

To: Fe de Leon  
From: John Jackson  
Date: March 13, 2023

RE: Follow up on Off-site Transfers on NPRI Substances in Products or as Product

On October 26, 2022, we did a presentation called “Filling a hole in the NPRI” to the multi-stakeholder working group. This was based on our paper “Off-site Transfers of NPRI Substances in products or as products.”

At that meeting, NPRI staff said that there are other tools being developed that may fulfil the need that the ENGO proposal for reporting transfers off-site in product would provide. The matter was left open for discussion at another NPRI stakeholder meeting.

At the February 15, 2023 meeting of the NPRI staff with ENGOs, the NPRI staff said that they have started participating in the federal government’s Supply Chain Transparency & Consumer Product Labelling process to assess the information that may come out of this. After that, they will respond to our proposal.

This memo is the beginning of our assessment of whether other tools, mainly tools now under development, can provide information that would fulfil the purpose that we have in wanting reporting of transfers off site in product or as product. See the Appendix to this memo for information on some of these programs compiled by Judi Krzyzanowski, a member of the NPRI ENGO work group. This also contains links to the programs listed in next section.

**Some alternative tools:**

- 1) Canada’s Chemical Policy Lab on Supply Chain Transparency & Consumer Product Labelling: This program, which is currently under development, has two goals: “Enhance chemical ingredient transparency throughout the supply chain and to strengthen mandatory labelling for cosmetics, cleaning products, and flame retardants in upholstered furniture, giving Canadians greater access to information about the substances to which they are exposed.”
- 2) European Chemicals Agency’s SCIP Database: “SCIP is the database for information on Substances of Concern in articles as such or in complex objects (Products) established under the Waste Framework Directive (WFD).” The producer of an article must provide “the name, concentration range and location of the Candidate List Substances present in it [an article].” [<https://echa.europa.eu/scip-infographic>]
- 3) Life AskReach: “On request by a customer, any article supplier must provide, free of charge, the names of all SVHC included in the article (greater than 0.1% w/w) and sufficient information for its safe use [Article 33(2) REACH]. LIFE AskREACH gives you the tool to fulfil this obligation most effectively.” [<https://www.askreach.eu/your-obligations/>]
- 4) European Union’s Chemical Transparency and Chemical’s Strategy for Sustainability

- 5) Industries' Global Minimum Transparency Standard
- 6) Environmental Working Group: a not-for-profit group that provides guidance and information on toxic chemicals in products.
- 7) Commission for Environmental Cooperation's "Advancing Supply Chain Transparency for Chemicals in Consumer Products." The CEC is undertaking a study to "research and document activities related to current and emerging North American and global instruments in consumer products."

The programs just listed are extremely important because they provide better information to the users of the substance and to the users of the products. This means that a product producer will have better information on the toxics in the materials that they use in making their products. This is extremely important in order to protect their workers' health as well as to be able to inform the consumers of their products. These programs also allow the general public to be wiser in their purchasing habits.

**Do these alternatives replace need for reporting through NPRI of transfers off-site in products or as products:**

These supply chain transparency and consumer product labelling programs do not replace the need for reporting to NPRI on substances transferred off site in products or as product.

These programs are weaker than PRTR programs in two basic respects:

- 1) Unlike the NPRI, often these are voluntary programs, and
- 2) Unlike in the NPRI, the programs discussed above list the substances in a product but do not state the quantity of the substance in the product. Sometimes they give the concentration of the substance in the product – but still not the total amount.

These two weaknesses mean that the supply chain transparency and consumer products cannot help us assess whether we are reducing our use of toxic substances.

A major goal of the NPRI is to motivate reduction in the use of toxic substances and to encourage pollution prevention, which means reducing the use of toxic substances. One important way to be able to determine progress towards reducing use of toxic substances is to require that each NPRI facility report on their transfer off-site of the substance in products or as products. Without plugging this hole in NPRI, we will not be able to assess our progress towards reduction of the use of toxic substances.

## SUPPLEMENT

### ***NPRI Reporting of off-site Transfers in Products***

Prepared by: Judi Krzyzanowski

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February 2023

This document summarises some of the programmes in Canada and around the world that are related to, and/or can inform, the inclusion of NPRI-regulated substance reporting in products.

#### **1. Canada's Chemical Policy Lab on Supply Chain Transparency & Consumer Product Labelling**

The process discussed and presented through the policy lab can be integrated with the NPRI in several ways.

