



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

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Standing Committee on Health review of Bill C-6, the Canada Consumer Product Safety Act

Speaking Notes for Kathleen Cooper
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The Canadian Environmental Law Association is a public interest organization and an Ontario legal aid clinic. Alongside legal representation, our legal aid work is equally about law reform. In responding to Bill C-6, we think in terms of protecting the most vulnerable within the broader public interest. For the same reasons, my work for many years has focused on the greater vulnerability of children to pollution and chemical exposures.

Yesterday, your committee received a report – First Steps in Lifelong Health -- from the Canadian Partnership for Children's Health and Environment, a group of medical, public health, environmental, and child care organizations and for which I chair the coordinating committee. We also provided a cover letter to orient you to that report's recommendations on product safety issues.

There is a great deal of scientific evidence about the greater exposure and vulnerability of children to pollution and toxic substances. Of greatest concern are exposures during pregnancy. At particular risk are women and children living in poverty, still over one million children in Canada. Evidence is growing that boys appear to be faring worse than girls, and Aboriginal children in Canada can be at the greatest risk.

Thankfully, most children in Canada are healthy but there are rising trends in certain diseases and disorders that are very troubling and pollution and chemical exposures are implicated.

After hearing Dr Schwartz' testimony last Thursday, I chose to focus my remarks on our educational work and so have also tabled with you today four of our publications. In discussion about labelling, Dr Schwartz said repeatedly that information about the risks of chronic toxicity of chemicals in products is far too complex for people to understand. I beg to differ.

Our partnership has a proven track record of translating this complex knowledge with accuracy and integrity. Our Primer on Child Health and the Environment was extensively peer-reviewed by Health Canada officials among many other experts. The quality of our knowledge translation is one of several reasons why the Canadian Pediatric Society has recently decided to join our partnership.

The evidence tells us that, alongside air pollution and pesticides, consumer products are the most important area to focus our attention. It also tells us to focus on children's respiratory health, impacts on children's developing brains, two increasingly common birth defects in boys, and cancer in young adults.

Yes, there is enormous complexity and uncertainty about these health risks. But, it is not accurate to say, as Health Canada presented to you on May 5th that the assessment of chemicals, under the Chemicals Management Plan, accounts for cumulative exposure and risks. Only for two groups

of similar pesticides, and to some extent for smog-forming air pollutants, have risk assessments by regulatory agencies begun to account for the combined impact of groups of chemicals. Nowhere in the world are these assessments yet able to determine the combined impact of the low levels of varied and dissimilar pollutants and chemicals to which we are all exposed every day.

It is not difficult for pregnant women or parents to understand that a possible problem exists from exposures to these complex mixtures even if the experts cannot tell them what the impact might be on their children's health.

Their reaction is entirely reasonable – they want to play it safe, they want to know where they should focus their attention, and how they can avoid these exposures. They want to apply precaution and they want their governments to do the same.

To provide one example, during four years of educational workshops, held across the country, we have asked people to consider the contents of their vacuum cleaner bags and their dryer lint.

In both cases, almost everyone is surprised to learn that, alongside dust, soil particles, hair, fabric fibres and skin flakes, you can also find, concentrated from your house dust, low levels of chemicals that are known to be toxic like brominated flame retardants from your furniture and computers, perfluorochemicals used as stain repellants, maybe some pesticide residues, phthalates, bisphenol A, short-chain chlorinated paraffins, and metals like lead and mercury, among others.

We tell parents about this chemical mix for three reasons. First, it illustrates reality – we are exposed to multiple chemicals from multiple sources. Second, those sources are often consumer products. Third, it underscores the fact that house dust is one of the most important places where children can be exposed when they are crawling on the floor or putting toys or fingers in their mouths. With this knowledge, parents can focus attention where it matters and they can take personal actions to avoid or reduce exposures.

This is just one example. We talk about food containers and packaging, the need to follow fish advisories, safe renovations, and other issues. I don't have time for more details except to say that parents immediately want to know how they can make better choices in buying products, and how can they avoid products with toxic substances.

All we can tell them is that very limited but important information is on some labels – you've talked about the Consumer Chemicals and Containers Regulation and related efforts within the proposed Globally Harmonized System. The CCCR labelling provides very important information and Canada does an excellent job in this area.

But CCCR is almost entirely about acute hazards and Health Canada's plans for implementing the GHS are far too slow. To avoid products containing chemicals associated with cancer or reproductive toxicity or developmental neurotoxicity, like most of those I mentioned in the vacuum bag, we tell parents that such information should be required on the product label but it isn't. The result is that well-intentioned people are denied important information that would enable them to lower their children's exposures. Government policy should be helping not thwarting such efforts.

I've brought an example of a label from California. It's a string of garden lights – for indoor or outdoor use. It says:

CAUTION: PROP 65 WARNING: Handling the coated electrical wires of this product exposes you to lead, a chemical known to the State of California to cause cancer, birth defects or other reproductive harm. *Wash hands after use.*

In a few words, and very little space on the packaging, this label gives me five useful pieces of information: the warning, the law that requires it, the chemical of concern, the reasons for the concern, and good precautionary advice – to wash my hands.

