



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

**The Canadian Environmental Protection Act (CEPA), the National Pollutant Release Inventory (NPRI) and Ontario's Bill 167 Toxic Reduction Act ~
Potential Lists of Substances**

The Canadian Chemical Producers Association (CCPA) has suggested Ontario should be basing their program on the Canadian Environmental Protection Act (CEPA) and that the Ontario government has no science-based process for adding to the list. Other assertions CCPA has made are:

CEPA is "science based" list of chemicals based on risk. Globally, we are moving away from risk assessment because it does not take into account cumulative and interactive effects. Regulators are looking at hazard and hazardous effects and exposures. The Ontario list represents hazardous chemicals. Risk assessment is an industry strategy that ties people up in knots for years trying to prove something is not good for us. It puts the onus on government and the public to prove the "risk" of hazardous chemicals, while a precautionary approach assumes that we should reduce the quantities of hazardous substances all mixed together in our environment because we can never figure out all of their possible consequences.

NPRI is "emissions-based" not "risk based". That's the point -- TRA is about toxics use reduction, and not about estimating risk. It incorporates a precautionary point of view that less toxics mean less exposure and less environmental and health risk. It has been particularly useful in reducing exposures in workplaces. These have nothing to do with emissions and everything to do with health. The Government's Expert Panel which included experts on CEPA and NPRI endorsed taking a hazard approach.

NPRI substances are not toxic - they have not had an assessment to see if they pose a risk. All NPRI substances were chosen based on their polluting or toxic effects. That's why the US equivalent is called the Toxics Release Inventory. Just because they haven't been assessed for risk doesn't mean they aren't toxic. Some are toxic and some are air and water pollutants with health and environmental effects. All are considered problematic and good targets for reduction.

Using NPRI would cause duplication and cost more money. The opposite is true. Using NPRI avoids duplication because industry already reports under this program and is consistent with the model used in the states of New Jersey and Massachusetts and in Eugene, Oregon. All base their reporting and toxics use reduction efforts on TRI which is the American counterpart to NPRI. It allows us to see whether there are any reductions being made because we have a history of reporting.

Furthermore we support the Ontario approach to their list because:

- The CEPA list is not the Ontario list that would be required for a made-in-Ontario plan to address specific substances in use in the Province. Ontario has the constitutional authority to design its own list to address problems created within its borders.
- Here is a link to what has currently been put on the CEPA list.
http://www.ec.gc.ca/ceparegistry/subs_list/Toxicupdate.cfm . This list currently covers only **85** substances. Many of these are not individual toxic chemicals but conglomerations in emissions. Bill 167, if it maintains the schedule set out in the Government Discussion Paper, will eventually cover **475** substances.
- The CEPA list does not cover or stress many of the carcinogens that our July 2007 report *Cancer and the Environment in Ontario: GAP Analysis on the Reduction of Carcinogens*. This report identified **202** carcinogens of concern in use and largely unregulated in Ontario. All three parties promised to act on this Report before the last election.
- The Government Discussion Paper set out to include these carcinogens in order to meet the original objective of Toxic Use Reduction announced by Premier McGuinty which was "to reduce the environmental causes of sickness in Ontario"
- Furthermore the Government Discussion paper and their Expert Panel has targeted other substances that are known to be neurotoxins, reproductive toxins and mutagens that are not currently reported under NPRI to eventually be covered by TRA.
- The CEPA program does not require pollution prevention planning on a facility by facility basis as the TRA does.
- CPPA members already report to NPRI and so Ontario's scheme first sets out to include all NPRI substances in the first 2 phases of their reporting. The only difference is that they will now have to report on use as well as emissions. Industry at the Hamilton Consultation on the Government Discussion Paper stated that they already track use data in order to arrive at the emissions data they currently report to NPRI.

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