

# Comments on the Risk Management Approach for Per- and polyfluoroalkyl substances (PFAS), excluding fluoropolymers

Submitted by Ottawa Riverkeeper  
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Ottawa Riverkeeper, a Canadian charity, is a champion and collective voice for the Ottawa River watershed, providing leadership and inspiration to protect, promote, and improve its ecological health and future. We inspire action and collaboration in order to achieve a healthy Ottawa River in which every person can safely swim, drink, and fish.

Ottawa Riverkeeper previously commented on both the *Draft State of per- and poly-fluoroalkyl substances (PFAS) Report* (May 2023) and the *Updated State of PFAS Report and the Revised Risk Management Scope for PFAS in Canada* (Sept. 2024). We remain deeply concerned regarding the presence of PFAS in the environment, within freshwater ecosystems, and the implications for drinking water. The proposed Risk Management Approach fails to address these concerns with the urgency needed to reduce the introduction of PFAS into freshwater ecosystems, nor does it provide an understanding of how the Ministers responsible will establish the controls and regulatory measures that will provide the foundation for these protections.

## Embracing the Guiding Principles for CEPA 1999

Within the Canadian government's *Guide to understanding the Canadian Environmental Protection Act* is a list of guiding principles. This includes the use of

the precautionary principle<sup>1</sup>. Ottawa Riverkeeper strongly supports the move by the Ministers for PFAS be added to CEPA 1999; however, we ask that the Ministers consider the precautionary principle by applying this approach to the proposed *Risk Management Approach* to PFAS to strengthen the response to this emerging contaminant of concern.

## Listing PFAS under CEPA 1999

Ottawa Riverkeeper supports Health Canada's and Environment and Climate Change Canada's decision that PFAS meets the criteria under paragraphs 64(a) and (c) of the CEPA 1999. However, we are disappointed by the proposal to list PFAS under Part 2 of Schedule 1. This section of CEPA 1999 has fewer requirements compared to Part 1<sup>2</sup> of Schedule 1.

Part 2 of Schedule 1 emphasizes pollution protection but does not require regulatory measures that would restrict activities that use PFAS or their release to the environment. As a result, there is no obligation for regulatory measures by the Ministers and provides an opportunity for the adoption of non-regulatory

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<sup>1</sup> In chapter 3 of the [Guide to understanding the Canadian Environmental Protection Act](#) the description of the precautionary principle is as follows: *The government's actions to protect the environment and health are guided by the precautionary principle, which states that "where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."*

<sup>2</sup> Under subsection 77(3), a substance must be recommended for addition to Part 1 of Schedule 1 to the Act when the substance is determined to be toxic and the Ministers are satisfied that:

- (a) the substance may have a long-term harmful effect on the environment and
  - (i) is inherently toxic to human beings or non-human organisms, as determined by laboratory or other studies
  - (ii) is persistent and bioaccumulative in accordance with the regulations
  - (iii) is present in the environment primarily as a result of human activity, and
  - (iv) is not a naturally occurring radionuclide or a naturally occurring inorganic substance
- (b) the substance may constitute a danger in Canada to human life or health and is, in accordance with the regulations, carcinogenic, mutagenic or toxic for reproduction; or
- (c) the substance is, in accordance with the regulations, a substance that poses the highest risk

measures to be put in place. This is not a satisfactory approach for an emerging contaminant of concern, such as PFAS.

In addition, there are three criteria within paragraph 64<sup>3</sup> of CEPA 1999 for a substance to qualify for Part 1 of Schedule 1. The *Risk Assessment Approach* states that PFAS can not be listed under Part 1 as it does not meet the criteria for paragraph 64(b). However, the *State of PFAS Report* describes a variety of characteristics for PFAS that could be interpreted to constitute a danger to the environment on which life depends. It is also not clear that a substance needs to meet all three sections of Paragraph 64 of CEPA 1999 to be included in Part 1 of Schedule 1. As a result, Ottawa Riverkeeper seeks further clarity on how this distinction was made for PFAS to be added under Part 2 of Section 1, rather than Part 1 of CEPA 1999.