Most plastic coated electrical wires contain between 2 and 5% lead for fire resistance. This is one of the ways lead gets into house dust. Old paint is another. I received the same warning label with a computer that I bought on-line. The company had chosen to meet the Proposition 65 requirements presumably to cover off any customers from California.

To conclude, I'll say three things.

First, with limited time, I've left out a lot. At CELA we have sought product recall powers in the Hazardous Products Act for nearly ten years. This and many excellent reforms are in Bill C-6 but it only goes part of the way towards creating the modernized statute described by department officials. In particular, I hope we can further discuss the General Prohibition which is welcome but we have concerns about its ability to proactively address product safety issues related to concerns about chronic toxicity.

Second, in the interests of time, I have focused on labelling issues but note that for Canadians living in poverty - they need more from product safety laws than an improved right to know. They are most affected by the legacy of our past mistakes. They are using or reusing older furniture and computers, which can expose them to higher levels of now banned flame retardants. They often live in sub-standard housing which can result in greater exposure to pesticides and if the housing pre-dates the 1970s, potentially excessive levels of lead in old paint. They are not likely to own good vacuum cleaners, poor quality housing can be more difficult to keep clean and can have moisture problems contributing to respiratory health problems. Poverty is well-established as a key determinant of health and there is good reason to expect that Canadians living in poverty are disproportionately exposed to multiple environmental hazards, including higher levels of chemicals of concern in consumer products.

And finally, I know my colleague Lisa Gue with the David Suzuki Foundation will table with you several recommendations concerning improvements to the bill. To avoid duplication of our presentations I'll say that the Canadian Environmental Law Association supports her recommendations and that they are substantially similar to the recommendations tabled with you in our partnership's First Steps in Lifelong Health report.

Thank you.



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House of Commons Standing Committee on Health
Sixth Floor, 131 Queen Street
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Ottawa ON K1A 0A6

Re: *Consumer Products Safety Act (Bill C-6)*

To the Members of the Standing Committee on Health:

The David Suzuki Foundation examined the need to update Canada's *Hazardous Products Act* in our 2007 report, *Prescription for a Healthy Canada*. The report recommended amending the *Act* to authorize mandatory recalls of consumer products containing toxic substances that pose chronic health hazards and, as an interim step, to require product labelling to identify synthetic chemicals and heavy metals known or suspected of causing cancer, abnormal development, endocrine disruption, or damage to the nervous, immune, or reproductive systems.

On this basis, we encourage the committee to strengthen Bill C-6, the *Consumer Products Safety Act*, to include specific and enforceable measures that will protect against **chronic health hazards** in consumer products. In particular, the legislation should prohibit priority categories of toxic substances in consumer products and require product labelling to provide consumers with useable information about chronic health hazards.

As drafted, the main features of the bill are reactive – enhanced inspection powers, product recall authority, increased penalties for non-compliance. Although the bill does incorporate general prohibitions on consumer products that pose an “unreasonable danger to human health or safety”, it lacks specific provisions to proactively protect against chronic health hazards in consumer goods.

The committee has the opportunity to address this gap by amending Bill C-6 to:

1. Prohibit priority categories of toxic substances in consumer goods, starting with internationally recognized carcinogens and chemicals that are toxic to reproduction;
2. Trigger restrictions on substances assessed as toxic under the *Canadian Environmental Protection Act*, if the substance is used in consumer products in a way that could pose a chronic hazard to human health; and
3. Require labelling to identify the hazard, to the extent that these substances remain in consumer products (e.g. essential uses).

Strengthening the Bill C-6 in this way would help to bring Canada's product safety regime up to date with initiatives in leading jurisdictions to protect against chronic health hazards. In California, for instance, legislation dating back to 1986 requires businesses to notify the public about chemicals in consumer products known to cause cancer or reproductive problems. Last year, the European Union legislated implementation timelines for hazard labelling on substances (by 2010) and mixtures (by 2015). The EU is also phasing in notification requirements and restrictions on “substances of very high concern” in other consumer products beginning this year. These measures are designed not only help to protect public health and safety, but also to stimulate innovation in the development and production of safer substitutes in consumer products. Canada should adopt a similar approach in Bill C-6.

We further recommend that the legislation be amended to require the minister to notify the public of reported incidents and recall orders, including information about the health hazard. In its current form, incident reporting and product recall provisions in the bill make no requirement for public disclosure.

Finally, the authority to exempt exports (ss.35(1)(a)) should be removed from the legislation. It is not morally defensible for Canada to export health and safety hazards while that we prohibit or restrict domestically.

The David Suzuki Foundation appreciates the opportunity to comment on the *Consumer Product Safety Act* and hope the committee will take these concerns into account in its study of Bill C-6.

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