

**An NGO Submission to Environment Canada's Consultation on
Canada's National Implementation Plan under
the Stockholm Convention on Persistent Organic Pollutants (POPs):
Demonstrating Canada's Commitment to the Reduction
and Elimination of POPs**

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*Prepared by
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The following organizations support this submission

Canadian Coalition for Health and Environment (Manitoba)
Citizens Environment Alliance (Ontario)
Citizens' Network on Waste Management (Ontario)
Citizens' Stewardship Coalition (British Columbia)
The Coalition for Alternatives to Pesticides (Quebec)
Community Health Opposition to Known Emission Dangers (British Columbia)
Concerned Residents of Winnipeg (CROW), Inc. (Manitoba)
Great Lakes United (Canada-United States)
Ontario Toxic Waste Research Coalition (Ontario)
Save the Oak Ridges Moraine (Ontario)

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CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

130 SPADINA AVE. • SUITE 301 • TORONTO, ONTARIO • M5V 2L4
TEL: 416/960-2284 • FAX 416/960-9392 • www.cela.ca

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Introduction

On February 17, 2004, the 50th ratification to the Stockholm Convention on Persistent Organic Pollutants (POPs) was received by the United Nations from France. Hence, on May 17, 2004, the Stockholm Convention will enter into force, marking a momentous moment around the world. To Canada as well as many developing countries and countries in transition, such a moment provides hope that the impacts of POPs will be eliminated and the vulnerable communities of society such as the aboriginal communities, children, women and workers will be protected from exposure to POPs. Within two years, Parties to the Convention will be required to submit their National Implementation Plan (NIP) to outline how it will achieve the elimination of POPs.

Canada is well positioned to demonstrate its leadership at the international level once again through its NIP. Since the Fall 2003, Canada's NIP process has encouraged participation by stakeholders in many aspects of the NIP discussions, an approach that has proven to be effective throughout the negotiations of the Stockholm Convention. Environment Canada's current approach promotes transparency and access to information by all stakeholders. The multi-stakeholder approach undertaken to this point places Canada in a good position to develop and submit a comprehensive NIP that aims to achieve the obligations of the Convention and reflects the spirit of the Convention. Given that each Party must submit its NIP to the POPs Secretariat by 2006, the discussions in the upcoming months on Canada's NIP will provide some indication as to the key elements or components that will be considered for Canada's NIP. If Canada can submit a NIP that effectively demonstrates the details of its efforts on POPs, and also provide detail on how it will address possible gaps and obstacles in its efforts to achieving the obligations of the Stockholm Convention, Canada's leadership on POPs will be well established within the global community. Canada's approach can be seen as model for other Parties to follow.

The Canadian NGO community is excited to engage in these discussions as it has created a unique opportunity to reflect on Canada's domestic regime on toxic substances in general and more specifically on POPs. When Canada ratified the Stockholm Convention in May 2001, it was the first country to do so. By this ratification, it was suggested that the elements of programs and regulatory framework were in place in Canada to achieve the obligations of the Convention. Other stakeholders, such as the environmental community were pleased with the early ratification by Canada. The NIP process is an opportunity to review the effectiveness of the current programs on toxic substances including POPs in achieving its stated goals and identify the opportunities to strengthen these programs.

Canada committed significant resources to these negotiations, in part, because of the unique impact of POPs on Canada's arctic communities and environment. Canadians should expect a NIP that can be adopted as a model by other Parties of the Convention. Canada's NIP should:

- be comprehensive in its approach;
- demonstrate transparency in its development;
- ensure effective public participation in all aspects of its development;
- undertake an assessment on the effectiveness of the programs and initiatives aimed at eliminating and reducing POPs;

- ensure an effective regulatory framework to support the programs and initiatives to ensure that the obligations and the spirit of the Stockholm Convention are reflected;
- require the implementation and promotion of safe substitutes and non incineration technologies for POPs;
- outline timeline for its implementation; and
- ensure capacity and resources are available to implement all aspects of Canada's NIP.

Requirements for Canada's Process to Develop its National Implementation Plans

This section provides commentary and specific recommendations on a broad number of issues related to the development of Canada's NIP as required under the Stockholm Convention on POPs. The recommendations outlined in this section support and further the general recommendations outlined in the previous section of this report. These recommendations aim to provide Environment Canada with advice with respect to the components to be included in an effective NIP. The Canadian environmental community will continue to comment and participate in the process to develop Canada's NIP to ensure that the NIP can effectively fulfill the obligations of the Stockholm Convention within a timely manner.

The chart divides issues into general categories: process, overarching themes and concepts, and specific components for Canada's NIP.

