



Canada's Chemicals Management Program and the Domestic Substances List

Canadian presentation for Brazil's Special Programme

Online

Sept 10, 2024



Government
of Canada

Gouvernement
du Canada

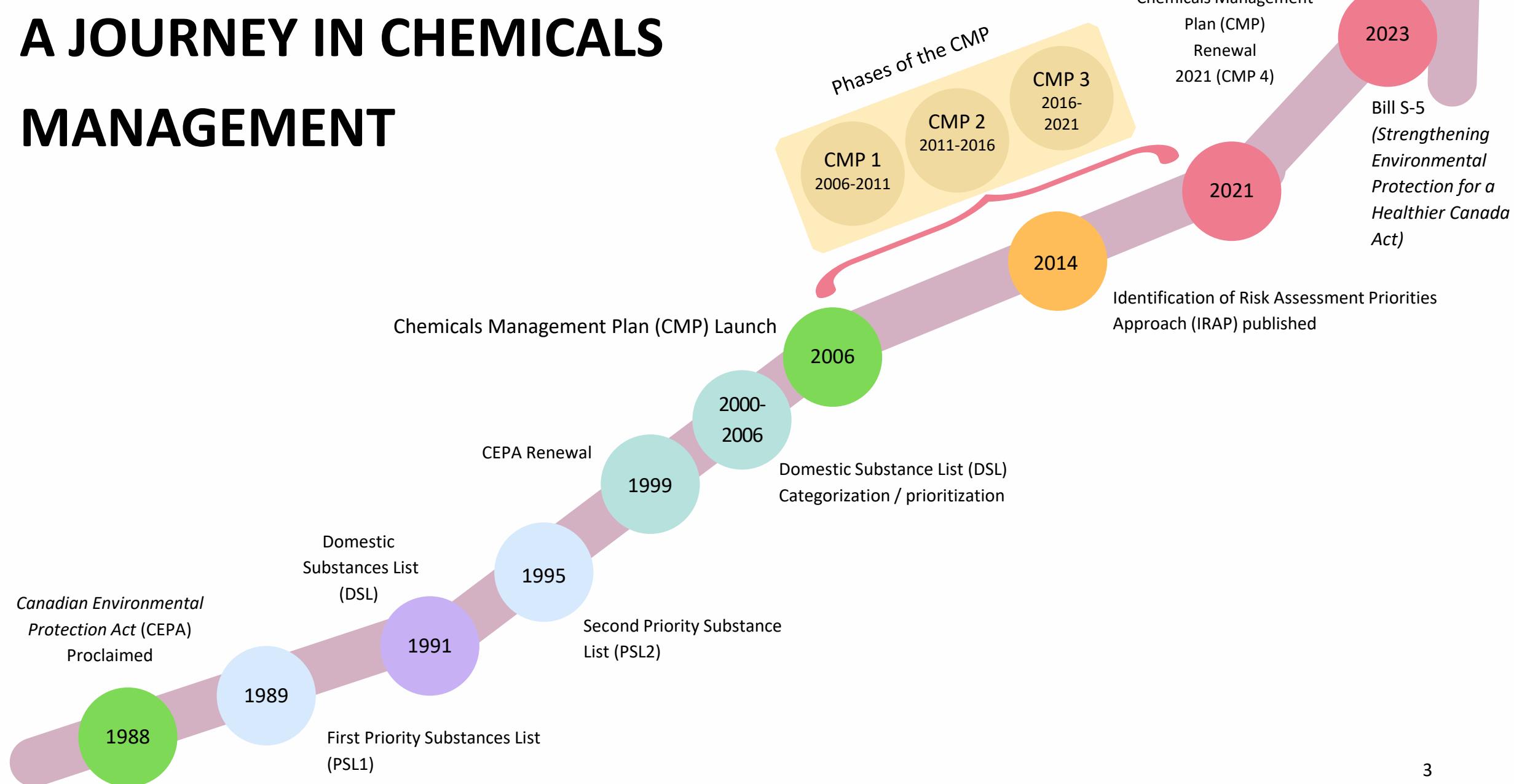
Canada

THE CHEMICALS MANAGEMENT PLAN (CMP)

- Introduced in 2006
- Government of Canada initiative aimed at reducing the risks posed by chemical substances to Canadians and the environment
- Involves assessing and managing, where appropriate, the potential health and ecological risks associated with substances prioritized for action under the *Canadian Environmental Protection Act, 1999* (CEPA) and other enabling legislation
- The CMP is jointly delivered by Environment and Climate Change Canada (ECCC) and Health Canada (HC)

A Whole of Government approach includes core activities of: risk assessment, risk management and performance measurement evaluation, information gathering, scientific research and monitoring, compliance and enforcement, and engagement and outreach.

