

Strengthening Part 6 of the *Canadian Environmental Protection Act, 1999*



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Outside the Safe Operating Space of the Planetary Boundary for Novel Entities

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Novel entities are defined as “new substances, **new forms of existing substances and modified life forms**”, including “chemicals and **other new types of engineered materials or organisms not previously known to the Earth system** as well as naturally occurring elements (for example, heavy metals) mobilized by anthropogenic activities.”

**“Substances” (s 3(1)) include
“living organisms” (s 104):**

living organism means a substance that is an animate product of biotechnology. (*organisme vivant*)

Part 6 of CEPA, 1999 (“Animate products of biotechnology”) has always received far less attention than Part 5 (“Controlling Toxic Substances”)

Need / alternatives / substitution / “essentiality”

Environmental Science Processes & Impacts



CRITICAL REVIEW

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Finding essentiality feasible: common questions and misinterpretations concerning the “essential-use” concept

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Problems (experience with AquAdvantage Salmon)

- **No public notice of notification or request for waiver**
- **No consultation to obtain free, prior and informed consent (FPIC) of Indigenous peoples**
- **No public involvement in science assessments**

Nature Canada proposes that where a new LO is an animal having a wild counterpart, the Ministers must

1) give public notice that an assessment will be conducted;

2) involve the public in the assessment, including

- testing of evidence;

- timely access to requests for waivers of information and opportunities to test that information; and

- opportunities to present additional evidence

... and the proponent must bear the burden of showing

1) a demonstrable need for the LO or for a significant new activity involving the LO, and

2) that the LO is not toxic or capable of becoming toxic

Minister must also:

announce process steps in a more timely and public manner;

make regulations prescribing processes for public participation in assessments and consideration of waiver reviews.

Overall government obligations:

- align CEPA with Indigenous rights.
- emphasize public rights to environmental information and decision-making. These should trump business confidentiality claims.

The parliamentary process

S-5 44th Parliament, 1st session
November 22, 2021, to present

An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act

Short title: Strengthening Environmental Protection for a Healthier Canada Act

 **Bill type**
Senate Government Bill

 **Sponsor**
[Sen. Marc Gold](#)

 [Text of the bill](#)

Summary

 **Current status**
At second reading in the Senate

 **Latest activity**
Introduction and first reading on February 9, 2022 (Senate)

Progress

Details

About

Senate

  **First reading**
Completed on February 9, 2022

 **Second reading**
No activity

 **Third reading**
Not reached

House of Commons

 **First reading**
Not reached

 **Second reading**
Not reached

 **Consideration in committee**
Not reached

Although government bills are much more often introduced in the House, introducing them in the Senate is not unusual.

New make-up of Senate makes process and timing less predictable

FIRST READING

The bill is considered read for the first time and is printed.

SECOND READING

Members debate the bill's principle.

COMMITTEE STAGE

Committee members study the bill clause by clause.

REPORT STAGE

Members can make other amendments.

THIRD READING

Members debate and vote on the bill.

SENATE

The bill follows a similar process.

ROYAL ASSENT

The bill receives Royal Assent after being passed by both houses.

Current standings in the Senate of Canada

Independent Senators Group	42
Conservative Party of Canada	16
Progressive Senate Group	14
Canadian Senators Group	13
Non-affiliated	6
Vacant seats	14
TOTAL	105

Majority = 46

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