Draft Implementation Framework for the Right to a Healthy Environment

under the *Canadian Environmental Protection Act, 1999*

Government of Canada Gouvernement du Canada

Canada

EC24163

Environment and Climate Change Canada
Public Information Centre
Place Vincent Massey building
351 St-Joseph Boulevard
Gatineau, Quebec K1A 0H3
Toll free: 1-800-668-6767
Email: enviroinfo@ec.gc.ca

Aussi disponible en français

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Executive Summary

Every individual in Canada has the right to a healthy environment as provided under the *Canadian Environmental Protection Act, 1999* (CEPA), subject to reasonable limits. As required by the amendments made to CEPA in 2023, this draft framework sets out how Environment and Climate Change Canada (ECCC) and Health Canada (HC) propose to fulfill the Government's duty to protect the right to a healthy environment when administering CEPA, recognizing the need to learn from experience over time.

The development of this draft framework was informed by input and perspectives provided through public engagement on the *Discussion Document on the Implementation Framework for a Right to a Healthy Environment under the Canadian Environmental Protection Act, 1999*, Indigenous-led engagement activities, and various other discussions. ECCC and HC thank everyone who contributed to the development of this draft and welcome comments and submissions on this document to inform the final framework.

The right applies only to the administration of CEPA, which is an important part of Canada's federal environmental legislation aimed at preventing pollution and protecting the environment and human health. Throughout the CEPA management cycle, there are processes that are already well established and in place that will help support the protection of the right. The Act defines a healthy environment as one that is clean, healthy, and sustainable. This framework builds on that definition by elaborating on substantive and procedural elements of the right in the context of CEPA. Specifically, it explains how CEPA contributes to an environment that is protected from harmful substances, pollutants, and waste and that has clean and healthy air and water, a sustainable climate, and healthy ecosystems and biodiversity. The right to a healthy environment, as provided under the Act, may also include the procedural elements of access to information, participation in decision-making, and access to effective remedies in the case of environmental harm.

As required by the Act, the draft framework elaborates on the principles of environmental justice, intergenerational equity, and non-regression and outlines how these can be considered throughout CEPA decision-making.

Decision-making under CEPA may involve consideration of a number of factors that need to be evaluated on a case-by-case basis. The framework elaborates on five factors – scientific, environmental, health, social, and economic. These factors, among others, may be relevant in interpreting and applying the right and in determining the reasonable limits to which it is subject.

Respect for the Aboriginal and treaty rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* (Section 35 rights), as well as the Government of Canada's legislative and policy commitments to First Nations, Inuit, and Métis is essential to protecting the right to a healthy environment under CEPA. Activities under CEPA can also contribute to the Government of Canada's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.

CEPA also recognizes the role of Indigenous knowledge in informing decisions about the protection of the environment and human health. The framework proposes a mechanism to develop an Indigenous Knowledge Policy Framework for CEPA decision-making in Annex 1, while recognizing that working in relationship with specific communities is necessary to ensure that the distinct knowledge systems, science, worldviews, and values of First Nations, Inuit, and Métis are bridged, braided, and woven into CEPA activities in meaningful and appropriate ways.

The framework identifies examples of key decision-making points in the administration of the Act where ECCC and HC will consider the right and identifies examples of mechanisms that support the protection of the right, including both existing and new tools and policy approaches (see Annex 1). The mechanisms identified in the framework support the protection of the right, they also help to uphold CEPA principles and to promote procedural elements. In addition, a series of guiding considerations are proposed in Annex 2 for ECCC and HC decision-makers to incorporate, as appropriate, within the various mechanisms and decisions.

The framework also provides a summary of research, monitoring, and studies undertaken by ECCC and HC that support the protection of the right. The framework highlights the Integrated Chemical Mixtures Project, which aims to generate knowledge on real-world exposure to, and effects from, chemical mixtures in the environment, as well as the Air Quality Benefits Assessment Tool, used to evaluate the health benefits or damages resulting from changes in air quality in Canada.

CEPA requires that the Minister of ECCC report on the implementation of the framework annually within the CEPA Annual Report, which is submitted to Parliament and posted online. Updated information related to the substantive elements of the right can be found in existing frameworks and indicators related to these areas and departmental plans for ECCC and HC. Additionally, reporting on CEPA activities related to the right will include consultations with Indigenous peoples and other measures taken to advance reconciliation.

To further help the Government of Canada fulfill its duty to protect the right of every individual in Canada to a healthy environment as provided under this Act, subject to reasonable limits, and to promote transparency and public confidence, the framework proposes a new CEPA right to a healthy environment portal on the CEPA Registry, providing an accessible and accountable process for the public to provide feedback.

The introduction of the right to a healthy environment to CEPA is novel and this framework will work as an implementation guide for ECCC and HC decision-makers. ECCC and HC look forward to learning through experience and continuing to work with partners throughout implementation to enable updated approaches under the framework and identify areas for updates to the framework itself.

1.0 Introduction

Every individual in Canada has a right to a healthy environment, subject to any reasonable limits, as provided under the *Canadian Environmental Protection Act, 1999* (CEPA). As required by the amendments made to CEPA in 2023, this draft implementation framework (the framework) sets out how Environment and Climate Change Canada (ECCC) and Health Canada (HC) will fulfill the Government of Canada's duty to protect the right to a healthy environment when administering CEPA. It sets out how the right will be considered in the administration of the Act by outlining the substantive elements (Section 2.1) and procedural elements (Section 2.2) of a right to a healthy environment under CEPA and provides guidance for CEPA decision-makers to support protection of the right through guiding considerations (Annex 2) and by elaborating on:

- Principles to be considered in the administration of CEPA, such as the principles of environmental justice, non-regression, and intergenerational equity (Section 4.0);
- Relevant factors to be considered when interpreting and applying the right and in determining the reasonable limits to which it is subject (Section 5.0);
- Mechanisms to support protection of the right (Section 6.1 and Annex 1);
- Research, studies, and monitoring activities to support protection of the right (Section 7.0); and
- The process to apply a weight of evidence approach and the precautionary principle when conducting and interpreting the results of a risk assessment[1] or a review of a decision in another jurisdiction, in respect of the protection of the right (Section 6.1.1).

To promote transparency and build public confidence in the Government of Canada's commitment to fulfilling its duty, the framework includes a section about accountability and reporting on the implementation of the framework.

Comments received on this draft framework during the 60-day public comment period will inform the development of the final framework. Once finalized, the framework may be updated from time to time as experience is gained through implementation. Such updates will be done in consultation with interested persons.

The framework is not a substitute for CEPA. In the event of inconsistency between the framework and CEPA, the Act prevails.

1.1 Background

In June 2023, the amended and modernized CEPA recognized for the first time in federal law that every individual in Canada has a right to a healthy environment as provided under CEPA. The Government of Canada has a duty to protect this right in the administration of CEPA, subject to reasonable limits.

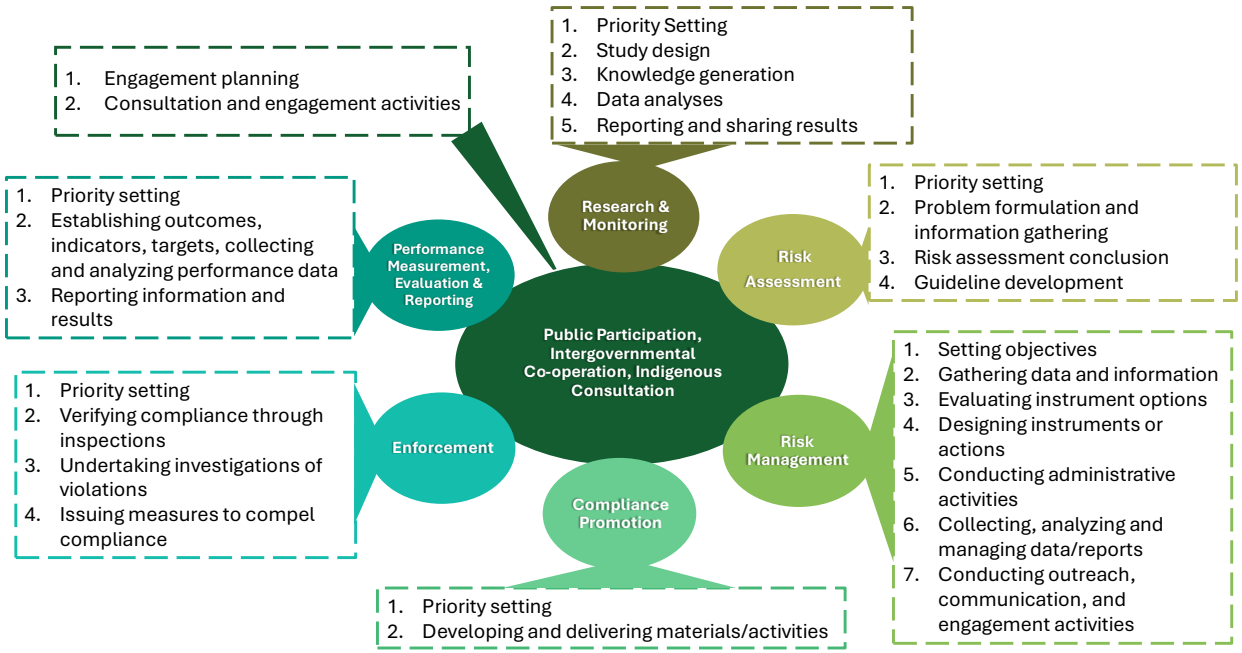
CEPA is the cornerstone of Canada's environmental legislation and an important part of the Government of Canada's legislative framework aimed at preventing pollution and protecting the

[1] Applies to assessments under Part 5 in CEPA, other than the assessment of substances and activities that are new to Canada.

environment and human health. It provides the Government of Canada with broad powers to use a variety of regulatory and non-regulatory tools to address a wide range of pollution sources, including substances (such as chemicals and animate products of biotechnology), hazardous wastes, hazardous recyclable material, marine pollution, fuels, emissions from vehicles, engines and equipment, and environmental emergencies. It provides specific authorities related to activities carried out on federal and aboriginal lands, and to federal works and undertakings. It takes a risk-based approach, which means that actions are taken to protect the environment (including the interrelationships between land, air, water, and other living creatures, plants and micro-organisms) and people in Canada, considering both hazard and exposure in the identification of risks. Protecting environmental and human health is a shared responsibility across jurisdictions and there are many other laws and policies at the federal, provincial, and territorial level that contribute to pollution prevention and protection of human health and the environment in Canada. It is important to note that the right to a healthy environment in CEPA is limited to the CEPA context and is not applicable to other laws, policies and contexts, even when other, best placed federal Acts are used to address risks identified through CEPA processes.

