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Strategic Information Memorandum (SIM 06-001)

TO: Canadian Corporate Correspondents

FROM: Kirsten Vice 

SUBJECT: Environment Canada Consultation Notice re: Development of an Action Plan on Perfluorocarboxylic Acids and Precursors

Environment Canada (EC) recently announced the launch of consultations regarding proposed action to address perfluorocarboxylic acids (PFCAs) and their precursors (see attached December 20, 2005, letter from Leif Stephanson, Acting Director, Chemicals Control Branch, Environment Canada). Multi-stakeholder consultations were held by Environment Canada February 6 and 7, 2006, and a draft action plan to prohibit use of PFCA precursors is under development.

This information is relevant to Canadian pulp and paper manufacturing facilities, particularly those that produce grease-proof coated paper.

You may find it useful to review a previous SIM issued by NCASI [[SIM No. 05-002](#), January 28, 2005, *Environment Canada Information Requests with Respect to (1) Perfluorooctanate Sulfonate (PFOS), its Salts and its Precursors; and (2) Perfluoroalkyl and Fluoroalkyl Substances (PFAs)*]. This earlier SIM provides background information on the long-range transport and potential for bioaccumulation of the broad class of compounds known as PFAs, including the PFCAs that are the subject of this SIM.

The Consultation Notice recently posted by EC indicates that four fluorotelomers underwent scientific assessment under CEPA's New Substances Notification Regulations and were prohibited in mid-2004 (for three fluorotelomers) and early 2005 (for one more) as a preventative and precautionary measure, because it is believed they could be precursors of PFCAs. These prohibitions, under Section 84(1)(b) of CEPA, are temporary in nature, and will expire on June 23, 2006, and on January 17, 2007, respectively. EC is thus undertaking consultation towards developing a plan for action that will be taken upon expiration of these prohibitions, which could include the promulgation of regulations.

As indicated in SIM No. 05-002, the larger group of PFAs is currently under review as part of EC and Health Canada's categorization of the Domestic Substances List (DSL), and thus action taken by EC relative to these PFCA precursors may be an early indication of possible actions which may be considered for other PFAs found to be of concern.

Because perfluorooctanoic acid (PFOA) and its precursors are within the category of PFCAs, the development of a PFCA Action Plan is of particular interest to manufacturers of grease-proof papers. PFOA has recently been discussed by the media as an issue of concern. PFOA is used as a processing aid in some processes for manufacturing Teflon or Teflon coatings, but is also a breakdown product of fluorinated telomers used to manufacture stain- and water-resistant coatings. PFOA is widely distributed in the environment, and appears to be persistent and bioaccumulative.

The proposed action plan by EC incorporates six elements, including:

1. Maintenance of the existing prohibitions on four PFCA precursor substances and prohibitions for any new long-chain PFCA precursor substances proposed for use through issuance of new regulations;
2. Reduction of fluorotelomer intermediates and/or PFCA precursors in commercial substances;
3. Prioritization of the CEPA assessment of existing PFCAs and precursors;
4. Research to answer questions regarding assessment and management for these substances (including their sources, reaction rates, mechanisms, pathways and effects), as well as research directed at identifying alternatives;
5. International cooperation to address long-range transport issues and to ensure approaches under development by other jurisdictions will complement Canadian actions; and
6. Publishing of a Notice of Intent in the Canada Gazette regarding the details of this action plan.

This proposed action plan appears to be consistent with the ultimate decision taken regarding PFOS (also discussed in SIM No. 05-002), which was proposed for listing as "toxic" under CEPA on October 2, 2004.

It should be noted that recent PFOA-related activity in the U.S. indicates that PFOA and precursor substances could become voluntarily removed from products offered in commerce under EPA's PFOA Stewardship Program (see www.epa.gov/oppt/pfoa/pfoastewardship.htm), which is consistent with the direction of activity taken to date by EC on this issue.

