



February 17, 2022

The Honourable Stan Kutcher, Senator
The Honourable Members of the Senate Standing Committee on Energy, the Environment and Natural Resources
Senate of Canada
Ottawa, Ontario K1A 0A4

Dear Senators,

Re. Bill S-5, *Strengthening Environmental Protection for a Healthier Canada Act*

As organizations concerned with environmental health, we have long advocated for modernization of the Canadian Environmental Protection Act and recognition in law of the right to a healthy environment. We therefore welcome the introduction of Bill S-5 in the Senate. We hope both chambers of Parliament will prioritize and strengthen this important legislation and work to ensure its passage. We offer you our support to this end.

CEPA provides the legislative framework for protecting human health and the environment from pollution and toxics. The law has not been significantly amended for more than two decades, yet sources of pollution and our scientific understanding of risks have changed dramatically over this time. Now, the climate emergency, global plastic pollution and a respiratory illness pandemic make strengthening CEPA an even more urgent priority, to protect the environment and the health of all people in Canada — particularly those who are marginalized and those in vulnerable situations, including Indigenous people, women, workers and racialized communities.

A strengthened CEPA will be the backbone of a just transition towards a clean and inclusive economy.

Although Bill S-5 is not a comprehensive update to CEPA - some important issues identified by environmental and health advocates remain to be addressed - we believe the bill offers a workable starting point for many much-needed improvements to the Act. We have identified several opportunities to strengthen these provisions to truly deliver on the promise of a stronger environmental protection law that confronts 21st-century dangers with 21st-century science.

In particular, we recommend the Senate committee amend Bill S-5 to provide for:

1. *Meaningful* recognition of the right to a healthy environment.
2. Greater certainty in the new regime to prioritize prohibition of toxic substances of particular concern.
3. Assessment of cumulative risks to the environment, as well as to human health.
4. Clear timelines for assessing substances and implementing measures to address substances assessed as toxic; integration of “safer substitution” as a tool in chemicals management.
5. A higher bar for confidentiality claims to expand public access to data about environmental and health risks.

We would welcome the opportunity to discuss these amendments in more detail with you and would also be pleased to appear before the committee in its study of Bill S-5.

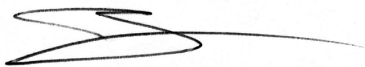
It has now been five years since the House Standing Committee on Environment and Sustainable Development reviewed CEPA, the precursor to Bill S-5. At the time, all parties agreed CEPA should be modernized. We urge you and all Parliamentarians not to let another year go by without bringing Canada’s cornerstone environmental law into the 21st Century. It is our hope that the Senate will be able to complete its consideration of S-5 before the summer recess.

Please let us know how we can be of assistance.

Sincerely,



Severn Cullis-Suzuki
Executive Director
David Suzuki Foundation



Devon Page
Executive Director
Ecojustice



Jennifer Beeman
Executive Director
Breast Cancer Action Quebec



Raissa Marks
Executive Director (interim)
Canadian Association of Physicians for the Environment



Tim Gray
Executive Director
Environmental Defence

cc. Hon. Steven Guilbeault, P.C., M.P., Minister of Environment and Climate Change

Encl. February 9, 2022 news release



News Release

FOR IMMEDIATE RELEASE

February 9, 2022

Parliament must prioritize passage of strong environmental protection bill

***CEPA modernization bill now reintroduced in the Senate must be strengthened
and passed this year, groups say***

OTTAWA | TRADITIONAL, UNCEDED TERRITORY OF THE ALGONQUIN

ANISHNAABEG PEOPLE – Environmental and health groups are urging Parliament to prioritize Bill S-5, introduced today in the Senate. The groups have long called for Canada's most important environmental law, the Canadian Environmental Protection Act (CEPA), to be strengthened to better protect the environment and human health.

Bill S-5 was previously introduced in the House of Commons, as Bill C-28, in the last session of Parliament but was never debated and died on the order paper. The groups are calling for Bill S-5 to be strengthened and passed without further delay.

CEPA is supposed to protect Canadians from harmful pollution and toxic chemicals, but it has not been updated in over 20 years. In 2017, the House Standing Committee on Environment and Sustainable Development recommended strengthening CEPA. Consideration of these recommendations has now spanned three sessions of Parliament.

A modernized CEPA must be able to protect everyone in Canada from 21st-century environmental harm. All Senators and MPs must work together to make sure that the bill is improved and passes before the end of the year.

Groups are recommending amendments to Bill S-5 to make sure that CEPA contains an unqualified right to a healthy environment, that there are no loopholes for substances of the highest risk to remain a threat to the public, and that there are no delays in assessing the risk of dangerous chemicals, among other improvements.

Canadians cannot wait any longer for Parliament to bring CEPA into the 21st century and finally join other countries in recognizing the human right to a healthy environment in federal law. Environmental and health groups urge the House Standing Committee on Environment and Sustainable Development to initiate an early consideration of the bill while the Senate debates and votes on this legislation to ensure a strong CEPA becomes law as soon as possible.

