

Summary of Public Comments Received on the Proposed Risk Management Approach for Benzyl Chloride

Comments on the proposed risk management approach for Benzyl chloride to be addressed as part of the Chemicals Management Plan Challenge were provided by the Canadian Environmental Law Association, Chemical Sensitivities Manitoba, Dow Chemical Canada and Inuit Tapiriit Kanatami. The table contains a condensed version of each comment and a response in non-technical terms.

A summary of comments and responses is included below, organized by topic:

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Topic	Comment	Response
Extent of proposed risk management	Risk management should address emissions from incineration and combustion facilities, in particular coal.	Non-Canadian literature sources indicate that benzyl chloride may be released into the atmosphere from coal and oil fired power plants; however, new information indicates that no significant quantities of benzyl chloride were released from these types of industrial facilities in Canada. Canadian measurement data of ambient (outdoor) and indoor air were low.
	The possibility of exposing the general population and vulnerable subpopulations (e.g. children, people with chemical sensitivities) to benzyl chloride justifies a ban on this substance.	Risk are based on both hazard and exposure. Several product exposure scenarios were identified in the assessment, however, exposure of the Canadian general population through the use of products containing residual quantities of benzyl chloride is predicted to be low. Current options for risk management focus on a requirement for industries to notify the federal government of any potential changes in the use of benzyl chloride, so that the potential for exposure to the Canadian population does not substantially increase. Additionally, the Government of Canada will regard benzyl chloride as a substance of concern when it is present in a cosmetic and this will be communicated on Health Canada's Cosmetic Ingredient Hotlist, which is an administrative tool to communicate to manufacturers and others that certain substances, when used in a cosmetic, may cause injury to the health of the user in contravention of section 16 of the Food and Drugs Act. Compliance with the provisions of section 16 is monitored, in part, through the mandatory notification provisions of

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		section 30 of the Cosmetic Regulations of the Food and Drugs Act, which require that all manufacturers and importers provide a list of the cosmetic’s ingredients to Health Canada.
	The use of benzyl chloride in pest control products should be banned.	Exposure of the Canadian population to benzyl chloride present in commercial pest control products is likely to be low due to the nature of its use and application.
	The Government of Canada should research or provide data on potential fugitive emissions or venting during the handling, transport or storage of benzyl chloride before undertaking actions.	Under the National Pollutant Release Inventory, industrial facilities in Canada reported a release of 5 kg and 1 kg of benzyl chloride to air in the years 2000 and 2006, respectively. No releases to water or land have been reported (NPRI 2006). In recent information gathered under CEPA 1999 through a section 71 notice with respect to benzyl chloride, companies reported no release of this substance in 2006 (Environment Canada 2008a). No actions on these potential emissions are planned.
	National Pollutant Release Inventory (NPRI) reporting for benzyl chloride and all substances on Schedule 1 of <i>Canadian Environmental Protection Act (CEPA)</i> , 1999 should be modified to remove the threshold for reporting.	Any party (person, government or organization) in Canada may submit a proposal to Environment Canada for changes to the NPRI program. Please see the guidance document titled “Modifying the National Pollutant Release Inventory: A Guide to the Procedures to Follow When Submitting Proposals and A Description of the Stakeholder Consultation Process,” which is available at: http://www.ec.gc.ca/inrp-npri/default.asp?lang=En&n=EF5F32DD-1
	The listing of benzyl chloride on the Cosmetic Ingredient Hotlist should be followed by Government of Canada regulations banning it from use in cosmetics.	Although the Cosmetic Ingredient Hotlist is not part of the <i>Cosmetic Regulations</i> or the <i>Food and Drugs Act</i> , this science-based list is a tool used by Health Canada. Substances which exceed the conditions on the Hotlist may contravene section 16 of the <i>Food and Drugs Act</i> which prohibits the sale of cosmetics that contain ingredients that cause injury to the user. Additionally, companies must notify Health Canada of the formulations of all products sold in Canada. If a cosmetic is found to contain a substance that violates the conditions set by the Hotlist, appropriate enforcement measures are taken.
	The Hotlist should have a pre-notification process rather than a post-notification process.	Under the Food and Consumer Safety Action Plan, Health Canada is committed to modernizing the <i>Cosmetic Regulations</i> . This comment will be considered in the modernization project.
	Benzyl chloride should be labelled on consumer products.	The Government of Canada uses labelling as a risk management measure to inform consumers of potential risks or to provide them with tools to protect and improve their health (e.g., nutrition labelling). Since the Screening Assessment Report concluded that current exposures to benzyl chloride were low, its mandatory inclusion on product labels is not being considered at this time.

