November, 2015

Briefing Note:

Strengthening Canada's legal framework to reduce human health risks from toxic substances

Summary

A suite of federal laws governs the management of toxic substances in Canada, for the purposes of protecting human health as well as the environment. The pillars of this regime include the *Canadian Environmental Protection Act of 1999*, the *Canada Consumer Product Safety Act* and the Cosmetic Regulations of the *Food and Drugs Act*, as well as the *Pest Control Products Act*.[1] Unlike many other federal environmental laws, these acts and their regulations have not been weakened through amendments in recent years. However, human health protection under this regulatory framework has been mixed and improvements are needed to bring these laws up to date.

The new government could dramatically reduce risks from toxic substances early in its mandate through regulatory changes and other measures using existing statutory authority. These "quick fixes" would be an early demonstration of the government's commitment to protecting human health and the environment and signal a long-overdue shift towards safer alternatives and green chemistry.[2] We also propose a package of legislative amendments to strengthen the legal framework for managing toxic substances as a key initiative of a new government on an issue that is important to Canadians.

Canadian Environmental Protection Act (CEPA 1999)

Introduction

The purpose of CEPA 1999 is described in the Act as being primarily to ensure pollution prevention. However, it is important to recognize that there has been a significant shift in sources of pollution in Canada in recent decades. Increasingly, Canadians and their environment are exposed to toxic substances in imported manufactured products, whereas previously, a primary focus of regulatory activity under CEPA was controlling emissions from domestic industrial activity. While other federal laws apply to the human health risk of toxic substances in consumer products, only CEPA explicitly requires

[1] A separate brief is available outlining recommendations to strengthen the *Pest Control Products Act.*
[2] An area of chemistry and chemical engineering focused on the design of products and processes that minimize the use and generation of hazardous substances.

consideration of broader *environmental* risks, in addition to human health risks. CEPA 1999 therefore remains an important – and underutilized – tool for addressing a broad range of risks posed by toxic substances.

Chemicals Management: In 2006, the federal government initiated the Chemicals Management Plan to fulfill requirements under CEPA 1999 to assess and manage risks from more than 23,000 chemicals that had never been assessed for human or environmental toxicity. As of March 2014, Health Canada and Environment Canada had completed assessments for one-third of 4,300 substances of highest concern. An additional 1,614 substances are scheduled to be assessed by March 2016. The last federal budget renewed funding to the Chemicals Management Plan to complete assessment of the remaining 30 percent of substances of highest concern. While this will mark an important milestone, development and implementation of risk management strategies for many substances assessed as "CEPA-toxic" has yet to be completed or is inadequate (particularly with respect to the use of toxic substances in imported manufactured products).

In many instances the necessary action to reduce risks from toxic substances has been stymied by the "One for One Rule" of the Treasury Board's Red Tape Reduction Action Plan, which requires that "administrative burden costs" associated with any new regulatory action be offset by "equal reductions in administrative burden from the stock of existing regulations."[3] This blanket requirement essentially rules out regulation of newly-assessed substances, undermining CEPA provisions for the control of toxic chemicals.

CEPA should be updated to require an alternatives assessment, a process for identifying, comparing and selecting safer alternatives to toxic chemicals to reduce risk to humans and the environment by identifying safer choices. An alternatives assessment under CEPA can support the successful phase out of toxic chemicals through the phase in of safer substitutes and prevent the replacement of one toxic chemical with another equally or even more toxic chemical.

Furthermore, the *Persistence and Bioaccumulation Regulations* under CEPA set an unduly high bar for designating a substance as bioaccumulative. The European Union and United States have lower criteria than Canada for designating a substance as 'bioaccumulative'. The criteria under Canadian law for designating a substance as bioaccumulative would result in a designation of 'very bioaccumulative' in those jurisdictions. While we note that the Canadian bioaccumulative criteria are used to determine if a substance should be placed on a track for virtual elimination (when coupled with the assessment of the persistence of a substance), the same stringent criteria are also used in screening risk assessments under CEPA and under the Chemicals Management Plan to determine if substances are toxic, or capable of becoming toxic. The lack of a lower threshold in Canada for labelling a substance as bioaccumulative has significant implications for taking steps necessary to manage chemicals. In Canada, control measures may not be considered if a chemical does not equal or exceed the stringent criteria for bioaccumulation in the regulation.