	ISSUE	COMMENTS	RECOMMENDATIONS
PROCESS ISSUES	Multi-stakeholder Consultations	<p>We support the efforts by Environment Canada to initiate a process to develop its National Implementation Plan (NIP) as required under the Stockholm Convention on Persistent Organic Pollutants. To ensure that Canada's NIP reflects the intent of the obligations required under the Stockholm Convention, the Canadian Environmental Law Association is advocating for a NIP that demonstrates flexibility and transparency in its development. The consultation document distributed for consideration will be key to laying the foundations for a successful national process for developing the NIP. Hence, it is critical that the consultation document clearly articulate that Canada's NIP is an on-going process that will include subsequent updates and revisions to reflect the progress of Canada's achievement towards the obligations of the Stockholm Convention as well as be able to address changes in obligations of the Stockholm Convention including the addition of new POPs to the Stockholm Convention.</p> <p>Given the significant level of resources and leadership demonstrated by Canada throughout the international negotiations on POPs, there are several aspects of the proposed consultation process and consultation document that may require further discussion to ensure that the efforts displayed by Canada on the international scene during negotiations is effectively displayed</p>	Recommendation 1: Environment Canada should include multi-stakeholder consultation meetings to discuss Canada's draft NIP to complement the online consultation currently proposed.

		<p>throughout the development of the NIP process and the implementation efforts to follow.</p> <p>Currently, we support the efforts of Environment Canada to seek participation from various stakeholders including provinces, industry, environment, health and the Aboriginal community through these initial consultation sessions. However, the consultation document outlines that the remaining review process for Canada's NIP will be conducted mainly through an online process. Given that each sector of society will have a role to play in Canada's efforts to meet its obligations under the Stockholm Convention, the development of the final NIP for Canada will significantly benefit by continuing the efforts to engage stakeholders throughout the process. The online submission of comments should be complemented with a face to face meeting of stakeholders.</p> <p>Face to face multi-stakeholder discussions provide an opportunity for open discussion among stakeholders on specific proposals made by Environment Canada which cannot happen so freely online. It is our view that such a proposal will limit transparency and debate on Canada's proposal for its NIP. There may be stakeholders that do not have the technical skills to participate in a meaningful way through an online consultation process but would be able to participate in a face-to-face discussion. Further, some stakeholders may be intimidated by the proposed approach which would require written comments to be prepared for consideration. Stakeholders may identify a number of common issues and components proposed in the draft NIP that may benefit from an open discussion promoted through a multi-stakeholder consultation meeting.</p>	
	<p>Need for program evaluation component in NIP process</p>	<p>Canada has played a significant role throughout the international negotiations for the Stockholm Convention. Given the extent of the impacts of POPs on the Canadian environment and to human and wildlife populations, Canada's announcement to ratify the Stockholm Convention in May 2001 was welcomed by Canadians as well as the international community. This ratification signalled Canada's commitment to take immediate action to eliminate and reduce POPs from the global environment.</p> <p>Two years after this announcement, Canada is initiating its process to develop its NIP as required under the Convention. Through this NIP process, CELA recognizes the opportunity for Canada to showcase its national programs on toxic substances specifically on POPs. In our view, Canada's NIP should present a plan that demonstrates the effectiveness of its legislation in addressing POPs and push for innovation in technology and practices that do not lead to the use, production,</p>	<p>Recommendation 2: An assessment on the effectiveness of current Canadian programs and initiatives focused on POPs should be undertaken as part of the process for developing Canada's NIP. The results of this assessment can be published in a separate report but should identify the key components to be included in Canada's NIP.</p> <p>Recommendation 3: Canada's NIP should</p>

