



Canadian Cancer Society
Société canadienne du cancer

Bill 167 – *Toxics Reduction Act*

Submission to the Standing Committee on General Government

May 13, 2009

**Submitted by:
Canadian Cancer Society, Ontario Division**

Introduction

The Canadian Cancer Society congratulates the government for taking the first step in reducing toxic substances in Ontario. However, the Society has identified gaps in Bill 167 – gaps that need to be filled in order to ensure the *Toxics Reduction Act* protects the health of Ontarians while moving towards a green economy.

The Society is concerned about toxic substances in our air, water, land and consumer products. The Society strongly believes that as community members, workers and consumers, we all have the right to know about the environmental and occupational risks we are being exposed to; allowing us to make informed decisions affecting our health. In particular, we believe people have the right to know if they are being exposed to cancer-causing substances.

The Canadian Cancer Society calls on the Government of Ontario to develop amendments to Bill 167 that will include measurable targets for reducing toxic chemicals, substitution requirements where safer alternatives exist, implementation of a third party institute, clear information for consumers and promotion of green chemistry and green jobs. To achieve this, Bill 167 should address the following:

Reduce the release of toxic chemicals in places where people live, work and play by 50 percent within five years in Ontario to protect public health.

- Bill 167 should be amended to include numerical goals or targets for reducing toxic chemicals in Ontario.

Replace toxic chemicals where safer alternatives exist.

- Bill 167 should make substitution a requirement where safer alternatives exist.

Restrict the use of toxic chemicals that are still in use through guidance from an Ontario Toxic Use Reduction Institute (OTURI).

- An institute was an important component to the success of Massachusetts's TUR legislation and must be included in the proposed legislation.

Report annually on progress and monitor emissions, holding industry accountable to reduce their use of toxic substances through the development and enforcement of new regulations.

- Setting targets and the development of an institute will help hold industry accountable by the government and the public.

Reveal to all Ontarians the toxic chemicals in their workplace, community and homes through an identifiable product label or symbol and access to a public database.

- Bill 167 should be amended to include a component for product labeling.

The Take Charge on Toxics Campaign:

The Society is a member of the *Take Charge on Toxics* Campaign. The Campaign is comprised of a broad coalition of respected health, environment and labour organizations aimed at ensuring Ontario's *Toxics Reduction Act* reduces Ontarians risk of developing cancer by effectively addressing toxic chemicals where people live, work and play. The Campaign is supported by:

- Canadian Cancer Society, Ontario Division
- Canadian Environmental Law Association
- Ontario Public Health Association
- United Steelworkers
- Toronto Cancer Prevention Coalition
- Canadian Association of Physicians for the Environment
- Ontario College of Family Physicians
- Registered Nurses' Association of Ontario
- Ontario Lung Association
- Prevent Cancer Now
- Women's Healthy Environment Network (WHEN)
- Toxics Free Canada

Importance of Strong Toxic Use Reduction Legislation

Why does Ontario need strong toxic use reduction legislation?

- Toxic use reduction legislation will reduce or eliminate toxic chemicals resulting in less cancer-causing substances, as well as other toxic substances, in the environment.
- Toxic use reduction legislation can save companies money and makes them more competitive internationally.
 - With Massachusetts' *Toxic Use Reduction Act*, companies saved over \$14 million, reduced their toxic waste by 64 per cent and their off-site releases to the environment by 91 per cent.
- Ontario manufacturers will have to comply with the European Union's REACH (Registration, Evaluation, and Authorization and restriction of Chemicals) program.
- In North America, Ontario is second only to Texas in the tonnes of toxic chemicals being released into the air and water and going to landfill sites.¹
- Ontario ranks highest among the provinces in environmental carcinogen release.

Health benefits of toxic use reduction legislation

The costs associated with the use of toxic chemicals are wide ranging and are borne by government, industry and individual consumers. In addition to the costs of using and disposing toxics, there are costs related to health impacts and environmental degradation that affect all Ontarians. Reducing the use of toxic substances will also reduce the burden on Ontario's healthcare system.

- Environment Canada has noted that studies have concluded a 10 per cent reduction in particulate matter and ozone levels would result in considerable savings for Canada's medical system.²
- In 2008, the Ontario Medical Association estimated that 9,500 premature deaths were due to smog. It also estimated the economic impact on health for certain air pollutants alone is about \$8 billion per year.³

¹ PollutionWatch. *PollutionWatch Fact Sheet. National Pollution Highlights*. Environmental Defence and the Canadian Environmental Law Association; 2003. Available at: pollutionwatch@ccla.ca

² Government of Ontario. (2008). *Toxics, the Environment and Your Health – A Toxics Reduction Strategy for Ontario*. Available at: <http://www.ene.gov.on.ca/publications/6819e.pdf>.