The CEPA management cycle was established to support the administration of the Act and includes well established processes and procedures that will consider the right throughout the cycle. It outlines how the Government of Canada identifies and assesses risks and manages pollution, in order to protect the environment and people in Canada from risks that impact their health. It consists of the steps shown in Figure 1, in which public participation, intergovernmental co-operation and consultation with Indigenous peoples are integral elements of the process. Descriptions of each of these steps can be found in the Guide to Understanding CEPA, 1999. Additional detail can be found in the CEPA Annual Report, which provides an overview of the activities conducted under each of these steps and the results achieved each year. While not all CEPA activities follow the full cycle, they may fall under one or more of the steps. These steps may repeat or overlap as emerging issues and new information about risks is sought, or as experience with implementing protections shows the need for changes to how the risk is being managed or protections are being enforced. Within each of these steps there are decisions and actions that are taken to administer the Act where the right can be considered. Examples of key decision points for each step are highlighted in the figure below.

Figure 1: CEPA management cycle and examples of key decision-making points where the right can be considered



The preamble of CEPA recognizes the Government of Canada's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), including free, prior, and informed consent (FPIC). *The United Nations Declaration on the Rights of Indigenous Peoples Act* (the UN Declaration Act) provides a framework for the Government of Canada's implementation of the UN Declaration. Information on the UN Declaration Act and the Government of Canada's understanding of the references to FPIC can be found in this backgrounder.

The Implementation Framework provides opportunities to ensure that CEPA is aligned with principles of the UN Declaration through:

- Consultation and cooperation with Indigenous peoples, pursuant to the UN Declaration Act;
- Constitutional duty to consult;
- Respect for Indigenous rights and jurisdiction; and
- Braiding, bridging, and weaving Indigenous knowledge and western science to inform CEPA decision-making.

The development of this draft framework was informed by input and perspectives provided through public engagement on the *Discussion Document on the Implementation Framework for a Right to a Healthy Environment under the* Canadian Environmental Protection Act, *1999*, workshops with stakeholders and partners, Indigenous-led engagement activities, and other discussions. A *'What We Heard Report'* was prepared that summarizes the input and perspectives from Indigenous partners and communities, individuals, youth, non-governmental and civil-society organizations

and associations, academia, representatives from businesses and industry associations, and others. Key themes emerged and have been incorporated into the draft framework as described below:

- **Balancing Flexibility and Predictability:** the draft framework aims to strike a balance between providing predictability and allowing flexibility in how the right will be considered in decision-making, recognizing that each decision is made based on the unique issues under consideration.
- **Interconnectedness:** the draft framework highlights that many of the CEPA principles, procedural elements, and relevant factors are interconnected. Interconnectedness is also particularly important in the consideration of environmental justice because of the interconnected factors and intersectional identities that may impact the risks to populations who may be disproportionately impacted by pollution.[2] This is described further in the section 4.1 on environmental justice.
- **Transparency:** the draft framework provides transparency in how the right will be protected, and places an emphasis on the need for CEPA information and decisions to be communicated in plain language and in an accessible way.
- **Reconciliation:** the draft framework aims to advance reconciliation, through, for example, enhancing decision-making that bridges, braids, and weaves Indigenous knowledge and western science.
- **Representation and Inclusion:** the draft framework is expected to advance consideration of populations who may be disproportionately impacted by pollution, youth, and Indigenous peoples through CEPA decision-making processes.
- **Accountability:** the draft framework supports accountability by elaborating on interpretation of the right in the CEPA context and on the related principles; by providing guidance on the ways to consider the right and communicate how it is being protected and advanced; and by proposing a new portal to improve accountability.

2.0 What is the Right to a Healthy Environment under CEPA?

CEPA's purpose is pollution prevention and the protection of the environment and human health by preventing and managing risks from various sources. CEPA actions also contribute to sustainable development. Elaborating on the right to a healthy environment within this CEPA context is essential to helping CEPA decision-makers consider the right in the administration of CEPA and for individuals, Indigenous peoples and organizations, and other stakeholders in Canada to understand how the right is being protected in administering the Act. This framework provides guidance on how the right can be understood in terms of substantive elements and procedural elements that fall within the context of CEPA. It elaborates on the principles and on some of the relevant factors whose consideration can support protection of the right. The framework recognizes the unique relationship Indigenous peoples have with their lands and resources as another

[2] Note that while CEPA uses the term "vulnerable populations", this document uses "populations who may be disproportionately impacted by pollution" to recognize that many of these populations are not inherently vulnerable but rather that their susceptibility is associated with the circumstances of their lives. See the Terminology Guide in Annex 3 for more details.

important consideration for the protection of the right. It is important to note that the right to a healthy environment in the CEPA context is not absolute and is subject to reasonable limits.

2.1 Substantive Elements of a Right to a Healthy Environment under CEPA

A healthy environment is defined in CEPA as an environment that is clean, healthy, and sustainable. The right to a healthy environment under CEPA includes the right of every individual in Canada to live in an environment that is protected from harmful substances, pollutants, and waste, and where actions taken under CEPA contribute to:

- Clean and healthy air and water;
- A sustainable climate; and
- Healthy ecosystems and biodiversity.

CEPA provides the legal framework for the protection of some aspects of these elements, which are interrelated and fundamental for human health. In the context of the Act, a healthy environment includes consideration of human health and the health of the environment, including its biological diversity recognizing that protecting environmental and human health is a shared responsibility across jurisdictions.

A clean, healthy, and sustainable environment does not mean there will be no air or water pollution, or releases of greenhouse gases (GHGs) and other substances in the environment, but it stresses the importance of managing and reducing pollution to protect human health and the environment. The Government of Canada fulfills its duty to protect the right to a healthy environment under CEPA by continuously striving to achieve its objectives of pollution prevention and sustainable development in regard to each of these elements, in a way that respects the principles laid out in CEPA and that considers relevant factors, where appropriate.

The Government of Canada has existing policy objectives in relation to each substantive element (see Health Canada's Departmental Sustainable Development Strategy and ECCC's Departmental Sustainable Development Strategy) and communicated through other legislative and policy frameworks, such as the Federal Sustainable Development Strategy (FSDS). While these frameworks and strategies are beyond the scope of CEPA and the right to a healthy environment, many CEPA activities contribute to their objectives and they can provide insight into whole-of-government or department-wide progress in addressing pollution and promoting sustainable development.

The following sections provide examples of how activities under CEPA are contributing to each of these substantive elements of the right. Additional information on activities under CEPA that relate to these substantive elements can be found in the CEPA Annual Report.

2.1.1 Protection from Harmful Substances, Pollutants, and Wastes

Within CEPA there are specific requirements and authorities for the assessment and management of existing substances that have been or are being used in Canada and for new substances that are proposed to be introduced. ECCC and HC assess and manage risks to human health and the environment posed by substances that may be found in food (including retail and country foods),

consumer products, cosmetics, drugs, drinking water, air, and industrial releases that may enter the environment, through programs including the Chemicals Management Plan (CMP). Information collected through the National Pollutant Release Inventory (NPRI) and other research, studies and monitoring described in the section below and in the Information gathering fact sheet help determine if regulatory or other action is necessary to protect human health and the environment.

The Federal Environmental Quality Guidelines (FEQG) are established under CEPA to provide recommended chemical thresholds to support federal initiatives that set a concentration so that if a given chemical is at or below the FEQG threshold, there is low likelihood of direct adverse effects from the chemical on aquatic life exposed via the water or sediment, or where chemicals may bioaccumulate, in wildlife (birds and mammals) that consume aquatic life.

CEPA also provides the Government of Canada the authorities to manage the movement of hazardous waste and hazardous recyclable materials across international and provincial or territorial borders, including authorities to define hazardous waste and hazardous recyclable material and to issue permits for international movements. Additionally, CEPA regulations on environmental emergencies aim to help reduce the frequency and severity of accidental releases of hazardous substances into the environment and improve industry's capacity to deal with environmental emergencies that may occur at fixed facilities across Canada.

2.1.2 Clean and Healthy Air

Within CEPA there are specific requirements and authorities for the assessment and monitoring of air pollutants; the development and administration of regulatory and non-regulatory risk management instruments to reduce releases of air pollutants and their precursors from industrial sources, consumer and commercial products, vehicles, engines and fuels; and the establishment of objectives for certain air pollutants. Cleaner air can also help address climate change impacts since some air pollutants are also GHGs or contribute to the formation of GHGs.

The Government of Canada works collaboratively with provinces and territories through the Air Quality Management System and other processes. This includes developing, reviewing and amending air quality standards, known as the Canadian Ambient Air Quality Standards (CAAQS). The standards are grounded by the principles of continuous improvement and keeping clean areas clean and cover key outdoor air pollutants including fine particulate matter ($PM_{2.5}$), ozone (O_3), sulfur dioxide (SO_2), and nitrogen dioxide (NO_2). Ongoing reviews of the CAAQS help ensure they incorporate the latest scientific information. The Government of Canada also develops Health-based air quality objectives (HBAQOs) and residential indoor air quality guidelines that support all levels of governments and other partners in managing air quality.

2.1.3 Clean and Healthy Water

CEPA provides authorities to manage pollution and wastes in both marine and freshwater aquatic environments. For marine environments, CEPA's Disposal at Sea program regulates and monitors activities related to waste disposal at sea, through a permitting scheme. CEPA permits the disposal of authorized dredged material and non-hazardous waste, while simultaneously assessing impacts on marine ecosystems and reporting on water quality and highlighting any concerns.

CEPA provides authorities to assess and manage the release of toxic substances to aquatic environments through development and implementation of regulations and guidelines. It also includes provisions to develop guidelines for the protection of human health, including Water Quality Guidelines for drinking water and for recreational water use. The guidelines are developed collaboratively with the provinces and territories, set maximum acceptable concentrations or treatment goals for a number of substances based on known human health effects associated with each contaminant, exposure levels, and availability of water treatment and analytical technologies. In some cases, they also provide aesthetic objectives for taste or odour, when they play a role in determining whether consumers will consider the water drinkable.

2.1.4 Sustainable Climate

Many GHGs, including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are listed as Schedule 1 substances under CEPA, allowing the Government of Canada to regulate these emissions across industry sectors including: oil and gas; electricity; vehicle and engine emissions and fuels; consumer and commercial product emissions. Specific examples include the *Regulations Respecting Reduction in the Release of Methane and Certain Volatile Organic Compounds (Upstream Oil and Gas Sector)*; the *Clean Fuel Regulations*; the *Passenger Automobile and Light Truck Greenhouse Gas Emission Regulations*; the *Heavy-Duty Vehicle and Engine Greenhouse Gas Emission Regulations*; and the *Ozone-depleting Substances and Halocarbon Alternatives Regulations*; as well as a proposed regulatory framework for reducing methane emissions from landfills. Collectively, these regulations address some of the major sources of GHG emissions in Canada.

