



OCT 01 2013

Mr. Steve Risotto
Senior Director
American Chemistry Council
700 Second Street NE
Washington, DC 20002
U.S.A.

Dear Mr. Risotto:

We are responding to the notice of objection and request for a board of review addressed to the former Minister of the Environment, the Honourable Peter Kent, that you filed on December 14, 2011, on behalf of the Phthalate Esters Panel of the American Chemistry Council, regarding the proposed Order to add hexanedioic acid, bis(2-ethylhexyl) ester (DEHA) to the *List of Toxic Substances* in Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) published in the *Canada Gazette*, Part I, on October 15, 2011.

As set out in section 333 of CEPA 1999, the mandate of a board of review would be to inquire into the nature and extent of the danger posed by DEHA.

The basis for the assessment conclusion that DEHA is entering or may enter the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity was the high aquatic toxicity of the substance together with anticipated high environmental exposure to DEHA, based in large part on the results of environmental monitoring in Canada published in the scientific literature. The assessment conclusion that DEHA is entering or may enter the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or health is based on the potential inadequacy of the margins of exposure between critical effects (developmental toxicity), and estimated exposure resulting from use of certain cosmetics and personal care products. As required under CEPA 1999, the Government applied precaution and weight of evidence in conducting its screening assessment of DEHA.

We have fully and carefully considered your submission and request to establish a board of review, and are of the view that your Notice does not bring forth any new scientific data or information with respect to the nature and extent of the danger posed by DEHA. We will therefore not establish a board of review.

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However, we would like to inform you that new monitoring results for Canadian locations as well as additional information on industrial practices were obtained after the finalization of the screening assessment. Analysis of this new data on DEHA has been documented in an ecological State of the Science report which will be published shortly. Based on this new information, it is now considered that the monitoring data obtained from the published literature – which formed a key line of evidence considered in the screening assessment – were likely erroneous due to analytical difficulties in the methodology used. This State of the Science report concludes that DEHA is not entering the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity. The assessment conclusion that DEHA is entering or may enter the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or health is, however, unchanged.

The Government of Canada is committed to consulting with all stakeholders, such as your organization, and with the public on the development of risk management options. All issues raised in the context of these consultations will continue to be considered in an open and transparent manner.

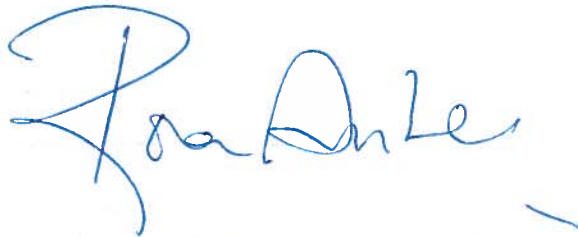
We appreciate your bringing the concerns of the American Chemistry Council Phthalate Esters Panel to our attention, and look forward to working with you in the future on matters related to the environment or human health that are of interest to your association.

We appreciate having had this opportunity to respond to your concerns.

Sincerely,



Leona Aglukkaq
Minister of the Environment



Rona Ambrose
Minister of Health