³ Ontario Medical Association (2005). *The Illness Costs of Air Pollution: 2005-2025, Health and Economic Damage Estimates*. http://www.oma.org/Health/smog/report/ICAP2005_Report.pdf.

Toxic use reduction legislation will reduce or eliminate toxic chemicals resulting in less cancer-causing substances, as well as other toxic substances, in the environment. Cancer, asthma, infertility, learning problems and birth defects have been increasingly linked with exposure to toxic chemicals, although more research is needed.

The Burden of Cancer in Ontario

Cancer is a leading health issue in Ontario. While cancer treatments have improved and mortality rates have fallen, cancer incidence is expected to increase drastically due to Ontario's aging and growing population. It is estimated that by 2020, cancer cases in Canada will increase by two-thirds.⁴ Approximately 65,100 Ontarians will be diagnosed with cancer and 27,900 deaths from cancer will occur in 2009.⁵

Fifty per cent of cancers can be prevented through healthy lifestyle changes and policies to protect the public.

Cancer is a major cost-driver in provincial health care budgets and affects the ability of all levels of governments to collect revenue and pay for services. The indirect costs associated with cancer, such as the loss of productivity, costs Ontario approximately \$5 billion per year.⁶

Due to the prevalence of cancer and its growing impact on the lives of Ontarians, all levels and sectors of government in the province must address cancer control. Unless strong measures are taken immediately, cancer will become a serious economic burden in addition to a major health problem in Ontario.

Exposure to Known and Probable Carcinogens

Cancer and the Environment

Cancer-causing substances in the environment are a concern for Ontarians. While the exact contribution of the environment to cancer risk is not known, a number of credible groups have acknowledged the environment to be an important source of exposure.⁷

We do know that people, who are continually exposed to known or probable cancer-causing substances at a high level or over a long period of time, may have a higher risk of developing cancers.

Researchers believe children may be more vulnerable to toxic substances that may increase their risk of cancer, cause birth defects or interfere with the normal hormonal system in the body. There are several reasons for this:

- Children may absorb more environmental contaminants because they breathe, eat and drink more than adults relative to their body weight.

⁴ Cancer 2020 Report: An Action Plan for Cancer Prevention and Detection.

⁵ Canadian Cancer Society/National Cancer Institute of Canada: Canadian Cancer Statistics 2007.

⁶ Health Canada. The Economic Burden of Illness in Canada 1998. Ottawa: Health Canada, 1999.

⁷ Cancer and the Environment Stakeholder Group. (2007). *Cancer and the Environment in Ontario: Policy Analysis and Recommendations*.

- Children, especially infants and toddlers, sit more often on the ground and crawl to explore areas where adults typically don't go. As they do, they often put their hands and fingers into their mouths and this can mean that they ingest more chemicals than adults.

Level of concern about toxic substances and support for action in Ontario

There is growing province-wide concern about environmental contaminants in Ontario. A Canadian Cancer Society public poll, conducted by Ipsos Reid in October 2008, indicated that most Ontarians believe toxic chemicals exist in their environments (77 per cent) and personal products (76 per cent). Over 80 per cent of those who believe toxics exist in their environments are concerned that those toxics affect their health and the health of their families.

There is also public demand to know more about the use of cancer-causing substances throughout Ontario communities (59 per cent). Ontarians (96 per cent) also feel it is their right to be informed about toxic chemicals they are exposed to in their workplace. Virtually all Ontarians (99 per cent) feel they have the right to be informed, either by a symbol or label, about harmful chemicals in a product before they buy it.

Recommendations for Amendments to Bill 167

The Canadian Cancer Society calls on the Government of Ontario to develop amendment for Bill 167 that will include measurable targets for reducing toxic chemicals, substitution requirements where safer alternatives exist, implementation of a third party institute, clear information for consumers and promotion of green chemistry and green jobs. To achieve this, Bill 167 should address the following:

Reduce the release of toxic chemicals in places where people live, work and play by 50 per cent within 5 years in Ontario to protect public health.

- **Targets need to be established:**

The Canadian Cancer Society recommends the *Toxics Reduction Act* include numerical goals or targets for reducing the use and release of toxic substances in Ontario. Setting clear and ambitious goals for toxic use reduction is essential to spurring innovation as well as providing benchmarks to measure progress.

Other jurisdictions that have enacted toxics reduction laws in the U.S. and Europe have demonstrated that targets are a necessary component to reducing and regulating toxic use and release.