The Greenhouse Gas Reporting Program, which collects information from individual facilities on their GHG emissions, is also established under CEPA.

2.1.5 Healthy Ecosystems and Biodiversity

All actions under CEPA to protect the environment from pollution contribute to healthy ecosystems and support biodiversity. Protection of ecosystems and biodiversity is central to CEPA: when administering the Act, the Government is protecting the environment (including its biological diversity) from the risks of adverse effects of the use and release of toxic substances, pollutants and wastes, and ensuring the safe and effective use of biotechnology. In addition, the CEPA principle of "ecosystem approach" recognizes the interrelationships between land, air, water, wildlife, and human activities, and considers environmental, social, and economic elements that affect the environment as a whole.

2.2 Procedural Elements

The right to a healthy environment, as provided under the Act, includes the procedural elements of access to information, participation in decision-making, and access to effective remedies in the event of environmental harm. Guidance for ECCC and HC decision-makers to support the consideration of these procedural elements, as appropriate with the CEPA context, can be found in Annex 2.

2.2.1 Access to Information

Access to information supports individuals in Canada in their ability to make informed decisions about their and their communities' health and environment, to understand how government decisions are made, and to hold governments accountable for those decisions. It facilitates participation and engagement on health and environmental issues of interest to them to inform decision-making under CEPA. Access to information also aligns with the objectives of the UN Declaration, as well as to Open Government and Open Science goals.

Providing access to information under CEPA may include efforts whereby:

- Information is consistently made available and is easy to find, access, and use;
- The language and format of information resources proactively address the needs of a range of audiences, from those requiring comprehensive, technical details, to those requiring concise, non-technical information;
- Information resources are made available and adapted for those most impacted by the decision; and
- Transparency and access to information is balanced with the Government of Canada's obligations to protect confidential business information, privacy, and protection of any Indigenous knowledge that has been shared in accordance with applicable federal law (see section on Indigenous knowledge).

2.2.2 Participation in Decision-making

Participation in decision-making under CEPA provides the public, stakeholders, and Indigenous peoples with the opportunity to influence the decisions that may impact them. Involving a variety of voices, including populations who may be adversely affected by a decision, contributes to more informed Government of Canada decision-making.

Opportunities for meaningful participation in decision-making are made available throughout the CEPA management cycle. Providing sufficient time for interested persons to review materials and to respond, and providing explanations of how input may have informed decision-making under CEPA are important to promoting this procedural element, recognizing that, in some cases, comment periods are bound by CEPA requirements.

Providing opportunities for meaningful participation in CEPA decision-making may include efforts whereby:

- Any interested person who wants to engage in consultations has an opportunity to do so;
- Populations who may be disproportionately impacted by pollution are identified and offered distinctive opportunities to participate in decisions that may impact them;
- Information is available, in an appropriate language and format, to ensure interested persons are able to participate in an informed way;
- Consultation processes are open, transparent and inclusive;
- Technical assistance, accessibility and resources are considered and provided when required throughout the engagement process;
- Section 35 rights are respected; and

- Consideration is given to whether UN Declaration Act consultation and cooperation may be appropriate in circumstances where Indigenous rights under the UN Declaration or measures under the UN Declaration Act Action Plan are implicated.

2.2.3 Access to Effective Remedies in the Event of Environmental Harm

Effective remedies refer to tools the public can use to request the Government of Canada to act if they believe that environmental damages have occurred, if there are no mitigation measures in place, or as a result of non-compliance with CEPA. There are several existing tools under CEPA that provide the public with opportunities to request an investigation of an alleged offence; to pursue a civil suit, injunctions, and/or civil action to recover damages; or to file a notice of objection requesting that a board of review be established.

Remedies can also include the Government of Canada taking on increased compliance activities and enforcement actions or putting in place additional risk management actions to remedy the environmental damage being experienced.

3.0 Indigenous Rights

Respect for section 35 rights which are recognized and affirmed in the *Constitution* Act, 1982 and the Government of Canada's legislative and policy commitments to First Nations, Inuit, and Métis, are essential to protecting the right to a healthy environment under CEPA. The Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 and is committed to recognizing and identifying ways to implement the 94 Calls to Action in the Truth and Reconciliation Commission of Canada's Final Report.

The UN Declaration contains 24 preambular provisions and 46 articles. While it must be read and understood in its entirety, the following articles pertaining to human health and environmental rights are particularly relevant to the framework:

> **Article 21.1.** *Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of [...] sanitation, health and social security.*
>
> **Article 24.2.** *Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.*
>
> **Article 26.1. and 26.2.** *Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired [...and] to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*

> **Article 29.1.** *Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources [...]*
>
> **Article 29.2** *States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.*
>
> **Article 29.3** *States shall also take effective measures to ensure [...] that programmes for monitoring, maintaining and restoring the health of Indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.*

3.1 Indigenous Knowledge

CEPA recognizes the role of Indigenous knowledge in informing decisions about protection of the environment and human health. Bridging, braiding and weaving Indigenous knowledge with western science will provide robust information for CEPA decision-making, which supports the protection of the right.

First Nations, Inuit, and Métis have distinct knowledge systems and worldviews, and this is also true of their individual nations or communities. CEPA decision-makers should strive to learn directly from the nations or communities that may be affected by CEPA activities or that indicate an interest in CEPA activities. Developing working relationships with potentially affected Indigenous nations or communities will ensure that when provided with Indigenous knowledge worldviews, and values, they are bridged, braided, and woven with western science and other information applied to CEPA decision-making in meaningful and appropriate ways. A proposed mechanism to support this work is listed in Annex 1.

Keeping this need for specificity in mind, important concepts that could inform CEPA decision-making are described below. These are concepts that have been shared by First Nations and Métis partners with ECCC and HC in the development of the framework so far; this list is not intended to be fully representative of relevant Indigenous knowledge concepts, nor of all understandings of the concepts themselves.

Through further engagement on this draft, ECCC and HC will seek suggestions and permission from First Nations, Inuit, and Métis partners for additional knowledge concepts that could be included in the framework.

Etuaptmumk (Two-Eyed Seeing)[3]

A concept introduced by Mi'kmaq Elders, Dr. Albert and Dr. Murdena Marshall and described by Dr. Albert Marshall as "learning to see from one eye with the strengths of Indigenous knowledges and

[3] Bartlett, C., Marshall, M. & Marshall, A. Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. J Environ Stud Sci 2, 331–340 (2012). https://doi.org/10.1007/s13412-012-0086-8 .

ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing and to use both of these eyes together for the benefit of all."

Gaswéñdah (Two-Row Wampum)
A Haudenosaunee concept that is viewed as a living treaty and was an agreement between the Haudenosaunee and the Dutch settlers that was created for the two nations to relate to one another. The Haudenosaunee marked this agreement by placing beads on a wampum belt. The wampum stands for equity and respect. It depicts two boats, each navigating the river of life without steering or impacting the other. Each boat contains the life, laws and people of each culture, moving together side-by-side.

Manito Aki Inakonigaawin (Great Earth Law)
An inherent law to the Anishinaabe people in Treaty 3 territory that governs relationships with the land and its inhabitants throughout daily life. This includes:

- Respecting the lands and waters;
- Giving offerings to spirits and Creator when you benefit from Mother Earth's gifts such as hunting, fishing or transportation;
- Knowing your rights as a Treaty #3 member; and
- Understanding the responsibility as a steward of the land.

Seven Generations Principle
A Haudenosaunee concept that states, when taking actions today, we must consider the effects of those actions to the seven generations coming after us and remember the intentions and actions of the seven generations who came before.

Article 31.1. of the UN Declaration
This article states that "Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures [...] They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions." As such, efforts made under CEPA should be informed by the Indigenous science indicators and perspectives of repatriation, reconciliation, renewal, respect, reciprocity, responsibility, and relationships as developed by ECCC's Indigenous Science Division, as well as by Indigenous data sovereignty principles such as the CARE Principles for Indigenous Data Governance (collective benefit, authority to control, responsibility, and ethics) and the First Nations principles of OCAP (ownership, control, access, and possession).

4.0 Principles

Principles included in CEPA's preamble have been used to guide CEPA decision-making since 1999. They are applied on a case-by-case basis when determined to be relevant and while distinct from the right to a healthy environment in the CEPA context, consideration of these principles can be relevant in protecting the right. This draft framework elaborates on three new principles added to CEPA, namely: environmental justice, intergenerational equity, and non-regression, describing how they could be considered in the administration of CEPA. Considerations to guide ECCC and HC in upholding these principles in decision-making are proposed in Annex 2.

CEPA Principles

As set out in the preamble and section 2 of the Act (administrative duties) and described in the Guide to Understanding CEPA 1999:

- sustainable development
- ecosystem approach
- intergovernmental cooperation
- national standards
- science-based decision-making
- precautionary principle
- pollution prevention
- polluter pays
- environmental justice (new)
- intergenerational equity (new)
- non-regression (new)

4.1 Environmental Justice

The principle of environmental justice within the CEPA context refers to avoiding disproportionate adverse environmental and health impacts and burdens falling on different populations, considering populations who may be disproportionately impacted by pollution, and the meaningful involvement of these populations in decision-making under the Act.

As an equity principle, environmental justice involves three key tenets (distributive, procedural and recognitional justice) within a given context. Distributive justice elements relate to how populations who may be disproportionately impacted by pollution may experience adverse environmental health outcomes. Procedural and recognitional justice elements involve the representation and participation in CEPA decision-making of those who may be disproportionately impacted by pollution. It is furthermore related to redress or remedy of harm through to risk management and enforcement under the Act.

Environmental justice concerns may arise in various contexts, including when communities are located in close proximity to environmental hazards; when inaction, or delayed action, leads to harmful exposure for certain population groups that could otherwise have been avoided; when there are gaps in environmental protection and compliance; and/or when there are limited opportunities for populations who may be disproportionately impacted by pollution to participate in decision-making. In the context of CEPA, populations who may be disproportionately impacted by pollution include those with the potential for increased susceptibility or exposure to risk due to differences in physical characteristics, race, life stage, behaviours, culture, geography, occupation, or socioeconomic status. The intersection of these factors may further increase the disproportionate impacts experienced, or likely to be experienced, by these populations. Disproportionate impacts of pollution on certain populations may also be linked to environmental racism and the ongoing impacts of colonialism.

Environmental Racism and Environmental Justice in Canada

The *Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice*, which received Royal Assent on June 20, 2024, requires the development of a national strategy to promote efforts across Canada to advance environmental justice and to assess, prevent and address environmental racism. One of the key components of the proposed strategy is a study that examines the link between race, socio-economic status and environmental risk, and identifies information and statistics data related to the location of environmental hazards. The strategy will reflect environmental justice priorities across the Government of Canada separately from environmental justice in CEPA.

