

**Submission to Environment Canada and Health Canada
on Proposed Action Plan
on Perfluorinated Carboxylic Acids (PFCAs) and its Precursors**

February 24, 2006

The undersigned environment and health non-governmental organizations submit this letter in support of the current efforts by Environment Canada and Health Canada to take action on Perfluorinated Carboxylic Acids (PFCAs) and Precursors through the development of an Action Plan. These substances have been found to be persistent and potentially highly bioaccumulative in the environment. PFCs have a variety of uses, including in and on household products (e.g., paints, to promote water repellency in paper, carpets and sofas). The data suggest that of up to 95% of fluorochemicals used in carpet treatment are released over an average lifetime of 9 years, resulting in exposures to children.

As the government considers the components to be incorporated into the Action Plan, we ask that the following issues and comments be given careful consideration to ensure the protection of human health, wildlife and environment from exposure to these substances.

Action on Fluorotelomer based substances under new substances program:

We support the government's decision to proceed with regulations to prohibit the manufacture and import of four fluorotelomer based substances that have been assessed under the New Substances Notification Regulations(NSNR). These substances meet the criteria of toxicity as defined under Section 64 of the *Canadian Environmental Protection Act*. Keeping in mind the expiry date for the current prohibition on these substances are June 23, 2006 for three of the substances, and January 17, 2006 for the fourth, a notice in the Canada Gazette on the proposed regulation should be posted no later than these dates. To

facilitate these regulations, we strongly endorse the addition of the four substances should be added onto Schedule 1 of CEPA.

Action on PFCAs and its precursors under Existing Substances program:

We are pleased to see that current prohibitions on fluorotelomers assessed under the NSNR process triggered the harmonization of actions on other PFCAs, breakdown products of fluorotelomer based substances, through the development of an Action Plan. We support taking action to eliminate and reduce other PFCAs currently listed in use in the Canadian market (identified on the Domestic Substances List). Due to the hazardous properties of these substances, the goal of the Action Plan should be the ultimate elimination of these substances from manufacturing, importation, consumer products and disposal.

This Action Plan includes an ultimate goal of eliminating PFCAs and their Precursors. It can be seen as complementary to the agreement announced on January 25th, 2006 between the U.S. government and industry to establish a stewardship program to manage PFCs, with an ultimate date of ending production of these substances by 2015.

In keeping with the goal of timely and efficient elimination, the signatories to this letter identify the following elements as critical components for the Canadian Action Plan on PFCAs and their Precursors :

- ***Need for regulation*** that stipulates a prohibition on manufacturing, importing and use of these substances, in particular, in consumer products.
- ***Provide timelines and targets for reduction of PFCAs and their ultimate elimination.*** It is important that the proposed Action Plan outline timelines and targets for eliminating and reducing PFCAs and their precursors and ***incorporates public reporting on progress for implementation.*** Timelines and targets are critical for measuring effectiveness of implementing an action plan. It also provides some accountability for the departments' efforts.

- **Outline a process to review the effectiveness and limitations of the current regulatory framework to manage and prevent the use of PFCs in consumer products.** The *Canadian Environmental Protection Act* and the *Hazardous Products Act* are two statutes that should be a focus of this review. We are extremely concerned that the current discussion document outlines a risk management approach that implies that there is no consideration of action on manufactured items treated with PFCs. This is a significant gap in the development of the Action Plan.
- **Need for cumulative risk assessment of substances** having similar structures to ensure that final management decisions take into account cumulative exposures to the PFCs with similar structures and modes of action as well as consider the additive or synergistic toxic effects from these substances.
- **Expand the Action Plan to address other perfluorinated substances (e.g. PFOAs, fluoropolymers, PFOS).** For example, in anticipation of the release of the assessment on PFOAs by the Canadian government, *articulate how the Action Plan will consider perfluorooctanoic acids (PFOAs).*
- The **research agenda** should:
 - Expand biomonitoring to include indoor air and dust in vulnerable ecosystems and communities as well other routes of exposure of PFCs to humans, in particular on children's health and other vulnerable populations;
 - Expand investigation into the impacts and contribution of perfluorooctanoic acids or C8 (PFOAs) to human health, particularly in children's health, including toxicity studies to determine immunotoxicity and developmental neurotoxicity. Recently PFOAs have been deemed probable human carcinogens by the USEPA Scientific Advisory Review Panel on PFOA and its salts.
 - Identify and promote alternatives to PFCAs. It is necessary to consider the possibility that in some cases no chemical alternatives are necessary or should be considered e.g. that simple and safe solutions for stains are

available in the kitchen cupboard. “For little benefit – take no risk” should be the precautionary approach. However, to ensure that alternatives are assessed carefully for safety, the development of a guidance document that outlines a set of criteria to be used to determine safety of alternatives is required.

- ***Incorporate effective public participation in the development, review and implementation of the Action Plan.*** Ensuring a role for public input ensures transparency in the approach and accountability to the process.

We trust these comments will be taken into consideration.

Signed by:

Canadian Environmental Law Association
Learning Disabilities of Canada
Eastern Co-operative Health Organization
Falls Brook Centre
David Suzuki Foundation
Campaign for Pesticide Reduction – NB
Canadian EarthCare Society
Citizens' Network on Waste Management
Ontario Toxic Waste Research Coalition
Great Lakes United
Environmental Defence
Chemical Sensitivities Manitoba
South Peace Environment Association
Grassroots Economic Opportunities Development and Evaluation
Reach for Unbleached
Canadian Institute for Environmental Law and Policy
Blue Mountain Watershed Trust Foundation
Environmental Health Association of Nova Scotia
Canadian Association of Physicians for the Environment