The Ministry of the Environment's Toxics Reduction Scientific Expert Panel also recommended the *Toxics Reduction Act* include targets. In the Panel's July 23, 2008 memorandum the Panel indicated the legislation should include clear, viable, and progressive goals (i.e. a percentage reduction in toxics use and release in the Province within a specified period of time); the statute should include renewable

toxics reduction targets, and a mechanism for monitoring and public reporting on achievements of those targets.⁸

In the Panel's December 31, 2008 memorandum they reiterated the need for targets by recommending the TUR legislation have numerical goals for toxics reduction in order to benchmark progress.⁹

The Panel also recommends the Province undertake periodic policy assessment/evaluation of the *Toxics Reduction Strategy*. Targets and goals will help the government, industry and the public evaluate the progress Ontario is making in terms of reducing toxic chemicals in various environments.

Reveal to all Ontarians the toxic chemicals in their workplaces, community and homes through an identifiable product label or symbol and access to a public database.

- **Community Right-to-Know:**

The Canadian Cancer Society believes all Ontarians should be informed of exposure to cancer-causing substances at home, at work and in their environment.

The Society supports the government's commitment to inform the public about toxic chemicals in their environments and provide Ontarians with a summary of industry's Toxic Reduction Plans. The Society recommends the summaries be made public through an easily-searchable and easily-accessible format on the internet. It is important for the information on the website to be explained in clear, easy to understand language with links to useful health and environment websites. A mechanism should also be in place to answer specific questions the public may have about toxic substances in their environment.

In addition, there should be a mandatory provision requiring employers to share information concerning the health consequences of exposure to toxic substances in the workplace with employees.

- **Community Right-to-Know - Product Labelling:**

Growing scientific evidence continues to identify that Ontarians are exposed to harmful substances through everyday products. In the *Toxics Reduction Act* it appears that the government is not going to propose regulations on consumer products and only address consumer products where the federal government does not act. The Government of Ontario has the opportunity to show leadership in Canada and follow other jurisdictions around the world by implementing product labelling in Ontario.

The Canadian Cancer Society believes that all ingredients in consumer products should be fully disclosed on product labels. In addition, if cancer-causing substances are present in products, they should be identified by a hazard symbol. The full

⁸ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, July 23, 2008.

⁹ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, December 31, 2008.

ingredient list and hazard symbol should be visible to the consumer at point of sale and at point of use and presented in clear language.

Providing Ontarians with information about toxic chemicals in products is an important element of toxic use reduction. If consumers are aware that a product contains a toxic chemical it empowers them to make the choice to purchase a safe alternative. This will in turn encourage manufacturers to respond to consumer demand for safe products.

The Government of Ontario should take a proactive first step and require companies, using carcinogens in their products, especially those that manufacture personal care and children's products, to warn consumers through a hazard symbol.

Replace toxic chemicals where a safer alternative exist.

- **Substitution should be a requirement where safer alternatives exist:**

Ontario is one of the top dischargers of toxic chemicals in North America and the implementation of safer alternatives is a vital step to reducing Ontario's harmful emissions. The *Toxics Reduction Act* only encourages companies to voluntarily reduce or substitute hazardous chemicals. The Canadian Cancer Society believes substitution should be a requirement in situations where a safe alternative exists or where the use is non-essential.

Substitution of safer alternatives will assist in spurring innovative green technologies and supporting sustainable industries, with urgent reference to the requirements of the European Union's (EU) REACH program. Mandatory assessment and substitution of priority chemicals is now required under the EU's REACH program. Ontario cannot continue to fall behind other jurisdictions. Failure to address this issue will cause Ontario to fall behind developing initiatives in the United States and Europe.

Restrict the use of toxic chemicals that are still in use through guidance from an Ontario Toxic Use Reduction Institute (OTURI).

- **Development of a Toxic Use Reduction Institute (TURI):**

The Canadian Cancer Society recommends the Government of Ontario establish an independent university-based research institute to advance the province's capacity for toxic use reduction activities, safe substitution, green chemistry, education and information outreach and training on toxics reduction planning. An institute was an important component to the success of the Massachusetts's TUR legislation but is currently not part of the proposed *Toxics Reduction Act*.

Massachusetts's TURI offers a broad range of services to encourage toxic use reduction such as, providing technical assistance for individuals, outreach to small businesses, promoting research, pilot projects and demonstrations of innovative technologies and developing and administering training programs for toxic use reduction planners.¹⁰

¹⁰ Canadian Environmental Law Association. *Our Toxic-Free Future: An Action Plan and Model Toxic Use Reduction Law for Ontario*. Toronto: August 2008.

The development and testing of safer alternatives can be done through the institute as an institute would have the resources and knowledge in this area. The institute would also help to facilitate communication between industry and academics so that academic research is effectively targeted to address the most pressing environmental issues facing Ontario industries.

The Canadian Cancer Society strongly recommends Ontario's TURI provide mandatory training on toxics reduction plans and offer training and certification for toxics reduction planners. In Massachusetts, the training and certification of toxic use reduction and safer alternative planners by the institute have been key to the success of the program.

Since the *Toxics Reduction Act* indicates that implementation of the Toxic Reduction Plans are voluntary for companies it is vital that Ontario develops a TURI to encourage and support the implementation of the plans.