Consideration of environmental justice is relevant at every stage of the CEPA cycle, supported by analysis to characterize the distribution of burdens and benefits within and among different populations, using an intersectional approach. In CEPA, these burdens are often framed in terms of risks, exposures, and susceptibility to substances and pollution, while benefits would ensue from protection from pollution. The table below provides high-level examples of how the principle may be considered within each step of the CEPA cycle.

CEPA Cycle	How the principle of environmental justice may be considered
Research and monitoring	Identify who is or has the potential to be disproportionately impacted by pollution and seek to understand what the potential impacts might be.
Risk assessment	Identify if risks are present for people with a greater susceptibility or exposure and if risk management actions are needed. More details are available in the Consideration of vulnerable populations in risk assessment fact sheet.
Risk management	Consider how a particular action may have disproportionate impacts, create, or contribute to differing burdens or benefits for different population groups in the selection, design, and implementation of the corresponding risk management action.

	Establish outreach and risk communication strategies that target population groups who may be disproportionately impacted by pollution or who may require additional support to implement protective measures.
Compliance promotion and enforcement	Follow through on outcomes of risk management actions, supporting the remedy or redress element of environmental justice. Consider populations who may be disproportionately impacted by pollution and vulnerable environments when identifying priorities.
Performance measurement and evaluation	Where populations who may be disproportionately impacted by pollution have been identified, identify and measure any disproportionate impacts on these populations. Where populations who may be disproportionately impacted by pollution have been identified, work with them to ensure the reporting of performance results will be relevant to them and meet their needs.
Public participation	Support procedural and recognitional justice elements of environmental justice. Provide opportunities for engagement for priority setting, risk assessment, and risk management, with specific opportunities and outreach to populations who may be disproportionately impacted by the decision in question. Share tailored information to help different populations understand how they may be impacted by pollution and support more informed participation. Provide technical assistance, tools, and resources throughout the engagement process.
Indigenous engagement	Provide dedicated information, resources, and opportunities for engagement and relationship-building with First Nations, Inuit, and Métis on environmental health issues that impact their lands and peoples.

Throughout the CEPA cycle, transparency and accessibility around what informs decision-making, and how environmental justice and input from populations who may be disproportionately impacted by pollution were considered are critical to upholding this principle. Such transparency and accessibility also support the procedural elements of access to information and participation in decision-making.

4.2 Intergenerational Equity

The principle of intergenerational equity within the CEPA context emphasizes that it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Upholding the principle involves taking into consideration the needs of future generations in current decision-making and taking timely action so that a disproportionate share of the costs and burdens of pollution attributable to the current generation are not shifted on to future generations.

The health and environmental needs of current and future generations are interrelated. Upholding the principle should involve consideration of human health and the long-term health of ecosystems and their biological diversity. Delaying actions to minimize environmental and health burdens attributable to the current generation may negatively impact future generations, but actions taken by the current generation can also have benefits for future generations. CEPA decision-making should consider the needs of future generations in support of this principle. The concept of Seven Generations, which reflects teachings originating with the Haudenosaunee Confederacy, and has been adopted by many First Nations, is one approach to considering intergenerational equity.

The principle of intergenerational equity may be considered throughout the CEPA cycle, supported by analysis to identify and consider the needs of future generations, with examples highlighted in the table below.

CEPA Cycle	How the principle of intergenerational equity may be considered
Research and monitoring	Use to help identify intergenerational effects of pollution, how these may have different impacts on different populations, and if there are related intergenerational equity impacts. Generate new information on substance characteristics that may have intergenerational effects, such as persistence, endocrine-related effects, mutagenicity, and developmental and reproductive toxicity that can have long-term effects on human health or the environment.
Risk assessment	Consider substance characteristics as factors in prioritisation for risk assessments and in the evaluation of risks. For example, the Consideration of endocrine-related effects in risk assessment fact sheet, and the Ecological risk classification of organic substances approach fact sheet provide relevant guidance.
Risk management	Consider risk assessment outcomes and potential for intergenerational impacts when selecting and designing appropriate risk management actions. Consider substance characteristics as factors for level of risk management, for example, the Persistence and Bioaccumulation Regulations. Use analytical tools required when developing the RIAS for a regulation, including SEEA and GBA Plus. Respect legislated timelines for primary and secondary risk management actions put in place under CEPA to manage the environment and health risks identified.

Compliance promotion and enforcement	Help to ensure risk management actions are effectively implemented so that a disproportionate share of the costs and burdens of pollution are not shifted onto future generations.
Performance measurement and evaluation	Assess the effectiveness of risk management strategies and actions to determine whether they are having the desired impacts to address the identified risks, and what follow-up actions are needed. Where feasible, consider intergenerational equity in performance measurement evaluation and recommended follow-up actions.
Public participation	Provide opportunities for individuals and organizations representing population groups who may be more at risk of experiencing intergenerational effects and/or bearing a disproportionate burden of pollution, such as children and youth, to participate in CEPA decision-making processes.
Indigenous engagement	Provide opportunities for First Nations, Inuit, and Métis who may be at risk of experiencing intergenerational effects and/or bearing a disproportionate burden of pollution to participate and actively engage in CEPA decision-making processes through dedicated spaces.

4.3 Non-Regression

The principle of non-regression within the CEPA context means to prevent reduced levels of environmental and human health protection.

In the context of CEPA, non-regression can be upheld through the development and implementation of risk management actions to protect the environment and/or human health. For instance, this can involve taking action to establish measures to address newly-identified risks; determining that existing measures are ineffective or inadequate; identifying new sources of risk; or implementing measures to address adverse unintended consequences or emergencies. These decisions and actions will be based on the best available scientific information and be informed by Indigenous knowledge. Where feasible, these decisions may look at continuous improvement of the levels of environmental and health protections.

Non-regression may be considered in the context of a single action under CEPA (e.g., establishing a regulation) or the suite of environmental and health protection measures under the Act. It is important to communicate clear rationales for changes in decisions or actions to promote transparency and understanding of CEPA. This is especially important for decisions where a change in approach is being taken that may appear to lessen the degree of environmental or health protection but rather reflects updated science, evidence, or other important factors.

The principle of non-regression may be considered in the different CEPA cycle steps by considering how the decision or action will impact current levels of environmental and human health protection, as outlined in the examples in the table below.

CEPA Cycle	How the principle of non-regression may be considered
Research and monitoring	Use to help understand how activities undertaken may impact protection of human health and the environment (e.g., analysis of trends in exposure, investigating and monitoring replacement and emerging chemicals).
Risk assessment	Refer to science, research, data, and evidence to help identify and characterise environmental and human health risks, and to support consideration of continuous improvement of protections of human health and the environment. Ensure that any changes in risk assessment priorities or risk determinations are based on science and clearly communicated to the public.
Risk management	Establish objectives, baselines and indicators to support analysis of risk management strategies and actions using science and multidisciplinary research and evidence. Consider the net impacts to social well-being in the cost benefit analysis, where feasible based on available data and information and summarize in the RIAS for proposed regulations (or when regulatory amendments are proposed). Consider the incremental benefit or potential for regression when adopting or repealing risk management policies.
Compliance promotion and enforcement	Promote and verify compliance with risk management actions, in accordance with the CEPA Compliance and Enforcement Policy, designed to prevent reduced levels of environmental and human health protection. Select the appropriate enforcement response to secure compliance as quickly as possible with no recurrence of violation.
Performance measurement and evaluation	Conduct performance measurement and evaluation to help determine if existing measures are effective; to identify and take action on potential regression; to assess whether new or additional measures are needed; other sources of potential risk can be identified for further risk assessment; or the stringency of measures should be modified as a result of new information and/or science, without this leading to increased risk to human health or the environment.
Public participation	Provide opportunities for members of the public to participate in decision-making processes when a change to environmental or human health protections is being considered. Provide transparent justification, analysis and reasoning for changes to the public.
Indigenous engagement	Provide dedicated opportunities for First Nations, Inuit, and Métis to participate in decision-making processes when a change to environmental or human-health protections is being considered.

Procedural elements that relate to government decision-making processes such as access to information, participation in decision-making, and access to effective remedies, can be a consideration in upholding the principle of non-regression. Maintaining adequate resources and expertise for CEPA activities, including for developing, implementing, monitoring, evaluating, and enforcing environmental and human-health protections may also be a factor in non-regression. A change to any of these elements may have implications for the levels of environmental or human health protection provided under CEPA and may result in regression.

5.0 Relevant Factors

CEPA requires that the framework elaborate on relevant factors to be taken into account in interpreting and applying the right and in determining the reasonable limits to which it is subject. These factors may relate to diverse policy priorities that are considered in certain decisions. CEPA identifies scientific, social, health, and economic factors to be elaborated on in the framework, but other factors may also be relevant in CEPA decision-making. An additional environmental factor is described below. Considering these factors is not new for ECCC and HC decision-makers and many of these factors are interrelated. These factors might not be relevant in all cases, but decision-making under CEPA, particularly within risk management, involves situations where many considerations need to be evaluated on a case-by-case basis, and choices made between one or more possible actions. Consideration of the five factors may involve, as relevant:

- **Scientific:** Using the best data, evidence, methods, and practices available as the foundation for CEPA activities and to inform decisions to address risks to the environment and human health. Using a weight of evidence approach that considers multiple lines of evidence and applying precaution in a way that transparently reflects uncertainties. Updating analyses and decisions as required with new evidence. Using an interdisciplinary approach that integrates multidisciplinary research helps to fully capture the complexity and interactions between ecological and environmental health effects, exposure risks, and the impacts of an action or decision. This interdisciplinary approach includes work to bridge, braid, and weave Indigenous knowledge with western science.

- **Environmental:** Considering the improvement of ecosystems and their biological diversity, climate change, air and water in CEPA decision-making. These dimensions are interconnected and there may be instances where a decision may positively impact one and negatively impact the other; in these instances it is important to recognize the impact of a decision on vulnerable environments and to consider cumulative effects, where information is available. Indigenous knowledge may inform this decision-making, recognizing the depth of biological and ecological knowledge held by Indigenous peoples about their traditional territories since time immemorial.

- **Health:** Analyzing the potential adverse human health impacts of pollution and the benefits of actions under CEPA. This may include analysis of the impacts of decisions at both the individual and community health levels, with particular attention to effects on populations who may be disproportionately impacted by pollution and, where information is available,

to cumulative effects. Acknowledging and analyzing, where information is available, mental health impacts of pollution would also be part of this consideration when taking actions under CEPA and when designing communications and outreach material, for example. For decisions impacting Indigenous peoples, consideration of this factor may involve recognizing holistic approaches to health (including cultural, spiritual, and community health and wellbeing alongside physical and mental health) common in many Indigenous communities and the interconnectedness of the environment with the maintenance and restoration of health.

