



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

ecojustice

July 10, 2012

Office of the Auditor General of Canada
Commissioner of the Environment and Sustainable Development
240 Sparks Street
Ottawa, Ontario
K1A 0G6

Via email to: petitions@oag-bvg.gc.ca

Attention: Petitions

Dear Commissioner:

Re: Petition to the Office of the Auditor General – Implementation of CEPA 1999, section 44(4)

The Canadian Environmental Law Association and Ecojustice request information regarding Canada's implementation of section 44(4) of the *Canadian Environmental Protection Act, 1999*, SC 1999, c 33 ("CEPA 1999"). As you are aware, this provision is integral to the effective functioning of CEPA 1999 so as to realize the Act's purposes of protecting the environment and human health from the impacts of toxic substances.

Therefore, we request the response of Environment Canada and Health Canada to the questions posed below.

CEPA 1999, Section 44(4)

A. Background

Subsection 44(4) of CEPA 1999 places the following mandatory obligations on the Ministers with regard to hormone disrupting substances:

The Ministers shall conduct research or studies relating to hormone disrupting substances, methods related to their detection, methods to determine their actual or likely short-term or long-term effect on the environment and human health, and preventive, control and abatement measures to deal with those substances to protect the environment and human health.

We understand that some preliminary research was conducted on hormone disrupting substances under the "*National Agenda for the Scientific Assessment of Endocrine-Disrupting Substances*

(2000)". The findings from this work (proceedings, executive summary, and several manuscripts from the workshop) were published in a special issue of the Water Quality Research Journal of Canada, 36(2): 169-346 (2001).

Questions 1 and 2

- 1) *Describe the research conducted, including literature review and laboratory work by, or on behalf of, Environment Canada and Health Canada under section 44(4) on hormone disrupting substances since 2001. Include all substances (new and existing according to CEPA 1999) and their Chemical Abstracts Service Registration Number ("CAS RN") that have been the focus of such research.*
- 2) *Provide specific details on the government's efforts to explore the effects of chronic low dose exposures to hormone disrupting substances in wildlife and human populations.*

B. Further Comment

According to the Environment Canada website, several substances have been the focus of research with respect to hormone disrupting impacts. However, it is not clear from the website how the information gathered from this research was used in the assessment of these substances and if the information on hormone disrupting impacts was used to make a determination of toxicity under *CEPA 1999* for specific substances. Therefore, we request answers to the following further questions:

Questions 3 through 9

- 3) *Has the government used research results gathered on hormone disrupting substances in risk assessments conducted under CEPA 1999? If yes, describe the number of times data for hormone disrupting substances has been considered in risk assessments and how the data was used. Include the names of all substances and their CAS RNs that were considered in the assessments. What were the results of these risk assessments under section 64 of CEPA 1999?*
- 4) *For substances considered "new" under CEPA 1999, describe whether notifiers have submitted data on hormone disrupting potential of the new substance. In reviewing notification packages for new substances, has the government requested data on hormone disruption from any notifiers? If so, how many substances did this cover? Provide details on how the data has influenced the outcome of these assessments?*
- 5) *Describe the risk management measures (both voluntary and regulatory) applied to each substance (include CAS RNs) considered CEPA toxic for which data demonstrated potential hormone disrupting impacts.*
- 6) *Provide the government's definition of "hormone disrupting substance". Does the government consider hormone disrupting impacts to be a "harmful effect" or a "danger" for the purposes of section 64 of CEPA 1999. If not, how is data on hormone disrupting substances used in the assessment framework under CEPA 1999 for both new and existing substances?*
- 7) *Identify all international initiatives and programs (e.g. OECD) that include or have included Canadian involvement that have or had a specific focus on research and*

developing testing protocols for determining hormone disruption. Describe acceptable testing protocols available and utilized by Canada as well as other jurisdictions to determine hormone disruption effects of new and existing substances.

- 8) *What has been the annual budget allocation by the departments of Environment and Health directed to research on hormone disrupting substances since 2000?*
- 9) *Describe the participation by environmental and health non-governmental organizations, if any, in government efforts to conduct research or review protocols for determining whether substances are hormone disrupting.*

To facilitate providing the information requested in questions 3 through 9, please also utilize Tables 1 (Existing Substance With Hormone Disrupting Potential #) and 2 (New Substance With Hormone Disrupting Potential #) attached to the end of this petition.

We look forward to the response to our petition. Thank you.

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**Table 1:
CEPA, 1999 – s. 44(4)
Existing Substance With Hormone Disrupting Potential #**

Substance Name & CAS RN	Research or study name/year	Methods related to detection	Methods to detect environmental & human health effects	Substance declared CEPA-toxic because hormone disruptive (yes or no, and reasons)	Preventive measures	Control and abatement measures

**Table 2:
CEPA, 1999 – s. 44(4)
New Substance With Hormone Disrupting Potential #**

Substance Name & CAS RN	Research or study name/year	Methods related to detection	Methods to detect environmental & human health effects	Substance declared CEPA-toxic because hormone disruptive (yes or no, and reasons)	Preventive measures	Control and abatement measures