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CEPA 1999: Focus on Issues

Key environmental issues managed under CEPA 1999

The health of Canadians and our economic and social progress are fundamentally linked to the quality of our environment. Recognizing this, the Government of Canada's environmental policies, under the banner of Project Green, are linked with economic and market realities so that Canadians have a cleaner, healthier environment and continued economic growth. The *Canadian Environmental Protection Act, 1999* is one of the Government of Canada's primary tools for achieving sustainable development and pollution prevention – the goals set out through Project Green.

This info-sheet is part of a series of three that provides an overview of CEPA 1999. *CEPA 1999: Focus on Issues* provides an introduction to the main issues addressed by the Act. The others in the series provide a brief introduction to the Act — *CEPA 1999 at a Glance*, and the key processes employed — *CEPA 1999: The Management Process.*

CEPA 1999 — a tool to help protect the environment and human health

CEPA 1999 enables the Government of Canada to provide sound management in eight major and distinct areas. The Act is intended to protect the environment and human health from the risks posed by harmful pollutants and to prevent new ones from entering the Canadian environment. The following snapshots show how CEPA 1999 works:

New and existing substances

CEPA 1999 aims to protect the environment and human health from risks posed by substances, including those new to Canada since 1987 (*new substances*), as well as the chemicals in use before 1987 (*existing substances*). Assessment of both new and existing substances is the joint responsibility of Environment Canada and Health Canada.

Most of the 23,000 existing substances were put into use without being subjected to a full health and environmental risk assessment. In order to begin to set priorities among these substances for assessing the risks they pose, CEPA 1999 requires that they be categorized in terms of whether they are (a) inherently toxic and either bioaccumulate in living organisms (meaning they collect in living organisms and end up in the food chain), or persist in the environment (meaning they take a long time to break down), or (b) present the greatest potential for human exposure in Canada. Substances which meet either (a) or (b) must undergo a risk assessment. If, through the assessment, they are found to pose risks to the environment or human health, action to deal with the substance is planned. A variety of risk management instruments are available for use under CEPA 1999, including guidelines, codes of practice, pollution prevention plans, environmental emergency plans and regulations, allowing the Government of Canada to use the right tool or set of tools to address the risk at hand.

New substances are assessed, and if they have the potential to pose unacceptable risks to the environment and to human health, control measures are put in place before they are introduced into the Canadian marketplace. If the risks are severe enough, they may not be permitted to be used commercially in Canada.

Living products of biotechnology

CEPA 1999 also deals with new living organisms that are the products of biotechnology, and takes into account the special characteristics of living organisms that separate them from other new substances (such as chemicals and polymers). For example, since living organisms are capable of reproduction, quantity limitations are not useful approaches to managing them. CEPA 1999 provides the federal benchmark

for the process for notification and assessment of new chemical substances and products of biotechnology. The notification and assessment provisions of CEPA 1999 actually serve as a safety net for these substances and products, and do not apply if requirements for notification and assessment are met by another federal act, such as the *Pest Control Products Act,* the *Fertilizers Act,* the *Feeds Act,* the *Seeds Act* or the *Health of Animals Act.*

About Schedule 1

Under CEPA 1999, a substance is considered to pose unacceptable risks if it:

- has or may have an immediate or a long term harmful effect on the environment, or
- poses or may pose a danger to the environment on which life depends, or
- is or may be a danger in Canada to human life or health.

Substances that meet any of these criteria may be added to Schedule 1 of the Act; if a substance is added to Schedule 1, CEPA 1999 requires specific action for managing the risks within strict timelines.

Tools available under CEPA 1999 for managing risks associated with substances range from guidelines or codes of practice through to requiring the preparation and implementation of pollution prevention plans, environmental emergency plans and regulations, including economic instruments. Public consultation is an important part of the process.

Disposal at sea and protection of the marine environment

CEPA 1999 prohibits the disposal of any material at sea without a permit issued under the Act. Reflecting Canada's international obligations to control the disposal of wastes at sea, CEPA 1999 allows permits for only a few classes of substances. CEPA 1999 also allows for the development of objectives, guidelines and codes of practice for protecting the marine environment from land-based sources of marine pollution, such as run off of harmful substances from an industrial site.

Fuels and engine emissions

CEPA 1999 provides for an integrated approach to reducing harmful emissions from on-road and off-road vehicles and equipment. Risks are reduced by controlling the quality of fuels used in Canada and by controlling emission performance standards of vehicles and equipment sold in or imported into Canada. In fact, as emissions controls for cars become stronger, the focus has shifted to reducing emissions from other transportation modes, including off-road vehicles and small marine engines, as well as various types of hand-held equipment.

Motor Vehicles and Smog

Transportation is the largest source of smog in Canada. CEPA 1999 enables effective management of smog-causing pollutants from vehicles that have a major negative impact on both the environment and human health.

Hazardous waste

Each year, about six million tonnes of hazardous waste are produced in Canada — including industrial, manufacturing and processing waste, as well as such common household waste as old car batteries and oil-based paints. Moreover, Canada imports and exports many tonnes of hazardous waste each year, with most of it destined for recycling.

An important role of CEPA 1999 is establishing the conditions and procedures for transboundary movement of hazardous wastes — including the use of permits and notification of transfers. This management role protects the environment and human health in Canada, as well as fulfilling Canada's obligations under international agreements.

Hazardous Waste

Until ways can be found to avoid creating hazardous waste, it must be managed in a way that minimizes risks to the environment and human health.

Canadian sources of international air and water pollution

Substances released from Canadian sources that pollute air or water beyond our borders — even those that are not listed in Schedule 1 (see sidebar on page 2) can be addressed under CEPA 1999. If the government of the province or territory in which the source of the pollutant is located is not willing or able to act, the federal government may step in to take action to reduce or prevent the pollution.

Environmental emergencies

Uncontrolled, unplanned or accidental releases of substances that could reasonably be expected to harm the environment or human health are deemed to be environmental emergencies. Where no other federal or provincial regulations exist that adequately address various aspects of environmental emergencies, CEPA 1999 can be used to fill these gaps. The government can make regulations or take other measures to prevent, prepare for, respond to and recover from environmental emergencies. To reduce the risks associated with emergencies, the preparation of environmental emergency plans are required for many substances.

Environmental protection on federal and Aboriginal lands

Under Canada's Constitution, provincial environmental laws do not generally apply to activities of the federal Crown, nor do they apply on federal and Aboriginal lands. CEPA 1999 provides the authority to develop regulations and other measures to manage many, but not all, of the environmental risks on federal and Aboriginal lands or from federal operations.

CEPA 1999 includes many ingredients for successful and sound protection of the environment and human health — including tools for assessing and managing risks.

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