Dr. Elaine MacDonald, Ecojustice Healthy Communities program director said:

“CEPA reform is urgently needed to protect Canadians – especially the most vulnerable in our society – from dangerous levels of toxic pollution and chemicals. An outdated law means that people in Canada, unlike 156 countries worldwide, do not have the legal right to a healthy environment. Senators and MPs must make CEPA reform a top priority in Parliament and must move quickly to pass a strong and effective law that protects the public from 21st-century threats.”

Cassie Barker, Environmental Defence Toxics Senior Program Manager said:

“The toxic chemicals found in our air, water, food and products threaten Canadians and it’s past time to improve the legislation that prevents harm to our health and the environment. We need to heed the science on toxic chemicals, and this legislation needs to be improved so that Indigenous, racialized and low-income communities are no longer the most exposed to these hazards. When we need to act to prevent environmental harms, such as reducing greenhouse gas emissions or banning plastics – it’s done under this Act. The stronger it becomes, the better we can tackle our most pressing pollution problems.”

Lisa Gue, David Suzuki Foundation national policy manager said:

“Bill S-5 would recognize the human right to a healthy environment for the first time in federal law, a critical paradigm shift that reinforces other overdue updates to CEPA. While it’s encouraging that government is moving quickly to revive the bill after it died on the order paper last session of Parliament, as is, the bill isn’t perfect. To set us up for success as we tackle the climate and nature crises, this Parliament – both House and Senate – must prioritize the bill, strengthen it and pass it into law.”

Jennifer Beeman, Executive Director of Quebec Breast Cancer Action, said:

“Canadians and First Nations communities know that we have a serious problem with toxic exposures in Canada. Flame retardants and PFAS in furniture and clothing, BPA in plastics, cash

receipts and can linings, phthalates in air fresheners, fabric softeners, perfumes and cosmetics, to name just a few, have all been shown to interfere with biological processes in ways that produce serious harms, including neurological and reproductive disorders and cancers. What citizens don't understand is why we have all these problems. Our regulatory system for toxic substances has failed us badly, but if this bill is strengthened and passed, the federal government has a real opportunity to protect the environment and the health of citizens. We must absolutely get this reform right."

Jane McArthur, Toxics Campaign Director at Canadian Association of Physicians for the Environment (CAPE) said:

"Today's environmental health realities must be reflected in legislation to be protective and preventive. For the present and future health of people living and working in Canada, we need meaningful recognition of a human right to a healthy environment, a bill that will close the loopholes on toxic substances and remove barriers to citizens bringing forward concerns about toxic exposures. We need to think for the long-term. Action on CEPA reform now is action for the future of public health and environmental justice."

Marc-André Viau, director of government relations at Équiterre, said:

"Stronger environmental laws make for healthier communities: the two are intricately connected. Updating the Canadian Environmental Protection Act must be a priority for this session of parliament to ensure we have the legislative framework in place for the transition to a green economy."

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For more information or a media interview, please contact:

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About:

Ecojustice uses the power of the law to defend nature, combat climate change, and fight for a healthy environment. Its strategic, public interest lawsuits and advocacy lead to precedent-setting court decisions and law and policy that deliver lasting solutions to Canada's most urgent environmental problems. As Canada's largest environmental law charity, Ecojustice operates offices in Vancouver, Calgary, Toronto, Ottawa, and Halifax.

***Environmental Defence** is a leading Canadian environmental advocacy organization that works with government, industry, and individuals to defend clean water, a safe climate, and healthy communities.*

***Breast Cancer Action Quebec** is a feminist, environmental health organization whose mission is the prevention of breast cancer, with a particular focus on environmental factors linked to the disease. Working in collaboration with a wide range of groups, BCAQ educates on toxics and other health issues and works for a clean environment and communities that support the health of their members.*

*The **David Suzuki Foundation** (DavidSuzuki.org | [@DavidSuzukiFdn](https://twitter.com/DavidSuzukiFdn)) is a leading Canadian environmental non-profit organization, founded in 1990. We operate in English and French, with offices in Vancouver, Toronto and Montreal. We collaborate with all people in Canada, including First Nations leadership and communities, governments, businesses and individuals to find solutions to create a sustainable Canada through scientific research, traditional ecological knowledge, communications and public engagement, and innovative policy and legal solutions. Our mission is to protect nature's diversity and the well-being of all life, now and for the future. We envision a day where we all act on the understanding that we are one with nature.*

*The **Canadian Association of Physicians for the Environment** (CAPE) is a physician-directed non-profit organization working to secure human health by protecting the planet. Since its founding in 1993, CAPE's work has achieved substantial policy victories in collaboration with many partners in the environmental and health movements. From coast to coast to coast, the organization operates throughout the country with regional committees active in most provinces and all territories.*

***Équiterre** offers concrete solutions to accelerate the transition towards a society in which individuals, organizations and governments make ecological choices that are both healthy and equitable.*