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Proposed risk management – significant new activity	The Government of Canada should provide details of the proposed notification process, including whether there will be further public consultation.	The notification process being proposed is a Significant New Activitiy (SNAc) process. A Notice of Intent (NOI) to SNAc will be published for a 60-day public comment period.
	The reporting threshold of the Significant New Activity (SNAc) notice should be the same as that used in the Section 71 survey.	The Government of Canada intends to require reporting of new activities that have not already been assessed. In developing the threshold for the SNAc notice, considerations include the thresholds used in the data gathering exercises, existing and potential uses, potential for direct human exposures and the nature of the potential hazard identified. A public comment period on the Notice of Intent to apply a Significant New Activity (SNAc) will occur, providing opportunity for comment on the details of the SNAc, including information on uses occurring below the proposed threshold for reporting.
Environmental Emergency Regulations	Benzyl chloride should be added to the current proposed amendment of the <i>Environmental Emergencies Regulations</i> .	The Government of Canada intends to propose adding benzyl chloride to the <i>Environmental Emergency Regulations</i> . It will be included in a future amendment to the <i>Regulations</i> and will follow the regulatory processes in place, including public consultations.
	It is unclear how thresholds are determined for benzyl chloride’s proposed addition to the <i>Environmental Emergency Regulations</i> .	<p>The Government of Canada had already concluded that benzyl chloride meets one of the criteria set out in section 200 of <i>CEPA</i> (1999). The Government of Canada has proposed to add benzyl chloride to the list of substances (Schedule 1) of the <i>Environmental Emergency Regulations</i> with a proposed threshold of 4500 kg set through the Risk Evaluation Framework for sections 199 and 200 of <i>CEPA</i> (1999).</p> <p>Thresholds for substances on Schedule 1 of the <i>Environmental Emergency Regulations</i> are calculated through science-based formulas used by Environment Canada and the US Environmental Protection Agency (EPA). For more information on these formulas, please contact Environment Canada’s Environmental Emergencies Program.</p>
Risk management (RM) approach document	The document should include a discussion of how the Risk Management Approach complies with Government Directives.	As recommended by the Government of Canada's Cabinet Directive on Streamlining Regulation (www.regulation.gc.ca/directive/directive01-eng.asp) and by criteria identified in the Treasury Board document entitled “Assessing, Selecting, and Implementing Instruments for Government Action,” (http://www.tbs-sct.gc.ca/ri-qr/documents/gl-ld/asses-eval/asses-eval-eng.pdf), the

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		proposed RM actions outlined in the RM approach document were selected using a consistent approach and took into consideration available information on alternative chemicals and substitutes, as well as other information received through the Challenge and other information available at the time.
	The list of stakeholders should be broadened to include importers, trade associations, all manufacturing given potential other uses in Canada, Environmental Non-Governmental Organizations (ENGOS) and Industry Canada.	The list of stakeholders tentatively identified in the RM Approach is not intended to be exhaustive. All interested stakeholders are encouraged to identify themselves.
Alternatives	Product availability and affordability should be considered.	The Government of Canada recognizes that environmental or health risks and social, economic and technical matters should be considered in the decision-making process as it relates to the protection of the environment and human health.
	Collection of information on alternative substances and technologies should be mandatory, and these alternatives should be assessed.	Where available, information on the availability and costs of alternatives for a substance used in Canada, including the economic, social, health and environmental implications, will be considered when developing risk management tools. Information on economic, social, health and environmental impacts may be generated from a number of sources, including direct engagement with stakeholders.
Occupational exposure	The Workplace Hazardous Materials Information System (WHMIS) <i>Controlled Products Regulations, Ingredient Disclosure List</i> should be modified so that there is no concentration limit for listing on a Material Safety Data Sheet in occupational settings.	<p>The scope of risk assessment and risk management under CEPA 1999 are focused on the potential risks to the general Canadian public and not to occupational settings. A conclusion under CEPA 1999 on substances in the Chemicals Management Plan (CMP) Challenge is not relevant to, nor does it preclude, an assessment against the hazard criteria specified in the WHMIS <i>Controlled Products Regulations</i> for products intended for workplace use.</p> <p>The National WHMIS Office, which resides in Heath Canada, has advised that the WHMIS limits are consistent with the recent international agreement on the Globally Harmonized System of Classification and Labelling of Chemicals, which will be implemented in the coming years. The WHMIS Office extends an invitation to submit any recommendations you may wish to make regarding modifications to the regulatory requirements through their corporate e-mail account, WHMIS_SIMDUT@hc-sc.gc.ca.</p>

