

# CCPA Director Raises Alarm on SPP Regulatory Agreement

## Canadian Industrial Chemical Regulations Could be Weakened

THE SPP REGULATORY AGREEMENT SIGNED AT MONTEBELLO WILL SET CANADA ON A COURSE THAT WILL LIKELY WEAKEN ITS REGULATORY SYSTEM FOR INDUSTRIAL CHEMICALS, argues Bruce Campbell, Executive Director of the Canadian Centre for Policy Alternatives (CCPA). The agreement commits the three NAFTA countries to harmonize chemical testing, research and risk assessment approaches, and work towards a single North American voice in international standard setting bodies which, "given existing power realities, means an American voice."

On September 28, 2007, Mr. Campbell addressed MPs and representatives of leading environmental and human rights organizations in the Rideau Institute boardroom. Drawing on his recently released report, *More Than Jellybeans: The SPP Regulatory Framework Agreement and Its Impact on Chemicals Regulation*, Mr. Campbell led a discussion on the impacts of the Security and Prosperity Partnership of North America (SPP) on Canadian health and safety and the environment.

According to Campbell, CEOs have been complaining about tougher Canadian regulations that are preventing certain U.S. goods from being sold in Canada. Comparing the length of Canadian and American toxic substance lists, Dr. Kapil Khatter of Environmental Defence noted that, "our list is much larger than theirs."



Bruce Campbell, Executive Director of the Canadian Centre for Policy Alternatives (CCPA)

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“Signing this SPP chemicals harmonization agreement is further evidence that the Harper government is moving Canada deeper into the business-friendly U.S. camp and away from the much stronger European system, which takes a safety-first approach to regulation,” said Campbell. “How much more risk to health, safety and the environment will Canadians have to incur in the name of

business competitiveness?” Referring to the move away from the precautionary principle, Rideau Institute Director Steve Staples said that in effect the government is saying, “unless bodies start piling up, we won’t worry about this.”

In a broader context, the SPP harmonization agreement is part of ongoing government efforts to implement the agenda of free trade, de-regulation and privatization, said Steven Shrybman, a public interest lawyer with Sack Goldblatt Mitchell. Mr. Shrybman echoed Mr. Campbell’s concerns that harmonization efforts would

inhibit the Canadian government from setting independent policies on chemicals. According to Mr. Shrybman, Cabinet directives requiring government regulators to consider NAFTA and the WTO are “creating so many hoops for would-be regulations to jump through that none are likely to survive the process”. Moreover requiring compliance with free trade rules is entirely extraneous to the purposes of statutes such as the Canadian

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Environmental Protection Act (CEPA) and the Food and Drug Act. Yet on numerous occasions “officials have admitted that key initiatives have been abandoned because of concern about trade agreement compatibility,” said Mr. Shrybman.

Mr. Campbell advocated vigilance by civil society given “the pervasive secrecy” surrounding the rapid and sweeping negotiations currently under way for SPP regulatory harmonization. “The current government is into information control,” stated Mr. Campbell. As an example, he cited how the important SPP sub-agreement on chemicals regulation was not available on the Canadian government web site.



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Staff for NDP trade critic Peter Julian also voiced frustration over government secrecy, saying they had to “arm-twist” to get committee hearings on the SPP and they encountered obstacles in obtaining requested information through the Access to Information Act. “Virtually an entire speech by [Minister of Natural Resources] Gary Lunn is blanked out,” said one staff member.

In addition to its impact on industrial chemicals regulations, the SPP has important implications for other Canadian sectors, such as national security, energy and natural resources. Given the widespread implications

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of the SPP, boardroom participants concluded that they needed to further pressure the Canadian government to bring details of the SPP out into the public domain. Commenting on the merits of debating the SPP, Victoria NDP MP Denise Savoie asked, “If this is a good thing, what are we afraid of?”

*More Than Jellybeans: The SPP Regulatory Framework Agreement and Its Impact on Chemicals Regulation* is available on the CCPA web site: <http://www.policyalternatives.ca>

### **The Rideau Institute On International Affairs**

30 Metcalfe Street, Suite 500, Ottawa, ON K1P 5L4

Tel: 613-565-4994 • Fax: 613-565-7720

[operations@rideauinstitute.ca](mailto:operations@rideauinstitute.ca)

[www.rideauinstitute.ca](http://www.rideauinstitute.ca)

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