[3] http://www.tbs-sct.gc.ca/rtrap-parfa/rtrapr-rparfa-eng.pdf

In addition, the current bioaccumulation criteria were developed from the science of chemical bioaccumulation in fish through water contamination. As the science of bioaccumulation has progressed, researchers have demonstrated bioaccumulation and biomagnification in terrestrial and aquatic/marine birds and mammals through air inhalation and diet. The regulation needs to be modernized to include the assessment of these forms of bioaccumulation and biomagnification.

Also, CEPA does not provide a clear approach to updating assessments, to take into account new scientific evidence, or to update exposure estimates. Consequently many assessments (and the corresponding risk management strategies) are now outdated. In marked contrast, the *Pest Control Products Act* requires that approved pesticides be re-evaluated every 15 years and mandates special review of any ingredient banned by another OECD country.

It is also worth noting that government has not been responsive to emerging issues related to toxics particularly in the assessment and management of endocrine disrupting chemicals (EDCs),[4] despite the legal obligations under CEPA to conduct research on endocrine disruptors. Nor are nanomaterials currently recognized under CEPA, though they warrant attention.

Air quality: In 2012 federal, provincial and territorial Environment Ministers agreed to take action to improve air quality in Canada with a new Air Quality Management System (AQMS). Implementation of the new system was to begin in 2015, but has been delayed by federal inaction. CEPA 1999 provides authority for the federal government to implement two key pillars of the AQMS: baseline industrial emission reduction regulations and health-based Canadian Ambient Air Quality Standards (CAAQS). However, draft *Multi-sector Air Pollutant Regulations* published in 2014 were never finalized. Furthermore, although the AQMS calls for national emission reduction standards for fifteen industrial sectors/equipment groups, the draft regulations target pollution reductions from just three sectors, and some requirements do not take effect *until 2030*.

With respect to CAAQS, new standards for fine particulate matter and ground-level ozone came into effect in 2015. Complementary CAAQS for other pollutants have yet to be established. Moreover, CEPA 1999 lacks enforcement mechanisms to ensure that CAAQS and other environmental quality and public health objectives, guidelines and codes of practice established under the *Act* are achieved.

Water: The Guidelines for Canadian Drinking Water Quality should include binding "maximum contaminant levels," which determine the maximum level at which a contaminant can be present in drinking water without causing adverse human health effects. In addition, non-binding "maximum contaminant level goals," which are long-term goals that provide a vision for the future and clarify the distinction between health-based targets and standards based on economic and technological constraints, are also necessary.

[4] See, e.g., EDCs of concern listed on the International Chemicals Secretariat's Substitute It Now (SIN) List available at www.sinlist.org and a similar list of potential EDCs available from The Endocrine Disruption Exchange (TEDx) available at http://endocrinedisruption.org/endocrine-disruption/tedx-list-of-potential-endocrine-disruptors/over

Pollution Prevention Planning: Under CEPA 1999 the government can require emitters of toxic substances to develop and implement pollution prevention plans, or P3s – a novel, non-regulatory approach for reducing emissions. While P3s have been successfully implemented in some cases, in many others P3s have underperformed because CEPA does not allow the government to establish benchmarks for pollution prevention. Enforcement provisions extend only to the development and implementation of the P3, without regard to the effectiveness of the plans in reducing toxic emissions.

Statutory Review: Despite a requirement for Parliament to review the Act every five years, CEPA 1999 has not been reviewed in seven years (since 2006-2008) and the government failed to issue a final response to the resulting recommendations. A statutory review is now long overdue.

Recommended quick fixes for CEPA 1999

The new government could take the following actions to reduce risks from toxic substances early in its mandate, relying on existing authority under CEPA 1999:

- Initiate the five-year review required under s. 343 by referring the matter to the House of Commons Standing Committee.

