

November 2011

D5 SILOXANES BOARD of REVIEW

Frequently Asked Questions

What is a Board of Review?

A Board of Review (BOR) is an independent scientific panel of experts established by the Canadian Minister of Health or the Environment under the Canadian Environmental Protection Act (CEPA) to inquire into the nature and extent of danger posed by a substance that has been the subject of a risk assessment. The board is established by one of the Ministers in response to a request by anyone who files a notice of objection AND can provide a scientific basis for establishing a BOR to objectively review the original risk assessment. CEPA permits any interested party to file a notice of objection with the Environmental or Health Minister requesting that a BOR be established as long as the objection is filed within 60 days after a proposed order or regulation is published in the Canada Gazette. The party must include a statement of the reasons for its objection and request. The decision regarding whether to grant a BOR falls within the discretion of the Minister.

In the case of the Siloxane D5 (D5), the Environmental Minister decided to establish an independent BOR because he agreed that a further inquiry into the nature and extent of the danger posed by D5 was warranted in light of relevant, new scientific information and data that had not been examined during the original risk assessment of D5.

The establishment of this Board of Review under CEPA is unprecedented.

Background Leading to the Board of Review

A final screening assessment that considered whether D5 posed a danger to the environment and/or human health was issued by the Environment and Health Ministers of Canada in 2009. This assessment concluded that D5 does not constitute a danger to human life or health. However, based on the information available at the time, it concluded that D5 is entering the environment under conditions that have or “may” have effects on the environment.

Specifically, this assessment concluded that “D5 is entering the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity”. Because Environment Canada found that ecological concerns for D5 met the criteria set forth in CEPA, it proposed adding D5 to its Toxic Substances List (Schedule 1). This Proposed Order was published in the Canada Gazette on May 16, 2009.

Why was the Board of Review Established?

Following Environment Canada’s issuing a Proposed Order designating D5 as toxic under CEPA, the Silicones Environmental, Health and Safety Council (SEHSC) filed a notice of objection and a request with the Minister of the Environment to establish a BOR in accordance with CEPA because of the availability of new scientific information and data not previously examined by Environment Canada during the original screening assessment of D5. SEHSC maintained that the ecological screening assessment was not consistent with the best available science and risk assessment methodology. The Canadian Environment Minister subsequently granted SEHSC’s request and a BOR was established in August 2010. The Minister directed the Board to advise him based on the newly available science whether D5 could pose a risk to the environment.

Who was on the Board of Review and How Were They Selected?

The Siloxane D5 Board of Review was comprised of [three renowned toxicologists](#) possessing expertise in human health and the environment. The Board members were appointed by the Minister of the Environment. The objective of the BOR was to evaluate the nature and extent of the danger posed by the substance to the environment and its biological diversity.

What did the Board of Review Determine?

Following a scientific review process that included formal hearings and a rigorous examination of all the relevant scientific information related to D5’s behavior in the environment and any potential danger posed by D5 to the Canadian environment or its biological diversity, the Board concluded in late October 2011 that “*Siloxane D5 does not pose a danger to the environment or its biological diversity.*” Furthermore, the Board concluded that, “*based on the information presented, Siloxane D5 will not pose a danger to the environment or its biological diversity in the future.*”

What are Next Steps Since the Environment Minister Has the Report?

A decision related to the BOR report is expected to be made by the Minister of the Environment in the coming weeks.

It should be noted that placing chemical substances on the toxic substances list (Schedule 1 of CEPA) is based on whether the substance poses a risk to human health or the environment. Given the finding

by the Board of Review that D5 does not pose a risk to the environment, as well as the assessment of Health Canada that D5 does not pose a risk to human health, D5 should not be added to this list.

What is D5?

D5 is a cyclosiloxane which is used in a diverse range of applications and products, including construction, electronics, engineering, health care, cosmetics and personal care. It has been extensively researched and proved safe when used as intended.

The substance has received positive scientific and regulatory opinions, most recently from the BOR and from the EU's European Scientific Committee for Consumer Safety. D5 has been used safely for more than 50 years.

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ABOUT SEHSC: The Silicones Environmental, Health and Safety Council of North America (SEHSC) is a not-for-profit trade association comprised of North American silicone chemical producers and importers. For more than 30 years, SEHSC has promoted the safe use of silicones through product stewardship and environmental, health and safety research. SEHSC's primary focus is to coordinate scientific research on health, safety and environmental issues involving silicones. We regularly conduct studies on our materials as a means of promoting the safe use and application. We submit our research for peer review through independent scientific advisory boards and through the publication of the results in the peer-reviewed scientific literature.