

October 2022

Protecting nature against new living organisms in Bill S-5

Bill S-5 was amended in the Senate by including:

- a requirement that the CEPA ministers determine whether a proposed new living organism is actually needed (s 108(1)); and
- a provision allowing the CEPA ministers to make regulations for meaningful public participation in risk and waiver request assessments conducted under Part 6 (para 114(1)(g.1)).

Additional amendments to section 106 were approved at the Standing Senate Committee on June 7, 2022. These amendments would have ensured that proponents bear the burden of submitting information showing that a proposed new animal having a wild counterpart is needed, and is not CEPA-toxic or capable of becoming CEPA-toxic; and that a “significant new activity” (SNAc) involving the animal is needed, and that the SNAc will not render the animal CEPA-toxic or capable of becoming CEPA-toxic. The amendments would have also required that public notice be given when a proponent requests a waiver of information requirements about the animal, and that the public have opportunities to participate in the assessment. However, the s 106 amendments were reversed by the same committee a few days later.

Yet to be done in the House of Commons:

- elaborate on the meaning of “demonstrable need:” CEPA is already framed in terms of pollution prevention and sustainable development. We will propose rules for “need” that complement these objectives;
- reinsert the amendments to section 106;
- fine-tune section 108 to encourage meaningful public participation; and
- add a provision saying that when the new living organism will pose a hazard to its wild counterpart or to biological diversity and will not bring other social and environmental public benefits, neither manufacture nor import of the new living organism will be allowed in Canada.

Mark Butler, Senior Advisor



mbutler@naturecanada.ca
902-266-5401