A JOURNEY IN CHEMICALS MANAGEMENT



CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999 (CEPA)

- CEPA is Canada's cornerstone environmental law to fight pollution and protect health and the environment from its effects.
- Bill S-5 (*Strengthening Environmental Protection for a Healthier Canada Act*) received Royal Assent in June 2023.
- The Bill represents the first comprehensive set of amendments to CEPA since it was enacted over 20 years ago.
- It includes several transformative environmental protection initiatives to protect human health and the environment.
- Stakeholder and partner engagement and participation were high throughout the parliamentary process and **continues to be high during implementation.**

CEPA is co-administered by the Ministers of Health Canada (HC) and Environment and Climate Change Canada (ECCC)

KEY FOCUS OF THE MODERNIZED CEPA

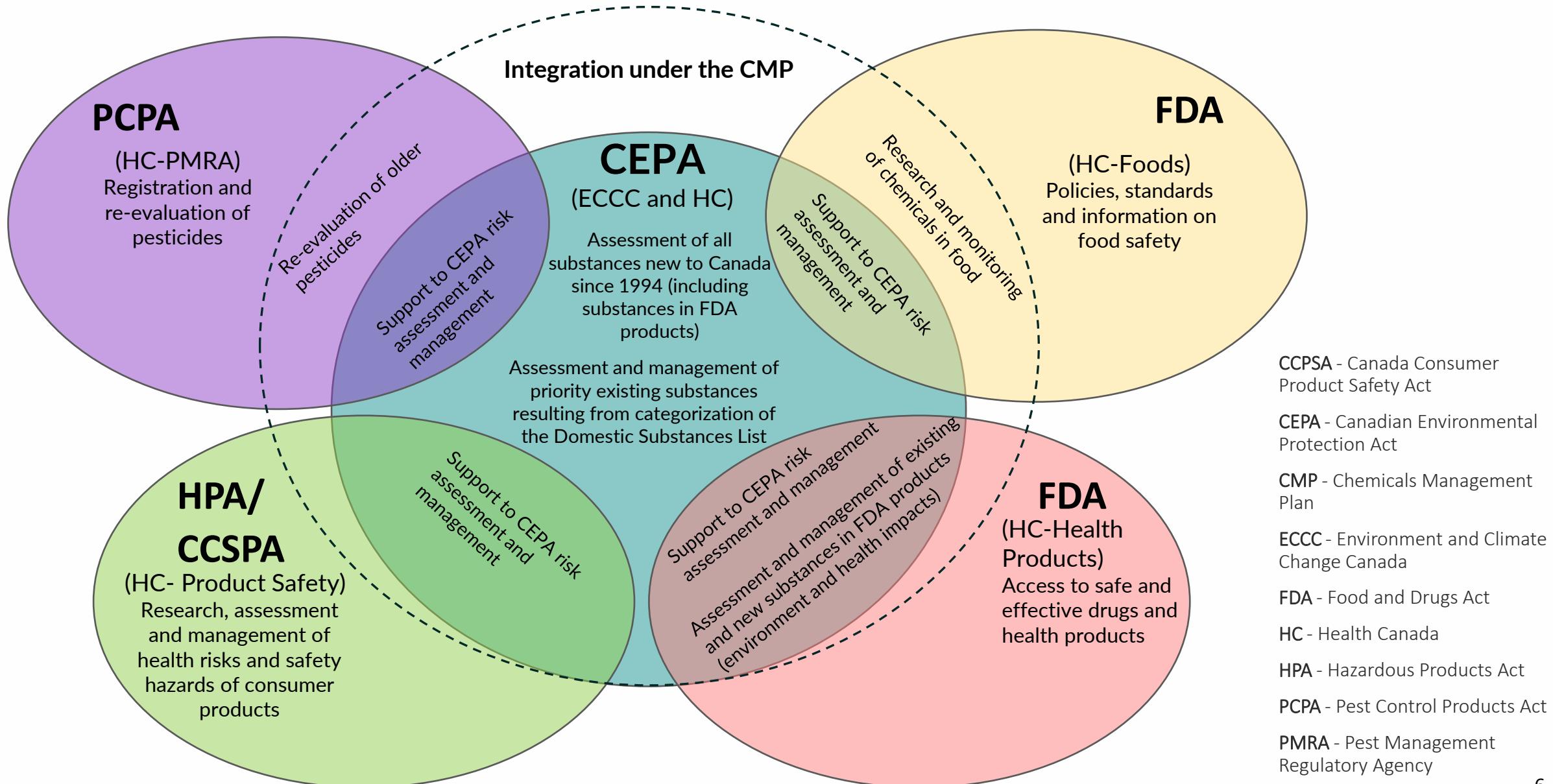
New Elements:

