

# Identifying Candidate Substances for Risk Assessment

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Candidate substances for risk assessment are identified through seven main mechanisms under the *Canadian Environmental Protection Act, 1999* (CEPA 1999): 1) industry information, 2) categorization of the Domestic Substances List, 3) provincial/territorial or international decisions, 4) public nominations to the Priority Substances List, 5) new substances notifications, 6) emerging science and monitoring and 7) international assessment or data collection. These seven mechanisms allow Environment Canada and Health Canada to provide a scientifically rigorous, open and transparent process for identifying and prioritizing candidate substances for the assessment of their potential risks within Canada.

## 1) Industry Information (sections 70 & 71)

Sections 70 and 71 of CEPA 1999 address information-gathering issues related to substances. Under section 70, the onus is placed on industry to provide the Minister of the Environment with any information that may support the conclusion that a substance imported, manufactured, sold or used by that industry is “toxic” or capable of becoming “toxic” as defined under CEPA 1999. The Minister may also request industrial information under section 71 of CEPA 1999 by publishing a notice in the *Canada Gazette* inviting all parties that import, manufacture, sell or use a substance to provide or generate any information they have for the purpose of assessing whether the substance is “toxic” or capable of becoming “toxic” or whether to control or the manner in which to control the substance. This includes the authority to require sampling, testing and the generation of new data.

## 2) Categorization of the Domestic Substances List (section 73)

Under CEPA 1999, the Ministers of the Environment and Health must “categorize” the 23 000 substances on the [Domestic Substances List](#) (DSL) by September 14, 2006. Categorization is a prioritization process and involves the systematic identification of substances on the DSL that should be subject to screening assessments (section 74 of CEPA 1999).

The criteria used to categorize substances are described in section 73 of CEPA 1999. Section 73 requires the Ministers to identify those substances that, on the basis of available information:

- (a) are inherently toxic to humans or to non-human organisms and are persistent (take a long time to break down) or bioaccumulate (collect in living organisms and end up in the food chain), or
- (b) may present, to individuals in Canada, the greatest potential for exposure.

## 3) Provincial/Territorial or International Decisions (section 75)

From time to time, the Minister may be informed of a decision by another jurisdiction to prohibit or substantially restrict a substance for environmental or health reasons. Canadian provinces and territories and Member countries of the Organisation for Economic Co-operation and Development ([OECD](#)) are recognized as other jurisdictions under CEPA 1999. The Act calls for cooperating and developing procedures for exchanging information on substances with other governments in Canada and Member states of the OECD. When the Minister receives such information, a review of the information supporting the decision is undertaken to ascertain whether the information supports a determination that the substance is “toxic” or capable of becoming “toxic” in a Canadian context.

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### 4) Public Nominations to the Priority Substances List (section 76)

The Ministers of the Environment and Health are required to develop a list of substances that are given priority for assessment to determine whether they are “toxic” or capable of becoming “toxic” as defined under section 64 of CEPA 1999. This list is known as the [Priority Substances List](#) (PSL). The responsibility for assessing Priority Substances is shared by Environment Canada and Health Canada. Their comprehensive assessments evaluate all relevant aspects of a substance and can involve information gathering and testing. CEPA 1999 is very prescriptive about the time available to complete assessments, including circumstances where testing is needed.

Any person may ask the Minister to add a substance to the PSL. The Ministers of the Environment and Health determine whether nominated substances should be prioritized for assessment and added to the PSL.

### 5) New Substances Notifications (sections 81 & 82)

Substances that are not on the DSL are considered to be new substances. The [New Substances Notification Regulations](#) are an integral part of the federal government’s national pollution prevention strategy. As part of the “cradle to grave” management approach for toxic substances laid out in the Act, the New Substances Notification Regulations were created to ensure that no new substances are introduced into the Canadian marketplace before an assessment of whether they are potentially toxic has been completed and any appropriate or required control measures have been taken.

The CEPA 1999 approach to the control of new substances is both proactive and preventative, employing a pre-import or pre-manufacture notification and assessment process. When this process identifies a new substance that may pose a risk to health or the environment, the Act empowers Environment Canada to intervene prior to or during the earliest stages of its introduction into Canada. This ability to act early makes the New Substances Program a unique and essential component of the federal management of toxic substances.

The New Substances Program provides advance warning as well as knowledge of commercial chemicals that may be of concern. It also allows the Existing Substances Program to identify substances or classes of chemicals on the DSL that may have chemical properties similar to those managed under the New Substances Program.

### 6) Emerging Science and Monitoring

Science and monitoring studies conducted in Canada and elsewhere will often raise concerns about certain substances and generate information that will be helpful to risk assessments. This allows the government to react and respond to emerging concerns. Such information complements other assessment processes. Environment Canada is working closely with government research institutes and Canadian universities, through informal working relationships, workshops and conferences, to keep abreast of new science and environmental monitoring information that give rise to concerns.

### 7) International Assessment or Data Collection

Many international programs deal with the risk assessment or risk management of industrial chemicals and identify substances for which some action should be considered. The OECD provides one forum in which countries share information and work together towards developing harmonized policies and practical tools for managing risks to human health and the environment posed by chemicals. The current work program focuses on mutual acceptance and shared use of data and development of new approaches to support decision-making. These international programs assist in sharing Canadian experiences and promoting Canadian interests, approaches and policies on risk assessment; enhancing Canadian knowledge of risk assessment practices by exchanging experiences with other



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countries; pursuing the international harmonization of policies and practices related to testing, hazard assessment and risk assessment; and engaging in international cooperative programs to share the burden of assessing the risks of substances. Canada actively participates in the [OECD Chemicals Programme](#) and has established a strong relationship with the [U.S. Environmental Protection Agency's Existing Chemicals Program](#) to exchange information on substances of concern.

For more information on the Existing Substances Program at Environment Canada, please visit its web site at <http://www.ec.gc.ca/substances/ese/>.