		<p>manufacturing and release of POPs or other toxic substances into the Canadian environment.</p> <p>A NIP that provides an inventory of programs and initiative does very little to achieve the obligations of the Stockholm Convention. There are many regulatory and non regulatory programs currently being implemented in Canada focused on POPs and other toxic substances. However, Canadians currently do not have a clear understanding of the effectiveness of programs and initiatives.</p> <p>Through the NIP process, there must be clear recognition that gaps in Canada's approach to POPs may exist. NIPs cannot just rely on existing laws, policies and programs. There are indications that current federal programs and policies may not be adequate to fully address the obligations of the Stockholm Convention. For example, the criteria for persistence in water as required through the Toxic Substances Management Plan is not consistent with the criteria for persistence in water outlined in the Stockholm Convention. The requirements for persistence criteria under the Bioaccumulation and Persistence Regulation (P and B Regulation) under CEPA 1999 is:</p> <p>In water, its half-life is equal or greater than 182 days; In sediment, its half-life is equal or greater than 365 days; or In soil, its half-life is equal or greater than 182 days.</p> <p>The screening criteria for persistence in the Stockholm Convention is: In Water, its half-life is greater than two months, or In sediment, its half-life is greater than 6 month, or In soil, its half-life is greater than 6 months.</p> <p>The discrepancy between the Stockholm Convention and the P and B Regulation with respect to persistence in water creates a gap for assessing and initiating action on potential POPs found in commerce in Canada. Another gap in CEPA for effectively identifying POPs is found in the DSL categorization process. Currently, the DSL process does not target POPs directly since the categorization process requires that substances to be identified for further screening must meet all of the following criteria for persistence or bioaccumulation and inherent toxicity. The P and B criteria are those outlined in the P and B Regulation and the TSMP policy.</p> <p>The current NIP process is an ideal opportunity to assess how effective the current programs are in assessing and managing toxic substances such as POPs. It is also a good opportunity to identify and address the gaps that exist in our national toxic regime.</p>	<p>identify and implement those programs and initiatives that need to be strengthened to ensure that Canada meets its obligations under the Stockholm Convention within 5-years of the Convention Entry into Force.</p>
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	<p>Advisory Committee</p>	<p>Further, the process of developing Canada's NIP would significantly benefit from the establishment of a multi-stakeholder advisory committee. This advisory committee would be responsible in addressing on-going and emerging issues emanating from the NIP and its implementation. The members of such an advisory group can communicate with its constituency on these matters. We recognize that the HAPs Task Force exists to address POPs related issues but this Task Force is given responsibility on a wide range of matters regarding transboundary air issues. The advisory committee would be focused on issues related specifically to the Stockholm Convention. The core team established by Environment Canada provides a good starting point for an advisory committee as well as the current HAPs Task Force. In support of such an advisory committee, Environment Canada may want to consider the existence of a third party review mechanism used in other international agreements. For example, the Great Lakes Water Quality Agreement has a number of mechanisms that require an evaluation of progress and advice by advisory bodies.</p>	<p>Recommendation 4: Establish a multi-stakeholder advisory committee to ensure the completion of the National Implementation Plan and its implementation.</p>
	<p>Need for enhanced capacity and resources</p>	<p>The effectiveness of Canada's NIP will not be fully realized if the capacity and resources are not available to Environment Canada and other government departments to undertake the efforts necessary to address POPs in Canada.</p> <p>In the past decade significant budget cuts have been</p>	<p>Recommendation 5: Canada must ensure that capacity and resources are available to Environment Canada and other government departments that will be</p>

		<p>made to the Environment Canada bringing into question the extent of the impacts to the environment and human health from such cuts. Further, budget cuts to programs have resulted in more reliance on voluntary programs to address toxic substances that have not demonstrated sufficient evidence that such efforts are an effective approach for managing toxic substances in Canada.</p> <p>Canada must recognize these trends as it begins its discussions on developing Canada's NIP. The process of developing, implementing and reviewing the NIP process, plus ensuring that existing and new chemical assessment programs adequately capture new POPS, will require new and dedicated staffing. There must be a policy commitment to adequately resource for POPS-related efforts in Canada.</p>	<p>responsible for implementing the obligations of the Stockholm Convention.</p> <p>Recommendation 6: A study should be undertaken to assess the need for additional resources.</p>
<p>THEMES AND PRINCIPLES FOR CANADA'S NIP</p>	<p>Need to implement a precautionary approach to NIP</p>	<p>Canada's efforts to develop its NIP should embrace a precautionary approach to ensure that its efforts are effectively meeting the obligations of the Stockholm Convention. By embracing a precautionary approach within Canada's NIP, the role of key concepts supported through CEPA, such as pollution prevention plans and virtual elimination, increase in importance in the NIP. By taking a precautionary approach, the opportunity to promote innovation by industry for clean production and safe alternative would increase. For example, a precautionary approach would dictate that alternative industrial processes be found in the manufacturing of the dozen or so pesticide active ingredients known to contain POPS by-products. Since Canada does not currently manufacture any of the pesticides listed in the Stockholm Convention, careful consideration should be given to other pesticides that have POPs traits. Canada must ensure that pesticides in use in Canada through export or import must not be contaminated by POPs.</p> <p>In the efforts to evaluate existing POPS-related programming (as described above) in Canada, consideration should be made on whether the programs are consistent with a precautionary approach, i.e., whether pollution prevention and elimination at source are applied. For example, the Hazardous Waste Regulations which are currently being reviewed could be redesigned to shift the focus on elimination rather than minimization of POPS waste, and to focus on in-situ destruction of POPS and minimization of POPS transportation, especially avoiding high-hazard transportation methods such as tankers.</p>	<p>Recommendation 7: The precautionary approach should be an underlying theme throughout the development of the NIP. The NIP should give priority to and highlight those programs and initiatives that implement the precautionary approach to POPs.</p>
	<p>Promote Safe Alternatives</p>	<p>Canada's NIP should emphasize those initiatives and programs that promote the elimination of POPs through the development and use of safe alternatives. Over the past few years, there has been a number of legislative processes to further several key concepts found in CEPA 1999. These include the precautionary principle,</p>	<p>Recommendation 8: Canada's NIP should promote those programs and initiatives that promote safe alternatives to</p>