## Excluding Fluoropolymers from the Risk Assessment Approach.

Ottawa Riverkeeper continues to advocate for the inclusion of fluoropolymers within the current classifications for PFAS. There remain concerns about this group of substances regarding their production and disposal, and therefore requires that the Ministers address this source of pollution within the scope of this current Risk Management Approach. We remain unsatisfied that an alternative approach—to add fluoropolymers to the *Proposed Plan of Priorities* for further assessment—was taken. The Proposed Plan will not be published until June 13, 2025, and only then will there be any information about the timelines and approach for the additional work required for fluoropolymers. Ottawa Riverkeeper insists that the Ministers reconsider this approach, adhering to the guiding principles for CEPA 1999, and add fluoropolymers to the current Risk Management

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<sup>3</sup> From [The Canadian Environmental Protection Act, 1999 and the Assessment of Existing Substances](#) Factsheet: According to section 64 of CEPA 1999, substances are considered harmful if they are entering or could enter the environment in quantities or concentrations or under conditions that:

- have or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- constitute or may constitute a danger to the environment on which life depends; or
- constitute or may constitute a danger to human life or health in Canada.

Approach to ensure that robust protections are put in place which require regulatory compliance by those responsible for producing these contaminants.

## Adopting Meaningful Guidelines for Thresholds

Ottawa Riverkeeper strongly encourages the Ministers for Health Canada and Environment and Climate Change Canada to prioritize the necessary actions to ensure that CEPA 1999 is able to address the immediate or long-term harmful effects on the environment, its biological diversity, and any danger in Canada to human life or health that PFAS may impose. This includes adopting environmental guidelines and drinking water guidelines that are sufficiently stringent to ensure the exposure to PFAS takes into consideration the bioaccumulation of PFAS.

According to the State of PFAS report, there are a number of studies that demonstrate the ability of PFAS to bioaccumulate and that this can negatively impact a variety of organisms, including humans. In addition, PFAS have been found in a variety of organisms, including plants, creating multiple pathways for exposure to PFAS. For this reason, conservative environmental guidelines must be adopted to allow for adequate protections to be put in place.

## Urgency is Required for Managing PFAS

Ottawa Riverkeeper is extremely concerned by the lack of urgency the Canadian Government has in addressing PFAS, which pose a significant enough risk to warrant being added to CEPA. Currently, only phase 1 (fire fighting foams) has a date for proposed regulation of Spring 2027. Only after this is completed does it appear that the consultation for phase 2 will begin. There is no reason to expect that proposed regulatory measures will be established any faster than that of phase 1 (currently expected to take at least 2 years). Phase 2 includes a number of materials that people regularly come into contact with and have known alternatives available. There does not appear to be a reason for this delay in reviewing the materials listed in phase 2, and for regulatory measures to be proposed in a more timely manner.

It would behoove the Canadian Government to complete phases 1 and 2 in tandem. This could expedite regulations for a wider range of uses and provide the

needed protection for both environmental and human health. It would still provide additional time for phase 3, the only phase where alternatives are not known and may require further investigation. Ottawa Riverkeeper feels that this is a reasonable request given that there is a provision in the Risk Management Approach which allows for uses to be removed or added over time once a deeper understanding of use and context is gained. This would allow for substances to be provided additional time, should that be required, without delaying action on other substances that fall under the classification for PFAS. This same argument can be applied to the inclusion of fluoropolymers; rather than wait for a later date to begin assessing these materials, they could be added to this phased approach to ensure they, too, are examined within a reasonable period of time.

## Conclusion

PFAS have been widely detected in the environment, in human bodies, and in water sources, including rivers, lakes, and coastal areas. PFAS are known to not only have irreversible harms to the environment, but also appear to be quite prevalent across a wide range of locations<sup>4</sup>. They do not break down in the environment and can move through soils to contaminate and bioaccumulate in plants, fish, and wildlife.

Ottawa Riverkeeper is concerned about the potential long-term consequences that these persistent chemicals may have on aquatic life and ecosystems, as well as human health. The bioaccumulation of these chemicals in the food chain directly impacts the health and survival of wildlife, compromising the biodiversity essential to the planet's ecological balance. Ottawa Riverkeeper asks that Health Canada and Environment and Climate Change Canada urgently address the need for these substances to be regulated with measures and guidelines required to protect the environment, including freshwater ecosystems.

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<sup>4</sup> [Composés Perfluorés Dans L'eau Potable Au Québec](#), Gouvernement du Québec, 2022  
This report provides an example of the prevalence of PFAS. Despite a limited number of locations sampled (total of 41), the presence of PFAS ranged from 100% in surface areas, 27% in groundwater, and 67% in the lakes sampled.