

***The Canadian Environmental Protection Act, 1999* and the Assessment of Existing Substances**

What is an existing substance?

According to the *Canadian Environmental Protection Act, 1999* (CEPA 1999) an "existing substance" is one that is being or has been used in Canada as a commercial substance or product, or released into the Canadian environment as a single substance, effluent, mixture, or contaminant.

What is the Domestic Substances List?

The Domestic Substances List (DSL) is a list of substances that, between January 1, 1984 and December 31, 1986 were in Canadian commerce; used for manufacturing purposes; or manufactured in or imported to Canada in a quantity of 100 kilograms or more in any calendar year.

The DSL contains approximately 23,000 substances. It is amended regularly to include additional substances that have been deemed eligible following their assessment under the New Substances Notification Regulations.

What are risk assessments?

Risk assessments are carried out under CEPA 1999 to determine the potential impacts of substances on living organisms and the physical environment. These assessments consider not only the inherent toxicity of a substance, but also the likelihood that a person, organism, or the environment will be exposed to it.

What criteria are used to assess whether a substance is harmful?

According to section 64 of CEPA 1999, substances are considered harmful if they are entering or could enter the environment in quantities or concentrations or under conditions that:

- have or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- constitute or may constitute a danger to the environment on which life depends; or
- constitute or may constitute a danger to human life or health in Canada.

What is the process for assessing existing substances?

CEPA 1999 requires that all substances on the DSL that have not been subject to assessment as new substances be categorized within seven years of the Act's Royal Assent, which took place on September 14, 1999. The categorization was completed by September 14, 2006.

Categorization involved identifying substances on the DSL that should be subjected to a screening-level risk assessment. This included substances that:

- are inherently toxic and either take a long time to break down (i.e., are persistent) or end up in the food chain because they build up in the tissue of living organisms (i.e., are bioaccumulative); or
- present the greatest potential for exposure to individual Canadians.

Screening-level risk assessments consider whether substances meet the criteria set out in section 64 of CEPA 1999. An assessment may result in one of the following outcomes:

- no further action (at that time);
- the addition of the substance to the Priority Substances List under the Priority Substance Assessment Program; or
- recommendation that the substance be added to [Schedule 1](#) of CEPA 1999.

What is the process for reviewing the decisions of other jurisdictions?

On occasion, "other jurisdictions" - defined in CEPA 1999 as Canadian provinces and territories and member countries of the Organisation for Economic Co-operation and Development - decide to prohibit or substantially restrict a substance for environmental or health reasons.

When the Minister of the Environment is informed of such a case, the information used by the other jurisdiction is reviewed to determine whether it also supports the substance being deemed harmful under section 64 of CEPA 1999.

What is the Priority Substances List?

Environment Canada and Health Canada share responsibility for assessing substances that pose the greatest risk to human health and the environment. As part of this responsibility, the Ministers of the two departments are required to develop and maintain the Priority Substances List (PSL).

The PSL identifies substances that are to be given priority for assessment under section 64 of CEPA 1999 . Strict guidelines govern these comprehensive assessments, which examine all relevant aspects of a substance and can involve information gathering and testing.

What happens when a substance meets the criteria in section 64 of CEPA 1999?

Substances that meet the criteria set out in section 64 of CEPA 1999 may be added to Schedule 1 of the Act and considered for various risk-management measures. These could include regulations, guidelines or codes of practice to control any aspect of their life cycles - from research and development to manufacture, transport, use, storage, and final disposal.

Substances that meet these criteria and are also persistent, bioaccumulative, and produced primarily as a result of human activity are considered among the most dangerous. As such, they are proposed for virtual elimination under CEPA 1999. This means that their releases to the environment are to be reduced to a level below which they cannot be measured accurately.

Assessment of existing substances under the Chemicals Management Plan

The Government of Canada announced its Chemicals Management Plan in December 2006. The plan includes a number of new, proactive measures to ensure that chemical substances are managed properly. Information about the Chemicals Management Plan can be found at <http://www.chemicalsubstances.gc.ca>.

Further information

Internet:

http://www.hc-sc.gc.ca/iyh-vsv/environ/assess-eval_e.html - For Health Canada's fact sheet on assessing and managing the health risks of existing substances under CEPA 1999.

Additional information on the *Canadian Environmental Protection Act, 1999* is available on Environment Canada's Green Lane at www.ec.gc.ca/ceparegistry.

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