

**CVMA Recommended Revisions to Specific Provisions  
in Bill 167 – Toxics Reduction Act, 1999  
May 25, 2009**

**Recommended Improvement 1: Provide a clear definition of “toxic” in the Act**

Section 2, Definition of toxic substance should be modified as follows:

*Toxic substance means:*

*"A substance is toxic if it is entering or may enter 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;*
- constitute or may constitute a danger to the environment on which life depends; or*
- constitute or may constitute a danger in Canada to human life or health*

**Recommended Improvement 2: Allow for one plan facility to address toxic substances and the substances of concern and provide for more flexibility in the methodology used**

CVMA suggests that Section 4(1) and Section 4(1) 4 be modified to read as follows:

*Section 4 (1) - "A toxic substance reduction plan ~~or a toxic substance shall~~ will consider, in accordance with the regulations, ~~contain~~ the following:"*

*Section 4 (1) 4 – "A description of ~~each~~ material processes at the facility that uses or creates the toxic substance, including*

- i. a description of how, when, where and why the substance is used or created*
- ii. quantifications that,*
  - A. were made under section 9 before the plan was prepared*
  - B. were used to prepare the plan, and*
  - C. show, as of time of quantifications were made, how the substance entered the significant processes, whether it was created, destroyed or transformed during the process, and what happened to it after it left the significant processes at the facility*

Section 9 regarding Toxic substance accounting should also be revised as follows:

*Section 9. "The owner and the operator of a facility who are required under section 3 to ensure that a toxic substance reduction plan is prepared for a toxic substance shall ensure that, for ~~each processes~~ at the facility which are significant that uses or creates the substance, the substance is tracked and quantified, in accordance with the regulations., ~~to show how the substance enters the process, whether it is created, destroyed or transformed during the process how it leaves the process and what happens to it after it leaves the process.~~*

**Recommended Improvement 3: *Provide equivalency with other certified environmental management systems (EMS) such as ISO 14001 without requiring changes to the EMS and provide powers to the Ministry Directors to recognize such plans under the Act***

New provisions should be added to the current legislation to allow for above noted integration.

Further, Section 44, Document Prepared for Another Purpose should be modified as follows:

*Section 44: "A document that was prepared for another government or for any other purpose may, if it deals with any of the requirements of this Act and the regulations, be used in the preparation of, or as part of, a document required under this Act, as long as the document is ~~revised to~~ meets all of the intended purpose of this Act and the regulations."*

**Recommended Improvement 4: *Provide for the same exemptions as those afforded in the NPRI***

A specific provision should be added to Section 4 and Section 9 of the Act in this regard.

**Recommended Improvement 5: *Exempt vehicles from consumer products provisions in the Act as they are already covered in federal legislation.***

A schedule similar to Schedule 1 of the proposed federal Bill C-6 should be added or wording should be added to Section 64 of Bill 167.