Federal Government Proposes New CEPA Rules to Regulate CMR Toxic Substances



On October 2, 2026, the federal government proposed new regulations covering a certain class of high-toxic substances under its primary anti-pollution law, the *Canadian Environmental Protection Act* ("CEPA"). Here's a briefing on what Canadian Environmental, Health, and Safety (EHS) coordinators should know about the new regulations.

The CEPA CMR Regulations

In June 2023, Canada amended its rules for management and classification of high-risk toxic substances under the CEPA. Rather than putting all toxic substances on a single Schedule 1 list, the government would begin classifying high-risk toxic substances by separate risk-based categories:

- **Part 1** for substances posing the highest risk, which would be subject to stricter regulation.
- **Part 2** for other toxic substances that would remain subject to regular risk management.

The new regulations establish criteria for the federal Ministers of Environment and Health to use in determining whether to designate a substance for listing in Part 1 on the grounds that it constitutes a danger to human life or health and "is carcinogenic, mutagenic, or toxic for reproduction"

(CMR).

The CMR Criteria

The proposed CMR criteria align with international standards, including the United Nations Globally Harmonized System (GHS) for classifying chemicals according to the health and environmental risk they pose.

C—Carcinogenicity Criteria

A substance is carcinogenic if it causes or increases the incidence of cancer. The proposed regulations group carcinogens into two categories:

- **GHS Category 1A:** Known human carcinogens based on epidemiological evidence showing a causal link in humans.
- **GHS Category 1B:** Presumed human carcinogens based on animal experiments or limited evidence from both animal and human studies.

M—Mutagenicity Criteria

A substance is considered mutagenic if it causes gene mutations, that is, permanent sequence changes in a person’s DNA. Mutations that are passed on to later generations are characterized as “heritable.” The regulations propose two categories of mutagens:

- **GHS Category 1A:** Substances known to cause heritable mutations in human reproductive cells based on epidemiological evidence.
- **GHS Category 1B:** Substances presumed to cause heritable mutations in human reproductive cells based on mammal experiments or evidence of non-heritable mutations in humans.

R—Reproductive Toxicity Criteria

Reproductive toxicants negatively impact sexual function and fertility in adults and may cause birth defects in children. As with carcinogens and mutagenics, the regulations divide reproductive toxicants into 1A and 1B categories:

- **GHS Category 1A:** Known human reproductive toxicants based on evidence from effects on humans.
- **GHS Category 1B:** Presumed human reproductive toxicants based on evidence from effects on animals.

What Happens Next

The government will take public feedback on the proposed regulations until December 2 and will likely publish a final version some time in 2027. After finalizing the CMR criteria, it will have to create regulations to actually prohibit, limit, or otherwise regulate the manufacture, import, or use of the specific substances based on those criteria. In other words, the CMR criteria aren’t limits in themselves but the foundation for future health and environmental regulations of CMR substances.