

December 8, 2022

Alexandre Longpré
Clerk of the Committee
Standing Committee on Environment and Sustainable
Development
6th Floor, 131 Queen Street
House of Commons
Ottawa, ON
K1A 0A6



Sent via email

Dear Alexandre Longpré:

I am writing on behalf of the National Union of Public and General Employees (NUPGE) and our 425,000 members across Canada.

NUPGE wishes to submit comments to the Standing Committee on Environment and Sustainable Development to consider in its study of *Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act*.

At NUPGE's Triennial Convention in June, delegates passed a resolution in support of updating the *Canadian Environmental Protection Act (CEPA)*. On behalf of members, I am writing to voice NUPGE's support for legislation to strengthen CEPA. As you know, an update of CEPA is long overdue. We believe that, in the face of the climate crisis, modernizing and strengthening Canada's environmental protection legislation is critical.

NUPGE co-published a research paper with the Canadian Environmental Law Association (CELA) that outlines recommendations for advancing *workers' environmental rights* in Canada. This term, referring to the environmental rights of workers specifically, builds on the concepts of both environmental rights and occupational health and safety rights and the movements supporting them.

In the paper, which is attached for your information, we outlined specific recommendations for amendments to CEPA to advance these rights:

- Enshrine the right to a healthy environment in CEPA.
- Strengthen Section 56 to prevent pollution of and workplace exposure to hazardous substances.
- Commit the federal government to applying environmental justice principles in its decisions regarding exposure of toxic substances, especially to vulnerable populations.

We are glad to see that Bill S-5 proposes including the right to a healthy environment in CEPA. However, as CELA has outlined in its recent submissions on Bill S-5,¹ there are limitations in the scope and implementation of the right. It will be important to amend Bill S-5 to enshrine a true right to a healthy environment for all and include the appropriate remedies to ensure that this right is enforceable. This was also raised by the Senate committee's study on Bill S-5,² in which it pointed to barriers in Section 22 that should be addressed.

I also urge the committee to further strengthen amendments in the area of pollution prevention. In Section 56, CEPA must make planning for pollution prevention mandatory for toxic substances, rather than rely on pollution abatement measures, as CELA has outlined in greater detail in its submissions.³ This is necessary for protecting environmental and human health, especially for vulnerable populations, including workers.

The reform of CEPA is crucial, and this committee has an important opportunity to ensure that the legislation gets it right.

Thank you to the committee for considering NUPGE's submission.

Sincerely,



Bert Blundon
President

cc: Jason MacLean, Secretary-Treasurer
National Executive Board
Advisory Committee on the Environment

Attachments (2)

The National Union of Public and General Employees (NUPGE) is a family of 12 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 425,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

¹ https://cela.ca/wp-content/uploads/2022/10/Bill_S-5-HC_submissions_Sept_2022.pdf

² <https://sencanada.ca/en/committees/ENEV/Report/103542/44-1>

³ https://cela.ca/wp-content/uploads/2022/10/Bill_S-5-HC_submissions_Sept_2022.pdf

Excerpt from *Workers' Environmental Rights in Canada*

2.3.2. Proposed amendments to CEPA

The *Canadian Environmental Protection Act* (CEPA) is the backbone of Canadian environmental legislation. However, there is an outstanding need for sound federal environmental law reform that addresses control of toxic substances, including carcinogens and endocrine disrupting substances, which pose serious risks to the health and well-being of present and future generations of Canadians and the natural world.

The Standing Committee on Environment and Sustainable Development, in its report on strengthening CEPA, quoted CELA, noting

The reality of the situation in Canada is that many hazardous substances that are available in Canadian industry or commerce and thought to have little or no exposure associated with them have proven to be very available in the Canadian environment. Using a hazard-based assessment approach that assumes there will be exposure, is more precautionary (and consistent with various sections of the Act respecting the application of the precautionary principle) than is a risk-based approach.⁴

Despite an extensive list of amendments from CELA, which are specifically relevant to workers' environmental rights, there is more to be done to make these recommendations requirements and a government priority.⁵ For instance, CELA proposed the following:

Amend the preamble to recognize the right of every Canadian to a healthy environment; commit the Government of Canada to applying environmental justice principles in decisions regarding exposure of vulnerable populations to toxic substances.

Amend Part 5 to expand the information gathering authority of the Minister with respect to substances, to apply the categorization and screening level assessment regimes to endocrine disrupting substances in their own right, to clarify that where a substance is found to be toxic or capable of becoming toxic the option of taking no further action is not available to the Minister, and to expand the considerations that must be addressed in respect of preventive or control actions for substances determined to be toxic, including effects on vulnerable populations, aggregate exposures and cumulative effects, and substitution of safer alternatives.

Amend Part 11 by adding a requirement for the Minister to table a state of the environment report every five years in each House of Parliament that also examines exposure levels to toxic substances and substances of very high concern in hot spots and assesses the health of vulnerable populations at these locations in light of environmental justice principles, with such report to be subject to review by a Parliamentary committee.⁶

CELA has also proposed new provisions to the Act, which include the requirement that the Minister produce *Safer Alternatives Assessment Reports* in response to priority toxic substances, and recommended that the pollution prevention be advanced through a dedicated research body, known as the *Institute on Pollution Prevention and Safer Alternatives*. Details of each are excerpted in Appendix 3 of the paper.

⁴ Online: <https://www.ourcommons.ca/DocumentViewer/en/42-1/ENVI/related-document/8385935>.

⁵ Canadian Environment Law Association, "Proposed Amendments to the Canadian Environmental Protection Act" (12 oct 2018) online: <https://www.cela.ca/proposed-ammdments-CEPA>.

⁶ Ibid.