		<p>the development of virtual elimination plans and pollution prevention plans. The development of Canada's NIP can further these concepts by promoting those programs and initiatives that give priority to seeking safe alternatives to POPs. In particular, for POPs substances such as dioxins and furans, PCBs and hexachlorobenzene, which are produced as by products from industrial processes, the NIP should identify and promote those processes that do not result in the production of POPs as well as other toxic substances, including the use of non-incineration destruction technology.</p> <p>Despite the current lack of focus on discussion by the Expert Group developing guidelines for Best Available Techniques/Best Environmental Practices on safe alternatives, there is support of safe articles in the Convention. In Article 5 (c), the Stockholm Convention requires to "promote development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of chemicals in Annex C:" Canada should integrate a comprehensive discussion on safe alternatives to POPs to drive innovation within affected industry. This focus will be essential in the development of an Action Plan for unintentional by-products.</p> <p>Canada efforts in developing its Action Plan on unintentionally produced POPs should include the development of a list that consist of the following:</p> <ol style="list-style-type: none"> 1) All sources of Annex C emissions by sector in Canada; 2) Substitute material and processes for each use/process which leads to POPs emissions; and 3) Priority categories for substitution at source. 	<p>POPs.</p> <p>Recommendation 9: Canada should develop a list that consist of the following information:</p> <ol style="list-style-type: none"> 1) All sources of Annex C emissions by sector in Canada; 2) Substitute material and processes for each use/process which leads to POPs emissions; and 3) Priority categories for substitution at source.
	<p>Public Participation</p>	<p>Throughout the international negotiations, Canada demonstrated the important role and contribution made by stakeholders such as environment, Aboriginal communities and industry to these negotiation. The Canadian government decision to include participation by stakeholders as members of the Canadian delegation at all the negotiating sessions provided evidence that the transparency issue in developing Canadian positions was a priority for Canada. This level of involvement by non-governmental representatives was seen as unique by the global community. CELA, who has participated as a member of the Canadian delegation at several of the international negotiations on POPs, has found this level of public participation to be very effective in communicating positions and promoting transparency in the decision making process.</p> <p>The role of the public in the various programs and initiatives expected to achieve the obligations of the</p>	<p>Recommendation 10: Public participation from all sectors affected by POPs should be an essential component in all phases of the NIP process to promote transparency and access to information. This includes enhancing the role of the public in consultations to develop and implement programs that have a focus on POPs (including NPRI and CCME CWS).</p>

		<p>Convention will also need to be reviewed to ensure effective participation in these efforts. The future of several federal consultation processes is questionable. For example, the National Pollutant Release Inventory (NPRI) Working Group which has established an effective consultation process for almost 10 years focusing on how to improve the NPRI program (including its reporting requirements) has recently announced an abbreviated schedule for 2004 and recently did not report any changes to the NPRI reporting requirements for 2003.</p> <p>Another example is the Canadian Council of Ministers of the Environment (CCME) efforts to develop Canada wide Standard (CWS) setting for specific chemicals such as dioxins and furans. The CCME schedule for the upcoming year is uncertain despite the fact that efforts to implement standards for key sources of dioxins and furans are on-going. No new chemicals including POPs have been added for establishing Canada wide standards.</p> <p>The gaps in these federal efforts significantly reduce the role of the public in developing effective programs on toxic substances and, at the same time, threatens Canada's ability to achieve its obligations under the Stockholm Convention.</p>	
	<p>Awareness Raising</p>	<p>The proposed NIP process provides a unique opportunity for Canada to demonstrate its commitment to increasing awareness. Canada should be commended for its leadership role in raising awareness in developing countries and countries in economic transition over the past five years through its support of Canada's POPs Fund.</p> <p>Since the effects of POPs can be seen across Canada, the same level of commitment to communicate on POPs and related issues should also be a requirement for Canada's NIP. Canada should seek to highlight programs and initiatives that focus on community efforts that promote increasing awareness on the impacts of POPs, the obligations of the Stockholm Convention and efforts that lead to the elimination of POPs.</p> <p>The non-governmental organizations in Canada have a long history in participating in multi-stakeholder consultations focused on addressing and managing toxic substances in Canada. Some NGOs have developed programs specifically focused on management of toxic substances. Through these programs NGOs possess a level of expertise that can be useful to developing countries and countries in economic transition that are dealing with different aspects of the Stockholm Convention. For example, Canadian NGOs have significant knowledge in the</p>	<p>Recommendation 11: Canada should increase efforts that raise awareness on POPs, the obligations of the Stockholm Convention and the efforts that lead to the elimination of POPs. Specifically, increased efforts should be made to vulnerable communities affected by POPs such as children, workers, women, and Aboriginal communities.</p> <p>Recommendation 12: Through the Canada's POPs Fund, Canada should identify and promote opportunities where the Canadian NGOs expertise can be used to assist developing countries and countries in economic transition in</p>