- Complete and implement robust risk management strategies for stalled toxic substances, starting with:

    - **PBDEs** – Amend the *Prohibition of Certain Toxic Substances Regulations, 2012,* to prohibit DecaBDE in imported, manufactured products, as called for in the 2010 Revised Risk Management Strategy for PBDEs.

      Polybrominated diphenyl ethers (PBDEs) are a class of chemicals used as flame retardants. They are persistent and bioaccumulative, and some PBDEs can harm brain development in children. These chemicals have been detected extensively in our environment, including in the Great Lakes and the Arctic. PBDEs were added to the List of Toxic Substances in 2006. At the time, manufacturers had phased out production of all but one PBDE formulation: DecaBDE. However, the original PBDE Risk Management Strategy and subsequent *PBDE Regulations* omitted meaningful restrictions on DecaBDE and banned only lower congener PBDEs. In 2010, Environment Canada posted a revised PBDE Risk Management Strategy that included matching European restrictions on DecaBDE in electronics and a ban on DecaBDEs in plastics and textiles, including imported, manufactured products.

      Five years later, these measures have yet to be implemented.

      Instead, recently proposed amendments to the regulations would merely extend existing prohibitions on the production, use, sale, or import of PBDEs commercial mixtures to include DecaBDE; an irrelevant amendment as PBDEs are not produced in Canada nor have they been imported into Canada for domestic manufacturing for many years. These

amendments would not address the main source of toxic exposure in Canada, namely through imported products containing DecaBDE.

- **Triclosan** – Complete the assessment of triclosan and add it to the List of Toxic Substances, as contemplated in the 2012 Preliminary Assessment Report. Implement a robust risk management strategy to restrict or prohibit triclosan in manufactured products.

  Triclosan is a widely used as an anti-bacterial agent in a range of consumer products. Environment Canada's preliminary assessment determined that triclosan is persistent, bioaccumulative, toxic to aquatic organisms and poses a danger to the environment. Although Health Canada does not consider the presence of triclosan in the environment a danger to human health, it is an endocrine disrupter and can affect thyroid function. It is also associated with antibiotic resistance in bacteria, leading the Canadian Medical Association to call for a complete ban on triclosan in household products. The Preliminary Assessment Report on Triclosan, published by Environment Canada and Health Canada in 2012, concluded that triclosan meets the CEPA criteria for inclusion on the List of Toxic Substances. Three years later the assessment has yet to be finalized and no action has been taken to reduce levels of triclosan in the environment.

- Eliminate the Red Tape Reduction Action Plan or, at a minimum, revise it to exempt regulations that protect the health of Canadians and the environment from the "One for One Rule."

- Amend the *Persistence and Bioaccumulation Regulations* to establish more precautionary thresholds for a determination of persistence or bioaccumulation in toxicity assessments of substances pursuant to CEPA 1999. The *Regulations* have not been updated since they entered into force in 2000, and are now out of step with Europe and the US.

- Develop guidance for the implementation of CEPA s.75(3) so that a decision to prohibit or substantially restrict any substance in another jurisdiction automatically triggers a CEPA assessment of that substance and, if the substance is included on the List of Toxic Substances, a review of its risk management strategy and implementation.

- Include occupational exposures in CEPA exposure assessment calculations.

- Finalize and implement the *Multi-sector Air Pollutant Regulations* to reduce emissions from industrial facilities. Expand the draft regulations to include robust standards for all sectors and equipment categories contemplated as part of the Air Quality Management System. Establish Canadian Ambient Air Quality Standards (under CEPA s.55) for sulphur dioxide and nitrogen oxide, as well as priority air toxics like mercury. Renew funding for the Clean Air Regulatory Agenda in Budget 2016 to enable this work to continue and ensure effective implementation of the AQMS.

Priority legislative amendments to CEPA 1999

- Amend the "CEPA time-clock" provisions in Part 5 of the *Act* to ensure timely implementation of all aspects of risk management strategies, and prescribe a 90-day timeline for Minister's response to a Notice of Objection.