- **Social:** Considering social factors in activities to address risks to the environment and human health, for example, a population may be disproportionately impacted by pollution due to differences in income and social status, gender, education and literacy, or other socioeconomic characteristics. Evaluating the social impacts of the decision can include considering community well-being at different scales (e.g., household or regional level), as well as equity, and public perception. Assessing the potential impact on cultural practices, traditions, and heritage associated with the decision, recognizing the intrinsic value of cultural diversity. In Canada, this includes recognizing the spiritual relationship Indigenous peoples have with their territories and lands and the distinct relationships and land-based practices that are an important, ongoing part of the cultures of First Nations, Inuit, and Métis.

- **Economic**: A healthy environment supports a resilient economy, and vice-versa. Assessing economic factors in CEPA decision-making, including in the development of regulations, involves considering financial and economic returns alongside health, social, environmental, and other relevant costs and/or benefits. Considering analyses of economic factors is done in accordance with principles laid out in Canada's Cost Benefit Analysis (CBA) Guide as developed by Treasury Board Secretariat. This includes conducting analyses to identify how costs and benefits may be distributed amongst different populations and if there are any costs that may be disproportionately imposed on certain populations.

Efforts to consider these factors should be as comprehensive as possible, while recognizing data may be limited or unavailable for certain aspects. The guiding considerations listed in Annex 2 may be used as appropriate by decision-makers at ECCC and HC to consider these factors.

6.0 Protecting the Right under CEPA

In making decisions under CEPA, the Government of Canada will endeavour to fulfill its duty of protecting the right as it relates to the substantive elements, through consideration of the relevant procedural elements, CEPA principles, and relevant factors described above, recognizing the right is subject to reasonable limits. Many of the elements, principles, and factors are interconnected. Decision-making under CEPA typically involves situations where many considerations need to be evaluated on a case-by-case basis and choices are made between one or more possible actions.

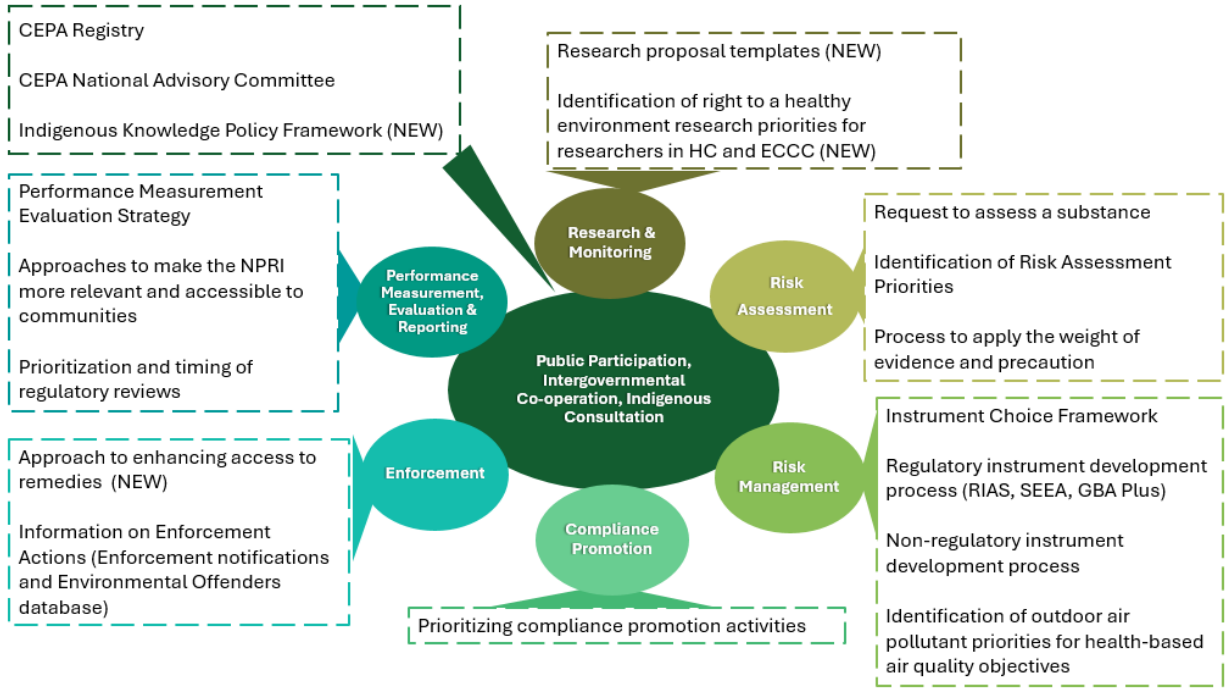
While the Government of Canada has a duty to protect the right under CEPA, it is not absolute, and is subject to reasonable limits. Reasonable limits should be justifiable, based on a thorough,

reasoned, rational, and fair consideration of relevant factors, while also upholding the CEPA principles.

6.1 Mechanisms to Support Protection of the Right under CEPA

The Government of Canada has numerous existing tools and policy approaches under CEPA (i.e., mechanisms) that support the protection of the right. These mechanisms provide a strong foundation for the consideration of the right under CEPA. There are opportunities to expand existing mechanisms and introduce new ones to further integrate consideration of the right into CEPA decision-making. Given the vast nature of the programs, activities and decisions under CEPA, a sub-set of examples from each CEPA cycle step are shown in Figure 2 below, and explained further in Annex 1.

Figure 2: CEPA management cycle and examples of mechanisms that support protection of the right



Acronyms in figure: Regulatory Impact Analysis Statement (RIAS), Strategic Environmental and Economic Assessment (SEEA), Gender-Based Analysis Plus (GBA Plus), National Pollutant Release Inventory (NPRI)

6.1.1 Process to Apply a Weight of Evidence Approach and the Precautionary Principle in CEPA Risk Assessments

CEPA requires that the framework set out one of these mechanisms explicitly: the process to apply a weight of evidence approach and the precautionary principle when conducting and interpreting the results of a risk assessment or a review of a decision in another jurisdiction, in respect of the

protection of the right (ss.5.1 (1.1)). CEPA risk assessments already use a weight of evidence approach and precaution in decision-making.

A weight of evidence approach involves using multiple forms of evidence to support a conclusion. While the approach will vary depending on the amount and type of data available, the steps generally include information gathering; critically assessing the quality or reliability of the information; assembling similar information to develop individual lines of evidence; critically assessing each line of evidence; and combining the lines of evidence to characterize risk and reach an assessment conclusion.

Precaution is applied in risk assessments by using conservative but realistic assumptions to account for the uncertainty identified at various stages of an assessment, depending on the weight of evidence and uncertainties for the particular data set being evaluated. This process is described in more detail in an online fact sheet.

6.2 Guiding Considerations

Recognizing the variety of actions and decisions that are taken under CEPA, Annex 2 proposes guiding considerations for decision-makers at ECCC and HC that may be relevant in fulfilling the duty to protect the right. These considerations are intended to provide guidance to decision-makers and, as appropriate, would be incorporated into mechanisms to support the protection of the right. They highlight the procedural elements, principles, factors, and Indigenous rights that may be considered on a case-by-case basis. In reflecting on these considerations, decision-makers will identify the most appropriate manner to communicate how the right was protected, which may include through publication of specific decisions and/or through the CEPA Annual Report.

7.0 Research, Studies and Monitoring to support Protection of the Right

ECCC and HC lead and collaborate on a number of research, studies and monitoring activities to support the protection of the right under CEPA. These activities provide essential data and information about the state of the environment and exposure to chemicals and pollution, including their presence in humans, air, water, biota and other environmental media, their effects on human health and the environment, their mechanisms of action, and their sources, levels and trends. Knowledge and data generated can help the Government of Canada protect the right and uphold environmental justice, particularly in terms of identifying populations who may be disproportionately impacted by pollution, and determining potential intergenerational effects. In alignment with the modernization of CEPA, the ECCC Science Strategy 2024-2029 identifies areas of focus that guide research and monitoring, several of which are elaborated upon in the following section.

Indigenous peoples have practiced identifying, understanding, predicting, mitigating, and adapting to changes and impacts to the environment since time immemorial, as stewards of their lands. Efforts to partner with Indigenous peoples on CEPA research and monitoring will be guided by the proposed Indigenous knowledge Policy Framework listed in Annex 1, recognizing the importance of

a distinctions-based approach, relationship building, and respect for Indigenous data sovereignty principles.

This section elaborates on research, studies and monitoring activities undertaken by ECCC and HC that support protection of the right; however, it is not exhaustive. Additional information on research and monitoring under CEPA and examples of how they inform CEPA decision-making can be found in the CEPA Annual Report.

Spotlight: Integrated Chemical Mixtures Project

The Integrated Chemical Mixtures Project (ICMP) is a research and monitoring project established as part of the implementation of the amended CEPA. ECCC received four years of funding, commencing in 2023-24, to conduct research and monitoring activities to expand the knowledge base to protect the right to a healthy environment under CEPA; notably, to generate knowledge on real-world exposure to, and effects from, chemical mixtures in the environment.

The goal of the ICMP is to develop an innovative approach to evaluate and address exposure to multiple substances and their cumulative impacts on multiple environmental media including air, biota, water, sediment, and soil. The ICMP will focus on two site case studies as a proof of concept. Engagement with impacted Indigenous communities, the local population, industries, municipalities, and provincial partners is a pillar of the project and will be supported by grants and contribution funds. ICMP will also conduct environmental justice analyses, by examining air pollution in the ICMP case study sites, for example. By taking roots in local knowledge and priorities, as well as cutting-edge science, and by being efficient and relevant, the project aims to contribute to the impactful implementation of the right to a healthy environment under CEPA.

7.1 Monitoring

Human health-related monitoring and surveillance activities that support CEPA decision-making include the nationally-representative Canadian Health Measures Survey (CHMS), the Northern Contaminants Program (NCP), the First Nations Environmental Contaminants Program, the First Nations Food Nutrition and Environment Study, the Total Diet Study, and the Maternal-Infant Research on Environmental Chemicals (MIREC) Research Platform. These activities collect human biomonitoring data and health information on people living in Canada. These datasets can be used to identify populations who may be disproportionately impacted by pollution, taking into consideration socio-economic factors, age, geographic regions, and factors encompassed by Sex and Gender Based Approach Plus (an approach similar to GBA Plus used by HC that includes consideration of biological sex). Opportunities to leverage these existing datasets through further disaggregation are being explored to allow for analyses of certain populations who may be disproportionately impacted by pollution. Studies that follow the same individuals over time, like MIREC, will continue to be important under CEPA to understand health effects over time through critical windows of exposure (e.g., pregnancy, childhood, adolescence). Monitoring and surveillance activities also track trends in exposure (e.g., national level trends in the CHMS, individual level trends in MIREC) and monitor replacement chemicals, which can help understand and avoid regrettable substitutions. Trends in exposure over time in the Canadian population from

the CHMS are used to inform the Canadian environmental sustainability indicators (CESI) and performance measurement evaluations under the CMP.