- Recognizes the **right to a healthy environment** for every individual in Canada
- Commitment to advance **Indigenous reconciliation**
- Importance of considering **Indigenous knowledge, vulnerable populations, vulnerable environments and cumulative effects**
- Commitment towards reducing, replacing or refining **animal testing**
- Clearer commitments to **openness, transparency and accountability**

New Requirements:

- A new **Plan of Priorities**
- Activities or initiatives supporting the commitment to replace, reduce or refine vertebrate **animal testing**
- A list of substances of potential concern (**Watch List**)
- A new approach for **toxic substances of highest risk**

INTERRELATION BETWEEN CHEMICALS PROGRAMS



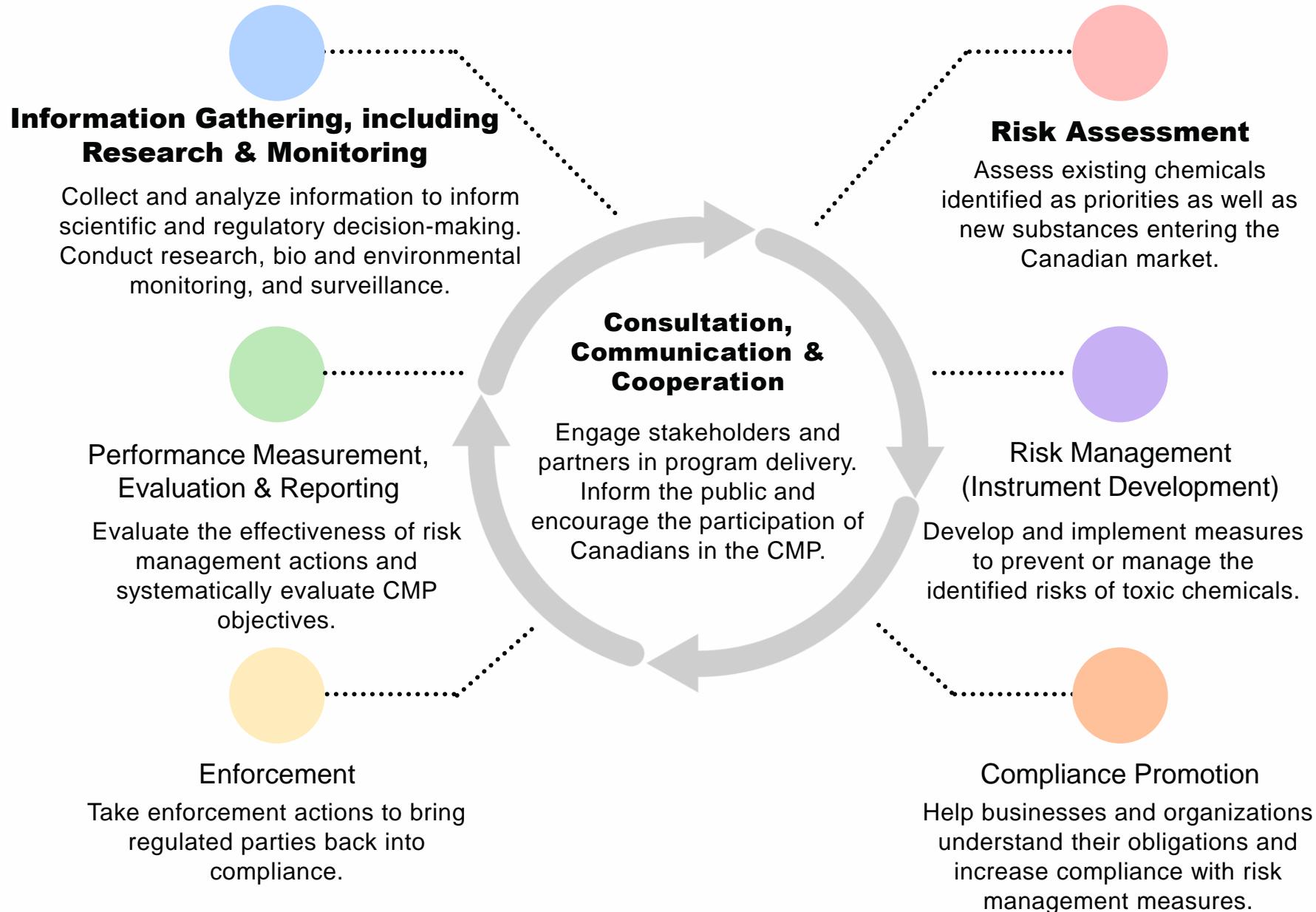
THE CEPA SUBSTANCES REGIME

- CEPA 1999 defines substances very broadly, which includes:
 - chemicals,
 - nanomaterials,
 - products of biotechnology,
 - air pollutants and
 - Greenhouse Gases (GHGs)
- Separate authorities for new and existing substances
- Screening assessments conducted under CEPA 1999 determine whether a substance meets the criteria for CEPA toxicity, which state that the substance:

“... is entering or may enter the environment in a quantity or concentration or under conditions that:

 - a) *have or may have an immediate or long-term harmful effect on the environment or its biological diversity;*
 - b) *constitute or may constitute a danger to the environment on which life depends; or*
 - c) *constitute or may constitute a danger in Canada to human life or health”*
- For existing substances assessments are conducted in collaboration between Health Canada (human health) and Environment Canada (ecological)

