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# Recognizing the Right to a Healthy Environment: Why CEPA and Why Now

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# Background and History of CEPA

- Canada's cornerstone piece of federal legislation for environmental and human health protection from pollution and toxic chemicals.
- Built on the recognition that protection of the environment is essential to the well-being of Canadians (stops short of recognizing the right to a healthy environment).
- Stated primary purpose of CEPA is “respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.”
- Originally enacted in 1988 but last received a major overhaul in 1999.
- Reviewed by house and senate committees in 2006-2008 but that review did not lead to a bill.

# From CEPA review to a mandate

- Standing committee reviewed CEPA in 2016-2017.
  - 15 month study of CEPA
  - heard from 56 witnesses and received 66 briefs
  - June 2017 final report made 87 recommendations to strengthen CEPA, including recognize a right to a healthy environment (R2HE) and enhance consideration of vulnerable populations.
  - Opposition report also called for amendments to CEPA.
- In June 2018, the Minister published a complete response and committed to *“introducing a bill to reform CEPA as soon as possible in a future parliament.”*
- 2019 mandate letters to the Ministers of Health and Environment and Climate Change stated they must work together *“to better protect people and the environment from toxins and other pollution, including by strengthening the Canadian Environmental Protection Act, 1999.”*
- On September 23, 2020, the government reiterated their commitment to modernize CEPA in the Speech from the Throne.



**HEALTHY ENVIRONMENT, HEALTHY CANADIANS,  
HEALTHY ECONOMY: STRENGTHENING THE  
CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999**

**Report of the Standing Committee on  
Environment and Sustainable Development**

# Why R2HE in CEPA

- Although CEPA is designed to protect the environment and human health, the act does not currently recognize the interplay between a healthy environment and the fulfilment of human rights. As the UN Human Rights Council has noted:
  - A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. Without a healthy environment, we are unable to fulfil our aspirations or even live at a level commensurate with minimum standards of human dignity.
- Toxic exposures and environmental harm disproportionately affect people in vulnerable situations, particularly Indigenous, racialized and low-income communities.

# Environmental injustices in Canada



- More than one million urban Canadians living in lower socioeconomic status areas are within one kilometre of a pollution emitting facility; in comparison, approximately 325,000 people living in the highest socio-economic status areas are within this distance.
  - Rates of hospitalization for respiratory and circulatory diseases tend to increase in areas closer to a pollution-emitting facility.
  - Communities in Canada near industrial areas have higher rates of cancer.
- Landfills, waste dumps and other environmentally hazardous activities are disproportionately situated near neighborhoods of people of African descent.
- UN expert: “[t]he invisible violence inflicted by toxics is an insidious burden disproportionately borne by Indigenous peoples in Canada.”

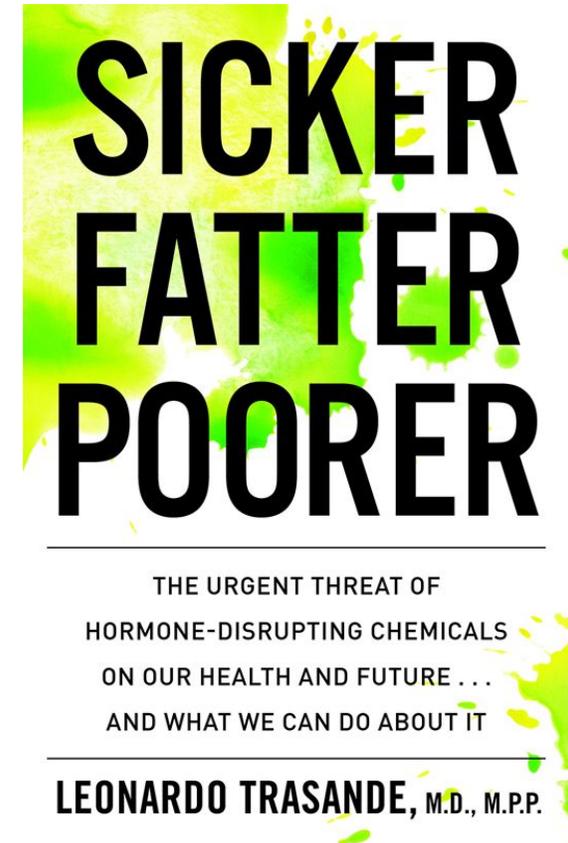


en·vi·ron·men·tal jus·tice

The fair and consistent distribution of environmental benefits and burdens, without discrimination on the basis of grounds such as socio-economic status, race, ethnic origin, or residence on an Aboriginal reserve

# Urgent need to address the threat of toxic chemicals and pollution to human health

- 2017 IISD study (using methods approved by Conference board of Canada) estimated pollution costs tens of billion per year to the Canadian Economy.
- 2019 Health Canada estimates air pollution causes 14,600 premature deaths per year and health costs valued at \$114 billion every year.
- Biomonitoring results show that 9/10 Canadians have endocrine disrupting chemicals (EDCs) used in consumer products (e.g., BPA, PFAS, Phthalates) in their blood or urine.
- EDCs are “low-dose” chemicals linked to declining fertility (e.g. 60% decline in sperm counts in western men over 40 years), neurological disorders and many diseases (e.g. chemical obesogens - chemicals linked to obesity and cardiovascular illness).



# Vulnerable populations

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Health Canada's proposed definition:

For the assessment and management of chemicals Health Canada is proposing to adopt the following definition of vulnerable populations:

**“a group of individuals within the general Canadian population who, due to either greater susceptibility and/or greater exposure, may be at greater risk than the general population of experiencing adverse health effects from exposure to chemicals”**

# CEPA reform recommendations

- Recognizing the human right to a healthy environment.
- Ensuring vulnerable populations like workers, women, children and marginalized communities — including Indigenous communities — are protected.

In addition, we recommend the following:

- Better control of toxic substances — including toxics in imported goods — in line with leading international approaches. This must include:
  - banning highly hazardous substances like carcinogens and reproductive toxicants,
  - addressing the cumulative effects of chemicals,
  - as toxic substances are restricted, requiring substitution with safer alternatives to end the “toxic treadmill.”
- Requiring full disclosure of chemicals in products through better labelling.
- Enforceable national air and drinking water-quality standards.

# Conclusion

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- Parliament should implement the Standing Committee's 2017 recommendations and pass legislation to strengthen CEPA that recognizes a right to a healthy environment without further delay.
- The government must introduce amendments by December 2020 — to allow time for full consideration and passage of a bill.
- We call on all federal parties to support a bill to bring CEPA into the 21st century.

*Thank you!*

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