



June 3, 2021

Honourable Jonathan Wilkinson, P.C., M.P.
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Ms. Annamie Paul
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Dear Minister Wilkinson, Mr. Albas, Ms. Collins, Madame Pauzé, Ms. Paul,

As organizations concerned with environmental health, we have long advocated for modernization of the Canadian Environmental Protection Act and recognition in law of the right to a healthy environment. We therefore welcomed the introduction of Bill C-28, the Strengthening Environmental Protection for a Healthier Canada Act and urge all political parties to prioritize its passage with improvements.

These are our initial recommendations for strengthening Bill C-28.

As you know, CEPA provides the legislative framework for protecting human health and the environment from pollution and toxics. The law has not been significantly amended for more than two decades, yet sources of pollution and our scientific understanding of risks have

changed dramatically over this time. Four years ago, the House Standing Committee on Environment and Sustainable Development reviewed CEPA and all parties agreed it should be modernized. Now, the climate emergency, global plastic pollution and a respiratory illness pandemic make strengthening CEPA an even more urgent priority, to protect the environment and the health of all people in Canada — particularly those who are marginalized and those in vulnerable situations, including Indigenous people, women, workers and racialized communities.

A strengthened CEPA is needed as the backbone of a green and just recovery from COVID-19. While Bill C-28 contains many much-needed improvements, many need to be strengthened to better address issues examined in the 2016-17 committee review and truly deliver on the government's promise of a stronger environmental protection law that confronts 21st-century dangers with 21st-century science.

In particular, we recommend strengthening the following aspects of the bill:

1. Right to a healthy environment

- Remove qualifying language, which foresees “balancing” the right with economic factors and could be used to undermine application of the right.
- Strengthen integration of the principles of environmental justice and non-regression with a related provision in Section 2 of CEPA.
- Explicitly require the minister to protect individuals' right to a healthy environment when making determinations about toxic substances.
- Accelerate the timeline for developing an implementation framework and provide procedures for enforcement of the framework.

2. New regime to prioritize prohibition of toxic substances of particular concern

- Specify in the act that this regime will address substances that are carcinogenic, mutagenic or toxic to reproduction and others with a high level of concern, consistent with the government's stated intention.
- Close the loophole for “consideration of any other factors” when developing prohibition regulations, except in the case of essential uses for which there are no less harmful alternatives.

3. Assessing real-life exposure

- Require assessment of aggregate exposures to substances, as well as cumulative effects. “Aggregate exposures” refers to the sum of exposures to a given substance via multiple pathways. “Cumulative effects” describes the impacts of simultaneous exposures to multiple different substances and other stressors.
- Clarify that cumulative effect assessment must include consideration of synergistic effects, where effects of combined exposures to multiple substances and other stressors are greater than what would be expected by adding the effects of individual exposures.

- Apply these requirements to the assessment of ecological risks, not only human health risks.
4. Timelines for the assessment of toxic substances
- Replace ambiguous language in CEPA to establish clear time frames for assessments so that risk management actions can proceed without delays.
 - Require implementation of *all* risk management actions within the specified timeline.
5. Enforcement
- Include streamlined provisions for individuals to bring an environmental protection action to prevent, stop or mitigate the harm caused by a release of a toxic substance into the environment in contravention of a regulation made under Section 93 or 94 of CEPA.
6. Confidential business information
- Reverse the burden to require requesters to prove the need for confidentiality, and increase disclosures of chemical names and living organisms in the public interest.

Bill C-28, as drafted, fails to address some important issues examined by the committee review and recent developments. We also recommend that Parliament address these gaps:

- Make ambient air quality standards legally binding.
- Require GMO food labelling.
- Remove barriers to an individual bringing an environmental protection action under Section 22 of CEPA.
- Align controls on import, export and transit of hazardous wastes with Canada's obligations under the Basel Convention for certain plastic waste streams.

In parallel to advancing Bill C-28 with these improvements, we also urge the government to expedite work on new regulations requiring ingredient labelling of everyday products, including flame retardants in furniture, and the complete disclosure of chemicals in cosmetics and cleaning products.

It has now been more than seven weeks since Minister Wilkinson introduced Bill C-28 on April 13, 2021, but it has yet to be placed on the agenda for debate and vote. As the summer recess approaches, we are deeply concerned that this important, long-anticipated bill has stalled. We urge all parties to prioritize Bill C-28 for debate and to co-operate to enable its referral to committee for consideration of strengthening amendments as soon as possible.

We would be pleased to discuss our recommendations for strengthening Bill C-28 with you and look forward to your reply.

Sincerely,

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