Programs such as ECCC's Environmental Monitoring and Surveillance Program and NCP enable the regular collection of data on the concentration of substances and monitoring of trends in various environmental media across Canada, including surface water, sediment, air, aquatic biota and wildlife. Sampling sites are selected based on data needs for decision-making, while leveraging existing monitoring programs in place.

In addition, the Wastewater Monitoring Program at ECCC provides data on the levels of selected substances (often from consumer products) entering wastewater treatment plants, the fate of these substances through typical wastewater and sludge treatment processes, and the levels being discharged in wastewater treatment plant effluents and solids residuals, all of which can inform CEPA decision-making.

Most of ECCC's activities under the Freshwater Quality Monitoring and Surveillance program fall under the *Canada Water Act*, but some are reported under CEPA since it supports CEPA decision-making by providing information on chemicals of concern in water, sediments and aquatic biota at national sites across Canada. Much of the Program's monitoring is carried out through federal-provincial/territorial agreements.

There are several air quality monitoring programs such as the Canadian Air and Precipitation Monitoring Network (CAPMoN) and the National Air Pollution Surveillance (NAPS) program that measure air quality, deposit of pollutants to ecosystems, and a wide range of air pollutants in regional locations. Work to measure key air pollutants is done in collaboration with provincial, territorial, and regional government networks. Long-term air monitoring of pollutants such as mercury and particulate matter, both nationally and globally, provides key information used to understand their transport into and around the Canadian environment.

Air pollution exposure at the household and neighbourhood scale can be assessed by a variety of methodologies, including field studies, remote sensing and modelling approaches. This research can reveal inequality in the distribution of air pollution exposure and health impacts by racialized group membership and socio-economic status. Remote sensing and modelling approaches can also identify priority areas that may not be observed with monitoring (e.g., near industrial emitters, neighbourhood scale within cities, etc.).

Air quality monitoring in specific indoor environments has also led to the development of risk management actions and guidance for partners (e.g., municipal and provincial partners) to protect human health (e.g., Best Practices for Improving Air Quality in Ice Arenas). Monitoring is also being expanded in response to the risks of wildfire smoke, with low-cost sensors being distributed to expand air quality monitoring networks in rural areas, and particularly to Indigenous communities.

The Canadian Greenhouse Gas Measurement Program operates a network of stations to measure carbon dioxide and other GHGs at sites across Canada, including coastal, interior, and arctic

regions of the country. These data provide information that helps to understand how the Earth's climate system is changing, including understanding natural and human sources of GHGs.

Monitoring information from these ECCC programs can be found on the ECCC's page in the Government of Canada's Open Data portal and are used to inform relevant CESI indicators.

The ECCC Disposal at Sea Program conducts monitoring studies of the environmental conditions at representative disposal sites each year. These studies can assess the physical, chemical and biological features of a site and also look at cumulative effects and the long-term sustainability of the sites. Disposal site monitoring helps to ensure that the permit conditions are met and that conditions are adequate to protect the marine environment and human health. Guidelines and technical guidance are available online to provide more detailed and transparent information on how monitoring for disposal at sea is conducted, and details on monitoring activities for each year can be found in the CEPA Annual Report.

7.2 Research and Studies

Research and studies under CEPA include scientific research, as well as policy and economic research and studies, all of which can support protection of the right.

Priority areas for research and studies related to substances, as outlined in the proposed Plan of Priorities, include:

- Studying the persistence, bioavailability, bioaccumulation, toxicity, and cumulative effects of priority chemicals and chemicals of emerging concern, including chemicals impacting populations or environments that may be at increased risk due to either greater exposure or greater susceptibility;
- Bridging science knowledge gaps and informing risk assessments of new and existing chemicals of potential risk (e.g., potential substitutes for substances with known toxicity, endocrine disruptors) in priority areas (e.g., human health effects, and routes and sources of exposure);
- Generating and integrating knowledge to support the increasingly complex priorities faced by risk assessment and risk management, such as cumulative effects and real-world exposure to complex mixtures;
- Developing new computational and laboratory methodologies that allow a greater number and variety of chemicals to be studied, including those for which little is known; and
- Enabling modern toxicity testing, including advancing the use of New Approach Methods (NAMs) (i.e., new technologies, methodologies or approaches, or combination thereof), where possible, to further the understanding of how environmental exposures lead to negative health impacts.

This work helps CEPA decision-makers to better understand real-world exposures and supports efforts to identify populations who may be disproportionately impacted by pollution, as well as to understand how they may be disproportionately impacted. Studies can also help identify early potential impacts of environmental exposures and the ability of chemicals to cause changes that may be passed on to future generations. For example, studies may examine potential endocrine-

related effects of chemicals that may impact fertility and reproductive success or look at potential mutagenic effects of chemicals, which can cause irreversible and heritable changes in genetic materials.

Other human health research initiatives are aimed at helping to understand chemical exposures in populations who may be disproportionately impacted. This includes research related to the Fire Fighter Action Plan, helping to protect firefighters from harmful chemicals as well as exposure studies in other occupational settings. Research and engagement workshops have also been held as part of the development of the National Framework on Cancers Linked to Firefighting.

Another important area of research that informs CEPA decision-making relates to air pollution. ECCC leads several research projects on a wide range of air pollutants, including some that identify sources of air pollution that pose the greatest risk, research on how substances are dispersed through the atmosphere, and gathering information to assess impacts of substances on the environment, particularly through atmospheric processes. This research contributes to developing and improving tools and techniques that may be used to take the best action to protect the environment and human health.

HC conducts research on the different components of air pollution, how they interact, the potential impacts on various adverse health outcomes (all-causes as well as disease specific morbidity [e.g., hospitalization] and mortality, such as neurological and cardiovascular adverse health outcomes), and how the timing (e.g., in utero, early development) and duration of exposure(s) may influence health outcomes. This research considers how air pollution may impact certain populations in different ways (e.g., pregnant people, children, elderly), and is investigating factors that may exacerbate the effects of air pollution using an environmental justice lens (e.g., social and racial disparities, etc.). In addition, research can identify the risks associated with different air pollution sources (e.g., industry sectors, transportation etc.).

HC also conducts research projects that examine social inequities. A research project investigating Indoor Environmental Quality and Health in Subsidized Housing in BC has begun, recognizing that indoor environmental quality (IEQ) data from subsidized housing is extremely limited. This hinders governments' capacity to protect residents from growing and compounding threats such as wildfire smoke and extreme heat events, and from indoor contaminants. Residents of subsidized housing may be more susceptible to the effects of poor IEQ and other environmental stressors due to intersecting social determinants and prior co-morbidities. HC and ECCC are in the process of scoping potential other research projects to examine geographic hotspots and socio-spatial inequities in environmental exposures.

A number of CEPA programs work with international partners to develop approaches and methodologies related to their work and to conduct specific thematic projects. In particular, CEPA programs work with the Organisation for Economic Co-operation and Development (OECD) on matters related to chemicals and biotechnology. For example, HC has been involved in a forthcoming OECD Working Party of Exposure Assessment publication that will inform how children's exposure to substances in crafts and toys are estimated in CEPA risk assessments, while

ECCC co-leads the Expert Group on updating the OECD model for estimating long range transport potential and persistence of chemicals.

Policy research and socioeconomic analysis are also critical at the risk management stage, and particularly in the instrument choice framework and the development of the RIAS. Risk management often involves international collaborations, including a project with the OECD on methods and approaches to conducting cost benefit analyses in relation to environmental health regulations, which is important to upholding the principles of environmental justice and intergenerational equity.

Spotlight: The Air Quality Benefits Assessment Tool (AQBAT)
The Air Quality Benefits Assessment Tool has been developed by researchers at HC to evaluate the health benefits (positive impacts) or damages (negative impacts) resulting from changes in air quality in Canada. It has been used to analyze the burden of disease attributable to air pollution, including from specific sources such as wildfire smoke and gasoline and diesel emissions. AQBAT informs key scientific and communications reports on the health impacts of air pollution in Canada and helps the government estimate health burdens related to air pollution as a whole in Canada, as well as from specific sources, including transportation, industrial sectors, and wildfire smoke.

These assessments help guide regulatory priorities and justify actions both at the federal level, and through other levels of government. For example, AQBAT has played a key role in estimating the costs and benefits of proposed regulatory initiatives and in informing regulatory compliance cases.

HC researchers update data, parameters, and methodology for AQBAT as new air quality and health baseline data becomes available, along with new scientific and economic parameters, and in response to methodological innovations. AQBAT will be used to update the previous publications looking at wildfire impacts across Canada, incorporating data from 2019 to 2023. The capacity of the tool is being expanded to include air pollution and health data at higher geographic resolution. This capacity will be used to examine inequities in the distribution of health impacts of air pollution, which could support the advancement of environmental justice.

8.0 Accountability and Reporting

It is important for individuals in Canada to understand how the Government of Canada is protecting the right to a healthy environment under CEPA, recognizing the right is subject to any reasonable limits, and to be able to hold the Government accountable in doing so. The procedural elements – access to information, participation in decision-making, and access to effective remedies – are all critical to accountability. Through engagement on the framework, stakeholders, Indigenous peoples, and members of the public expressed a desire to see a more direct way of expressing feedback regarding the Government's protection of the right.

In response, this draft framework proposes that a new CEPA right to a healthy environment portal be established on the CEPA Registry. This portal would provide information to the public on the right, including how to access existing remedies under CEPA, and include a dedicated email address for the public to submit questions and feedback related to the protection of the right. Following analysis, the feedback raised may result in a variety of outcomes, depending on the issue, which could include feeding into priority setting processes under CEPA or result in more immediate action. Guidance to support the feedback process would be developed, pointing to other, appropriate contacts for emergency situations.

8.1 Reporting

The Minister of ECCC will report on the implementation framework annually within the CEPA Annual Report, which is submitted to Parliament and posted online. The CEPA Annual Report provides an overview of the activities conducted and results achieved under CEPA each year. It must now include information on the implementation of the framework (for example, summarizing how mechanisms and actions have protected the right) as well as measures taken to advance reconciliation with Indigenous peoples.

The Government has already established goals, reporting frameworks, and indicators related to its environmental objectives, including those that align with the substantive elements of the right, such as the FSDS and Departmental Sustainable Development Strategies for ECCC and HC. CEPA activities are reported on through these frameworks. Aspects of CEPA are also reported on through ECCC and HC's Departmental Plans and Departmental Results Reports as well as through Canada's Sustainable Development Goals reporting mechanisms such as the Canadian Indicator Framework. While these reports bring together actions taken under a number of different Acts to which the right does not apply, they can provide insight into whole-of-government or department-wide progress in addressing pollution and promoting sustainable development.