		development of pollutant inventories, pollution prevention strategies, policy and legislative development and promoting public participation that is relevant to POPs and the Stockholm Convention. The NIP process aims to recognize these efforts. Through the availability of support from Canada's POPs Fund, Canada should identify and promote opportunities where this level of expertise can be used to assist developing countries and countries in economic transition in meeting specific obligations of the Stockholm Convention.	meeting specific obligations of the Stockholm Convention.
	Need for timelines and POPs regulation	<p>Canada's NIP can include a number of programs and initiatives that have the potential for achieving the obligations of the Stockholm Convention. However, the effectiveness of these programs can be better projected if the NIP includes specific timelines for achieving the goals, improving programs and meeting any identified gaps. Including timelines will provide a basis for identifying and addressing the challenges of meeting the program goals and developing a contingency plan to address these challenges. The contingency plans may include the development of regulation that address POPs efforts that are not meeting the obligations of the Convention in a timely manner.</p> <p>Timelines are essential components of a NIP. By including timelines in the NIP, stakeholders such as affected industry and the public are alerted to the urgency of the POPs problems. Further, specific timelines provide opportunities to review and develop contingency plans to address obstacles that may emerge.</p> <p>To affected industries, the presence of timelines may promote innovations that do not use, produce, generate or release POPs. Canada must be vigilant about making real progress on the Convention obligations to ensure that the environment and human populations are protected from POPs.</p> <p>The public can use such timelines to establish accountability by government and industry. Currently, the consultation document presents a menu of programs, policies and initiatives that have or may be able to address POPs. To ensure that these programs and initiatives are successful in meeting the Convention's obligations, a regulation should be developed that recognizes the various programs (regulatory and non regulatory tools available) in place to address POPs, Canada's international obligations on these matters and the urgency of time for taking action.</p>	<p>Recommendation 13: Canada should develop a regulation specific to the obligations of the Stockholm Convention on POPs.</p> <p>Among other things, this regulation should aim to articulate how additional POPs will be identified and assessed in Canada, establish a process for addressing gaps in the Canadian regime on POPs, articulate Canada's international obligations on these matters and the urgency of time for action on POPs. This regulations should include timelines for achieving the goals of the Convention.</p> <p>Recommendation 14: Canada should aim to eliminate POPs as required under the Stockholm Convention within 10 years.</p>
COMPONENTS FOR	NIP Guidelines by World Bank	As part of the Stockholm Convention under Article 7, each Party is required to develop a National	Recommendation 15: Canada's NIP should, at

<p>CANADA'S NIP</p>	<p>and UNEP</p>	<p>Implementation Plan to provide details on how the Party intends to meet its obligations under the Convention. The NIP is an important obligation for each Party as it represents a significant report that outlines the regulatory tools and mechanisms that each country will use to meet its obligations under the Convention. It is critical that this report include all components outlined in the guideline document prepared by UNEP and World Bank to begin. This document must be iterative in form to demonstrate the progress made by a Party to meet its obligation and/or to accommodate the addition of obligations (i.e., addition of new POPs) to the Convention after it enters into force. Furthermore such a document will demonstrate openness and transparency in a Party's efforts towards the Convention. An effective NIP can be a useful and powerful tool in tracking the level of progress made towards the Convention obligations, including the identification of gaps in the Plan that may result in the failure to reduce or eliminate POPs.</p>	<p>a minimum, include the components identified by the guidelines on developing NIPs as prepared by UNEP and the World Bank.</p>
	<p>Outlining the decision making process for implementing POPs activities</p>	<p>To ensure that Canadians and the international community have a comprehensive understanding of Canada's efforts on POPs, a key element for Canada's NIP is the need to include a flow chart to demonstrate the decision making process used in Canada on POPs as well as the various government departments or agencies responsible for taking the lead in the implementation efforts. There were many government departments involved throughout the international negotiations including: Health Canada, Justice, International and Foreign Affairs, Indian and Northern Affairs, Industry Canada, and others. The programs and initiatives expected to meet Canada's obligations under the Stockholm Convention will require coordination with various government agencies (e.g., Canadian Council of Ministers for the Environment), different levels of government (e.g, provinces and municipalities) and stakeholders. Canada's NIP should include a substantial description on the decision making process by government departments and the roles that the various stakeholders have in meeting the obligations of the Stockholm Convention.</p>	<p>Recommendation 16: Provide a clear chart demonstrating the government departments' role in the decision making process related to the management of POPs in Canada. This chart should be included in Canada's National Implementation Plan.</p> <p>Recommendation 17: The NIP should include a commentary on the roles of stakeholders in implementing the obligations of the Stockholm Convention.</p>
	<p>Outline Process for considering additional POPs for the Stockholm Convention</p>	<p>The Stockholm Convention outlines a process to nominate POPs for addition to the Stockholm Convention. This requirement will be significant to the global community if it is to effectively protect human health and environment from the impacts of POPs.</p> <p>According to Environment Canada, there are several feeders identified in CEPA 1999 alone that would result in effective management of toxic substances. The relevant sections in CEPA that could identify substances of concern include: * Section 73 for the categorization of the DSL list (23000</p>	<p>Recommendation 18: Canada's NIP should outline how the information gathered from its domestic processes (including the Pest Control Product Act and CEPA 1999) will be used to nominate POPs for consideration by the global community</p>