  CEPA 1999 currently requires that when a substance has been assessed and proposed for addition to the List of Toxic Substances, a risk management strategy proposing regulations or other instruments "respecting preventative or control actions" must be developed within 24 months. Regulations or other instruments proposed in the risk management strategy must then be finalized within 18 months. In practice, risk management strategies frequently propose multiple actions, but Environment Canada and Health Canada consider the CEPA time-clock requirements met if just one instrument has been finalized within the prescribed 18 month period. As in the case of PBDEs (see above), this can lead to unacceptable delays in implementing crucial aspects of risk management strategies. The language in the *Act* should be amended to specify that where more than one regulation or instrument is proposed for a substance, all must be finalized within 18 months of publication of the risk management strategy.

  Similarly, the *Act* should be amended to prescribe a 90-day timeline for government response to Notices of Objection filed pursuant to s.332(2). This would prevent indefinite delays and help to make Notices of Objection a more effective mechanism for improving management of toxic substances.

- Amend Part 5 of CEPA to insert mandatory requirements for assessment, re-assessment, or review of risk management strategies, under the following circumstances:
  - Another jurisdiction prohibits or significantly restricts the substance;
  - The Minister has reason to believe that use of the substance in Canada has significantly expanded since the original assessment was completed;
  - New scientific findings respecting the substance's toxicity come to the attention of the Minister that could alter the outcome of the original assessment and/or necessitate changes to the risk management strategy.

  Also, a provision should be added to enable Canadians to request a re-assessment of substances and review of risk management plans. The *Pest Control Products Act* contains a parallel provision in s.17(a)*:*

  > *Any person may request a special review of the registration of a pest control product by making a request to the Minister in the form and manner directed by the Minister.*

- Amend Part 4 of the *Act* to ensure Pollution Prevention Plans are effective and to improve accountability for results. The Minister should be required to prescribe emission reduction targets rather than establish acceptable concentration limits and to evaluate whether Pollution Prevention Plans are achieving the targets.

- Amend Part 3 of CEPA to make environmental objectives, guidelines and codes of practice established under ss.54 and 55 legally binding (including Canadian Ambient Air Quality Standards and Guidelines for Canadian Drinking Water Quality).

Canada Consumer Product Safety Act

Introduction

Enacted in 2010, the *Canada Consumer Product Safety Act* (CCPSA) resulted from a multi-year effort to address the many shortcomings of its predecessor, the *Hazardous Products Act*. This modernization effort included long-overdue measures such as product recall powers, new reporting and record-keeping obligations for manufacturers, importers and retailers, an expanded range of inspection and enforcement tools and the ability to levy large penalties. The law's purview was expanded beyond a focus on lethal or acute dangers to consider chronic effects. The preamble to the Act also notes the need to act with precaution.

The impetus for change included multiple crises related to the finding of toxic substances in consumer products - often children's toys - and often in large numbers of products subject only to voluntary recall. Concerns were most often about chronic (rather than acute) exposure to low, though not always unlawful, levels of toxic substances. Scientific evidence indicates that exposure to toxic substances has changed substantially in recent years; frequently occurring indoors and arising from the purchase, use, and gradual deterioration of consumer products. Indoor dust from deteriorating products has become a key concern,[5] with young children often at greatest risk.[6] Disposal, through both recycling and waste streams, can contribute to further exposure via environmental pathways.

While the CCPSA corrected important shortcomings in Canada's product regulation regime, implementation remains overly focused on products with mechanical hazards and acute risks. Meanwhile, the regulation of consumer products containing toxic substances that create risks of chronic toxicity remains as weak as under the previous regime.

