



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

May 26, 2010

Mr. Peter Julian, MP
House of Commons
Ottawa, ON K1A 0A6

Transmission by email: Julian.P@parl.gc.ca

Dear Mr. Julian:

Re: *Bill C-494 to amend the Canadian Environmental Protection Act, 1999 (nanotechnology)*

The Canadian Environmental Law Association (CELA) (www.cela.ca) is sending this letter in response to the Private Members Bill C-494 amending the *Canadian Environmental Protection Act* (CEPA) to address nanotechnology which was submitted by you for First Reading on March 10, 2010. CELA would like to extend its support of Bill C-494 in principle given the lack of current progress made to address and regulate nanotechnology in Canada. Furthermore, your subsequent submission on questions related to nanotechnology activities in Canada as listed in the Order Paper and Notice Paper (No. 23, dated April 12, 2010) is also valuable to the current understanding of nanotechnology in Canada.

CELA is a non-profit, public interest organization 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 otherwise unable to afford legal assistance. In addition, CELA also undertakes substantive environmental policy and legislation reform activities in the areas of access to justice, pollution and health, water sustainability and land use issues since its inception. 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*, including the categorization process and implementation of the Chemicals Management Plan and the emerging issues related to nanotechnology.

As noted, CELA supports Bill C-494 in principle as it proposes to amend *CEPA* through very practical means that establish some level of accountability on nanotechnology, which currently does not exist in Canada, similar to provisions required for biotechnology. The amendments will establish a clear role for government in assessment and management activities on nanotechnology while outlining a level of accountability by industry to provide some basic toxicity and use information. In addition, Bill C-494 seeks to ensure that the precautionary principle is applied in the area of nanotechnology. Since there is very limited information about either the toxicity or the potential exposure risks of nanomaterials and products, CELA recognizes the utility of this bill. The investments towards research and development, introduction of new products and technology based on nanotechnology into the market continues without the necessary accountability to government and consideration for public health.

Government response to the questions of financial investments made for nanotechnology in Canada as well as the effectiveness of the *New Substances Notification Regulations* to evaluate and manage nanomaterials will be essential to the process and may identify areas requiring further government attention.

Should Bill C-494 proceed in the legislative process, CELA would seek further engagement with the aim to strengthen the provisions in *CEPA* as it will relate to nanotechnology. Here is a brief, non-exhaustive list of issues identified for further discussion:

- 1) Definitions of “nanotechnology” and “nanomaterials” should reflect the most stringent criteria currently used to measure what may be classed as such. The current definition of 1-1000 nanometer represents the size range proposed by *UK House of Lords Science and Technology Committee* and represent more stringent size than the 1-100 nanometers proposed by other jurisdictions. CELA would seek the highest level of accountability on all nanotechnology products even for those that exceed the 1-1000 nanometer scale;
- 2) Ensure industry accountability. Industry should be required to submit data to demonstrate safety of their nano products and materials as well as include data collection for toxicity and use data;
- 3) There should be an expanded scope of toxicity and hazard data required for evaluating nanotechnology as it impacts vulnerable populations such as workers, children, developing fetuses, people of low income and people with chemical sensitivities. There should be explicit inclusion of hazard benchmarks such as endocrine disruption and neurodevelopmental toxicity for evaluation;
- 2) Expand and enhance public engagement provisions related to the evaluation of nanotechnology products and access to information;
- 3) Ensure the development of a comprehensive and publicly accessible inventory of nanotechnology products and material; and
- 4) Review and address issues related to the application of the confidential business information provision in *CEPA*.

We support further consideration of Bill C-494 to promote transparency and accountability on nanotechnology in Canada. Please let us know where CELA may be able to contribute to the debate.

Thank you for your work on Bill C-494.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Fe de Leon
Researcher

CELA Publication # 727