



Retail Council of Canada
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Ms. Deb Schulte
Chair, Standing Committee on Environment and Sustainable Development
House of Commons
Ottawa, ON K1A 0A6

December 13, 2016

Subject: Retail Council of Canada (RCC) Written Comments on The Standing Committee on Environment and Sustainable Development “A review of the Canadian Environmental Protection Act, 1999”.

Thank you once again for the opportunity to appear before the Committee on November 26, 2016 on its review of The Canadian Environmental Protection Act, 1999 (CEPA), and for the opportunity to emphasize key points in our testimony and respond to Mr. Fisher’s question regarding the Precautionary Principle and Mr. Amos’s question on microbeads by way of this written submission.

RCC and its members are strong supporters of the CEPA. Among other things, it makes pollution prevention the cornerstone of national efforts to reduce toxic substances in the environment, it provides a wide range of tools to manage toxic substances, other pollution and wastes and it encourages greater citizen and industry input into decision-making.

Members are also supportive of the Chemicals Management Plan (CMP) under CEPA, widely recognized as a world-class program.

As you know, CMP uses a variety of tools to gather information from businesses, including voluntary surveys, as well as non-voluntary or mandatory surveys under section 71 of the Act. It originally targeted manufacturers and importers of chemical substances themselves. This approach made sense as this is how the bulk of chemicals are introduced into Canada.

In 2012, section 71 was used to issue a mandatory survey on finished consumer goods. For the first time, the Act was used to require reporting on chemicals as they appeared in finished consumer products for over 2,000 substances.

Members were left trying to determine how much of any particular substance appeared in the hundreds of thousands of products that they sell, from furniture to apparel, from electronics to books.

This came at a great expense of time, writing letters to suppliers and vendors, often overseas, attempting to get at this information with very little return. An internal survey of 10 of our members estimated that less than 5% of suppliers responded to mandatory surveys taken in 2015 and earlier this year.



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The overwhelming majority of retailers understandably did not have access to this kind of information, only the manufacturers would. The cost of the legal “red tape” of writing letters to suppliers to satisfy legal obligations of due diligence came at a significant expense, yielding very little in return in our estimation. It is RCC’s understanding that there have been no risk management actions taken to date based on any of the information provided on finished consumer goods in the past couple of years. The costs of mandatory surveys for finished consumer products greatly outweigh the little or no benefits with regards to actions taken to protect the environment and Canadians.

Any new costs introduced into the system ultimately get passed on to Canadian consumers, further contributing to the issue of the Canada-US price gap which is significant enough already.

The voluntary approach to chemical surveys with regards to finished consumer products should be used instead, and only on chemicals of greatest concern. This has been done in the past with great success, getting Government agencies more accurate information more quickly. Retailers were able to target their efforts to vendors who were likely to have the substances in question in their products.

A smaller, more manageable number of substances, perhaps 4 to 6 in every voluntary survey, once or twice a year, would allow retailers to actually track down information on chemicals of greatest concern. Less will yield more in the case of finished consumer products, and therefore provide better protection to human health and the environment.

CEPA would therefore benefit from targeted amendments to specifically exclude mandatory legal reporting on substances as they appear in finished consumer goods.

While not specifically a legislative issue, CMP would also benefit from more proactive, plain-language communications to both the public and to businesses that provide it with information. The program widely recognized as a global leader in chemicals management. But the public is largely unaware of the work being done, both because of the paucity of communications on the subject, and because what does come out appears to be written in fairly technical terms and not for the average Canadian. And retailers that feed information into the Program rarely hear back from Government on how that information helped inform decision-making.

Further to Mr. Fisher’s question at the hearing, we also wanted to take this opportunity to provide our thoughts on the Precautionary Principle and the notion of substitution of chemicals of interest for ones that are known to be safe. Members rely on the sound science conducted by Environment Canada and Health Canada. If a substance is declared toxic under the Chemicals Management Plan, members work with their vendors to ensure that the products they offer are in full compliance with regulatory requirements.

Further to Mr. Amos’s question on the government’s decision to ban microbeads in personal care products, RCC agrees with the decision as science concludes that these have harmful effects on aquatic ecosystems. In this regard, most retailers and brand owners had already voluntarily agreed to phase out microbeads from their product lines, in some cases, a year prior to the mandatory survey request issued in 2015.



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Thank you once again for the opportunity to emphasize key points in our testimony and respond to Mr. Fisher's question regarding the Precautionary Principle and Mr. Amos's question on microbeads by way of this written submission. Consumers can continue to have confidence in the products they buy given Canada's world class Chemicals Management Program, the commitment to continuous improvement and the close and ongoing collaboration between industry and government.

Please don't hesitate to contact me with any questions.

Yours,

A handwritten signature in black ink, appearing to read 'Jason McLinton', is written over a light grey rectangular background.

Jason McLinton
Senior Director, Federal Government Relations