Lead is a telling example. Since the beginning of the 1990s, new and unexpected sources of lead in imported consumer merchandise has arisen in a very high volume of products, often intended for children. Canada's regulatory response to lead in products follows a cumbersome product-by-product, reactive approach that has been both overly slow and ultimately ineffective. Regulations, such as those controlling lead in children's jewelry, omit the vast majority of the costume jewelry trade, and warnings and recalls about lead in jewelry are a constant feature on the Health Canada website.[7] The regulation of lead in paint is perhaps the most striking example of the meagre pace at which these issues are dealt with in Canada. The legal limit for lead in paint was revised to 600 parts per million in 2005, which is the

[5] Roberts JW et al (2009) Monitoring and Reducing Exposure of Infants to Pollutants in House Dust. *Reviews of Environmental Contamination and Toxicology*; 201:1-39.
[6] Landrigan PL et al (2004) Children's health and the environment: public health issues and challenges for risk assessment. *Environmental Health Perspectives;* 112:257-265.
[7] http://www.healthycanadians.gc.ca/recall-alert-rappel-avis/index-eng.php

regulatory limit for both interior and exterior paint established by the US government *28 years previously* (in 1976).

Nor did the CCPSA update product labelling requirements that would assist consumers in making informed choices about products containing substances associated with chronic toxicity, such as cancer and reproductive or developmental toxicity. This, even though the Act requires the Minister to establish an advisory committee to deal with administration, including labelling.

The CCPSA applies an inefficient, product-by-product approach and a patchwork of regulation rather than a comprehensive approach. Again using lead as an example, the CCPSA and CEPA, as well as the *Food and Drugs Act* Cosmetics Regulation, have been applied to the regulation of lead in diverse situations, including for multiple consumer products. Yet, the designation of `CEPA-toxicity' for lead has had limited impact on continued use and exposure to lead from consumer products. It would be preferable for any substance designated as `CEPA-toxic' to be comprehensively evaluated for its use in products. Regulation should then restrict its use to clearly specified circumstances such as those necessary for public health, where product exposures cannot occur, or where no alternative currently exists.[8]

Recommended Quick Fixes for the CCPSA

- Immediately amend the CCPSA Asbestos Products Regulations (SOR / 2007-260) to ban all uses of asbestos in consumer products in Canada.
- Establish a Ministerial Advisory Committee on the administration of the CCPSA, that includes a focus on labelling of consumer products, as required under Section 67 of the Act.
- Establish a pilot project, to be completed within two years, to review the need for product safety regulation for four CEPA-toxic substances (lead, Bisphenol A, triclosan, and phthalates). Use the pilot to evaluate whether the CCPSA should automatically trigger such reviews for all CEPA-toxic substances.

Priority Legislative amendments to the CCPSA

Expand Legislative Triggers for Action on Consumer Products Containing Toxic Substances

The main features of CCPSA are reactive – enhanced inspection powers, product recall authority, increased penalties for non-compliance. The inclusion of a "general prohibition" on consumer products posing an "unreasonable danger to human health or safety," while important, cannot be relied on to

[8] In another example, Bisphenol A was assessed as toxic under CEPA and then banned in plastic baby bottles using CCSPA regulatory authorities. This ban was celebrated in Canada and elsewhere and described by the government as a precautionary response to evidence of developmental neurotoxicity in young children. However, this decision also ignored both the very large body of evidence about the endocrine toxicity (including reproductive and developmental toxicity) of Bisphenol A and the fact that vulnerability is likely greatest in the womb pointing to the need for a much more comprehensive regulatory response to multiple products containing this substance.

meaningfully address chronic hazards to human health posed by toxic substances in consumer products. Rather, the law should more explicitly include triggers for regulatory action.

The CCPSA should provide a legislative mandate for the Minister of Health to investigate whether to take regulatory action on consumer products under the following circumstances:

- Where other OECD countries ban a specific consumer product or component of a product because of a toxic substance;
- Where a substance is added to Schedule 1 of CEPA (a `CEPA-toxic') because of human health risks;
- Where a substance is added to California's Proposition 65 list of chemicals that are carcinogenic or toxic to reproduction;
- Where a substance is added to the International Agency for Research on Cancer's list of Class 1 (Known Human Carcinogens) and Class 2A (Probable Human Carcinogens); or
- Where there is credible scientific information pointing to the likelihood of cumulative toxicity from multiple exposure sources originating in consumer products.

