



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.

December 14, 2012

Mr. Jeffery Goodman
Environment Canada

Transmission via email

Dear Mr. Goodman:

Re: Proposed listing of chemicals in Annex III of the Rotterdam Convention (COP6)

Ecojustice and the Canadian Environmental Law Association (CELA) are pleased to provide comments on the proposed listing of various chemicals during the sixth meeting of the Conference of the Parties (COP6) to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) in Geneva, Switzerland in May 2013.

Ecojustice (www.ecojustice.ca) is a national charitable organization dedicated to defending Canadians' right to a healthy environment. It provides legal services free-of charge to charities and citizens on the front lines of the environmental movement helping ensure equitable access to environmental justice nationwide. Their work also extends outside the courtroom and includes outreach campaigns, workshops, investigations and reports. CELA (www.cela.ca) is a non-profit, public interest organization established in 1970 to use existing laws to protect the environment and to advocate environmental law reforms. It is also a free legal advisory clinic for the public, and will act at hearings and in courts on behalf of citizens or citizens' groups who are otherwise unable to afford legal assistance.

Ecojustice and CELA have been working for decades to protect human health and the environment by representing those harmed by pollution and by working to change policies and laws to prevent such problems in the future. As such, they are very interested in the upcoming meeting of the Rotterdam Convention. The listing of hazardous chemicals under Annex III, in particular the proposed listing of chrysotile asbestos, Pentabromodiphenyl ethers (PBDE) (PentaBDE commercial mixtures and OctaBDE commercial mixtures) and Perfluorooctane sulfonate and its salts and precursors (PFOS) are of considerable interest to Ecojustice and CELA because of the global movement to address these chemicals through the Rotterdam Convention and the Stockholm Convention process.

At COP6, delegates will decide whether to adopt the recommendation of the Convention's Chemical Review Committee (CRC), an expert scientific body established under Article 18 of the Convention, to list the following chemicals in Annex III:

- chrysotile asbestos
- Pentabromodiphenyl ethers (PBDE)
 - PentaBDE commercial mixtures
 - OctaBDE commercial mixtures
- Perfluorooctane sulfonate and its salts and precursors (PFOS)
- Azinphos-methyl
- Paraquat

The purpose of the Rotterdam Convention is to bring about responsible trade of hazardous substances by requiring that exporting countries obtain "prior informed consent" before shipping hazardous substances, listed under Annex III of the Convention, to another country.

The Convention's mission is environmental justice. The listing of hazardous substances under the Convention allows for better decision making on environmental and health protection matters. It promotes transparency in the movement of hazardous substances among Parties and empowers developing countries by providing them an important mechanism to receive information and the right to refuse the import of hazardous substances. For developing countries that do not have the means to safely manage, handle, store or dispose of these chemicals, the right to refuse imports of hazardous substances enable these countries to more effectively protect their citizens from harm.

We ask that Canada support the listing of chrysotile asbestos; Pentabromodiphenyl ethers (PBDE) (i.e. PentaBDE commercial mixtures, OctaBDE commercial mixtures), Perfluorooctane sulfonate and its salts and precursors (PFOS); Azinphos-methyl, and Paraquat at the COP6. The addition of Penta BDE commercial mixtures and OctaBDE commercial mixtures and PFOS to Annex III would be consistent and complementary to Canada's regulatory measures on these substances as well as with the global commitments under the Stockholm Convention on Persistent Organic Pollutants for elimination of these POPs. Furthermore, Health Canada has confirmed that Azinphos-methyl is highly toxic to humans and the Pest Management Regulatory Agency has called for the phasing out of all uses of the chemical.

However, we want to take this opportunity express our specific interest in the listing of chrysotile asbestos to Annex III. Since 2006 (COP3), Canada, along with a handful of other countries, has opposed the recommendation made by the CRC to add chrysotile asbestos to Annex III, thus putting protection of the interests of the asbestos industry ahead of protection of global health. Although all asbestos mining has ceased in Canada this year, and the Government has stated they will not oppose this listing they have yet to clarify that they concurrently will support this listing.

We ask you to support the listing of chrysotile asbestos for the following reasons:

- 1) Canadian law already acknowledges that chrysotile asbestos is a hazardous substance because it is listed as a toxic substance under Schedule 1 of the *Canadian Environmental*

Protection Act 1999 (List of Toxic Substances). All forms of asbestos, including chrysotile, are considered carcinogenic. The World Health Organization (WHO) estimates that over 100,000 deaths per year may be related to asbestos related cancers that include lung cancer, mesiothelioma, and asbestosis as result of occupational exposure.

- 2) The CRC, which is composed of scientists from around the world, including Canada, has repeatedly recommended that chrysotile asbestos should be listed as a hazardous substance under Annex III of the Convention. In fact, chrysotile asbestos is the only form of asbestos still traded in the world today as a hazardous substance in Annex III of the Convention. If Canada were to refuse to support the recommendation by the scientific experts on the CRC will jeopardize the integrity and purpose of the Convention and the role of the Committee.
- 3) Support of the asbestos industry in promoting the export and use of asbestos chrysotile to other countries is inappropriate and will not protect human health, particularly workers and their families, and the environment.
- 4) Recent decision by the Quebec government to withdraw the guaranteed loan for the re-opening of Jeffrey Mine in Quebec provides opportunities for Canada to identify and promote safer alternatives to asbestos and support an economic transition process for communities that are affected by asbestos. This was followed by the government's announcement that it would no longer oppose the listing of chrysotile asbestos. These recent developments on chrysotile asbestos are important steps to ensuring the protection of workers, families and communities from the impacts of asbestos.

We, as Canadians, want to be proud of the role our country plays on the international stage. Therefore, we urge Canada to take a firm position to commit to the protection of global health by supporting the listing of the chemicals recommended for listing at COP6.

If you have any questions, please do not hesitate to contact us.

Sincerely,

ECOJUSTICE CANADA



Melissa Gorrie

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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cc: Honourable Peter Kent, Minister of the Environment
Margaret Kenny, Director General, Environment Canada, Chemicals Sector