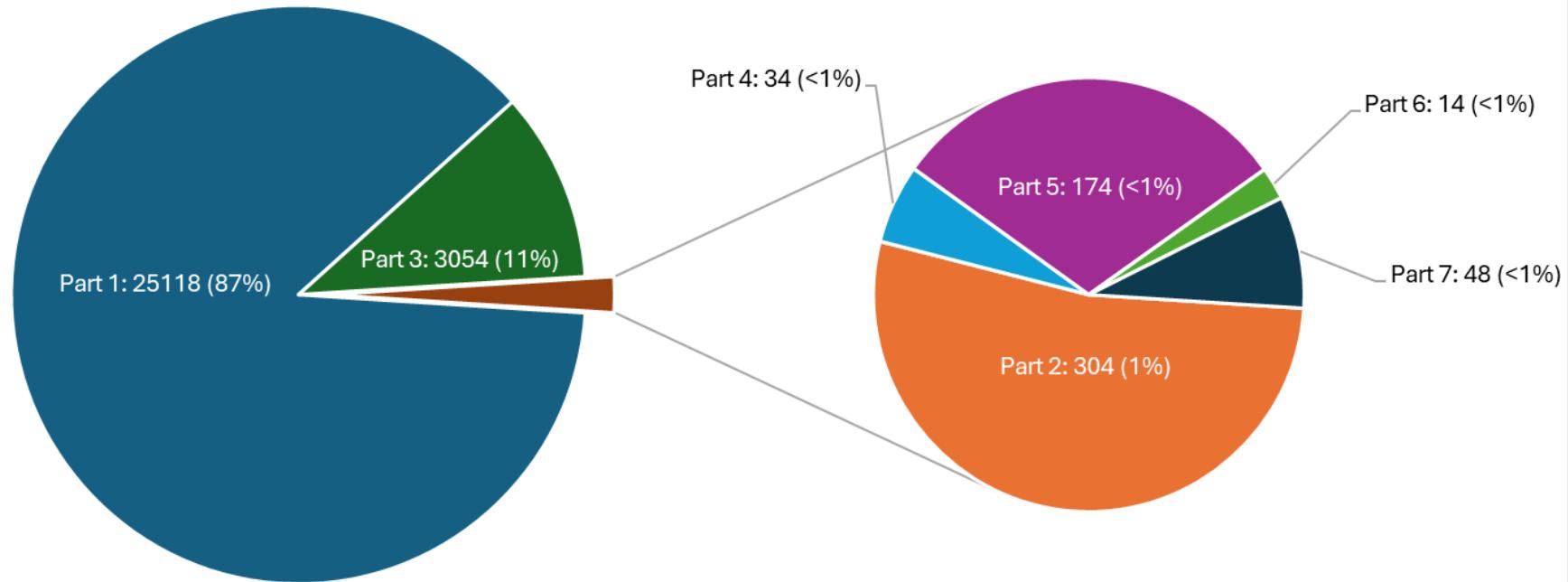
CANADA'S CHEMICALS MANAGEMENT CYCLE



THE DOMESTIC SUBSTANCES LIST - OVERVIEW

- The Domestic Substances List (DSL) is an inventory of substances manufactured in or imported into Canada on a commercial scale. It can be accessed through Substances Search (select “Domestic Substances List” in the drop-down menu).
- The DSL was first published in 1991 for the purpose of defining a “new substance” under CEPA. It included approximately 21,700 substances.
 - Any chemical, polymer, or living organism not on the DSL is considered new to Canada and is subject to notification under *New Substances Notification Regulations (Chemicals and Polymers)* or the *New Substances Notification Regulations (Organisms)*.
 - Upon notification, a new substance undergoes ecological and human health assessments; control measures can be imposed when risks are identified.
 - When all eligibility criteria are met, a new substance is added to the Domestic Substances List.
- The DSL is amended on average 12 times per year to add, update or delete substances.
- There are currently ~28,700 substances (chemicals, polymers and living organisms) on the DSL; they are set out in seven Parts (there are no substances on Part 8).

Number of Substances per Parts on the DSL



- Part 1: public chemicals and polymers
- Part 2: public chemicals and polymers with significant new activity requirements
- Part 3: confidential chemicals and polymers
- Part 4: confidential chemicals and polymers with significant new activity requirements
- Part 5: public inanimate biotech and living organisms
- Part 6: public inanimate biotech and living organisms with significant new activity requirements
- Part 7: confidential inanimate biotech and living organisms

HOW THE DOMESTIC SUBSTANCES LIST WAS ORIGINALLY COMPILED

- The [original DSL](#) was compiled based on [recommendations](#) of the *Environmental Contaminants Act Amendments Consultative Committee*, a multipartite committee comprising representatives of federal and provincial governments, industry, labour and environmental non-governmental organizations. Compilation was carried out in two information collection phases followed by a correction and review period.
- **Phase I** (October 1988 to March 1989) involved a national survey of some 180 major chemical manufacturers and importers. Approximately 8,900 substances reported during this period and consistent with the eligibility criteria set out in CEPA were included in the *Core Domestic Substances List* (Core DSL), released in August 1989.