These investigations should be sure to include evaluation of epidemiological data. They should also allow for reasonable exemptions for essential uses where safer substitutes are not available. As well, the aim should be to prohibit the *intentional addition* of substances that are carcinogenic or toxic to human reproduction and development. Where contamination is possible, compliance thresholds for contamination should be evaluated to ensure they do not present unacceptable risks, while taking into account that there is *no* safe level for many of these substances.

Require labels on consumer products containing carcinogens, reproductive and development toxicants

To complement the above amendments, the CCPSA should be amended to require product labelling to identify substances that are carcinogenic, toxic to reproductive, or health-toxic under *CEPA,* to the extent that these substances remain in consumer products (often merely as unintended contaminants).

Labelling will allow consumers to make their own choices about what hazards to accept or avoid in consumer products. Such mandatory labelling will help government to gather better information about chronic health hazards in consumer products. It will also promote market innovation to substitute inherently safer substances in response to consumer demand.

Amend Section 14 of the CCPSA to include adverse chronic effects

Section 14 of the CCPSA defines an "incident" with respect to a consumer product as a situation of *serious* adverse effect, including death, and outlines the duties of manufacturers and others in the event of such incidents. While this reporting requirement is necessary, it is inappropriately limited to very

serious situations of acute harm or death. It is also out of step with the definition of "danger to human health or safety" in Section 2 of the CCPSA which encompasses potential hazards and chronic toxicity.

A better approach is contained in Section 14 of the *Pest Control Products Act* and the associated *Pest Control Products Incident Reporting Regulations*. The PCPA requires pesticide manufacturers to report incidents within a much more broadly defined range of severity and to also report on incidents involving human health, domestic animals, the environment, and where there is packaging failure.

We recommend that a comparable set of requirements be established for mandatory incident reporting concerning consumer products, encompassing the broader range of adverse effects contemplated by the CCPSA definition of "danger to human health or safety" as well as a comparable range of circumstances, i.e., effects on people (including those indirectly affected by the product or its use), and domestic animals, and as a result of packaging failure.

Require public disclosure of incident reports and product recalls

The CCPSA does not require public disclosure of incident reporting or product recalls. While the latter are often a matter of public record given that recalls are typically issued to the public, the law should explicitly require the Minister to notify the public of reported incidents and recalls, including information about the health hazard.

Remove the authority to exempt exports

We recommend that the authority to pass regulations exempting exports[9] from the application of the Act or its regulations be removed from the legislation. It is not morally defensible for Canada to export health and safety hazards that we prohibit or restrict domestically.

Cosmetics Regulations of the Food and Drug Act

Introduction

Canadian cosmetic regulations are in need of amendments in order to protect the health of Canadians and the environment from exposure to harmful chemicals. Several key areas in need of reform include:

- expanding the list of restricted ingredients;
- increasing transparency about product ingredients;
- improved enforcement; and
- stronger requirements on manufacturers regarding notifying Health Canada of new products and ingredients.

Cosmetics and personal care products are regulated in Canada under the *Cosmetic Regulations* of the *Food and Drugs Act.* And the "Cosmetics Ingredient Hotlist" provides a list of ingredients that are banned or limited.

[9] subsection.37(1)(a)

Canada has fallen behind other jurisdictions, such as the European Union, in the regulation of cosmetics. In an effort to protect the public from potentially harmful ingredients such as carcinogens, allergens, irritants and endocrine disruptors, the European Union has restricted nearly 1,715 ingredients from use in personal care products. Canada has a "Hotlist"[10] of 573 ingredients flagged for concern in cosmetics and personal care products, but the list is poorly enforced and is not binding. Many of the ingredients on the EU's restricted list are legal to use in personal care products in Canada.

Personal care products are also a source of environmental pollution. For example, triclosan (see above) is found in soaps and toothpaste and thus finds its way into Canadian waterways, where it has been shown to be toxic to aquatic ecosystems.