		<p>substances are to be categorized for persistence, or bioaccumulation and inherent toxicity to non-human organism or humans.</p> <ul style="list-style-type: none"> * Section 70 from industry information on substances * emerging science; * international efforts to assess and collect data on substances; * section 81-82 on new substances notification; * section 76 from public nomination of substances; and * Section 75 in which the decisions of other jurisdictions (international and provincial) are considered on prohibiting or severely restricting substances. <p>Similarly, the <i>Pest Control Products Act</i> requires that all active ingredients for pesticides undergo re-evaluation of their safety to human health and the environment, and include a comparison of how their persistence, toxicity and capacity to bioaccumulate compare to TSMP criteria.</p> <p>Canada should articulate how it plans to use the information gathered through its domestic processes to nominate POPs for further consideration by the global community under the Stockholm Convention.</p>	<p>under the Stockholm Convention.</p>
	<p>POPs Inventories</p>	<p>The Stockholm Convention requires that inventories of POPs be established and maintained by the Parties. Currently, there are several types of database for pollution that exist in Canada which are mandatory or voluntary in scope. However, it is our view that given the international commitments of the Convention, Canada's National Pollutants Release Inventory (NPRI) is well developed to provide the database to store POPs data. There are no other federal database in place that have the legislative requirements for reporting pollutant releases as required through the NPRI. Since the pollution data from NPRI is publicly accessible to the public through Environment Canada's GreenLane web site, there is a trend towards improved reporting by industry facilities.</p> <p>Modifications to NPRI are made periodically. A NPRI Working Group that includes participation from multi-stakeholders was established in 1994 by Environment Canada to discuss and make proposals for changes to the NPRI. As a result of these efforts, the NPRI has been modified to include new pollutants to the inventory and revised reporting requirements to reflect the impacts of substances to human and environmental health. In 2002, the NPRI Working Group identified that PCBs would be a focus of discussion for the Working Group in 2003.</p> <p>The discussions by the Working Group to determine how to include report on PCBs in NPRI reporting is necessary given that the current inventories on PCBs are often difficult to access and obtain from federal and</p>	<p>Recommendation 19: The National Pollutants Release Inventory should be modified to include reporting data on all POPs as required under the Stockholm Convention.</p> <p>Recommendation 20: The NPRI Working Group should initiate discussions immediately on how to include PCBs in the reporting requirements of NPRI.</p>

		<p>provincial governments. When copies of these databases are provided by appropriate government departments, they are often difficult to read with respect to determining trends. The accessibility to the NPRI data through Environment Canada's Green Lane would facilitate a better understanding of PCBs in Canada.</p> <p>To date, these discussions have not progressed. As noted previously the efforts of the NPRI Working Group has been curtailed for 2004. In 2003 no new reporting requirements to the NPRI were introduced despite discussions by the Working Group in 2002 to focus on a number of issues related to the modification of the NPRI reporting. The NGO representatives to the NPRI Working Group have expressed their disappointment regarding these recent developments.</p>	
	<p>Monitoring Programs</p>	<p>An important component of Canada's NIP is the biomonitoring programs focused on toxic substances. Canada's biomonitoring programming has provided key data to demonstrate the extent of POPs exposure in Canada. The work of the Department of Indian and Northern Affairs and the Aboriginal community to determine the levels of toxic substances in the northern communities has proven to be a critical piece in Canada's action on POPs. These efforts are integral components in Canada's efforts to ensure that obligations required by the Convention are met. To ensure that Canada, as well as the global community have an effective way of reviewing the action and effects of POPs on the environment and human health, the government must commit sufficient resources to ensure that the effectiveness of this work continues and expands.</p>	<p>Recommendation 21: Canada's NIP should emphasize the role of monitoring programs in Canada on toxic substances including POPs. Monitoring efforts should be complemented with effective communication strategies and implementation efforts that promote the elimination of POPs.</p>
	<p>Reporting on Canada's efforts to provide financial and technical assistance</p>	<p>To ensure the successful negotiations of the Stockholm Convention, it was recognized that financial and technical assistance to developing countries and countries in economic transition was needed. Canada committed \$20 million under the Canada's POPs Fund for this purpose. The NGO community was very supportive of this commitment with very high expectations that such assistance would result in developing countries and countries in economic transition being able to ratify the Convention in a timely manner. To date, such assistance has been successful and it is critical that Canada continues to commit additional funds and resources to these countries to ensure continued success in their efforts to eliminate POPs.</p> <p>However, Canada should ensure that such assistance is conditional on meeting criteria for actions that reflect the spirit of the Convention, i.e. elimination of POPs at source. Support should be preferentially given to initiatives that promote PCB non-incineration destruction</p>	<p>Recommendation 22: Canada should report on efforts undertaken by developing countries and countries in economic transition receiving support through Canada's POPs Fund.</p>