- 1) A key requirement of the policy lab was having a central repository of information, or a database, related to substances of concern, available to consumers / the public at large. This is something the NPRI already provides for releases to air, land, and water.
- 2) Information can be improved significantly with a central list of chemicals or regulated substances—their sources, uses, chemistry, biological activity, etc.—thereby providing the information necessary for informed purchase and use at the consumer-level (in alignment with community-right-to-know-principles).
- 3) In turn, mandatory product labelling of regulated substances can be used to inform, and report to, the NPRI. If manufacturers are required to label substances in products, the regulated substance lists, and the products containing them, the NPRI may be used as the tracking system. Combined with the quantity of each product produced, substance totals can be calculated for each production facility, and in turn used to integrate data across entire sectors, provinces, years, etc., in the same way that NPRI data are currently used.
- 4) If a substance is already regulated by the NPRI, reporting the product as an off-site transfer helps track products for the purpose of supply chain transparency and improves NPRI completeness and accuracy.

#### **2. SCIP Database – Led by the European Chemicals Agency (ECHA) (<https://echa.europa.eu/scip-database>)**

SCIP stands for **S**ubstances of **C**oncern **I**n articles as such or in complex objects (**P**roducts) as established under the EU's Waste Framework Directive (WFD). It comprises a database containing information regarding articles (products) on the EU market that contain substances of very high concern (SVHC) in concentrations of >0.1% w/w. Information is tracked throughout the life cycle in a 'cradle-to-grave' fashion in order to track and trace chemicals that have the potential to negatively impact human health and/or the environment. The database includes a piece of software (IUCLID) includes individual reference substance datasets and allows users to add new candidate substances; and as of January 2023 there were a total of 480 candidate substances.

### 3. AskReach Database & App EU (<https://www.askreach.eu/app-database/>)

Founded on right-to-know principles, AskReach is a voluntary database and App through which companies (the suppliers of Substances of Very High Concern (SVHC)) provide information, on the request of any consumer or voluntarily, the names of all SVHC existing in an article/product at >0.1%w/w, at any stage in the supply chain. The database is considered complimentary to the more recent SCIP Database (see above) which is a regulatory requirement under Article 33 of the European Union's (EU's) Chemical Regulation ('REACH').

### Environmental Working Group ([www.EWG.org](http://www.EWG.org))

A non-for-profit that provides guidance and information on toxic chemicals and substances, including databases for contaminants in tap water and cosmetics, safety ratings for sunscreens, and a certification process for Personal Care, Cleaning, and Baby Products. Unsure of the credentials of the system used for inclusion and ranking.

CONTOX US

SAICUM legal formulation for waste lifecycles  
California Cleaning Product Disclosure  
California Nomenclature Harmonization  
Smart Labels.com

CEC's Supply Chain Transparency project, EU's Chemical Transparency and Chemicals Strategy for Sustainability, industries' Global Minimum Transparency Standard, and Circulytics from the Ellen Arthur Foundation.

#### Issues:

- New chemicals we may not even know the existence of;
  - Chemicals formed as secondary by-products that the manufacturer may not be aware of (true of entire NPRI) e.g. dioxins in agent orange 😊
  - Importation of not just products but ingredients, concerns of purity (e.g. 98%, versus 99% = a 50% price difference, but don't know what the other 1% is.
- 1) CBI protection (like fracking) and incomplete MSDS (the basis); however environmental and health groups have proposed an amendment to Bill S-5 to reform CEPA to rectify a gap in oversight between CBI claims in Canada versus claims in the U.S. and Europe. A "presumption of non-compliance" and a requirement for a ministerial determination for any confidentiality requests as well as public disclosures in the interest of public health, public safety, or the protection of the environment<sup>1</sup>.
- Need jurisdictional harmonization.
  - Currently 200,000,000 human made chemicals and another 10,000/year

Notes of Importance:

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<sup>1</sup> See page 8 of: <https://cape.ca/wp-content/uploads/2021/08/Bill-S5-Brief-to-ENVI-English.pdf>

On the “About NPRI” page: <https://www.canada.ca/en/environment-climate-change/services/national-pollutant-release-inventory/about-national-pollutant-release-inventory.html> under “targeted facilities”, one condition is that: “the facility manufactures, processes, uses or releases NPRI substances above reporting thresholds”. This seems new, as manufacturing