

What provisions require exchanging information with and reviewing the decisions of other jurisdictions?

Subsection 75(2) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) calls for cooperating and developing procedures for the exchange of information on toxic chemicals with provincial and territorial governments in Canada and with Member countries of the Organisation for Economic Co-operation and Development ([OECD](#)).

In addition, from time to time, the Minister of the Environment may be notified, in accordance with procedures developed under subsection 75(2), of decisions made by other governments to specifically prohibit or substantially restrict a substance for environmental or health reasons. When the Minister receives such information, a review of the information supporting the decision is required under subsection 75(3) of CEPA 1999 to ascertain whether the information supports a determination that the substance is “toxic” or capable of becoming “toxic,” as defined under CEPA 1999, in a Canadian context.

What is the recommended procedure for exchanging information with OECD jurisdictions?

Research has been conducted on existing information exchange mechanisms. It is recommended that the [Prior Informed Consent](#) (PIC) procedure, developed under the [Rotterdam Convention](#), be used to identify and share decisions of OECD jurisdictions.

The PIC procedure under the Rotterdam Convention regulates the export and import of the most hazardous pesticides and chemical products. A product subject to the Convention may not be exported unless the importing country has been duly informed about the nature of the product and has given its consent, a process known as “prior informed consent.” As of September 23, 2004, there were 30 pesticides and 11 chemical products on the list of substances subject to PIC, and 3 more substances were added on February 1, 2005.

The Rotterdam Convention entered into force on February 24, 2004. Currently, 73 of the 77 Parties to the Convention are signatories. As of December 17, 2004, the Rotterdam Convention had been signed and ratified by 22 of the 30 OECD Member countries. When a country ratifies the Convention, it becomes bound by the provisions of the Convention, with full rights, protections and obligations.

How will information be exchanged with OECD countries that have not signed or ratified the Rotterdam Convention?

The PIC procedure is at an early stage of implementation under the Rotterdam Convention. Many Parties have been participating in the exchange of information on a voluntary basis since the amendment to the London Guidelines in May 1989, which identified the importance of having a process to increase chemical safety in all countries through the exchange of information on chemicals in international trade. In the interim, until the remaining OECD Member countries ratify the Rotterdam Convention, Environment Canada may use other international mechanisms to provide supplementary information. Other international activities in which Canada actively participates include OECD activities involving information sharing and international cooperation on chemicals and the Sound Management of Chemicals ([SMOC](#)) initiative of the North American Commission on Environmental Cooperation ([NACEC](#)).

Through these various activities, Environment Canada will be able to provide a scientifically rigorous, open and transparent process for identifying substances that should be a priority for risk assessment in order to determine if the substances are “toxic” or capable of becoming “toxic” as defined in a Canadian context.