



NOV 29 2024

Mr. W. Scott Thurlow  
President  
Thurlow Law  
98 Country Club Drive  
Ottawa ON K1V 9Y7

Dear Mr. Thurlow:

This letter is in response to the Notice of Objection and request for the establishment of a board of review that you filed regarding the proposed Order Adding a Toxic Substance (crude tall oil or CTO) to Schedule 1 to the *Canadian Environmental Protection Act, 1999* (CEPA). The proposed Order was published in the *Canada Gazette*, Part I, on February 18, 2023.

Subsection 332(2) of CEPA states that any person may file a notice of objection requesting that a board of review be established. As set out in subsection 333(1) of CEPA, the mandate of a board of review in this instance would be to inquire into the nature and extent of the danger posed by crude tall oil.

I have carefully considered the issues set out in your Notice of Objection. As the information provided in this notice does not raise sufficient uncertainty or doubt about the considerations underlying the proposed Order to warrant the establishment of a board of review, I deny your request and will not establish such a board. The considerations underlying the proposed Order relate to the ability of crude tall oil to have an immediate or long-term harmful effect on the environment or its biological diversity, as set out in section 64 of CEPA.

In your Notice of Objection, you provided comments and data and suggested that the evidence presented on the potential sites of production or estimation of release or environmental occurrence of CTO at Canadian kraft mills in the final screening assessment was in error.

The CTO release estimates in the final screening assessment focus on CTO components in kraft mill effluents originating from intentional co-production of this substance at certain Canadian kraft mills and not inadvertent production by all kraft mills. These estimates were based on sound scientific evidence,

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including evidence from site visits to CTO production operations in Canada. The approach was both realistic and protective: it reflects the current CTO production in Canada and is not being applied to all kraft mills in this country in the final screening assessment as incorrectly stated in your Notice of Objection. No new information was provided in your Notice that would raise sufficient uncertainty or doubt in the scientific considerations underlying the proposed Order.

You also commented that significant updates were made in the finalization of the screening assessment without adequate stakeholder consultation on these changes.

The updates to which you refer clarified certain assumptions in the CTO co-production scenario presented in the draft screening assessment. These changes were guided by information and data received during the 60-day public comment period, by additional evidence gathered by Environment and Climate Change Canada's 2019 site visits to CTO production operations, and by information found in the scientific literature since the publication of the draft screening assessment. No new CTO release scenarios were included in the final screening assessment, and the scope of mills considered (i.e. those that co-produce CTO) remained unchanged. Finally, the conclusion of the screening assessment remained unchanged. Overall, the changes made to the final screening assessment did not represent a significant update to the ecological risk assessment methodology applied in the draft screening assessment, unlike you suggested in the Notice of Objection, and therefore did not require further consultation.

The comments you submitted in your Notice of Objection were also considered in the context of the risk management instrument that will be developed for CTO, and Environment and Climate Change Canada will further consult with stakeholders in the development of this instrument.

I appreciate your bringing your concerns to my attention. Please accept my best regards.

Sincerely,



The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)