The Ministry of the Environment's Toxics Reduction Scientific Expert Panel also recognizes the benefit an institute can have on the success of toxic use reduction legislation. The following are recommendations from the Panel's July 23, 2008 and December 31, 2008 memorandums.

- The government establish a well-resourced, arms-length agency and/or academic-affiliated institute to assess alternatives; support regulated firms with training, planning, compliance and the development of innovative processes; provide public information and a neutral forum for constructive dialogue among the public, industry and government; and provide consistency across political mandates.¹¹
- An external academic institute with stable funding be established as it is essential to the successful implementation and sustained efficacy of TUR.
- The TUR legislation be implemented in cooperation with this institute.¹²
- An institute can play important roles in identifying optimal established approaches, developing new technologies and processes, disseminating relevant information and providing consulting expertise.¹³

Report annually on progress and monitor emissions, holding industry accountable to reduce their use of toxic chemicals through enforcement of regulations.

- **REACH (Registration, Evaluation, Authorization and restriction of Chemicals):**

The *Toxics Reduction Act* does not address the issues REACH presents to Ontario. The European Union's REACH program will affect manufacturers in Ontario and globally. All industries, which supply to Europe a finished product ready for the consumer or are part of a supply chain to manufacturers in Europe – even if the supply chain passes through another country first - will be bound by the rules of REACH. Over 6 per cent of Ontario's exports flow directly to the European Union. In addition, exports from Ontario to the United States and other jurisdictions will also

¹¹ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, July 23, 2008.

¹² Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, December 31, 2008.

¹³ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, December 31, 2008.

be subject to the REACH program. Therefore, well over 6 per cent of Ontario's manufactured goods will ultimately be subject to REACH.

The Society believes Ontario needs to strengthen their *Toxics Reduction Act* to fully account for the impact of REACH and other jurisdictions' chemical management programs so Ontario's industries do not fall behind. Ontario companies must meet REACH's standards in order to remain competitive and export to the world's largest market.

- **Thresholds are too high:**

The Canadian Cancer Society believes the current thresholds included in Bill 167 are too high and do not capture smaller facilities and their corresponding emissions and use of toxic substances.

The Canadian Cancer Society recommends reducing the current 10-employee threshold to a five-employee threshold, lowering the threshold to approximately 1 per cent of the NPRI thresholds (100kg or lower) and lowering the threshold to 50 kilograms for high hazard priority chemicals within five years of implementing the *Toxics Reduction Act* regulations. This would ensure that communities across the province have the same level of disclosure and potential for toxics reduction, and that facilities share equal reporting requirements and access to capacity-building resources.

Moreover, the *Toxics Reduction Act* excluding all industrial sectors except manufacturing and mineral processing, will result in missing 25 per cent of emissions from other sectors caught by NPRI, approximately 200,000 tonnes per annum, which is a significant gap in coverage.¹⁴ The Panel recommends the *Toxics Reduction Act* ultimately be extended to all sectors that use listed substances above the regulatory thresholds.

- **Funding:**

The Society is pleased the government plans to invest \$24 million to help support industries transform their process, find green chemistry alternatives and reduce the use of toxics in their operations. However, the Society is concerned that not enough funds have been allocated to the *Toxics Reduction Act*. Funding is critical to any toxic use reduction program's success.

The Panel recommended in their July 23, 2008 memorandum that the government provide adequate funding for green chemistry initiatives that can go from scientific and engineering discoveries to commercial application within the dedicated academic institution and in universities and other groups throughout the Province.¹⁵ Based on success in other jurisdictions, such as Massachusetts, the principle financing mechanism for the Fund should be a fee on industrial facilities subject to the Act's requirements.¹⁶

The Society is concerned that an appropriate fund dedicated to financing the programs has not been established and that an institute has not been developed.

¹⁴ CELA's EBR Submission , pg. 20

¹⁵ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, July 23, 2008.

¹⁶ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, July 23, 2008.

The Society encourages the Government of Ontario to accept the Panel's recommendation to ensure the *Toxics Reduction Strategy* is funded by fees levied on the regulated community, recognizing the cost saving potential of efficiencies discovered through the toxic use reduction planning required by the *Toxics Reduction Act*.¹⁷

Conclusion

The Canadian Cancer Society is pleased the government has taken the initiative to reduce toxic chemicals in Ontario. However, there are some concerns with what does not appear to be contained in the *Toxics Reduction Act* and some aspects that should be stronger. The Society urges the Government of Ontario to take this opportunity to lead by strengthening the *Toxics Reduction Act*, as described in our recommendations, thereby placing Ontario as a leader in toxics reduction in Canada.

¹⁷ Memorandum to the Environment Minister John Gerretsen from the Toxics Reduction Scientific Expert Panel, July 23, 2008.