

Summary of Overarching Public Comments received on the Draft Screening Assessment Reports and Risk Management Scope Documents for Batch 11.

Overarching comments on the draft screening assessment reports and risk management scopes for Batch 11 to be addressed as part of the Chemicals Management Plan Challenge were provided by the Canadian Environmental Law Association (CELA) and Chemical Sensitivities Manitoba (CSM), Dow Chemical Canada, the International Institute of Concern for Public Health (IICPH), and Inuit Tapiriit Kanatami (ITK).

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

- Peer Review
- SNAC approach
- Releases
- Confidential Business Information
- National Pollutant Release Inventory
- Long-Range Transport

TOPIC	COMMENT	RESPONSE
Peer Review	To enhance results and increase credibility, it is suggested peer reviews be sought from all stakeholders with credibility and appropriate competencies. A balanced, well rounded and scientific peer review would assist in a risk assessment process and the informed development of a risk management instrument.	All assessments are subject to a comprehensive internal science review. Issues or areas of uncertainty identified during the completion of an assessment and internal review are used to identify the expertise most suitable to provide external science review. Technical expertise is the main criteria for identifying suitable reviewers, who may come from academia, industry, non-government organizations, consulting firms, or government. All comments provided to the Government of Canada by peer reviewers are considered in finalizing assessment reports.
SNAC approach	The application of a significant New Activity provision (SNAC) on these substances, CAS Registry Numbers 603-33-8 (Bismuthine, triphenyl-), 10448-09-6 (Cyclotetrasiloxane, heptamethylphenyl-), 40615-36-9 (Benzene, 1,1'-(chlorophenylmethylene)bis[4-methoxy-), 64111-81-5 (Phenol, 2-phenoxy-, trichloro deriv.), 69430-	The application of the Significant New Activity provisions under CEPA 1999 would require that any proposed new manufacture, import or use be subject to further assessment, and would determine if the new activity requires further risk management consideration. The Government of Canada is also currently developing a guidance paper on the use of SNACs within the CMP framework which will be made available to stakeholders as soon

	47-3 (Siloxanes and Silicones, di-Me, reaction products with Me hydrogen siloxanes and 1,1,3,3,-tetramethyldisiloxane) and 125328-28-1 (Phenol, 4,4-(1-methylethylidene)bis-, reaction products with hexakis(methoxymethyl)melamine), would not allow for a public comment period and as a result, the process lacks the transparency that should be promoted under the Challenge. Generally, SNACs do not effectively prevent the entry and use of these chemicals in Canada. Future use or import of these chemicals can be prevented by adding the chemicals to the Toxic Substances List and placing them on the <i>Prohibition of Certain Toxic Substances Regulations</i>, 2005. The government should also release a comprehensive policy and regulatory review to evaluate the applicability of SNACs to existing substances under the CMP.	as possible.
	Also, these substances, CAS Registry Numbers 603-33-8 (Bismuthine, triphenyl-), 10448-09-6 (Cyclotetrasiloxane, heptamethylphenyl-), 40615-36-9 (Benzene, 1,1'-(chlorophenylmethylene)bis[4-methoxy-), 64111-81-5 (Phenol, 2-phenoxy-, trichloro deriv.), 69430-47-3 (Siloxanes and Silicones, di-Me, reaction products with Me hydrogen siloxanes and 1,1,3,3,-tetramethyldisiloxane) and 125328-28-1(Phenol, 4,4-(1-methylethylidene)bis-, reaction products with hexakis(methoxymethyl)melamine), are considered high hazard, low volume existing substances that have not been designated as being CEPA-toxic, but it is possible that they may be present in commerce below the threshold volume. These chemicals would continue to be used in Canada without any risk management in place.	These substances had no report of import, use or manufacture for the year 2006; the potential for exposure is very low, therefore they do not meet the criteria set out in section 64 of CEPA 1999. These substances are proposed to be subject to the Significant New Activity provisions under CEPA 1999 which would require that any proposed new manufacture, import or use be subject to further assessment, and would determine if the new activity requires further risk management consideration. The SNAC provisions will prevent any new activity in relation to these substances that may result in them meeting the criteria set out under section 64. Stakeholders not subject to the section 71 Notice (i.e., that fall below the reporting threshold for the reporting year) are strongly encouraged to inform the Government of Canada of their activities relating to substances by responding to the Challenge Questionnaire, regardless of quantities involved.
	Volumes of substances in commerce are reported without any explanation for changes over time or differences in use patterns. For persistent and	Where information is available to explain why the volume of a substance in commerce, or its use patterns, has changed over time, this is included in the screening assessment report. However, for

