

# INFOSHEET

## **Proposed 'Listing of Other Acts and Regulations' in *CEPA, 1999* Schedules (February 10, 2001)**

The *Canadian Environmental Protection Act* was first proclaimed in 1988 (*CEPA, 1988*); it included provisions for creating a regulatory program for 'new' substances proposed for first time entry into Canada. Phase 1 of this program was implemented in 1994 (for chemicals and polymers) and phase 2 in 1997 (for animate products of biotechnology). Under this program, all 'new' substances require notice, prior to their importation or manufacture, and assessment for potential adverse effects on human health and the environment. The program is administered by Environment Canada, while the assessments are conducted jointly by Environment Canada and Health Canada. The new substances assessment considers all phases in the life-cycle of the substance from the time it is manufactured through to its use and disposal.

In addition to the above, *CEPA, 1988* was written to recognize that notice and assessments of 'new' substances are also conducted under other Acts and Regulations. In cases where those Acts and Regulations provide for notice prior to import, manufacture or sale, and an assessment for potential adverse effects on human health and the environment, (i.e. conduct an assessment of 'toxic' as defined in *CEPA, 1988*), then 'new' substances regulated under them are exempted from notification under the new substances program in *CEPA, 1988*. Through this process, *CEPA, 1988* effectively sets a 'benchmark' for other Acts and Regulations.

The new *CEPA, (CEPA, 1999)* maintains the above criteria but has added a new requirement. This new requirement is the subject of this factsheet and will come into effect later this year (September 13, 2001); it requires the Governor in Council to make the decision whether the benchmark for notice and assessment of 'toxic' is met by other Acts and Regulations and, for those that do, 'List' them in either Schedule 2 (chemical and polymer substances) or Schedule 4 (animate products of biotechnology) of *CEPA, 1999*. The relevant subsections in *CEPA, 1999* are 81(7) and 106(7), respectively.

On February 10, 2001, the Governor in Council published a proposal to List five Acts and Regulations on Schedules 2 and 4 of the *CEPA, 1999* (see table below) in the Canada Gazette Part 1 (available on the internet at [www.canada.gc.ca/gazette](http://www.canada.gc.ca/gazette) and in most public libraries). Before any final decision is taken by the Governor in Council respecting an Act and Regulation, the public is invited to comment within 60 days from February 10, 2001.

Acts and Regulations proposed for Listing appear below:

<b>Schedule 2 (Chemicals and Polymers)</b>	<b>Schedule 4 (Animate Products of Biotechnology)</b>
<ul style="list-style-type: none"> <li>• Pest Control Products Act &amp; Pest Control Products Regulations (Pest Management Regulatory Agency)</li> </ul>	<ul style="list-style-type: none"> <li>• Pest Control Products Act &amp; Pest Control Products (Pest Management Regulatory Agency)</li> </ul>
<ul style="list-style-type: none"> <li>• Feeds Act &amp; Feeds Regulations (Canadian Food Inspection Agency)</li> </ul>	<ul style="list-style-type: none"> <li>• Feeds Act &amp; Feeds Regulations (Canadian Food Inspection Agency)</li> </ul>
<ul style="list-style-type: none"> <li>• Fertilizers Act &amp; Fertilizers Regulations (Canadian Food Inspection Agency)</li> </ul>	<ul style="list-style-type: none"> <li>• Fertilizers Act &amp; Fertilizers Regulations (Canadian Food Inspection Agency)</li> </ul>
	<ul style="list-style-type: none"> <li>• Seeds Act &amp; Seeds Regulations (Canadian Food Inspection Agency)</li> </ul>
	<ul style="list-style-type: none"> <li>• Health of Animals Act &amp; Health of Animals Regulations (veterinary biologics) (Canadian Food Inspection Agency)</li> </ul>

For more specific information on the Acts and Regulations proposed for Listing, including how *CEPA, 1999* requirements are met by the Acts and Regulations above, please consult departmental and agency websites (under 'whats new'):

Environment Canada	<a href="http://www.ec.gc.ca/">http://www.ec.gc.ca/</a>
Pest Management Regulatory Agency	<a href="http://www.hc-sc.gc.ca/pmra-arla/">http://www.hc-sc.gc.ca/pmra-arla/</a>
Canadian Food Inspection Agency	<a href="http://www.cfia-acia.agr.ca/">http://www.cfia-acia.agr.ca/</a>

The proposal to List these Acts and Regulations in *CEPA, 1999*, if approved, will make it clear that the Listed Acts and Regulations include environmental and health assessments that are being applied consistently and that new substances assessed under them meet *CEPA, 1999* new substances requirements for assessment of threats to human health and the environment. Furthermore, the Listing of these Acts and Regulations on Schedules 2 and 4 of *CEPA, 1999* will maintain the current (*CEPA, 1988*) regime whereby substances that are regulated under them are exempted from notification under the New Substance Notification Regulations of *CEPA, 1999*.

The proposal was made at this time to allow for sufficient time for public comment and for the Government to respond prior to the coming into force, on September 13, 2001, of the *CEPA, 1999* requirements as described above.

As part of the decision-making process, the Government invites the public to scrutinize the documentation that accompanies the proposal to List these Acts and Regulations and to provide comments to the contacts listed below.

Comments on the proposal can be made to one of the following contacts:

Cynthia Wright  
Director General  
Strategic Priorities Directorate  
Environment Canada  
Place Vincent Massey  
16<sup>th</sup> floor, 351 St. Joseph Blvd.  
Hull, QC  
K1A 0H3

Arthur Sheffield  
Team Leader  
Regulatory and Economic Analysis Branch  
Environment Canada,  
Les Terrasses de la Chaudiere,  
22<sup>nd</sup> floor, 10 Wellington St.,  
Hull, QC  
K1A 0H3