

11 April 2001

BY FACSIMILE
(Original to follow)
(819) 953-3457

Hon. David Anderson, P.C., M.P.
Minister of Environment
Government of Canada
Terrasses de la Chaudière, 28th Floor
10 Wellington Street
Hull, QC K1A 0H3

Dear Minister:

RE: NOTICE OF OBJECTION
Feb 10, 2001 Order: Amending Schedule 2 to *the Canadian
Environmental Protection Act, 1999*, Number 1, Statutory Authority
Canadian Environmental Protection Act, 1999

The Canadian Environmental Law Association (CELA) and World Wildlife Fund Canada (WWF-Canada) have submitted a Notice of Objection to the above Order via the Environmental Protection Service. On February 10, 2001, the above-mentioned Regulatory Impact Analysis Statement was published in the Canada Gazette thereby initiating a 60-day comment period. Our aim in proceeding with this action is to underscore the urgent need to review the 1969 *Pest Control Products Act (PCPA)*.

The intention of the above Order is to avoid duplication between federal Acts involved in the management of pesticides in Canada. However, through careful legal review, we find that the *Pest Control Products Act (PCPA)* falls short of the necessary provisions to meet the standard set by the 1999 *Canadian Environmental Protection Act (CEPA)* with respect to the notification and assessment requirements for new substances. Out of a shared concern for the health and environment of Canadians, we respectfully request that a Board of Review be established to consider this important matter.

The 1969 *PCPA* and 1999 *CEPA* are founded on different principles. This difference is apparent in the relevant operational provisions. For example, the precautionary principle is a cornerstone of *CEPA 99* and is not part of the current *PCPA*. Further, public participation in environmental decision-making is another cornerstone of *CEPA* and is also not part of the current *PCPA*.

It may be argued by some that *CEPA 1999* allows the Governor in Council (GIC) the discretion to exempt legislation as it deems fit. However, the *Act* is written to require legal equivalency before this discretionary authority can be exercised.

We appreciate your on-going commitment to the health of Canadians and their environment and encourage your vigilance in respect of this important phase of *CEPA 99* implementation. The *PCPA* was passed in 1969. Since then, we have learned a lot about pesticides, for example, endocrine disruption, the special vulnerability of children and wildlife and the consequences of bioaccumulation in the North.

Pesticide management in Canada is long overdue for a major overhaul, led by a renewed, publicly supported *PCPA*. It is our hope that new pest control legislation will remedy the failings enumerated in this Notice of Objection. Until that time, we strongly believe that the *PCPA* should not be judged as *CEPA*-equivalent.

Thank you, in advance, for your prompt attention to this matter.

Yours truly,

Paul Muldoon
Executive Director and Counsel
Canadian Environmental
Law Association

Arlin Hackman
Vice-President, Conservation
World Wildlife Fund Canada

Theresa McClenaghan
Counsel
Canadian Environmental
Law Association

c.c. Hon. Allan Rock, P.C., M.P., Minister of Health
Cynthia Wright, Director General, Strategic Priorities Directorate
Environmental Protection Service, Environment Canada
Arthur Sheffield, Team Leader, Regulatory and Economic Analysis Branch
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