

Summary of Overarching Public Comments received on site-restricted Heavy Fuel Oils and Gas Oils Draft Screening Assessment Reports for Stream 1 of the Petroleum Sector Stream Approach.

Overarching comments on the draft screening assessment reports for Petroleum Sector Stream Approach (PSSA) site-restricted gas oils and site-restricted heavy fuel oils (HFOs) to be addressed as part of the Chemicals Management Plan were provided by Chemical Sensitivities Manitoba and Canadian Environmental Law Association, Canadian Petroleum Products Institute and International Institute of Concern for Public Health.

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

- Precautionary Principle
- Significant New Activity (SNAC) Provision
- Transparency

TOPIC	COMMENT	RESPONSE
Precautionary Principle	The precautionary principle is not used when screening assessments have a paucity of information, or known uncertainties, and this is a concern. Additional data should be sought for substances which have uncertain data, such as for the bioaccumulation factor.	In conducting screening assessments weight of evidence and precaution are applied, as required under CEPA 1999. Screening assessments consider multiple sources of available data, obtained through various methods, ranging from mandatory surveys to searches of publically available literature. In addition, a weight-of-evidence approach is applied to the evaluation of these data. This considers the relevance, strengths and uncertainties of the information obtained. While the precise chemical composition of the heavy fuel oils (HFOs) and gas oils addressed in these assessments is uncertain, it was determined that these are all intermediate streams within refineries or upgraders, and as such do not leave industrial facilities. Additional materials, such as process flow diagrams, have been added to the assessment reports to support this conclusion. These substances are hazardous and new activities that were not identified in the assessment could lead to these substances meeting the criteria of section 64 of CEPA 1999. Therefore, the Government of Canada plans to implement the SNAC provisions under CEPA 1999 for this substance. This would require that any proposed new manufacture, import, or use outside of a petroleum

		refinery or upgrader facility be subject to further assessment, to determine if the new activity requires further risk management consideration.
Significant New Activity (SNAc) Provision	Will the Government of Canada consider other options for risk management than SNAc provisions, or additional options within the SNAc provision?	The Government of Canada is considering the use of the SNAc provisions under CEPA 1999 because while current uses of these substances are not proposed to meet section 64 criteria the substances have certain hazardous properties. The objective of a SNAc provision is to ensure that an assessment of a proposed new activity is conducted to determine if risk management measures are required. The Government of Canada will consult with stakeholders during the development of a measure to address new activities associated with these substances. Options for the design of a SNAc Notice will be considered.
Transparency	There is concern with the level of transparency and stakeholder engagement with respect to the Petroleum Sector Stream Approach (PSSA) process under the Chemicals Management Plan.	The substances in the PSSA are complex mixtures and required extra information gathering, analysis and methodology development. Consultation regarding the PSSA is ongoing. There have been several meetings with members of the petroleum sector and other stakeholders, in addition to consultation at the federal, territorial and provincial levels. The various groups of substances in the designated Streams under the PSSA are being assessed concurrently and all assessments will continue to be published for public comment as they become available.
	There is a lack of data presented in the site-restricted screening assessments on a number of areas considered to be critical to the evaluation of the potential risk of a substance.	The critical scientific information that is available is evaluated and considered in the drafting of the screening assessments and forms the basis for the decisions made under section 64 of CEPA 1999. The Government examines multiple lines of evidence as available, and seeks additional scientific advice and review from experts when proposing conclusions. In order to ensure timely protection of human health and the environment the Ministers proceed with a proposed conclusion under CEPA 1999 based on the best available information. As necessary, data gaps are addressed by applying conservative (protective) assumptions.