	bioaccumulative substances, past uses represent a problem of historic, long-term contamination.	many substances this type of information is not available. The discussion of use patterns and quantities in commerce is often dependent on the information provided by stakeholders, which is typically for the mandatory reporting year and generally does not include data on trends over time or marketplace changes that might have led to differences in use patterns. Stakeholders are encouraged to provide voluntarily any information that is helpful to the preparation of the screening assessment reports, including use patterns and quantities in commerce for previous years.
Releases	If a substance is imported into Canada in consumer/commercial products that are not reported under section 71 of CEPA 1999, the actual mass of the substance lost from each of the life cycle stages may be higher than estimated in the screening assessment report.	Importers are subject to Section 71 reporting requirements; however it is recognized that there may be quantities of a substance in commerce contained in imported products that are not reported under section 71, and releases may occur from life cycle stages associated with consumer use of such products. An effort is made to identify all uses, including those not specific to Canada, which may be taken into account in estimating potential releases to the environment. It is generally not anticipated that proportional losses resulting from use of these other products would be significantly different from those considered and estimated in the assessments. However, given the lack of actual quantity information, quantitative estimation of such amounts are not feasible.
	The potential for leaching of the substance from landfills and contaminated groundwater has not been addressed in all screening assessments.	Assessments for substances in the Challenge based on ecological concerns include an estimate of the quantity of the substance that may end up in landfills at the end of its life. Much of this is the result of ultimate disposal of products that contain the substances. The potential for release of a substance from a landfill due to leaching is highly dependent on the nature of both the substance and the product that contained it. In only a very limited number of cases is sufficient information available to allow estimation of the quantity of substance released. As such, the fact that some portion of a substance is expected to end up in landfills is recognized in assessments, but releases of the specific substance from those sites are generally not quantified. Following the assessment, monitoring and surveillance of specific substances in landfill leachate is considered under a monitoring and surveillance strategy under the Chemicals Management Plan (CMP).

Confidential Business Information	The citing of confidential business information (CBI) on use and potential new uses of chemicals is unacceptable and should be reviewed with an aim to reduce claims for CBI. Stakeholders are not able to appropriately comment on the assessments without access to that information. Similarly, unpublished confidential studies should not be used as a basis for formulating decisions on protecting public health and the environment. CBI restrictions should be reconsidered by the government when there are public health and environmental impacts.	Persons who submit information to the Government of Canada under CEPA 1999 have the right to request that it be treated as confidential. Nonetheless, the Government of Canada continually works with stakeholders to try to ensure a balance between protection of confidential business information and presenting information in the most transparent manner possible in the interest of public health, public safety and for the protection of the environment. Note that unpublished reports may be obtained upon request, if they are not stated to be confidential.
	In the mass balance estimates for releases, no quantities are provided, only percentages, which do not give a true account of the actual releases to the environment. This information is important (particularly for persistent substances) and unfortunately, not available, even if it were known (due to confidentiality).	Typically, a mass balance estimate is produced in order to determine at which step of the life cycle and to which media potential releases may occur. This information is presented in the release section of the assessment. Releases are most suitably expressed as a percentage (%) as they are a function of the handling of the substance, more so than its actual quantity. Also, in some cases, actual quantities cannot be provided due to confidential business information. When developing actual exposure scenarios to estimate environmental concentrations, the release percentages can then be applied to the quantity of substance in commerce in order to estimate the quantity released for a specific scenario. Every attempt is made to acquire accurate information on quantities of the substances imported or manufactured, even if these quantities are not reported in the screening assessment report.

National Pollutant Release Inventory	1) The government should provide greater details to explain any reductions in releases – on site or off site - reported under NPRI. 2) The requirements for reporting pollution prevention activities under NPRI should be made mandatory. Reporting on pollution prevention activities will identify opportunities for reductions of releases to air, water, and land.	1) There are a variety of reasons why facilities may report different amounts of pollutants that they release, dispose of or recycle from year to year. These reasons range from new reporting requirements (including addition of substances, reductions in thresholds at which substances must be reported, and elimination of exemptions for several industry sectors), to changing production levels, facility expansions and process modifications. These changes need to be taken into account when conducting trend analysis based on National Pollutant Release Inventory (NPRI) data. 2) The NPRI program collects information from facilities that meet the criteria for reporting as set out in the Canada Gazette and does not have information on all pollutants or every pollution source in the country. Reporting on any pollution prevention plans prepared or implemented (under CEPA 1999, another Act or for another government) is required under the National Pollutant Release Inventory (NPRI). These reports are available through NPRI (http://www.ec.gc.ca/inrp-npri/).
Long-Range Transport	Screening assessment reports under the CMP often do not provide any explanation of the long-range transportation nor are any monitoring data presented to fill the gaps. In situations where there is no potential for long range transport potential, the screening assessment document should clearly indicate where omissions or information gaps exist. This topic is of great interest to remote northern communities that are interested in identifying toxic substances that may be present in their ecosystem and may have the potential to impact their sources of food and livelihood.	The Challenge screening assessments are based on considerations of the available data. Long range transportation potential is considered and estimated for substances for which such transport is anticipated to be an issue. The assumptions used in the long-range transport modelling are meant to be conservative and are considered to be protective. Monitoring and surveillance for specific substances in the environment will be considered under a monitoring and surveillance strategy under the Chemicals Management Plan (CMP). A variety of substances, including some CMP substances, are monitored under the Northern Contaminants Program.