



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

November 3, 2010

Mr. Robert Ianiro
Director
Health Canada
CONSUMER PRODUCT SAFETY
123 Slater Street
Ottawa, Ontario K1A 0K9
Canada
Via email: Robert.Ianiro@hc-sc.gc.ca

Dear Robert,

Re: Lack of Public Notice of Progress of Bill C-36, Canada Consumer Product Safety Act

Thank you for the information provided in our conversation this morning explaining the events of the last three weeks with respect to Bill C-36. The information you provided was very helpful but we nevertheless wish to put out concerns in writing.

It was with considerable surprise, we discovered yesterday on the Parliamentary website that Bill C-36 passed Third Reading last Friday and that the Health Committee heard witnesses on the Bill during October after it had passed Second Reading on October 7th.

We have been monitoring the Parliamentary website weekly since the House resumed this fall. Specifically, we have been checking on the status of Bill C-36 by visiting the page concerning the status of bills before the House:

<http://www2.parl.gc.ca/HouseBills/BillsGovernment.aspx?Language=E&Mode=1&Parl=40&Session=3>.

As recently as last Friday, October 29th, while preparing submissions in response to the consultation on the proposed Mandatory Reporting Policy, we again checked on the status of the Bill. Late on Friday afternoon, the Parliamentary website at this link:

<http://www2.parl.gc.ca/HouseBills/BillsGovernment.aspx?Language=E&Mode=1&Parl=40&Session=3#C36> still noted Bill C-36 as being at First Reading.

In addition, we are subscribed to three email lists created by Health Canada concerning product safety that originate from the following:

- CCPSA News CCPSALCSPC@HC-SC.GC.CA
- CPS-SPC CPS-SPC@HC-SC.GC.CA
- media-mediaf <media-mediaf@HC-SC.GC.CA>

We have also received regular emails from CCPSA-LCSPC CCPSALCSPC@hc-sc.gc.ca, the email address related to ongoing consultations about matters related to draft policies and regulations under the new product safety law.

Last June, your department provided a multi-stakeholder teleconference briefing about the introduction of Bill C-36 and stated that it would likely be reviewed by the Standing Committee on Health this fall after passing Second Reading. Since that time, we have monitored the three email lists noted above, the Health Canada and Parliament of Canada website on the expectation that these multiple communications vehicles would provide sufficient public notice of the Second Reading passage of Bill C-36 and its review by the Standing Committee on Health.

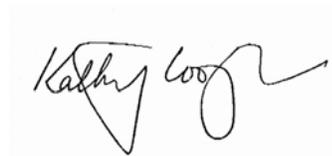
Today, we double-checked all activity on the Health Canada email lists during October and found no notice about the progress of Bill C-36 through the House or to the Health Committee. In checking the Health Canada website yesterday and today, we also find no notice or a media release about progress of C-36 beyond First Reading. Rather, the consumer product safety webpage <<http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-eng.php#5b>> still refers to the bill as proposed.

We could not have been more thorough in monitoring the progress of Bill C-36 within the limits of otherwise busy schedules. While we are in overall support of the need to update this product safety legislation, we have concerns with Section 14 of the bill as noted in our response to the consultation on the Mandatory Reporting Policy. We also wished to raise concerns about the need for improved disclosure requirements for toxic substances on product labels.

We are concerned that due process has not been followed either by Health Canada or the House of Commons in providing public notice of the progress of this Bill.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'Kathleen Cooper', with a stylized flourish at the end.

Kathleen Cooper
Senior Researcher

c.c. Hon. Leona Aglukkaq, Minister of Health Aglukkaq.L@parl.gc.ca
Paul Glover, Assistant Deputy Minister, Health Canada paul.glover@hc-sc.gc.ca