

Summary of Public Overarching Comments Received on the Proposed Risk Management Approach Documents for Batch 2

Overarching comments on the proposed risk management approaches for Batch 2 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 the STORM Coalition.

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

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TOPIC	COMMENT	RESPONSE
Alternatives	Alternatives to the substances in the Challenge should be identified in the screening assessments and the safety of these alternatives should be evaluated through an interactive process with government, industry and other stakeholders. Risk management scope documents should include further consideration of alternatives.	Alternatives are considered as part of the development of risk management approaches. Where available and relevant to the Canadian context, information on the availability and cost of alternatives for a substance is included in the proposed risk management approach document.
Compliance	Evaluation of the effectiveness of compliance measures taken to date under CEPA 1999 has been limited.	The CEPA 1999 Annual Report describes actions and accomplishments within the scope of the Act including enforcement and compliance. Compliance rates have been identified as an important component of its Strategic Enforcement Framework, which defines performance indicators for various toxic substances. Work is continuing on the determination of compliance rates for reporting in future annual reports.
	As the Chemicals Management Plan progresses, the Government of Canada should enhance its enforcement efforts to ensure compliance with risk management measures under CEPA 1999.	The Government of Canada will continue to enforce any new risk management measures, including regulations (or other risk management instruments) created under the Chemicals Management Plan, according to the guiding principles set out in the Compliance and Enforcement Policy for the <i>Canadian</i>

		<i>Environmental Protection Act, 1999.</i>
Future notification controls	The Government should consider future notification controls for assessing potential future uses in lieu of a regulatory instrument and addition to the List of Toxic Substances in Schedule 1 of CEPA 1999.	The Government of Canada will use Significant New Activity provisions for future notification controls. These will be applied both to substances that are found to meet section 64 of CEPA 1999 and those which are found not to meet section 64, but are considered to pose a possible risk if the exposure scenario were to change.
	When developing future notification controls on an existing substance, the Government must have knowledge of all the applications of a substance. Stakeholder consultation is strongly recommended to ensure such controls are properly designed, understood and achieve intended results.	The SNAC provisions are designed to provide exceptions for known, assessed uses that are not deemed to pose a risk to human health or the environment. Stakeholders are consulted during the development process as well as during the proposal phase at the publication of the Notice of Intent to apply the SNAC provisions. Stakeholders are encouraged to submit voluntary information below the 100 kg reporting threshold.
Selecting risk management tools	Any potential risk management tool should be screened to ensure that it meets a sustainable development objective; that is, the tool meets societal demands for the substance while improving the environment and human health.	As required by the Government of Canada's <i>Cabinet Directive on Streamlining Regulation</i> , and criteria identified in the Treasury Board document entitled <i>Assessing, Selecting, and Implementing Instruments for Government Action</i> , proposed risk management instruments are selected using a consistent approach, and take into consideration the information that has been received through the Challenge and other information such as socio-economic impacts available at the time.
Carcinogens	Any substance found to have reproductive toxicity or carcinogenicity should be targeted for phase out or prohibition.	Prohibition is one of the risk management options considered for substances that meet section 64 of CEPA 1999. However, there are certain uses where mutagenic or carcinogenic substances can be managed such that there is no or negligible exposure to Canadians. In these situations, the Government of Canada may develop risk management instruments and tools to limit exposures and/or prevent any increases in exposures as a result of new uses of the substance.
Identifying stakeholders	The Government should consistently identify all stakeholders involved with a substance in the proposed risk management approach documents. This includes government departments as well as industrial	The Government will strive for greater consistency when identifying primary stakeholders in the proposed risk management approach documents.

	sectors.	
Uncertainties in risk assessments	Uncertainties in the assessments should be considered during the risk management phase.	Proposed risk management action is largely based upon the information in the risk assessment including information on uncertainties. This information is used in determining which exposures pose a risk to the health and environment of Canadians and how best to manage those risks.
Domestic Substances List update	The Government should undertake a comprehensive update of all DSL substances, including specific information on imports and use levels. The threshold for reporting on high priority substances should be lowered from the current levels of 100 kg required for the DSL.	Based on information requirements, substances on the DSL will be considered as candidates for the DSL Inventory Update. Information such as quantity imported and/or manufactured, use codes and industry sectors involved will be gathered as part of this initiative. Reporting thresholds for substances included in the DSL Inventory Update will be determined as part of the consultation process for this initiative.