



FERTILIZER CANADA

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Laura Farquharson
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Environment and Climate Change Canada
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Gatineau, Quebec K1A 0H3

Via e-mail: laura.farquharson@canada.ca

September 25, 2020

RE: Follow-up report to the House of Commons Standing Committee on Environment and Sustainable Development on the Canadian Environmental Protection Act, 1999

Dear Ms. Farquharson,

Fertilizer Canada represents manufacturers, wholesale and retail distributors of nitrogen, phosphate, potash, and sulphur fertilizers – supporting farmers, who feed Canadians and the world. Fertilizer keeps soils productive, improving both the quantity and quality of food, fuel, and fibre crops. The fertilizer sector supports policy that balances environmental performance and economic certainty, and enables farmers continued access to the inputs they need for crop production.

Fertilizer Canada and its members have a long history of working with federal and provincial governments to establish achievable environmental performance targets for industrial manufacturing and mining as well as on initiatives relating to the stewardship of our products. Downstream, Fertilizer Canada and its members have proactively developed programs that help reduce environmental impacts on-farm while improving application practices. 4R Nutrient Stewardship (Right Source @ Right Rate, Right Time, Right Place®) is a science-based sustainable agriculture program to ensure economically efficient, environmentally sustainable, and socially responsible use of fertilizer. The 4R Climate Smart Protocol is a United-Nations recognized protocol based on 4R Nutrient Stewardship, which allows farmers to optimize their application practices to reduce on-farm nitrous oxide emissions in a quantifiable, credible, and verifiable way to produce carbon credits.

Fertilizer Canada thanks you for the opportunity to respond to the *Follow-up report to the House of Commons Standing Committee on Environment and Sustainable Development on the Canadian Environmental Protection Act, 1999*. **Fertilizer Canada would also like to thank ECCC for maintaining the ‘best placed act’ provision and a practical and flexible, risk-based approach.**



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Anhydrous Ammonia and Schedule 1 of CEPA

Fertilizer is regulated under CEPA primarily through the capture of ammonia in Schedule 1. Anhydrous ammonia is an important product, not only as a highly effective fertilizer, but also in the manufacture of a diverse number of other fertilizer and non-fertilizer products as well as for use in other industrial markets. However, the industry also has a number of products which are regulated under other federal statutes such as the *Fertilizers Act*. The allowance of product-specific expertise through the “best placed act” provision is a celebrated quality of CEPA that should be maintained. **Therefore, Fertilizer Canada does not support the recommendation that CEPA be the principle statute for products containing toxic substances.**

Air-Quality Management System (AQMS)

On behalf of our members, we would also like to reiterate our support of the current development channels of the Air-Quality Management System (AQMS), including the Canadian Ambient Air Quality Standards (CAAQs) Development and Review Working Group and expand its stakeholder representation.

The fertilizer industry was extremely concerned with the Committee’s previous recommendation to shift from a risk-based system to a hazard-based system under CEPA but is pleased to see that the risk-based system has been maintained. The industry has placed significant resources to communicate and manage the risks of its products and ensure that they are used responsibly, both to maintain a high level of safety as well as minimize environmental impact. Provisions such as mandatory substitution tests may needlessly limit or eliminate access to highly effective products whose hazards have been managed successfully for decades, for products that are potentially less effective or inappropriate. The maintained practical and flexible, risk-based approach supports the competitiveness of our industry in the global market and helps foster the growth of Canada’s economy while encouraging good environmental performance.

With the mention of AQMS within the Follow-up Report, Fertilizer Canada would like to take this opportunity to reiterate our support for the development channels of the AQMS, including the CAAQs Development and Review Working Group and expand its stakeholder representation.

Additionally, the plan to increase reporting requirements under the National Pollutant Release Inventory (NPRI) is of concern. While supporting the Committee’s objective of transparency, current reporting requirements under NPRI are comprehensive and a process is already in place to address concerns. The current system should be maintained, with any future change considerations processed through the appropriate government channels with proper consultation. Any mandatory monitoring of toxic substances should be practical in the scope of substances captured, with requirements that are reasonable and harmonized with provincial monitoring requirements and developed in consultation with stakeholders. There is



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additional concern with the significant expansion in scope that would result from lowering the threshold for environmental protection actions from “significant harm” to “harm” which may allow for an increase in unsubstantiated claims and strain enforcement resources.

The report also recommends that the federal government develop legally binding and enforceable national air quality standards. The development of such a system would undermine the work that has already been performed by industry, non-governmental organizations, and governments to create the AQMS which already aims to improve emissions related to air quality. Development of air quality standards should remain with the current development channels, including the CAAQS Development and Review Working Group which should be expanded to include more stakeholders to perform more fulsome consultation.

Fertilizer Canada stands ready to work with the Government of Canada as the review of CEPA moves forward and asks to be included in any CAAQS Development and Review Working Group. In the meantime, please do not hesitate to reach out should you have any questions with regards to this submission.

Regards,

McKenzie Smith

Director, Stewardship & Regulatory Affairs
Fertilizer Canada