



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT



ENVIRONMENTAL DEFENCE CANADA

June 9, 2004

Honourable David Anderson  
Minister of the Environment  
Environment Canada  
10 Wellington St.  
Gatineau, QC  
K1A 0H3

*Via Facsimile 819-953-0279  
Original by mail*

Dear Minister Anderson:

***Re: Finding of Toxicity with Respect to Brominated Flame Retardants***

As you may be aware, Environment Canada and Health Canada released their scientific assessment report for public comment last month with respect to polybrominated diphenyl ethers (PBDEs). These substances were found to be toxic under the *Canadian Environmental Protection Act*.

While the report calls for more studies to determine the effects of PBDEs on wildlife populations, the need for immediate action on PBDEs is required. If bioaccumulation continues at the current rate, PBDE levels in the Arctic ringed seal by 2050 will exceed the levels found for PCBs. Unfortunately, the report does not discuss the implications of exposure and build up of PBDEs in the human population, a sign that a precautionary approach is warranted.

Concerns regarding PBDEs are growing. The assessment report indicated an upward trend for PBDE levels in Canada since the 1990s. PBDEs are being compared to PCBs for several reasons, including their extensive use in consumer products and industrial manufacturing processes. Some of the wildlife studies demonstrate that PBDEs are being detected in the Canadian biota - lake trout in the Great Lakes, bird eggs in British Columbia and the Great Lakes, and in the blubber of beluga whales found in the Arctic waters. Recent reports indicate that women in Canada have the second highest levels of PBDEs found in breast milk in the world.

Given these findings, we are asking the government to use the full authority of the *Canadian Environmental Protection Act*, and in particular, its authority under Section 94 of the Act, to phase out PBDEs in the production of consumer products and direct resources to find safe alternatives for flame retardants. We believe urgent action is required, and as such, an expedited process is warranted in light of the possible human health and environmental concerns arising from the continued use of these substances. Further, we hope that the finding of toxicity for PBDEs will present an opportunity to promote and develop safe alternatives to PBDEs.

European countries, as well as the states of California and Maine, have passed laws to phase out the penta and octa BDEs. Maine's legislation includes a phase out of decaBDEs.

We would be pleased to discuss this matter with you or staff at your convenience, and look forward to a reply at your earliest convenience.

Yours truly,

A handwritten signature in black ink on a light yellow background. The signature is cursive and appears to read "Paul Muldoon".

Paul Muldoon  
Executive Director  
Canadian Environmental Law Association  
Tel.: 416-960-2284 ext. 219

A handwritten signature in black ink. The signature is cursive and appears to read "Dr. Rick Smith".

Dr. Rick Smith  
Executive Director  
Environmental Defence Canada  
Tel.: 416-323-9521