		<p>technology, use of safe alternatives or support sustainable agricultural systems through the reduction of reliance on chemical pesticides in general, and specifically eliminating the use of POPs and PIC-listed pesticides. On the other hand, assistance to efforts that promote activities and technologies that create POPs should be withdrawn.</p> <p>The efforts undertaken by these countries may be of significant interest to Canada as it also begins its efforts to develop its NIP. There may be opportunities for Canada to learn from the experiences of other countries through this process but also an opportunity for Canada to identify opportunities that result in transferring knowledge and experience on related POPs issues to these countries. Therefore, it would be useful to receive a report in the form of an annual report highlighting the efforts of countries receiving support through the Canada's POPs Fund. Such a report may be included in Canada's NIP.</p>	
	<p>Listing of POPs on CEPA Schedule 1 and Virtual Elimination List</p>	<p>The consultation document does not provide a framework to indicate whether POPs listed under the Stockholm Convention are required to undergo any level of assessment as outlined under CEPA. Several of the POPs, including dioxins and furans, PCBs, and hexachlorobenzene will be addressed under CEPA. Currently, CEPA Schedule 1 for Toxics Substances List includes POPs such as PCBs, dioxins and furans, mirex and hexachlorobenzene, all of which are considered toxic under CEPA. There are a number of programs in place that address these POPs. However, it is uncertain how effective these efforts have been to eliminate these POPs.</p> <p>In our view, given the extensive international discussions on the hazardous properties of POPs through the Stockholm Convention on POPs, all 12 POPs listed under the Convention should automatically be included on CEPA Schedule 1 and the Virtual Elimination List (S. 77(2) and (4)). More specifically, inclusion on the Virtual Elimination List may signal an urgency to eliminate these substances from the Canadian Environment. The inclusion of POPs on Schedule 1 and Virtual Elimination list will be important for any new POPs to be added to the Stockholm Convention in the future. Therefore management options, if not already underway, would proceed without significant delays. No further assessment should be necessary provided the scientific evidence and debate undertaken during the international negotiations on the Stockholm Convention.</p> <p>Currently, only one substance, which is not one of the 12 POPs, is being proposed for the Virtual Elimination List. Those substances added to the Virtual Elimination</p>	<p>Recommendation 23: All POPs should be added to CEPA Schedule 1 and the Virtual Elimination List.</p>

		<p>List will be required to meet a level of quantification determined by the Minister. Addition on this list may benefit the discussions currently underway to develop guidelines for Best Available Technique and Best Environmental Practices that will be used to address POPs that are by-products of industrial processes.</p>	
	<p>Reporting</p>	<p>The need to report on progress is a critical component in measuring the effectiveness of the programs and initiatives implemented to achieve the obligations of the Convention. While the Stockholm Convention does not outline specific timelines for reporting, Canada should implement a reporting requirement in its NIP to ensure that Canada has the ability to monitor its progress on the Stockholm Convention. Reporting on Canada's efforts on POPs should be implemented no longer than two years after the NIP has been finalized and implemented with annual reports on progress thereafter.</p> <p>The guidelines for a reporting mechanism will be a significant discussion at the First Conference of the Parties. However, in anticipation of this discussion, there are several components that will be essential in the reporting mechanism that will allow some comparison and measures to be undertaken towards the obligations of the Stockholm Convention. The specific components are:</p> <ul style="list-style-type: none"> * establish the baseline for reporting for Canada as 2001, the year the Stockholm Convention was signed. Annual reports will be required upon two years of the NIP being finalized. Choosing this baseline will demonstrate the continuing progress that Canada is making towards its Convention obligations. * produce printed reports to promote transparency. * highlight the most effective tools, programs and techniques responsible for eliminations or reductions (including pollution prevention strategies, regulations focused on specific POPs, use of safe alternatives) * report on biomonitoring efforts on POPs. * review POPs data obtained from the inventories for POPs, provide levels of production, use and release of POPs. * highlight areas/programs/sectors that resulted in largest reductions of POPs. * highlight information on effects of current legislation or programs that may be responsible for reduction or increase in POPs. * review progress in all program areas which have the capacity to identify new POPs (see list of programs above). 	<p>Recommendation 24: Reporting on progress under the Stockholm Convention should begin 2 years after Canada's NIP is finalized and implemented, while annual reports will be required thereafter.</p> <p>Recommendation 25: Reporting is an essential component to Canada's NIP. The components listed in the comments section should be included in reporting Canada's progress on meeting the obligations of the Stockholm Convention.</p>
	<p>Action Plans for Unintentionally Produced POPs</p>	<p>Action Plans are a significant component in Canada's NIP. In the UNEP/World Bank guidelines for NIPs, action plans will be required for various aspects of the NIP component to ensure coordination, accountability</p>	<p>Recommendation 26: An action plan will require the inclusion of key components listed</p>