- In **Phase II** (April 1989 to January 1990), all other Canadian manufacturers and importers reviewed the Core DSL and nominated additional candidate substances. Those meeting the eligibility criteria were added to the Core DSL, resulting in a *Provisional Domestic Substances List* (Provisional DSL) of 18,301 substances, released in April 1990.
- During the **Correction and Review Period** (April 1990 to August 1990) nominators could request corrections to the Provisional DSL and any person could also nominate additional substances.
- All nominations were reviewed to determine DSL eligibility based on criteria set out in CEPA. Some substances were not included in the DSL due to errors, omissions or inconsistencies in the data provided. The 1991 final compilation contains approximately 21,700 substances.
- In 1994, the original DSL was repealed and replaced by the current DSL (see [SOR/94-311](#)). Over the years, the DSL was amended on several occasions to introduce flags, new parts, and updated definitions (see [SOR/2001-214](#), [SOR/2003-334](#) and [SOR/2023-251](#)).

SUBSTANCES HAVE BEEN ADDED TO THE ORIGINAL DSL

- In accordance with CEPA, the original DSL included chemicals and polymers that, between 1984-1986, were:
 - In Canadian commerce or used for commercial manufacturing in Canada, or;
 - Manufactured in or imported into Canada in no less than 100 kg/year.
- The following information was required when nominating a substance to the original DSL:
 - Substance CAS Registry Number;
 - Explicit Substance Name;
 - Molecular formula and structural info when available;
 - Activity (Manufacture/Import/In commerce);
 - Use Codes;
 - Quantity (range);
 - Request for Confidentiality;
 - Name, title and signature of the company representative;
 - Company Headquarters (name and address);
 - Site of manufacture in Canada.
- In 1997, the scope of DSL was expanded to allow for the addition of living organisms. A living organism is added to the DSL when, between 1984-1986, this living organism:
 - was manufactured in or imported into Canada by any person; and
 - entered or was released into the environment without being subject to conditions under CEPA or any other Acts in Canada.
- As noted earlier, substances (which includes organisms) are continually added to DSL after all criteria for addition have been met.

