

# ***The Canadian Environmental Protection Act, 1999* and Virtual Elimination**

The Ministers of the Environment and of Health shall recommend the addition of a substance to Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) and propose the implementation of virtual elimination under subsection 65(3), when a substance falls under section 77 (1) of the Act and:

- meets any of the criteria set out under section 64 of the Act;
- is persistent in the environment as set out in regulations;
- is bioaccumulative as set out in regulations;
- is present in the environment primarily as a result of human activity; and
- is not a naturally occurring inorganic substance such as mercury or lead, or a naturally occurring radionuclide.

## **What is virtual elimination?**

Under CEPA 1999, virtual elimination is the reduction of the quantity or concentration of a toxic substance in releases to the environment to below a "level of quantification" specified by the Ministers.

## **What is the level of quantification?**

The level of quantification is the lowest concentration of a toxic substance that can be accurately measured using sensitive but routine sampling and analytical methods. This level is determined in a laboratory. The risk posed by the substance and socio-economic factors have no bearing in its determination.

## **What is the process for virtually eliminating a substance?**

After a level of quantification has been established for a substance, the Ministers of the Environment and of Health can add the substance and its level of quantification to the Virtual Elimination List. The quantity or concentration of the substance that may be released into the environment must then be identified in regulations. There can be one or more such "release limits" in regulations.

In working towards the virtual elimination of the substance, the Ministers may set interim release limits. In many cases, setting progressively lower release limits and implementing other measures to manage the risk posed by a substance will lead to the reduction of the quantity or concentration of the substance below the level of quantification.

The act also allows the minister to require the preparation and submission of a virtual elimination plan. The plan must include a description of proposed actions that will lead to virtual elimination of the substance and time-frames to complete these actions

## **Further information**

### **Internet:**

[www.ec.gc.ca/ceparegistry](http://www.ec.gc.ca/ceparegistry)

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