9.0 Looking Forward

ECCC and HC are committed to implementing, monitoring, and evaluating the activities proposed within the framework and to applying lessons learned during implementation. Such experience will enable improvements under the framework and identify areas for updating the framework itself.

Engagement will be ongoing to ensure that a range of voices continue to be represented as the framework is implemented and evolves and to capture the experience of individuals in Canada. Existing committees that include key CEPA stakeholders and partners such as the CEPA National Advisory Committee (NAC), the National Pollutant Release Inventory Multi-Stakeholder Work Group, and the CMP Civil Society Organization bilateral table will be key to ongoing engagement. ECCC and HC will also work to identify other opportunities to hear a broader range of perspectives and particularly to build relationships and receive feedback and input from First Nations, Inuit, and Métis.

The introduction of the right to a healthy environment to CEPA is novel and this framework provides guidance to decision-makers to support protection of the right in the administration of the Act.

ECCC and HC look forward to learning through experience and continuing to work with partners throughout implementation.

Annex 1: Examples of CEPA Mechanisms to Support Protection of the Right

The following mechanisms are examples of policy tools and approaches that CEPA programs at ECCC and HC already use or plan to undertake that support protection of the right to a healthy environment. Many of these mechanisms also help uphold one or more of the related principles and contribute to the promotion of the procedural elements identified in the framework. Examples are provided for each step of the CEPA cycle, but this list is not intended to be exhaustive.

Research and monitoring	Upholds the principles:	Contributes to the procedural elements:
Research proposal templates (NEW)		
Add new question on the right to a healthy environment and principles to research proposal templates to encourage researchers to consider and articulate how their work helps to protect the right. This would also support reporting on the right.	Environmental justice, Intergenerational equity, Non-regression	Access to information
Identification of right to a healthy environment research priorities for researchers in HC and ECCC (NEW)		
Establish a process to identify research priorities related to the right for ECCC and HC researchers, including through consultation with CEPA programs.	Environmental justice, Intergenerational equity, Non-regression	Access to information

Risk assessment	Upholds the principles:	Contributes to the procedural elements:
Request to assess a substance		
CEPA allows for the public to submit requests for the assessment of a substance. The Ministers may either grant the request and add the substance to the Plan of Priorities or deny the request. A request form will be published with accompanying guidance on what type of information to include in such requests. The form will also include sections that allow the public to raise considerations about populations who may be disproportionately impacted by substances; cumulative effects; and hot spots and help provide insight into what assessments the public would like to see prioritized. A record of requests for assessments received and the Government's decision and rationale are published online.	Environmental justice, Intergenerational equity	Access to information, Participation in decision-making
Identification of Risk Assessment Priorities		

ECCC and HC's approach for the identification of risk assessment priorities is applied on an ongoing basis to identify needs for data gathering/generation and risk assessment priorities to help support protection of the right through consideration of the relevant principles. Results of the prioritization process will be communicated through the Plan of Priorities.	Environmental justice, Intergenerational equity	Access to information
Process to apply the weight of evidence and precaution in risk assessment		
Risk assessments use a weight of evidence approach, which involves using multiple forms of evidence to support a conclusion with precaution applied depending on the weight of evidence and uncertainties for the particular data set being evaluated. This process is described in an online fact sheet.	Non-regression	Access to information

Risk Management	Upholds the principles:	Contributes to the procedural elements:
Instrument Choice Framework		
Further integration of the right into the instrument choice process, including the decision on whether risk management actions should be taken under CEPA or under another Act. This will include improved consideration of populations who may be disproportionately impacted by pollution in instrument selection and expanded analysis to include non-regression and intergenerational equity in instrument choice discussion. Information on the instrument choice process in general will be made more accessible to the public.	Environmental justice, Intergenerational equity, Non-regression	Access to information
Regulatory Impact Analysis Statement (RIAS)		
When developing regulatory instruments, the Cabinet Directive on Regulation requires analyses to be conducted on potential impacts and reported in the RIAS. Required analyses include a CBA, a SEEA, a GBA Plus, and an Assessment of Modern Treaty Implications, among others. Ultimately, proposed regulations are published in the *Canada Gazette,* Part I, and are subject to a public comment period. Comments and information received are taken into consideration before the regulation is finalized.	Environmental Justice, Intergenerational Equity, Non-regression	Access to information, Participation in decision-making
Impact analysis for non-regulatory instruments		

For non-regulatory instruments, expand analysis of the potential impacts on intergenerational equity and on people of different ages, sex, gender and other characteristics (e.g., GBA Plus analysis) and any cost-benefit considerations in the development of these instruments. Proposed non-regulatory instruments are also published for public comment before the instrument is finalized.	Environmental justice, Intergenerational equity, Non-regression	Access to information, participation in decision making
Identification of outdoor air pollutant priorities for health-based air quality objectives (HBAQOs)		
HC has developed a process and consulted federal, provincial, territorial, municipal and other air partners to identify priority pollutants for the development of HBAQOs. HBAQOs will identify safe exposure levels of outdoor air pollutants of concern for human health to address key air pollutants not covered by the CAAQS. These will consider human-health risks only, be voluntary for stakeholders (including provinces and territories), include values for short and long-term exposures, and represent the highest safe exposure levels. They will be available for public comment before being finalized.	Environmental justice, Non-regression	Access to information

Compliance Promotion	Upholds the principles:	Contributes to the procedural elements:
Prioritization activities integrate consideration of the right and principles (NEW)		
Consideration of the right, principles, and procedural elements will be integrated into the existing systematic and structured risk-based process used to determine annual compliance promotion priorities and guide the compliance promotion activities.	Environmental justice, Intergenerational equity, Non-regression	Access to information

Enforcement	Upholds the principles:	Contributes to the procedural elements:
Approaches to enhancing access to remedies (NEW)		
Develop guidance for the public request for an investigation under CEPA (section 17), with the intention of making this more accessible to the public, while avoiding requests that do not meet applicable requirements.	Environmental justice, Non-regression	Access to remedies, Access to information
Information on enforcement actions		
Continue to provide information on enforcement actions taken under CEPA, including through:	Non-regression	Access to remedies, Access to information

• CEPA Annual Report – summarizes enforcement priorities, inspections, investigations and measures. • Environmental Offenders Registry – enables the public to search for information on convictions of corporations obtained under CEPA and other federal environmental laws. • Enforcement Notifications – Gives the public the ability to subscribe to Enforcement Notifications, which contain information on successful prosecutions.		

Performance Measurement, Evaluation, and Reporting	Upholds the principles:	Contributes to the procedural elements:
Performance Measurement Evaluation Strategy		
Implementation of the Performance Measurement Evaluation Strategy will be improved by considering the principles when prioritizing substances for evaluation. PME reports are made available online and provide information on the effectiveness of the actions taken to address risks posed by substances managed under CEPA.	Environmental justice, Intergenerational equity, Non-regression	Access to information
Exploring new approaches to make NPRI more relevant and accessible to communities		
Building on the NPRI dashboard and the Reimagining pollution data project, explore approaches to improve the accessibility, use, representation and meaning of NPRI data.	Environmental justice	Access to information
Review of existing regulations under CEPA		
Integrate the consideration of the principles when prioritizing and establishing the timing of a review of an existing regulation under CEPA, as per requirement under the Cabinet Directive on Regulation. Incorporate considerations of the protection of the right when conducting a review of a regulation.	Environmental justice, Intergenerational equity, Non-regression	

Intergovernmental Cooperation, Engagement, and Communication, FPT Cooperation and Agreements	Upholds the principles:	Contributes to the procedural elements:
CEPA Registry		
Improve the design and organization of information on the CEPA Registry for better access to the wealth of existing information that is already available about CEPA activities, and	Environmental justice, Intergenerational	Access to information, Participation in decision-making

provide guidance on where to find certain information. Ensure webpages are kept up to date, and that compliance and performance results are linked to each risk management action where available. This could also include tools to help better understand CEPA processes, policies and programs.	equity, Non-regression	
CEPA National Advisory Committee (NAC)		
Under section 6(2)(c) of CEPA, the NAC can have up to six Indigenous government representatives (as defined under the Act). Address this representation gap, identify barriers to participation of Indigenous governments, develop strategies, and enhance outreach and recruitment for filling these positions.	Environmental justice	Access to information, Participation in decision-making
Develop an Indigenous Knowledge Policy Framework for CEPA (NEW)		
Work with Indigenous partners to develop an Indigenous Knowledge Policy Framework that provides ECCC and HC with guidance on opportunities and approaches to FPIC, where applicable, in the context of CEPA and guides them in how to approach bridging, braiding, weaving, Indigenous knowledge with western science in their work, drawing inspiration from the Impact Assessment Agency's Indigenous Knowledge Policy Framework and from ECCC's Science Strategy 2024-2029. This could include distinctions-based primers that build on the priorities identified by First Nations, Inuit, and Métis.	Environmental justice	Participation in decision-making

Annex 2: Guiding Considerations for Mechanisms that Support Protection of the Right under CEPA

The following list has been developed to provide guidance to decision-makers at ECCC and HC on the types of considerations that may be relevant to fulfilling the Government of Canada's duty to protect the right in the administration of CEPA, subject to reasonable limits. CEPA provides the legal framework for the protection of human health and the environment, including the substantive elements of the right – an environment that is protected from harmful substances, pollution, and waste and where actions taken under CEPA contribute to clean and healthy air and water, a sustainable climate, and healthy ecosystems and biodiversity. Applying these considerations within mechanisms at key decision-making points under CEPA helps to protect the right.

Not all of the considerations below may be relevant to each mechanism or decision: decision-makers should ensure that mechanisms or decision-making processes include the necessary analysis to identify relevant considerations and reflect them in the appropriate records of decision. The conclusions of the analysis may, when appropriate, be communicated in relevant public-facing decision documents (e.g., a final assessment report and risk management approach document) and summarized as relevant in the CEPA Annual Report. Additional guidance and training will be developed to support ECCC and HC staff in taking these considerations into account, recognizing that as experience is gained with implementing the framework, approaches may evolve and opportunities to improve consistency across CEPA programs and activities are likely to emerge.

