

September 8, 2008

Dear Friends,

Thank you for supporting our collective Statement of Expectations for Ontario's Toxic Use Reduction Law. The Ministry is holding consultations this week and next in five locations, despite their notice at the end of this letter they will not turn anyone away so please try to attend one of their meetings and send written comments on their White Paper which poses a large number of questions which we presume will also be discussed in the day long consultation sessions. We have a number of suggestions for those of you attending these initial consultations. We have limited these comments to the most important issues we have identified.

It is important to create the strongest law and toxic use reduction blueprint as possible even though we may not have all of the information now we may require to include all of the harmful chemicals in the initial lists **we must make sure the government's law has provisions to add new substances and lists later and that the laws require periodic review of substances covered and that their law allows them to eliminate the most harmful substances altogether.**

CELA's Model Law includes requirements to use safer alternatives when they are available following on the reforms underway in the European Unions REACH program. Once multinational corporations are required to substitute these alternatives others wanting to remain competitive will need to also comply. Global registries of these chemicals are already under development. To be visionary and far-reaching, **Ontario's law should anticipate and include these important safer substitution reforms and insure that work is done in Ontario to prioritise harmful substances in use that could be substituted.** This means Ontario needs to invest in the solutions and in green chemistry innovations.

The infrastructure to carry out Toxic Use Reduction is not currently in place. This could be a problem for implementation and needs addressing now. A crucial question is where should it reside? Options discussed are in a university or college setting, in a centre of excellence model or in the private sector. **CELA supports the Massachusetts model where the Toxic Use Reduction Institute and the Lowell Center for Sustainable Production reside at the University of Massachusetts at Lowell. The University setting trains toxic use reduction experts to assist different sectors of industry with pollution prevention planning, to carryout audits of facilities and assess the adequacy of their plans and implementation. Conflicts of interest that might arise in the private sector model are largely avoided.**

Manufacturing and industry will argue that they cannot afford to do this at this point in time. **We need to ask what are the costs in increases occupational**

and environmental diseases, rising hazardous waste disposal costs and associated environmental risks of doing nothing. Will the “do nothing option” prepare industry for a healthy and competitive future? Done right Toxic Use Reduction could create new businesses and an Ontario economy built on the solutions of pollution prevention and innovation but this will require will from the public, government and entrepreneurs.

The government’s proposal does not target facilities that are not already reporting to the National Pollutant Release Inventory. This means only the largest polluters will be caught by the NPRI thresholds and the medium and smaller polluters, many of which are our neighbours will not be caught. The government thinks it is best to start with the biggest. **Many of us do not agree this is adequate. We need to ensure if they adhere to this status quo that there are provisions in their law to lower the reporting thresholds for requiring pollution prevention planning and substitution or medium and smaller facilities in the future.**

We hope to be able to put together a much more detailed submission before the October 11th deadline which we will endeavour to share with you. Thank you all for your support for toxic use reduction. Hopefully together we will be able to make a difference now.

Here is the Government’s notice of their consultation.

As you know, the Ministry of the Environment is planning to introduce new legislation which, if passed, would reduce pollution, better inform Ontarians and protect them from toxic chemicals in the air, water, land and consumer products. The ministry has prepared a discussion paper on the proposed strategy, which has been posted on the Environmental Registry for a 45-day period. It can be viewed at www.ebr.gov.on.ca under Registry #010-4374. The public has until October 11, 2008 to comment.

As described in the discussion paper entitled "Creating Ontario's Toxics Reduction Strategy," the proposed strategy could encompass:

- New requirements to report on the use of toxics and to prepare toxics reduction plans, and new authority to regulate toxic substances in products.
- Building capacity to support the design and implementation of the toxics reduction plans, and for actions that result in reductions or elimination of a toxic or which help to foster a greener economy.
- Ways to inform Ontarians on toxics use and measures they can take to make informed decisions.

In September, we will be holding a series of consultation sessions with stakeholders from the industrial, municipal, retail, health, federal government and environmental sectors on