

May 30, 2023

MPs pass first major update to Canada's most important environmental law in more than two decades

Coalition of health and environment groups celebrate milestone and look to next steps

OTTAWA/TRADITIONAL, UNCEDED TERRITORY OF THE ALGONQUIN ANISHNAABEG PEOPLE – Long-awaited amendments to the *Canadian Environmental Protection Act* (CEPA) passed a final vote in the House of Commons today. Passage of Bill S-5 marks a significant milestone towards better protecting people in Canada and the environment from pollution and toxic chemicals. We look forward to the new provisions entering into force and call for them to be implemented to the highest standards.

Bill S-5 is the first major update to Canada's cornerstone environmental law since Parliament last reformed the law in 1999.

Passage of Bill S-5 represents important progress for the following reasons.

- It introduces **long-overdue updates for the control of toxic substances** and dangerous chemicals, including requiring that priority be given to prohibiting the most hazardous substances. The bill also updates the framework for assessing and managing toxic substances and improves transparency and accountability.
- The **right to a healthy environment** will be recognized for the first time under federal law. The legislation establishes a new duty for the government to uphold the principles of environmental justice, intergenerational equity, and non-regression — ensuring environmental protections cannot be rolled back. It also requires the federal government to consider the cumulative impacts of toxics, and their effects on vulnerable populations.

The government introduced the bill first in the Senate last year. The Senate and House committees studying the bill both approved some important strengthening amendments. Bill S-5 will now become law after the Senate reviews the House of Commons' amendments.

While we welcome passage of the bill, we note that MPs rejected many amendments that would have further strengthened it. There is more to do to complete the process of CEPA modernization, including removing barriers to citizen lawsuits when there are violations of the Act, action on air quality, labelling of hazardous substances in consumer products, and strengthening control of genetically engineered animals.

Environment and Climate Change Minister Steven Guilbeault has indicated that he intends to introduce a second CEPA modernization bill. It will need to address these outstanding recommendations for CEPA reform to complement Bill S-5.

Cassie Barker, Toxics Senior Program Manager, Environmental Defence, said:

“After more than a decade of advocacy, Canada's cornerstone toxics law will soon have new legal tools to better protect us from hazardous substances. However, further action is needed, and we are eager to see the government get to work on the next CEPA bill. We urge the government to deliver on its promise to require mandatory labelling of harmful ingredients, because we all deserve the right to know what toxics are in the products we use every day.”

Dr. Elaine MacDonald, Healthy Communities Program Director, Ecojustice, said:

“While not a comprehensive modernization of CEPA, Bill S-5 introduces long-overdue updates for the control of toxic substances and dangerous chemicals. It also recognizes the right to a healthy environment for the first time in federal law - a right that is integral to the full enjoyment of a wide range of human rights, including the right to life, health, food, water, and sanitation.”

Jennifer Beeman, Executive Director, Breast Cancer Action Quebec, said:

“Bill S-5 introduces some much needed new requirements and tools, such as the watch list, to reign in the widespread use of toxic chemicals. However, the bill also pushes the framework for action on a number of key issues, notably the implementation of the right to a healthy environment, to development after the bill's adoption. The government will need to move quickly to demonstrate that it is serious about tackling our urgent issues of environmental health injustices due to toxic pollution.”

Dr. Melissa Lem, CAPE Board President and family physician said:

“Whether it's asthma, cancer or reproductive issues, health professionals manage patients suffering the negative health effects of polluted environments every day. This is why long-awaited reforms to the Canadian Environmental Protection Act (CEPA), and the passage of Bill S-5 today, are good news for environmental and human health, and environmental justice. Yet the government must take further action on toxics for the health of people in Canada—a next CEPA reform bill cannot come too soon.”

Lisa Gue, National Policy Manager, David Suzuki Foundation, said:

“Passage of Bill S-5 marks a major milestone for environmental rights in Canada, inscribing the right to a healthy environment in the Canadian Environmental Protection Act. Now the work begins to protect that right and uphold the principle of environmental justice.”

For media inquiries:

Paula Gray, media@environmentaldefence.ca, 705-435-8611

Viorica Lorcencova, viorica.lorcencova@acsqc.ca, 514-443-8437

Reykia Fick, media@cape.ca, 647-762-9168

Brendan Glauser, bglauser@davidsuzuki.org, 604-356-8829

Sean O'Shea, Ecojustice, soshea@ecojustice.ca, 416-368-7533 ext. 523

Link to Bill S-5 backgrounder:

https://docs.google.com/document/d/1c1PvWFWjTH4UdUEtW151c9KzX_hThsxieQSwmUfkgc0/edit?usp=sharing