In protecting the right and developing associated mechanisms, decision-makers may consider the following, as appropriate:

- Opportunities to cooperate, collaborate or harmonize actions with other governments

Procedural Elements

- Access to information, including:
    - Accessibility of public-facing information, including translation and appropriate language and format for the various relevant audiences
    - Sharing information that responds to the needs of various audiences, and in particular those most impacted by the decision
- Participation in decision-making, including:
    - Providing those most affected by the decision with opportunity to meaningfully engage, considering opportunities to provide support, such as through appropriate consultation periods (reflecting the complexity of the information) and methods of engaging
    - Providing distinctions-based, meaningful engagement
    - Reporting back to partners on how input received was considered
    - Ensuring any Indigenous knowledge that is shared is protected in accordance with applicable federal laws

Principles

- Environmental justice, including:
    - Identifying and considering populations who may be disproportionately impacted by pollution, including the distribution of risks, exposures or outcomes
    - Supporting access to information and participation in decision-making for these populations
- Intergenerational equity, including:
    - Identifying and considering intergenerational equity implications, including how people likely to experience intergenerational effects are supported in accessing information and participating in decision-making
- Non-regression, including:
    - Considering if the decision leads to a decrease in the level of environmental or human health protection currently provided under CEPA
    - Communicating the evidence and rationale for changes in protections
    - Establishing performance measurement objectives and indicators to be able to assess if changes lead to regression
    - Considering feasible opportunities for improvement
- Other CEPA principles that were considered (such as sustainable development, ecosystem approach, intergovernmental cooperation, national standards, science-based decision-making, precautionary principle, pollution prevention, and polluter pays)
- Identifying information or data gaps that could pose challenges to considering relevant principles and considering these as potential future priorities for research, studies or monitoring that could support protection of the right

Factors

- Relevant factors, including:
    - Using best available **science** and evidence, including Indigenous knowledge, acknowledging and accounting for any uncertainties and applying the precautionary principle, where appropriate
    - Considering the positive and negative impacts that actions could have on the **social**, **economic** and **environmental** conditions and on the **health** of people in Canada, particularly on populations who may be disproportionately impacted by pollution and on Indigenous peoples

Indigenous Rights

- Indigenous rights and priorities, including:
    - Identifying if the decision impacts section 35 rights
    - Considering how injustices, racism and discrimination can be combatted through decision-making, including systemic racism and discrimination against Indigenous peoples, including Elders, seniors, youth, children, women, men, persons with disabilities, gender-diverse persons and two-spirit persons
    - Opportunities for the decision to promote reconciliation, mutual respect and understanding, as well as good relations with Indigenous peoples and to help advance the objectives of the UN Declaration Act

Annex 3: Terminology Guide

Except where another link is provided, the information below comes from definitions within CEPA and/or the right to a healthy environment discussion document, or from the CEPA Glossary, which also contains a number of additional definitions.

Bioaccumulation: the process of gradual accumulation of substances in living tissues.

Bridging, braiding, and weaving: concepts used by ECCC's Indigenous Science Division to refer to how to approach Indigenous knowledge and the integration of Indigenous science with western science. Bridging is about fostering awareness, understanding, and recognition of Indigenous science as a distinct and equal science to western science approaches. Braiding is about bringing together different ways of knowing and being. Weaving is about all of the Indigenous science indicators involved in bridging and braiding as well as the inclusion of self-determined Indigenous methodologies, research paradigms, and worldviews.

Canadian Council of Ministers of the Environment (CCME): forum for the 14 federal, provincial, and territorial ministers with the environment in their portfolios. This intergovernmental forum meets at least once a year to discuss collective action on national and international environmental issues.

CEPA: the *Canadian Environmental Protection Act*, 1999 is the cornerstone of Canada's environmental legislation and an important part of Canada's legislative framework aimed at preventing pollution and protecting the environment and human health. It was last updated in 2023 to, among other changes, introduce the right to a healthy environment to the Act. Read the Act here and learn more in the *Guide to Understanding CEPA*.

CEPA Cycle / CEPA Management Cycle: the CEPA management cycle is a process set up to prevent pollution and protect the environment and people in Canada from pollution that could impact their health. It consists of the following stages: 1) research and monitoring, 2) risk assessment, 3) risk management, 4) compliance promotion, 5) enforcement, and 6) performance measurement, evaluation and reporting. These stages are supported and integrated through public participation and intergovernmental co-operation.

CEPA National Advisory Committee (NAC): is a forum for provincial, territorial and Indigenous governments to advise on actions being proposed under CEPA, enabling national cooperative action, and seeking to avoid duplication in regulatory activity among governments.

Chemicals Management Plan (CMP): a Government of Canada initiative aimed at reducing the risks posed by chemical substances to Canadians and the environment, including many CEPA activities. Through this program, the Government assesses and manages risks to human health and the environment posed by chemical substances that can be found in food and food products, consumer products, cosmetics, drugs, drinking water and industrial releases.

Cumulative effects: cumulative effects are not defined in CEPA. There are different approaches to understanding and analysing cumulative effects used by different agencies within the Government of Canada, as well as different approaches internationally. The consideration of **cumulative effects** under CEPA, within the CMP, may involve an analysis, characterization and possible quantification of the combined risks to health or the environment from exposure to multiple chemicals.

Endocrine-disrupting substance: certain substances can interfere with the function of endocrine systems. Such effects, referred to as endocrine-related (or hormone-related) effects, can occur when substances mimic natural hormones, prevent hormones from reaching their targets, or change hormone metabolism. Substances that cause changes in endocrine function that result in adverse effects to an organism are referred to as endocrine disruptors. CEPA defines a hormone disrupting substance as one having the ability to disrupt the synthesis, secretion, transport, binding, action or elimination of natural hormones in an organism, or its progeny, that are responsible for the maintenance of homeostasis, reproduction, development or behaviour of the organism.

Gender-Based Plus Analysis (GBA Plus): an analytical tool used to support the development of responsive and inclusive policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue or opportunity being addressed by the initiative; identifying how the initiative could be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative. GBA Plus is an intersectional analysis that goes beyond biological (sex) and socio-cultural (gender) differences to consider other factors, such as age, disability, education, ethnicity, economic status, geography (including rurality), language, race, religion, and sexual orientation. The term "GBA Plus" is used throughout the Government of Canada, while HC uses Sex and Gender Based Analysis Plus, which includes considerations related to biological sex.

Healthy environment: defined in CEPA as an environment that is clean, healthy and sustainable.

Human biomonitoring: the measurement of how much of a chemical, or the substance(s) it makes when it breaks down, is present in a person. This measurement (called the level or concentration) is usually taken from blood or urine samples, and sometimes from other tissues and fluids, such as hair, nails and human milk.

Intersectionality / intersectional approach: recognizing if and how each person or group has multiple identity factors that intersect with each other, and can be interdependent and often combined. These can include sex, gender, language, ethnicity/race, religion, age, disability, geography, culture, income, sexual orientation, and education. See the Government of Canada's approach on GBA Plus for more details.

Mutagenic: property of a substance that can cause changes to the DNA of cells.

Persistence: property of a substance that remains in the environment for a long time.

Populations who may be disproportionately impacted by pollution / vulnerable populations: vulnerable populations are defined in CEPA as a group of individuals within the population living in Canada who, due to greater susceptibility or greater exposure, may be at an increased risk of experiencing adverse health effects from exposure to substances. Online consultations with Canadians on the definition of the term in the context of federal chemicals management activities were held in 2018. ECCC and HC are exploring using the term "populations who may be disproportionately impacted" interchangeably with "vulnerable populations", to recognize that many of these populations are not inherently vulnerable but rather that their susceptibility is associated with the circumstances of their lives.

Risk management instruments: preventing or controlling risks is done by selecting and applying instruments that are most likely to achieve environmental and/or human health objectives. A variety of voluntary and mandatory instruments are used to manage risks posed to the environment or human health. Examples of instruments available under CEPA include regulations, pollution prevention planning notices, codes of practice, and release guidelines.

Regulatory Impact Analysis Statement (RIAS): a RIAS is an analysis of expected impacts, based on a Regulatory Impact Assessment, of a proposed regulation. It is published in the Canada Gazette with the text of proposed regulations (*see Section 5.3 at the link*).

Substance: CEPA defines a substance as any distinguishable kind of organic or inorganic matter, whether animate or inanimate. Among other things, this definition includes any animate matter that is, or complex mixtures of different molecules that are, contained in effluents, emissions or wastes. Substances include chemicals, polymers, biochemicals, biopolymers, nanomaterials, unknown or variable composition complex reaction products or biological material (UVCB), micro-organisms (for example, bacteria, viruses) and living organisms other than micro-organisms (for example, fish, mammals).

Annex 4: Indigenous Voices on the Draft Implementation Framework

Ensuring that Indigenous voices are reflected in this draft framework is key, and as such, engagement activities were carried out to better understand the priorities of Indigenous partners on a right to a healthy environment under CEPA. While some priorities for the framework may be shared among Indigenous peoples, ECCC and HC recognize the importance of adopting a distinctions-based approach that is inclusive and welcoming of the different experiences and priorities of First Nations, Inuit, and Métis. These priorities have been woven throughout this framework and will be expanded upon in the coming years as the framework is improved.

Shared Priorities

- Free, prior and informed consent is key
- Meaningful engagement and participation require explicit acknowledgement of the pluralism of existing Indigenous legal systems
- Recognizing and identifying ways to implement the 94 Calls to Action in the Truth and Reconciliation Commission of Canada's Final Report and the rights under the UN Declaration is key
- Indigenous cooperation should be added to the CEPA cycle
- Protection of Indigenous knowledge and data is essential
- Indigenous knowledge and science should be given the same level of consideration that western science is in CEPA decision-making
- CEPA decision-making should find ways to bridge, braid, and weave Indigenous knowledge with western knowledge
- The Seven Generations principle, which means respecting and protecting the needs of and impacts on people seven generations in the future, is important to the principles of non-regression and intergenerational equity

First Nations Priorities

- More data are needed on environmental exposures for First Nations
- The inclusion of health-related rights of Indigenous peoples must be protected now and looking ahead to seven generations
- Better enforcement of CEPA regulations is needed to protect First Nations from environmental health risks
- Treaty Rights are not being respected if pollution makes it unsafe for First Nations to fish, hunt, and harvest
- Indigenous consultation/engagement should be a first step in decision-making

Inuit Priorities

No submissions on the right to a healthy environment discussion document were received from Inuit organizations or communities. ECCC and HC recognize this does not allow for a truly distinctions-based approach in the draft framework and are committed to continuing and strengthening efforts to engage Inuit voices in the development of the final framework and in implementation of the right.

Métis Priorities

- Indigenous-led and owned research should be a priority under research and monitoring in CEPA
- A healthy environment encompasses cultural, spiritual, and socio-economic dimensions, reflecting the interconnectedness of people, land, water, and emphasizing the importance of stewardship, respect, and community well-being
- Align with Co-Development Principles developed by Métis Nation leadership and the Government of Canada
- Consider the proximity principle: that local knowledge and lived experiences should be a core principle to strengthen protection of the right

Modern Treaty Partner Priorities

While several Modern Treaty First Nations have participated in discussions on the development of the right to a healthy environment implementation framework, partner-led engagement activities and identification of priorities will focus on informing the final implementation framework.