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**Submitted to:** National Pollutant Release Inventory, Environment and Climate Change Canada

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**Re: NGO comments to *Changes to the National Pollutant Release Inventory substance list for 2022, related to the Chemicals Management Plan Consultation Document***

We are providing the following comments and recommendations to the following consultation document released for public comments: *Changes to the National Pollutant Release Inventory substance list for 2022, related to the Chemicals Management Plan Consultation document, March 2021*. Our comments and recommendations below follow up on initial comments provided as early engagement through the work of the NPRI Multi-Stakeholder Work Group.

We would like to comment that your consultation document should be entitled “Proposed Changes to the ....” Omission of the word “proposed” implies that the decisions have already been made. If so, why are you conducting a consultation?

Our organizations are pleased to see that some of our comments and recommendations on general process for proposing addition and deletion of substances to the National Pollutant Release Inventory (NPRI) have been reflected in the consultation document. Specifically, we support the approach of using NPRI decision factors as the framework to provide evidence and rationale for proposing the addition of substances for reporting. This framework allows for stakeholders to critically review the evidence and rationale used by government to support its proposal and, as appropriate, submit additional data in support of these proposals.

***Chlorhexidine (CHX) and its salts***

The proposal for the addition of CHX and its salts to the NPRI relies on the finding of the risk assessment titled, Screening Assessment Chlorhexidine and its Salts, finalized in 2019.<sup>1</sup> As noted, we support the use of the NPRI decision factors to outline the evidence and rationale to outline why Chlorhexidine (CHX) and its salts should be added to the NPRI for reporting. Using the information gathered through the Screening Assessment for CHX, the evidence and rationale presented for each of the NPRI decision factors justify the addition of CHX for reporting to the NPRI. However, we wish to raise a number of issues related to the information presented in the section NPRI decision factors.

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<sup>1</sup> Environment and Climate Change Canada and Health Canada. June 2019. Screening Assessment Chlorhexidine and its Salts

**Consumer products** – The consultation document and the screening assessment for CHX notes indicate a wide range of application for CHX and its salts, specifically:

Chlorhexidine and its salts are broad spectrum antiseptics used for sterilization, cleaning skin and hands, disinfecting wounds, and oral health and are generally effective against a wide variety of bacteria, viruses and yeasts (Chemicaland21 2010, Cheminfo Services Inc. 2014). In Canada, they are used as broad-spectrum antiseptics and antimicrobial preservatives in such products as cosmetics, natural health products, prescription and non-prescription drugs for human or veterinary uses, and hard-surface disinfectants.<sup>2</sup>

NPRI does not include reporting of pollutants from consumer products. However, more and more pollutants being assessed under the *Canadian Environmental Protection Act* (CEPA), primarily under Canada's Chemicals Management Plan, demonstrate that many substances, such as this one, are used in a wide range of consumer products and are subsequently released to the environment – water, air, land and sediment – either during or after use. Some of the releases during or after use may be reported to NPRI by sewage treatment plants and waste disposal and recycling facilities. But this is only limited. The focus on CHX and its salts and the use of the decision factors highlight a gap in the current approach by failing to provide enough information for ECCC and HC to discuss actions needed to address the release of toxic substances from products.

NPRI data could add considerably to understanding additional actions that may need to be taken to address this substance and other substances in products, if NPRI reporting were expanded to require annual reporting by the facility of the toxic substance that the facility transfers off site in their products. This would make a major contribution to the public's and the policy makers understanding of the possible threats of toxics that are in products and would lead to necessary actions to address toxics in products and toxic releases from products.

**Recommendation: NPRI should investigate, in consultation with the public, ways to require reporting of toxic substances transferred off-site from facilities in the products they manufacture using a materials accounting process.**

**Recommendation: NPRI should evaluate the reporting thresholds needed to ensure that the thresholds are low enough to require reporting by sewage treatment, disposal and recycling facilities for toxic substances from products.**

### Meeting NPRI objectives

The following NPRI objectives are noted in NPRI Decision factor 2: Does inclusion of the substance support one or more of the objectives of the NPRI, specifically:

- To improve public understanding;

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<sup>2</sup> Environment and Climate Change Canada and Health Canada. June 2019. Screening Assessment Chlorhexidine and its Salts

- To identify priorities for action;
- To allow tracking of progress in reducing releases (including successful reductions); and
- To support targeted regulatory initiatives.

We are pleased to see that NPRI reporting on CHX and its salts is set for 2022. It will provide initial pollution data in support of the NPRI objectives listed above. The consultation period to add CHX and its salts to Schedule 1 – Toxic Substances List under CEPA concluded May 5, 2021. We anticipate that the Order to add CHX and its salts to Schedule 1 – List of Toxic Substances of CEPA will be completed before the first cycle of reporting under NPRI. Any delays in listing to Schedule 1 should not result in delaying the listing of CHX and its salts under NPRI. The final listing to Schedule 1 will impact when management measures are finalized under CEPA.

In support of targeted regulatory initiatives, the consultation document stated that “NPRI data on releases of CHX and its salts can be used in assessing the effectiveness of the proposed EPA and/or Code of Practice.” To ensure that the NPRI pollution data is relevant, the NPRI should ensure that EPAs (Environmental Performance Agreements) and/or Codes of Practice explicitly include requirements for reporting to the NPRI program. Currently, the proposed measures to address CHX and its salts under CEPA are Codes of Practice. As a voluntary tool, Codes of Practice must be comprehensive to ensure that all facilities releasing CHX and targeted for reporting under NPRI are included and clear targets and timelines for reduction of CHX and its salts are established. As Codes of Practice under CEPA are often negotiated without public input, we are concerned that the mechanism to link the Code of Practice on CHX and its salts may not include reference to the NPRI.

