

September 11, 2024

The Right Honourable Justin Trudeau
Prime Minister of Canada
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The Honourable Steven Guilbeault
Minister of the Environment and Climate Change
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The Honourable Mark Holland
Minister of Health
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Re: The Urgent Need for Greater Controls on Per- and polyfluoroalkyl substances (PFAS)

Dear Prime Minister Trudeau, Minister Guilbeault and Minister Holland,

We, the undersigned, are environmental scientists and medical experts practising in Canada, the United States, and other countries concerned about widespread environmental and human exposure to PFAS (per and polyfluorinated alkyl substances or “forever chemicals”). It is our view that there is an urgent need for all governments, including the government of Canada, to make greater efforts to eliminate the threat posed by these substances to human health and the environment.

What are PFAS, where are they found, and what are their effects?

As you are aware, PFAS are a class of human-made substances numbering in the thousands that are used to make products resist water, stains, and heat. They are used in industrial processes, military and firefighting operations, and consumer products (e.g., dental floss, textiles, children’s clothing, non-stick pans, food containers, cosmetics, and paints, to list just a few uses). PFAS are called “forever chemicals” because they are highly persistent, highly mobile (particularly in water), and only degrade very slowly, if at all, in the environment. They are abundant in the indoor environment (e.g., household air and dust), the outdoor environment (soil, groundwater, and surface water), wildlife, and humans. They are found in food. They have been found in the bodies of 98.5 percent of people tested in Canada, as well as in the United States, and other countries. They have been detected in major bodies of water, such as the Great Lakes, and in municipal drinking water supplies. Many, but not all, water-related PFAS exposures are due to the use of fire-fighting foams at federally owned or regulated facilities such as military installations and airports that are the responsibility of the Departments of National Defense and Transport, respectively. Exposure to many of the chemicals in this class has been associated with diverse health effects such as metabolic disorders, immune system dysfunction, decreased fertility in women, developmental delays in children and increased risk of prostate, kidney, and testicular cancers.

Existing controls on PFAS in Canada

Currently, there are three categories of PFAS that are subject to controls by the government of Canada: PFOS, PFOA, and long-chain perfluorocarboxylic acids (LC-PFCAs) (and their salts and precursors). Federal regulations prohibit the manufacture, use, sale, and import of PFOS, PFOA, and LC-PFCAs and products containing these substances, but allow certain exceptions (e.g. for firefighting, photolithography, and photographic film). However, these three chemical categories represent a small fraction of the total number of PFAS in commerce.

Status of proposed government initiatives

In 2021, the government announced an intention to consider addressing as a class all PFAS chemicals. In May 2023, the government released a draft report seeking public comment on doing so as opposed to regulating individual chemicals in the class, noting the impracticality and ineffectiveness of the latter approach. The draft report concluded that the class of PFAS chemicals meet the requirements for demonstrating toxicity under section 64 the Canadian Environmental Protection Act in two respects. They are entering or may enter the environment in a quantity or concentration or under conditions that: (1) have or may have immediate or long-term harmful effects on the environment or its biological diversity; and (2) constitute or may constitute a danger in Canada to human life or health (CEPA subsections 64(a) and (c)).

An accompanying 2023 risk management strategy to the draft PFAS report identified certain steps the government committed to taking to address the overall PFAS problem. These included: (1) removing most remaining exemptions from federal prohibitions on the use of the three regulated PFAS classes; (2) collecting additional data on PFAS chemicals through a notice issued under the authority of federal legislation to inform risk management decision making; and (3) publishing a final state of the PFAS report and recommended risk management approach.

However, instead of issuing a final report on this matter, in July 2024, the government released an updated draft report following the reception of public comment on the May 2023 draft. The July 2024 updated draft still indicates that PFAS meet the above CEPA toxicity criteria, and proposes to address PFAS chemicals as a class, but recommends excluding from the class fluoropolymers, as defined in the update, at this time. According to the updated draft report, there is evidence to suggest that “fluoropolymers may have significantly different exposure and hazard profiles when compared with other PFAS in the class”. The updated draft report notes that fluoropolymers will be the subject of a separate assessment but does not indicate when this is expected to be commenced and completed.

Moreover, according to the government notice that accompanied release of the July 2024 update, the proposed designation of the class, should it proceed, would see PFAS chemicals added to the list of toxic substances under Part 2 of Schedule 1 of *CEPA, 1999*. Designation under Part 2 has implications for the types of controls that may be applied to such designated chemicals. For example, designation under Part 2 generally excludes, as a regulatory measure, prohibition of chemicals from commerce. In our view, excluding prohibition from commerce as a possible tool for addressing “forever chemicals” is very concerning from an environmental health perspective.

Furthermore, the government only issued its survey notice for collecting additional data on the manufacture, import, and use of PFAS chemicals at the end of July 2024. The notice gives industry until the end of January 2025 to respond to the survey questions. In the normal course, this could mean that the public might not see either the results of the survey or the final version of the PFAS report until well into 2026. To this one must add the two years following eventual designation of these chemicals permitted under federal law within which the government must issue proposed regulatory measures for controlling them, and an additional 18 months before the government must finalize such measures and bring them into force as a matter of law. Under these circumstances, the public may be looking at the year 2030 before the controls promised on more PFAS chemicals will be in place. This is far too leisurely a pace considering the problems posed by “forever chemicals”, and the 2021 announcement by the government of its intention to address this class of chemicals.

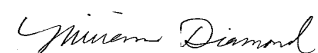
To sum up, at this time, the government: (1) has only just issued the promised additional data collection notice to industry; (2) has not removed from the regulations exemptions from prohibition for already regulated PFAS chemicals; (3) has proposed designating PFAS chemicals (other than fluoropolymers) under Part 2 of Schedule 1 of the *CEPA, 1999* where they likely will not be subject to prohibition from commerce; (4) has not identified the timeframe for imposing restrictions on non-essential uses of PFAS, and (5) has not identified the expected timeframe within which assessment of fluoropolymers should occur as a prerequisite to determining whether they should be returned to the class of PFAS chemicals eligible for control under the Act.

What needs to be done

We urge your office to: (1) address the above five matters on an expedited basis; and (2) ensure that the eventual measures adopted are tabled in the House of Commons and Senate where standing committees of both bodies may examine their effectiveness along with other measures that may be needed.

Thank you for considering this issue the resolution of which is vital to protection of the environment and the health and well-being of present and future generations.

Sincerely,



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