

TOXIC NATION: Pollution. It's in YOU!

A Call for Safer Regulation of Toxic Chemicals Under the Canadian Environmental Protection Act (CEPA)

ELIMINATE TOXICS- MAKE INDUSTRY ACCOUNTABLE- SAFE CONSUMER PRODUCTS- CLEAN-UP THE GREAT LAKES

Despite the Canadian government's efforts to control toxic chemicals under CEPA, the volume of dangerous chemicals released into the environment and making their way into Canadian bodies continues to increase. Since the mid 1990s pollution in Canada has increased by 49 per cent, and in 2003 industry reported releasing more than 4.5 billion kg of pollutants into Canada's land, air and water. Internationally, Canada ranks as one of the worst polluters of the industrialized nations.

Canada's pollution problem stems from the weak and ineffective regulation of toxic chemicals. Canadians deserve the highest standards for the regulation of toxic chemicals, because low standards put the health of Canadian families at risk. Many of the chemicals that industry releases are toxic and can cause cancer, reproductive and neurobehavioural disorders and respiratory illnesses. Statistics show that these chemicals may be wreaking havoc on Canadians' health. Since the late 1980s, the incidence of cancer among Canadians has increased by over 50 per cent, asthma among children has increased six fold since the late 70s, and learning disabilities and behavioural problems are showing an upward trend, as well.

The CEPA review is an opportunity to bring the regulation of toxic chemicals in Canada up to international standards. The European Union has developed a new chemical regulation system, *REACH*, that if passed in its current form, will greatly improve the safety of chemicals allowed on the market and will ensure the phase-out of all inherently hazardous chemicals. In the US, the proposed *Child, Worker, and Consumer-Safe Chemicals Act* has the potential to follow the European lead. When these frameworks become law, citizens of the EU and the US will be granted a higher level of protection for their health and safety than Canadians. We deserve better.

To bring the regulation of toxic chemicals in Canada up to international standards Environmental Defence recommends that CEPA:

Establish timelines for the virtual elimination of toxic chemicals.

- Establish aggressive timelines to virtually eliminate carcinogens, respiratory toxins, endocrine disruptors, and reproductive and neurological toxins from use, release, manufacture, disposal and recycling. At a minimum, a 50 per cent reduction in these substances must be achieved by 2010, with virtual elimination being achieved by 2015.
- As a matter of priority, ban polybrominated diphenyl ethers (PBDEs), perfluorinated chemicals (PFCs) and their precursors, and phthalates.

In the preamble of CEPA, it states that "the Government of Canada acknowledges the need to virtually eliminate the most persistent and bioaccumulative toxic substances". It's time to move from acknowledgment to action. Virtual elimination should apply to all chemicals that are, or are suspected to be, inherently toxic.

Make industry accountable for its chemicals.

- Shift the burden of proof onto industry to prove the safety of its chemicals before introduction or continued use in the market.
- Mandate industry to adopt a safe substitution policy to replace toxic substances with safer or non-toxic substances.

Currently, the burden of proof is on government to prove a chemical is hazardous before it can impose any restrictions, rather than on industry to demonstrate that chemicals are safe. This puts an unfair strain on the public purse. This substance-by-substance approach also means that the majority of chemicals on the Canadian market have never been assessed for their safety and many chemicals that are extremely harmful to human health continue to be used and released. The onus must be reversed. To prove the safety of a chemical, industry should be required to submit safety data including the latest information available on the health impacts of all existing and new chemicals before they are allowed on the market. This information should be made publicly available.

Industry is key to achieving the virtual elimination of toxic chemicals. To achieve the phase-out of toxic chemicals, industry must adopt a safe substitution policy. Substitution involves replacing a toxic chemical with a safer or non-toxic substance, or redesigning the product or system to eliminate the need for the toxic chemical. Substitution should be mandatory for all chemicals that are, or are suspected to be, inherently toxic, and substitution should involve strict timelines.

Regulate toxic chemicals in consumer products.

- Clarify CEPA to regulate toxic chemicals that may be released during the use or disposal of consumer products.

CEPA focuses on toxic chemicals used, manufactured and released by industry, but the release of toxic chemicals during the use of a product or its disposal have not been addressed. This is a major gap in the scope of CEPA that leaves consumers vulnerable to toxic exposure through everyday products.

Clarifying the scope of CEPA to cover toxic chemicals in products has the potential to ensure that all toxic chemicals in products are regulated, and in the case of new products, that there will be at least some pre-market assessment. Inclusion under CEPA will also give Health Canada the authority to regulate toxic chemicals in products in a precautionary manner and to develop programs to eliminate their use through phase-outs. As the overarching toxics law, CEPA should cover all chemicals in Canada, whether they be released through industrial emissions, or through products.

Reduce pollution in the Great Lakes basin.

- Create a special section of CEPA to focus on Great Lakes protection.
- Provide new funding for a Canadian Great Lakes clean-up of toxic hot spots.

The Great Lakes form the largest surface freshwater system on Earth, and are home to 30 million people, including about one third of Canada's population. The basin is also home to industrial facilities that produce 45 per cent of Canada's total toxic air emissions. While the US has stepped up with programs and funding for cleaning up and protecting the Great Lakes, Canada has become a laggard. Given that Great Lakes is such a significant pollution hot spot, with environmental and health impacts that spread far beyond the basin, a special section of CEPA is needed to focus on the basin.

Environmental Defence challenges Canadians from coast to coast to take the *Chemical Reduction Pledge*, and commit themselves to five actions that will reduce their household's exposure to toxic chemicals. We also call on the Government of Canada to match the actions taken by Canadians. The CEPA Review is an opportunity for the federal government to bring the regulation of toxic chemicals in Canada up to international standards. CEPA must be used to establish timelines to **eliminate toxics, make industry accountable** for its chemicals, ensure **safe consumer products** and **reduce pollution in the Great Lakes basin**.