		<p>and transparency in the process. Efforts to eliminate and reduce POPs that are created as by-products of processes require unique attention. However, in our view, the main proponents of an action plan do not deviate significantly from the format of a NIP but also provide additional information on how specific POPs are to be eliminated. Specific focus will be on the role of technology and practices that eliminate POPs. The following components are key for an Action Plan:</p> <ul style="list-style-type: none"> * Apply the precautionary approach to demonstrate that the priority for an action plan is elimination of unintentionally produced POPs. * Include a multi-stakeholder component to review and comment on the Plan. * Outline roles and responsibility for government and stakeholders in achieving the Action Plan. * Provide details of specific programs and initiatives that aim to address specific POPs. * Evaluate effectiveness of programs and initiatives and identify gaps. * Specify timelines for achieving progress to eliminate POPs. * Promote safe alternatives and innovation towards clean technology. Require affected sectors to implement practices and technologies that use safe alternatives to POPs and do not result in the release or production of POPs or other toxic substances in their process. * Implement and promote destruction technologies for POPs stockpiles that result in complete combustion of POPs and do not release other toxic substances such as heavy metals. * Maintain an inventory of export and import of hazardous waste containing POPs into or within Canada. Specify the country or the Canadian jurisdiction that is exporting their hazardous waste to Canada and in what amounts. * Develop a regulatory back stop that outlines how affected industry or operation are held responsible for not meeting the goals of the Action Plan. * Establish a baseline for reporting on achievement of the Action Plan. * Identify financial and technical assistance available to affected industry and communities. * develop a regulation focused on the elimination of POPs that are unintentionally produced by-products * Require a report for progress. * Outline Canada's effort that "endeavor to identify other articles containing PCBs and manage them in accordance with the Convention's measures on reducing and eliminating releases form stockpiles and wastes." 	<p>in the comments section.</p>
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	Establishing a Baseline	<p>Establishing a baseline year for efforts focused on meeting the obligations of the Stockholm Convention is essential. The baseline year will be used in Canada's efforts to assess and report on progress on eliminating and reducing POPs as required under the Convention.</p> <p>A baseline of 2001, the year Canada ratified the Stockholm Convention and the year the Convention was signed by over 100 countries, should be considered as the baseline year for Canada's NIP.</p>	Recommendation 27: A baseline year of 2001 should be considered for Canada's NIP.
	Highlighting Provinces and Territories Activities on POPs	<p>Since all levels of government will have a role in meeting the obligations set out in the Stockholm Convention, it is important for Canada's NIP to explain how the various activities and programs that are being implemented by the provincial and territorial programs and initiatives will meet the obligations of the Convention. Provinces and territories may have specific legislation or programs in place that effectively results in the elimination of POPs. These efforts should be highlighted in Canada's NIP. These efforts can be reviewed and adopted by other jurisdictions.</p>	Recommendation 28: The NIP should articulate how programs and initiatives in place in the provinces and territories meet the obligations of the Stockholm Convention.

SUMMARY

The unique threats of POPs to the Canadian arctic environment, the Aboriginal communities, and its population provides the reason for emphasizing the importance of the process undertaken by Environment Canada to develop its NIP under the Stockholm Convention. The 28 recommendations outlined in this submission aim to advise Environment Canada on the elements and components required to ensure that Canada develops a comprehensive NIP that effectively achieves the obligations of the Stockholm Convention and reflects the spirit of the Convention. Canada has an opportunity to continue its leadership in these global endeavours on POPs through its NIP. Canada's NIP must aim to address the elimination of the twelve POPs currently targeted under the Stockholm Convention as well as anticipate how future POPs can be effectively identified and addressed in Canada.

The next twelve months will be critical to Canada's efforts on developing its NIP. The introduction section of this submission highlighted a number of recommendations that will need careful consideration by Environment Canada in its effort to develop an effective NIP. Canada should:

- Be comprehensive in its approach;
- demonstrate transparency in its development;
- ensure effective public participation in all aspects of its development;
- undertake an assessment on the effectiveness of the programs and initiatives aimed at eliminating and reducing POPs;

- ensure an effective regulatory framework to support the programs and initiatives to ensure that the obligations and the spirit of the Stockholm Convention are reflected;
- require the implementation and promotion of safe substitutes and non incineration technologies for POPs;
- outline timeline for its implementation; and
- ensure capacity and resources are available to implement all aspects of Canada's NIP.

The environmental community in Canada looks forward to furthering its participation in this process.