OTHER SOURCES OF INFORMATION

- Section 71 of CEPA 1999 is used for the mandatory data gathering from industry to address remaining critical data needs
- A variety of other mechanisms can be used to gather information:
 - Research and monitoring (e.g. biomonitoring)
 - Other programs and departments within the Federal Government (NPRI, HC, ECCC, NRCan, CBSA, Stats Can).
 - Key international partners (US EPA, REACH Consortia)
 - Voluntary data gathering initiatives
 - Associations and joint industry submissions

NPRI - National Pollutant Release Inventory

HC - Health Canada

ECCC - Environment and Climate Change Canada

NRCan - Natural Resources Canada

CBSA - Canadian Border Services Agency

Stats Can - Statistics Canada

US EPA - United States Environmental Protection Agency

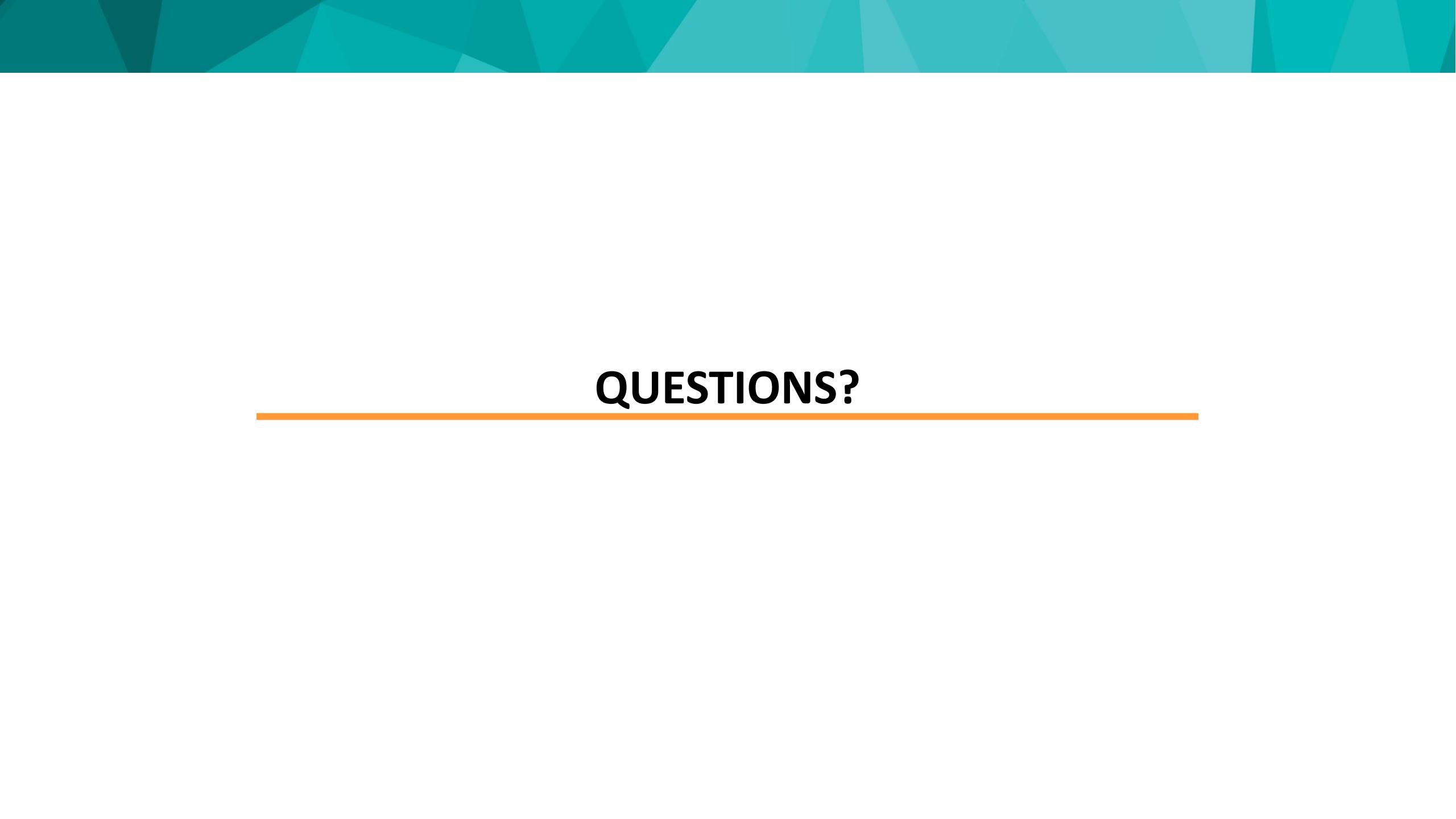
REACH - Registration Evaluation Authorisation Restriction

