



TO: Scot Davidson, MP, Chair
c/o: Aimée Belmore, Joint Clerk
Standing Joint Committee for the Scrutiny of Regulations
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

May 26, 2026

AND TO: Hon. Senator Yuen Pau Woo
c/o: Melissa Doyle, Joint Clerk
Standing Joint Committee for the Scrutiny of Regulations
60 Queen Street
The Senate of Canada
Ottawa, ON K1A 0A4
By e-mail: REGS@parl.gc.ca

Re: February Gazette proposal to reclassify the regulatory status of 220 chemicals offers virtually no risk assessment evidence or analysis to justify doing so.

Dear Co-Chairs Mr. Davison and Mr. Woo,

I am writing regarding a regulatory reform proposed published in a recent edition of *Canada Gazette, Part I*, concerning the regulation of toxic chemicals.

The 11-page proposal is attached and available at the *Canada Gazette, Part I*.¹ It consists chiefly of a list of 220 chemicals—many identified only by chemical identification number—and a single four-paragraph explanation for conferring a status with lower regulatory oversight that, according to the explanation, those chemicals already enjoy. The inference is that the same chemicals, if synthesized differently, would no longer be subject to reduced regulatory oversight, though it is unclear how that oversight would be activated and what harm might have been caused by regulatory forbearance to date.

However, the chief difficulty with the notice is that the Minister of the Environment proposes to change the regulatory status of 220 chemicals without providing any evidence of their current risk profiles or hazards, or explaining how the reforms will help reduce harm. An unnamed official in the Science and Technology Branch of Environment and Climate Change Canada advised me by email that the regulatory impact assessment statement would not be provided until *after* the regulatory change is finalized and published in the *Canada Gazette, Part II*.

The message underpinning the proposal seems to be “Trust us, we know what we are doing,” rather than scientifically and legally discernible evidence to justify to Canadians the government’s new approach to so many chemicals.

The paucity of justification in the proposal seems contrary to:

- A. Treasury Board regulation-making policy,
- B. leading Supreme Court jurisprudence on administrative law,
- C. a series of Auditor General admonitions concerning the regulation of toxic chemicals, and
- D. the government’s treaty commitments to reduce the harmful impact of toxic chemicals.

A. The **Treasury Board “Policy on Regulatory Development”** states, in part:

6. Principles

This policy is grounded in the following four principles, set out in the directive, to guide departments in developing, managing and reviewing regulations:

- 1. Regulations protect and advance the public interest and support good government:** *Regulations are justified by a clear rationale in terms of protecting the health, safety, security, social and economic well-being of Canadians, and the environment.*
- 2. The regulatory process is modern, open and transparent:** *Regulations, and their related activities, are accessible and understandable, and are created, maintained, and reviewed in an open, transparent, and inclusive way that meaningfully engages the public and stakeholders, including Indigenous peoples, early on.*
- 3. Regulatory decision-making is evidence-based:** *Proposals and decisions are based on evidence, robust analysis of costs and benefits, and the assessment of risk, while being open to public scrutiny...² [underscoring added]*

B. The especially thin justification also seems contrary to the leading case on administrative law in Canada, the 2019 decision of the **Supreme Court of Canada in *Canada v Vavilov***, which explains the intention of the Court’s new overall approach to supervising administrative actions:

“We will also affirm the need to develop and strengthen a culture of justification in administrative decision making.”³

C. A 2018 **Auditor General report focused on enforcement activities concerning toxic chemicals** (following up on four previous, largely unresolved audits in 1999, 2002, 2009, and 2011⁴) made the following observation at paragraph 1.31:

“However, we found overall that risk to the environment and human health was not a key criterion in prioritizing most of Environment and Climate Change Canada’s enforcement activities. According to the Department, it prioritized enforcement activities mainly on the basis of businesses’ potential for non-compliance. Consequently, the Department did not know whether its targeted enforcement activities focused on businesses that posed the greatest risks to human health and the environment.”⁵

D. Finally, the proposal fails to indicate how this measure, which affects 220 toxic chemicals and hazard-relevant variants, advances Canada’s 2022 commitment to Target 7 of the **United Nations Kunming-Montreal Global Biodiversity Framework**, namely:

“by reducing the overall risk from pesticides and highly hazardous chemicals by at least half, including through integrated pest management, based on science, taking into account food security and livelihoods”⁶

Guidance from the United Nations indicates that member states can quantify risks by one of two methods, as follows:

“Indicator: 7.2 Pesticide environment concentration and/or aggregated total applied toxicity *Parties may choose to report on pesticide environment concentration and/or aggregated total applied toxicity headline indicator, depending on the availability of methodology and in accordance with their national circumstances and technical capacities.”⁷*

However, to our knowledge, neither the Minister of Health nor the Minister of Environment has committed to either or any approach to quantify risks and, even if it has, it has not revealed that approach in the *Gazette* notice.

At a minimum, we urge the Joint Committee on the Scrutiny of Regulations to recommend that the Minister of Environment withdraw the regulatory proposal and resubmit it with robust evidence to justify the action to citizens and explain the rationale and estimated consequences of regulatory forbearance to date, with quantified estimates of harm and harm expected to be avoided to the extent that such information is available.

Respectfully submitted,



Bill Jeffery, BA, LLB, MA, Chair, Toxics Caucus
Canadian Environmental Network

Endnotes

¹ Published February 14, 2026 at 153-163: <https://gazette.gc.ca/rp-pr/p1/2026/2026-02-14/pdf/g1-16007.pdf>

² Available at: <https://www.canada.ca/en/government/system/laws/developing-improving-federal-regulations/requirements-developing-managing-reviewing-regulations/guidelines-tools/policy-regulatory-development.html>

³ *Canada v. Vavilov*, 2019 SCC 65 (CanLII), [2019] 4 SCR 653, at para. 2. Available at: <https://www.canlii.org/en/ca/scc/doc/2019/2019scc65/2019scc65.pdf>

⁴ Office of the Auditor General. Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada: Independent Auditor’s Report 1: Toxic Substances. (Ottawa: OAG, 2018), Exhibit 1.1 on page 2. Available at: https://publications.gc.ca/collections/collection_2018/bvg-oag/FA1-26-2018-2-1-eng.pdf

⁵ Office of the Auditor General. *Supra* note 3 at page 7.

⁶ *Convention on Biological Diversity*. 5 June 1992. United Nations Treaty Series Vol. 1760 (page 79). Available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201760/v1760.pdf> and Decision adopted by the Conference of the Parties to the Convention 5/4. Kunming-Montreal Global Biodiversity Framework. CBD/COP/DEC/15/4 19 December 2022. Target 7(b). Available at: <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>

⁷ UN Environment Program and World Conservation Monitoring Centre. “Indicators for the Kunming – Montreal Global Biodiversity Framework.” Available at: <https://www.gbf-indicators.org/>