**Alternative Threshold** – Our initial comments submitted February 2021 recommended a need for further explanation for establishing the proposed reporting requirement set at “100 kg/year and greater than 1% concentration of CHX and its salts,” specifically with its reference to “considering the worst case exposure scenario (RQ Sediment ~ 6.0) used in the Risk Assessment, and calculating the safe concentration needed for release”<sup>3</sup> The consultation document includes an explanation on alternative thresholds for CHX and provides additional explanation. However, the explanation is inadequate. The proposed reporting requirements for reporting CHX remains unchanged. The decision for this proposed reporting is based on the worst case scenarios for sediment. The screening assessment report for CHX explains that “assessment factors have been applied to the sediment and soil critical toxicity values to address these sources of uncertainty” but no further explanation or data has been provided.<sup>4</sup> We remain concerned that the proposed thresholds for reporting are inadequate. Further consideration should be given to reduce the proposed reporting threshold.

**Recommendation: Provide sufficient substantiated data before deciding on reporting threshold for CHX and its salts.**

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<sup>3</sup> Substance changes to the National Pollutant Release Inventory for 2022, related to the Chemicals Management Plan. Pg 2

<sup>4</sup> Environment and Climate Change Canada and Health Canada. June 2019. Screening Assessment Chlorhexidine and its Salts,

**Recommendation: Consider further reducing the threshold for reporting to 50 kg/year for CHX and its salts.**

*Methyl-iodide (CAS RN 74-88-4) and Hexachlorocyclopentadiene (CAS RN 77-47-4)*

A similar approach is not followed for proposals to delete substances for reporting under the NPRI as is used in proposals to add substances to NPRI. It is important that a set of criteria for proposed deletions be established and such proposals should be substantiated in a similar approach that is used to propose additions. Such an approach would outline the rationale and evidence used to support proposed deletion of substances and provide stakeholders an opportunity to critique the evidence. In this regard, additional consideration for the following proposed deletion for Methyl-iodide (CAS RN 74-88-4) and Hexachlorocyclopentadiene (CAS 77-47-4) requires further consideration.

Our initial comments from February 2, 2021 remain relevant regarding the proposal to delete Methyl-iodide (CAS 74-88-4) and Hexachlorocyclopentadiene (CAS RN 77-47-4). We note that:

The proposals to delete Methyl-iodide (CAS RN 74-88-4) and Hexachlorocyclopentadiene (CAS RN 77-47-4) for reporting under NPRI does not provide adequate information to review the proposal for deletion. The main information presented for this proposed relies on the results of screening conducted in 2018 which “concluded that both substances were found to be not toxic to the environment or to human health.” And that “review of reporting since 1993 was also conducted and concluded that neither of these substances have ever been reported.”<sup>5</sup> The conclusions from the screening assessments should not be valid basis for deleting these substances as there are a number of substances reported under NPRI which do not meet the criteria of section 64 of CEPA. The basis of reporting on these substances may be associated with their properties and fate in the environment. The rapid screening approach conducted on these substances provide very limited data on the exposure and monitoring for these substances. It is important to fill in the information necessary to fully review the proposal to delete these substances.<sup>6</sup>

We noted the inadequacies of the rapid screening assessments to justify the proposal for deletion of these pollutants on the basis of the limited data provided in these assessments. In addition, we

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<sup>5</sup> Substance changes to the National Pollutant Release Inventory for 2022, related to the Chemicals Management Plan. Pg 3

<sup>6</sup> Canadian Environmental Law Association, MiningWatch, Citizens Network on Waste Management; Watershed Sentinel Education Society (WSES), Nova Scotia Environment Network. February 5, 2021. : Preliminary Response to Substance changes to the National Pollutant Release Inventory for 2022, related to the Chemicals Management Plan- Early engagement, October 2020, submitted to: National Pollutant Release Inventory, Environment and Climate Change Canada

recommended that the NPRI office engage in additional research beyond what is available in these rapid screening assessments, with specific focus on basic information on the substances present status in the Canadian market particularly its use, application, toxicity profile and environmental fate. No new data was presented in this consultation document. This information is necessary in order to indicate whether these substances are in the Canadian market.

We wish to further emphasize that listing to the NPRI should not be on the basis of designating the substances as toxic under CEPA, which has been used as the main rationale to add or delete substances. The NPRI requires reporting on many pollutants that have not met the criteria of toxic under CEPA but have been targeted for reporting due to hazards to the environment or health. By using a narrow scope to consider pollutants that meet the criteria for toxic under CEPA, the NPRI program is weakened as a pollution inventory for releases and transfer. It would be difficult to rely on data from the NPRI in situations for pollutants that may not meet the definition of toxic under CEPA but have a range of hazardous features, if it is not tracked for reporting.

We also noted that alternative thresholds for reporting including reduction of reporting threshold from 10 tonnes should be considered for these pollutants, but no additional consideration has been given to this approach. Thus, it is unclear from the consultation document whether lower reporting thresholds would result in any facilities reporting under NPRI.

Once substances are deleted from the NPRI, it is extremely challenging for the public to propose re-adding them to the NPRI, particularly given the number of substances that are in the Canadian market and the priorities of the government under its own Chemicals Management Plan. The availability of data on many of these substances is therefore limited and may be accessible only by industry and government.

**Recommendation: Additional information should be provided by NPRI before deciding whether Methyl-iodide (CAS RN 74-88-4) and Hexachlorocyclopentadiene (CAS RN 77-47-4) should be deleted from NPRI reporting.**

**Submission by:**



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