Given that PFOS has already been declared "toxic" under CEPA, there is a high likelihood that the action plan proposed for PFCAs could lead to PFCA and precursor substances also being declared "toxic". These actions would very likely lead to the elimination of these substances from commercial use in Canada. Thus, it is likely that (a) pulp and paper companies using small quantities of these substances within additive formulations will over time see a replacement of these substances by their suppliers; and (b) pulp and paper companies using larger quantities of

these substances (e.g., in the manufacture of grease-proof paper) will need to actively seek alternative substances to continue manufacturing their existing products.

Although chemical manufacturing companies will be taking the lead in terms of industry action on use of these substances in Canada, pulp and paper companies manufacturing grease-proof paper may find it prudent to contact EC and request receipt of meeting minutes and copies of relevant documents as development of the action plan proceeds.

Consultation Notice / Avis de consultation
Action Plan on Perfluorocarboxylic Acids and Precursors/
Plan d'action pour les acides perfluorocarboxyliques et leurs précurseurs

Dear Sir or Madam,

The purpose of this letter is to inform you of Environment Canada's intention to hold consultations on proposed actions addressing perfluorocarboxylic acids (PFCAs) and their precursors.

PFCAs are fluorinated substances used in industrial applications and in consumer products. They may be released to the environment when manufactured, processed or used, and may also be formed through the degradation of precursors, such as fluorotelomer based substances.

Concern exists in the cases of PFCAs with longer chain lengths as these have shown a greater potential for bioaccumulation. Members of this class are known to be persistent and suspected to be bioaccumulative, subject to long-range transport (via a precursor), widespread throughout Arctic biota and associated with adverse effects in laboratory animals. Preliminary evidence shows a trend of increasing concentrations in Arctic mammals.

Four new fluorotelomer based substances underwent a scientific assessment subsequent to notification under the *New Substances Notification Regulations* of the *Canadian Environmental Protection Act, 1999* (CEPA 1999). The assessment concluded that the four notified substances could ultimately be a source of long-chain PFCAs.

As a precautionary and preventative measure, the Minister of the Environment prohibited these substances under the authority of

Monsieur, Madame,

Par la présente, Environnement Canada désire vous informer de son intention de tenir des consultations portant sur les actions proposées visant les acides perfluorocarboxyliques (APFC) et leurs précurseurs.

Les APFC sont des substances fluorées utilisées dans des applications industrielles et des produits de consommation. Elles peuvent être rejetées à l'environnement lors de leur fabrication, leur transformation ou leur utilisation, et peuvent aussi être formées lors de la dégradation de leurs précurseurs, tels que les substances à base de télomères fluorés.

Les APFC à longues chaînes sont préoccupants compte tenu de leur important potentiel de bioaccumulation. Il a été établi que les composés de ce type sont persistants, qu'ils pourraient être bioaccumulables et être transportés à grande distance (sous la forme d'un précurseur), qu'ils seraient répandus dans le biote arctique et qu'ils auraient des effets néfastes sur les animaux de laboratoire. Les résultats préliminaires révèlent une tendance à la hausse des concentrations chez les mammifères arctiques.

Quatre substances nouvelles à base de télomères fluorés ont été soumises à une évaluation scientifique suivant une déclaration faite sous le *Règlement sur les renseignements concernant les substances nouvelles* de la *Loi canadienne sur la protection de l'environnement (1999)* [LCPE (1999)]. Cette évaluation a conclu que ces quatre substances pouvaient constituer des sources d'APFC à longues chaînes.

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Par mesure de précaution et de prévention, le ministre de l'Environnement a interdit ces substances en application du paragraphe 84(1) b) de la LCPE (1999). Il s'agit d'interdictions temporaires qui seront levées après deux ans (le

paragraph 84(1)(b) of CEPA 1999. The prohibitions are temporary in nature, and will expire after two years (June 23, 2006 for three of the substances, and January 17, 2007 for the fourth) unless regulations are proposed to manage these substances. In such a case, the prohibitions would continue until the regulations come into force, at which time they would be replaced by the regulations.

Substances of the same chemical class are present on the Domestic Substances List (DSL) and are in commerce in Canada. Environment Canada is proposing an Action Plan to address the assessment and management of this class of substances. The elements of this action plan include:

- substances currently prohibited under the New Substances provisions of CEPA 1999;
- the approach by the New Substances Program in addressing such substances in the future;
- options to address members of this class already in commerce; and
- engagement of the research community and international regulators in contributing to assessment and management issues.