Cosmetic manufacturers do not need to prove their ingredients are safe for human health before they go to market.[11] Nor does Health Canada conduct systematic testing of cosmetic ingredients and fragrances for safety. There is occasional government testing of cosmetics and personal care products after they are on the market, but it is limited and typically only conducted in acute circumstances (such as the "Brazilian Blowout" hair smoothing treatment, which was found to contain up to eight percent formaldehyde.[12])

As a result, it's common for cosmetic and skin care companies to use ingredients that have been linked to harm including:

- **Phthalates**: endocrine disrupting chemicals that impact male reproductive system development and have been linked to asthma, and risk factors for diabetes. Phthalates are often used as fragrance additives and will not appear on ingredient labels.

- **Parabens**: endocrine disrupting chemicals that mimic the hormone estrogen and may be linked to breast cancer; parabens are a common preservative and fragrance additive.

- **Artificial fragrances and musks**: several artificial musks are currently included on the Hotlist, however, artificial musks remain in wide use in fragrances.

Endocrine disrupting chemicals in cosmetics are an area of concern in light of mounting scientific evidence that cumulative exposures to low levels can have a significant impact on human health. The World Health Organization and United Nations Environment Program released a review, *State of the Science of Endocrine Disruptors 2012,* that highlights possible links between rising rates of endocrine related cancers, such as those of the breast and thyroid, and the presence of endocrine disrupting chemicals in consumer products. Moreover, the Endocrine Society's Second Scientific Statement on Endocrine Disrupting Chemicals, a review of over 1,300 peer reviewed articles, also highlights the link between exposure to endocrine disrupting chemicals and cancers of the breast, ovary and prostate, as well as more recent evidence highlighting the relationship between low dose exposures and obesity,

[10] http://www.hc-sc.gc.ca/cps-spc/cosmet-person/hot-list-critique/index-eng.php
[11] http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._869/
[12] http://www.healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2011/13594a-eng.php

diabetes, and cardiovascular conditions.[13] Cosmetics are low hanging fruit in terms of an opportunity to reduce exposure to these chemicals.

Heavy metals are also present in cosmetics as impurities, and are regulated, but enforcement is often weak. Companies have been asked to limit heavy metal levels in cosmetics, but there is limited testing and enforcement.[14] In 2011, testing of colour cosmetics by Environmental Defence found heavy metals such as lead, arsenic and cadmium in popular products.[15]

There are also shortcomings when it comes to informing the public of the ingredients in cosmetic products. All cosmetic ingredients must be listed on the outer label of a personal care product, but there is a loophole that allows more than 3,000 ingredients used to make fragrances to remain undisclosed by manufacturers. Instead of disclosing fragrance ingredients, the words "parfum" and "aroma" can be listed on the label. As a result of this lack of transparency, potent allergens and potential endocrine disruptors can be included in cosmetics without the consumer's knowledge.

Quick Fixes for Cosmetic Regulations

- **Fragrance ingredients**: full transparency would benefit Canadians' health. As an interim, step all allergens should be listed on cosmetic labels, and labels should disclose the presence of phthalates when included as an additive to fragrance.

- **Adding substances to the Hotlist**: expand the list to include items restricted in the European Union in order to bring Canadian protection up to international standards. Chemicals cited above, such as phthalates and parabens, should be among the first included.

- **Pre-market notification**: end the "post-market notification" approach to new products and immediately require manufacturers to notify Health Canada of products and ingredients *before* date of sale to prevent harmful products from getting onto store shelves.

- **Strengthening and testing**: strengthen provisions for inspection and testing of imported products, as many personal care products containing toxic chemicals and heavy metals are entering the Canadian market.

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[13] http://press.endocrine.org/doi/abs/10.1210/er.2015-1093
[14] http://www.hc-sc.gc.ca/cps-spc/pubs/indust/heavy_metals-metaux_lourds/index-eng.php#a5
[15] http://environmentaldefence.ca/reports/heavy-metal-hazard-health-risks-hidden-heavy-metals-in-face-makeup