ENGAGEMENT AND COMMUNICATION THROUGHOUT

- Raising awareness and engaging interested parties and the public on the management of chemicals is a core component of Canada's CMP and occurs through *all stages* of the decision-making process.
- The Government of Canada works with industry, academics, civil society, Indigenous organizations, and other interested parties to *share information, fill data gaps and mobilize knowledge* about the harmful effects of certain substances.
 - This engagement promotes transparency in government actions, establishes government accountability and strengthens industry's understanding of obligations under CEPA.
 - Includes broad public consultations on topics related to the CMP along with focused bilateral and multi-stakeholder meetings, enabling cross-dialogue.
- Collaboration with other governments and international organizations helps to avoid duplication of scientific research, share data and best practices in the management of chemicals, as well as to contribute to the global sound management of chemicals by providing technical assistance.
- The program also undertakes continuous work to communicate to the public and stakeholders through webinars, and regular publication of technical documents alongside more accessible, relevant, plain language information tailored for a public audience.

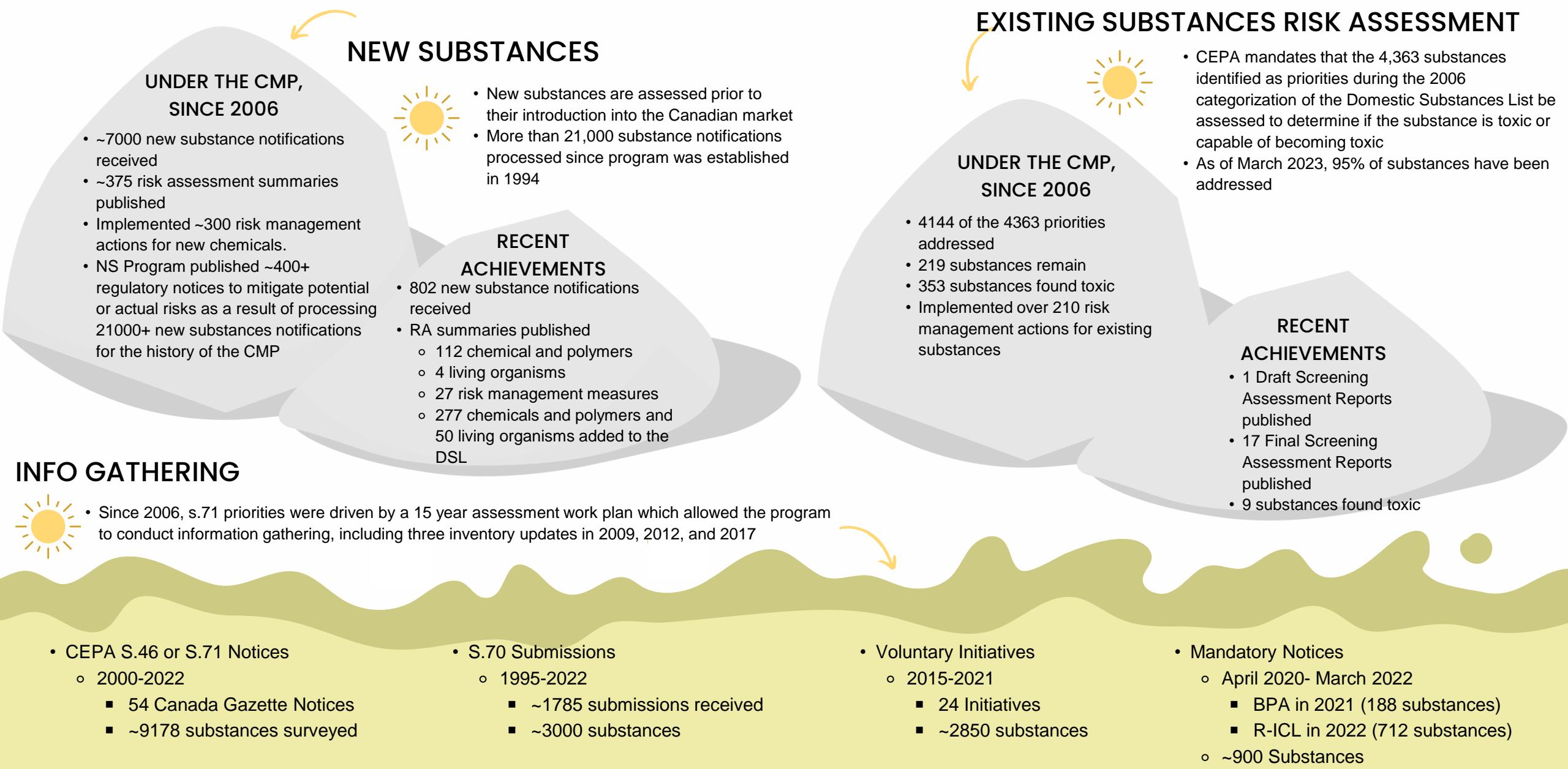
LESSONS LEARNED

- **Targeted approaches and early stakeholder engagement** are critical to priority setting and information gathering throughout both the assessment process; and in developing risk management programs, identifying monitoring needs as well as key outputs to measure success.
- **Risk assessment approaches evolved** which allowed assessments to cover more substances in single assessment reports, and we streamlined or decreased resources required for publications and approval processes.
- **Considering classes or a broad range of substances in a grouping increased the complexity for science along with the communication of results. We found that there is a need for:**
 - a “right-sized” approach – that is doing only what is required to make sound scientifically defensible decisions
 - developing innovative technical approaches (e.g., rapid screening)
 - adoption of existing hazard characterizations from international partners where available and then supplementing this information with domestic exposure scenarios to determine risk. This reduces the resources and time required to complete an assessment.
- **Risk management needs to evolve** to adapt to changing circumstances. We found there is a need for a “right sized” risk management approach using the best available tools, including voluntary as well as legal approaches.