Stakeholders involved in activities associated with these substances will be invited to provide comments on the proposed action plan. **We plan to hold a bilingual consultation meeting on February 6-7, 2006 in Ottawa.** Further details on the consultations will be provided to those interested.

Your involvement could include either:

- attending the consultation meeting and providing your input through comments made during this meeting; or,
- receiving minutes of the meeting and copies of other relevant documents, and providing comments in writing to Environment Canada.

23 juin 2006 pour trois des substances et le 17 janvier 2007 pour la quatrième) à moins que la gestion de ces substances ne fasse l'objet d'un projet de règlement. Dans un tel cas, les interdictions continueraient jusqu'à l'entrée en vigueur du règlement, et seraient à ce moment remplacées par le règlement.

Il existe par ailleurs des substances de la même classe qui figurent sur la Liste intérieure des substances (LIS) et qui sont commercialisées au Canada. Environnement Canada propose un Plan d'action pour l'évaluation et la gestion de cette classe de substances. Le plan d'action aborde les éléments suivants :

- les substances actuellement interdites en vertu des dispositions de la LCPE (1999) sur les substances nouvelles;
- l'approche adoptée par le Programme des substances nouvelles pour gérer de telles substances à l'avenir;
- les options qui s'offrent pour gérer les membres de cette classe de substances qui sont déjà commercialisées;
- la mobilisation de la communauté scientifique et des organismes de réglementation internationaux en vue de contribuer à l'étude des enjeux liés à l'évaluation et à la gestion de ces substances.

Tous les intervenants des secteurs impliqués seront invités à nous faire part de leurs observations sur le plan d'action proposé. **Nous prévoyons tenir une réunion de consultation bilingue les 6 et 7 février 2006 à Ottawa.** Plus de détails sur les consultations seront fournis aux intéressés.

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Vous pouvez vous impliquer de l'une des façons suivantes :

- en assistant à la réunion de consultation et en faisant part de vos commentaires pendant la réunion; ou
- en recevant le compte-rendu de la réunion et des autres documents pertinents, et en envoyant vos commentaires par écrit à Environnement Canada.

On the enclosed reply form, please indicate the extent to which you would like to participate and return the completed form before January 16, 2006.

In order to ensure balanced representation of all interests, while maintaining a manageable number of people attending, it may be necessary for large groups with similar interests and opinions to select a few nominees or associations as representatives. If the returned reply forms indicate such a situation, those concerned will be notified and given the opportunity to select the most appropriate representatives to fill the available spots. Please note there is no limit on the number of stakeholders receiving correspondence.

A confirmation letter including additional information about the consultation meeting, an agenda as well as relevant documents will be sent at a later date. If you have any questions about this process, please contact :

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E-mail : nancy.seymour@ec.gc.ca.

Yours sincerely,

Leif Stephanson
A/Director, Chemicals Control Branch/
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Attach./p.j.

Veillez indiquer sur le formulaire de réponse ci-joint quelle forme prendra votre participation et retourner le formulaire complété avant le 16 janvier 2006.

Pour assurer une représentation équilibrée de tous les intérêts tout en maintenant un nombre raisonnable de participants, il se pourrait que les groupes imposants partageant des intérêts et des opinions similaires doivent désigner quelques délégués ou associations pour les représenter. Si les formulaires de réponse retournés indiquent que c'est le cas, les personnes concernées seront avisées et auront l'occasion de choisir les représentants les mieux à même de combler les places disponibles. Veuillez noter par ailleurs qu'il n'y a aucune limite au nombre d'intervenants participant par correspondance.

Une lettre de confirmation donnant des renseignements supplémentaires pour la réunion de consultation ainsi que l'ordre du jour et les documents pertinents vous seront envoyés ultérieurement. Si vous avez quelque question que ce soit au sujet du processus de consultation, n'hésitez pas à communiquer avec :

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Veillez agréer, Monsieur, Madame, l'expression de nos sentiments respectueux.

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