



MAY 28 2024

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Ms. Anna McIntosh
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Elaine MacDonald, Ph.D.
Director, Healthy Communities Program
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Dear Ms. Roe, Ms. McIntosh and Dr. MacDonald:

Thank you for your correspondence of March 11, 2024, written on behalf of your clients (Athabasca Chipewyan First Nation, Keepers of the Water, and Environmental Defence), requesting, under subsection 76(1) of the *Canadian Environmental Protection Act, 1999* (CEPA), that the Minister of the Environment and the Minister of Health assess oil sands process-affected water naphthenic acids (OSPW NAs) to determine whether they are toxic or capable of becoming toxic under CEPA.

The information submitted in your request was reviewed, and it aligns with information currently being collected and generated by the Government of Canada and others on OSPW NAs. Both the request and the information being collected and generated by the Government and others provide scientific evidence on the potential toxicity of OSPW NAs that warrants further investigation.

Beginning with the 2020 reporting year, naphthenic acids and their salts, including those in oil sands process-affected water, have been added to CEPA's National Pollutant Release Inventory. In addition, research, monitoring, and

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surveillance work is currently being led or funded by the Government on OSPW NAs. In particular, research by Environment and Climate Change Canada since 2009 has been conducted under three primary research streams: 1) the development of analytical methodology to detect potential seepage of chemicals in oil sands process-affected water, including naphthenic acids, from tailings containments; 2) the effects-directed analysis of bitumen organics (including naphthenic acids) to isolate and identify the substances having effects on aquatic biota; and 3) the development of certified reference materials and a naphthenic acid standard. There are plans to develop federal environmental quality guidelines for naphthenic acids in aquatic systems, and OSPW NAs may also be addressed under the *Fisheries Act* in the future.

In response to your request and given the available scientific evidence, OSPW NAs will be added as a priority for assessment to the proposed Plan of Priorities being developed under section 73 of CEPA. This plan will be published for consultation in summer 2024 and finalized by June 2025 as provided for in subsection 73(1) of the Act.

Should you have any further questions or would like to be added to the distribution list of the Department's Science Reporting and Assessment Directorate, please write to substances@ec.gc.ca.

Please accept my best regards.

Sincerely,



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

c.c.: The Honourable Mark Holland, Minister of Health