



# **CEPA '99 Evaluation**

## **Assessment and Management of Toxic Substances in Canada**

The Commissioner of the Environment and Sustainable Development  
Office of the Auditor General of Canada





# 1999 Audit on Toxic Substances

- Focus on existing industrial chemicals and pesticides
- Included science assessment and risk management
- Three Acts: *Canadian Environmental Protection Act (1988)*, *Pest Control Products Act* and *Fisheries Act*
- Six federal departments
- Mix of legislative, policy, and voluntary instruments
- 27 recommendations



# 1999 Chapter 3

## *Cracks in the Foundation*

- **Net conclusion:** The federal government's ability to detect and understand the effects of toxic substances is threatened.
- Knowledge incomplete and still evolving
- Departments deeply divided
- Growing gap between “supply” (declining resources) and “demand” (new and increasing needs) for scientific information
- Weak interdepartmental co-ordination of research and monitoring, including Pest Management Regulatory Agency
- Shortfalls in environmental monitoring



## 1999 Chapter 4

### *Obstacles to Progress*

- **Net Conclusion:** The federal government is not taking adequate action to manage risks to public health and the environment.
- Progress has been made - releases reduced
- A complex, fragmented infrastructure
- Slow progress in managing Priority Substance List (PSL) 1 and 2 - Interdepartmental divisions impeded actions
- Lack of performance measures and identification of acceptable risk (risk management objectives)
- Reliance on non-regulatory (voluntary) instruments, even for priorities
- Inadequate tracking of releases



## **2002 Chapter 1** ***Toxics Revisited***

- Mixed progress against recommendations
  - improvements in some areas, little progress in others (See Matrix on Progress by Departments)
- Many of the root causes found in 1999 still exist in 2002:
  - Under-resourced commitments,
  - major gaps in scientific knowledge, and
  - burdensome regulatory processes.
- Ongoing concerns to look at in future...



# Science Research and Monitoring

- Underpins all decisions
- 1999 and 2002 reports identified significant shortcomings with demonstrated adverse impacts on assessment and management activities
- Monitoring was “ignored for too long”
- 2002 report raised concern about lack of information on “body burden” (biomonitoring)
- Questions to consider:
  - Has the “Canadian Information System for the Environment” been implemented? Will it be?
  - How do demand and supply compare today? Is adequate research and monitoring taking place?
  - What is the status of biomonitoring?



# Precautionary Principle

- 1999 report found lack of consistent application
- 2002 report noted need for direction – separate Environment Canada and Privy Council Office exercises were incomplete
- Questions to consider:
  - Has direction been developed?
  - Is the Precautionary Principle being applied consistently?



# Priority Substances List 1 and 2

- 1999 report -160 industrial chemicals (84 “high priority”)
- 1999 and 2002 reports found slow progress overall, hampered by consultative processes and lack of resources for implementation of recommended solutions
- Questions to consider:
  - What is the status of all PSL1 and PSL2 assessments and final decisions?
  - Are there procedures for incorporating new information into past assessments?
  - What is the status of risk management?
  - Are recommended controls being implemented and are they working? Is their effectiveness being measured?
  - Is pollution prevention really being achieved? How do we know?





# Virtual Elimination

- 1999 report found departments mired in conflict over Toxic Substances Management Policy, Virtual Elimination (VE) and life cycle management
- 2002 report noted no substances added to CEPA VE list and levels of quantification not yet defined
- Questions to consider:
  - Is VE being achieved?
  - What are the processes for the future (how will candidates be identified?)



## Domestic Substances List

- Not examined in 1999
- 2002 report noted categorization underway and raised concerns about lack of deadlines for screening and lack of capacity
- Questions to consider:
  - Is categorization and screening on track?
  - Does Environment Canada have the capacity?
  - How will the Precautionary Principle be applied?