E. Cooperation with the provinces, territories and aboriginal peoples | <ol style="list-style-type: none"> 1. What is the role of the National Advisory Committee, particularly in relation to the Canadian Council of Ministers of the Environment, and how can it be improved? 2. How can aboriginal points of view be better integrated into decision making? 3. What is the role of Equivalency Agreements and how can they be used most effectively? |
| F. Interdepartmental cooperation and legislative overlap | <ol style="list-style-type: none"> 1. Are the roles of different departments sufficiently well identified to ensure that the department with the right expertise and capacity is performing the correct tasks? 2. Is there sufficient legislative clarity within CEPA and between CEPA and other federal Acts related to the management of toxic substances to ensure efficient control of toxic substances at the federal level? |

**POTENTIAL MEETING SCHEDULE FOR THE REVIEW OF
THE CANADIAN ENVIRONMENTAL PROTECTION ACT 1999**

| MEETING | TOPIC | ISSUES |
|---------|--|---|
| 1 | C. Assessment of substances D. Managing substances | <ul style="list-style-type: none"> • The use of the precautionary principle in assessment and management of substances |
| 2 | A. Measuring success | <ul style="list-style-type: none"> • Meeting the goals of CEPA • State of the environment reporting, monitoring for outcomes |
| 3 | B. International activities C. Assessment of substances | <ul style="list-style-type: none"> • Are there lessons to be learned from other jurisdictions? • Should CEPA recognize international decisions? |
| 4 | C. Assessment of substances D. Managing substances | <ul style="list-style-type: none"> • Improving timelines for assessments and implementation of management tools |
| 5 | C. Assessment of substances D. Managing substances | <ul style="list-style-type: none"> • Defining and implementing Virtual Elimination (including “level of quantification”) |
| 6 | C. Assessment of substances | <ul style="list-style-type: none"> • Taking into account vulnerable populations and ecosystems |
| 7 | C. Assessment of substances | <ul style="list-style-type: none"> • Assessing substances with different inherent toxicities, use of “toxic” • Regulations for <i>Food and Drug Act</i> substances (in-commerce list, see also meeting 10 – legislative clarity) • What to do with the Domestic Substance List screening results |
| 8 | C. Assessment of substances | <ul style="list-style-type: none"> • What information requirements are necessary? • How much information should be publicly disclosed? • Should industry or government bare the burden of proof? |
| 9 | D. Managing substances | <ul style="list-style-type: none"> • How can the Act be better enforced? • Should the public participation aspects (civil suits) be changed? • What are the most appropriate tools to apply (regulation, guidelines, pollution prevention plans etc.) |

| MEETING | TOPIC | ISSUES |
|---------|---|---|
| 10/11 | E. Cooperation with the provinces, territories and aboriginal peoples | <ul style="list-style-type: none">• Aboriginal points of view• National Advisory Committee• Equivalency Agreements• Canadian Council of Ministers of the Environment |
| 12 | F. Interdepartmental cooperation and legislative overlap | <ul style="list-style-type: none">• Are there clearly defined roles for departments?• Is there legislative clarity? |
| 13 | | |
| 14 | | |
| 15 | | |