QUESTIONS?

ANNEX I: MAJOR PROGRAM RESULTS AND ACHIEVEMENTS



ANNEX II: LINKS TO CEPA AND OTHER RESOURCES

A plain language summary of key amendments in Bill S-5, *Strengthening Environmental Protection for a Healthier Canada Act* - [Summary of Amendments](#)

Updates and information on [Implementing the modernized Canadian Environmental Protection Act, 1999](#) including opportunities for public input and participation - accessible from the CEPA Registry

Justice Canada Laws website that contains consolidated acts, including the [Canadian Environmental Protection Act, 1999](#) (CEPA) and amendments stemming from Bill S-5

[Canadian Environmental Protection Act Registry](#) - In this registry you can find documents relating to the administration of the *CEPA 1999*. The Act governs a variety of environmental matters such as air and water pollution, waste management and toxic substances

ANNEX III: LINKS TO CMP-RELATED RESOURCES

The latest news on actions to assess and manage chemical substances (including public comment opportunities) under the CMP are posted at: [Chemicals Management Plan – Canada.ca](#) and [Latest news about the Chemical Management Plan - Canada.ca](#). You can [subscribe](#) to receive updates.

The [status of substances prioritised under the Chemicals Management Plan](#) is a searchable site that is updated regularly.

The [Chemicals Management Plan risk management actions table](#) provides a list of published CMP risk management actions (proposed or final), for substances that are concluded to be harmful to the environment and/or human health, under section 64 CEPA.

[Substances Search](#) is a tool to search by substance names and substance identifiers referenced in various legislative or regulatory instruments or Government of Canada websites for the Chemicals Management Plan. It includes the Domestic Substances List, CEPA Schedule 1 and Certain Substances, certain regulations, and other substance lists. Data is updated quarterly, and work is underway to increase the frequency of updates.

For more information about how we conduct risk assessments (e.g., weight of evidence and precaution, endocrine related effects), see: Risk assessment fact sheets: [Chemical substances fact sheets and frequently asked questions - Canada.ca](#).

Plain language, science-based information on how to take action to protect your health and the health of your family from chemicals and pollutants in and around the home: [Healthy Home - Canada.ca](#).

For information regarding the New Substances Program, consult the [New Substances program web page](#).