KEY MEASURES NECESSARY TO IMPROVE

ONTARIO'S TOXICS REDUCTION LAW

1. The scope of the regulated community under the toxics reduction law should be expanded

- The way to do so is to expand and speed up the number of chemicals caught by the law, reduce the thresholds that trigger the law's application, and increase the number of industrial sectors subject to the law;

- Initially MOE only proposes to address 45 NPRI chemicals (14% of 320 total NPRI chemicals) constituting 1% of NPRI emissions when the law comes into force in 2012. MOE is not clear when, if at all, the law would apply to another 135 non-NPRI chemicals, many of which MOE has identified as reproductive toxins, neurotoxins, mutagens, and carcinogens and likely present in the Ontario environment;

- MOE reliance on NPRI thresholds will miss many toxic substances and emissions released by smaller facilities;

- MOE's proposed exclusion from the law of all industrial sectors except manufacturing and mineral processing will result in missing 25% of emissions from other sectors caught by NPRI, approximately 180,000 tonnes per annum, a significant gap in coverage and a step back from NPRI itself;

2. The toxics law should require substitution of safer alternatives

- The components of such an approach should include (1) identification of priority toxic substances for substitution, (2) preparation of safer alternatives assessment reports, (3) development of alternative action plans by the province for those substances, and (4) implementation plans by companies based on the provincial plans;

- Right now MOE does not propose to address this issue in the new law. However, the law needs to address this matter so that bad actor chemicals are systematically removed from the market in order to protect human health and the environment. Failure to address this issue will cause Ontario to fall behind developing initiatives in the U.S. and Europe;

3. The law should establish province-wide targets for reduction in the release and use of toxic substances by industry

- Targets have been a prominent feature of toxics reduction laws in other jurisdictions and can act as a spur to innovation and act as a benchmark for measuring progress;

4. The law should ensure that industry toxics reduction plans are certified as meeting provincial requirements by planners who are themselves provincially certified

- This is a key feature of the success of the Massachusetts law and has lead to economic productivity and workplace health and safety improvements. Right now MOE is not clear whether it will follow this approach;

5. The law needs to recognize the right of the public to obtain access to information on toxics in their communities compiled under the authority of existing environmental laws

- The public should be able to obtain, for example, web-searchable access to monitoring information submitted to MOE under existing environmental laws regarding contaminated lands, air emissions, and water discharges;

6. The law needs to provide technical assistance to smaller facilities in reducing their use and emissions of toxic substances, and to employees who may require re-employment, or vocational retraining, assistance

- CEC data shows increasing emissions of toxic substances from smaller facilities yet these may be the very facilities least able to make appropriate transitions under the new law. The MOE Strategy document is silent on the issue of smaller facilities as well as on the issue of technical assistance to employees.

Issue	Response
1. federal Chemicals Management Plan (CMP) "occupies field" so no need for OTURA- duplicating/confusing existing federal effort	CMP different function- categorization of chemicals, evaluation if CEPA toxic, management of risk OTURA is differently focussed- about reducing chemical use, driving pollution prevention not end of pipe solutions
CMP is based on transparent, risk based process with sound science- TURA is not	CMP results so far not promising- little concrete actions proposed for many substances, many will be listed as CEPA toxic and then no action CMP and OTURA are complimentary
2) Chemical lists are not science based, not transparent, do not link to CMP, do not take into account exposure or use, not based on risk	Chemical lists are based on release multiplied by toxicity factor- so reflect both exposure and hazard – similar to CMP approach
Too many chemicals on too many lists	Most of chemicals already on NPRI so already reporting on these chemicals anyway- so TUR tried to build onto NPRI and minimise effort Non NPRI lists were developed using CMP categorization data Chemical lists also recognise need to reduce carcinogens- may be released in small amounts but are important because are non- threshold chemicals Some important chemicals not on lists till Phase 2- phthalates, others Chemical list also meant to be living- with additions and deletions based on experience No chemical listing will be perfect Mass TUR started with much longer chemical list than is being proposed in phase 1
3) OTURA not fair- does not capture many sources that are important contributors to pollution- does not capture mobile source, small industry, power plants- only targets larger industrial companies	Are other programs designed to reduce pollution from mobile sources Power plants are included (need to verify with MOE) MOE felt that small industry not positioned to do TURA as not already reporting to NPRI- may revisit in future

4) OTURA will result in competitors knowing my business secrets- they will know my use info	Was not found to be problem in Mass. Or New Jersey or with NPRI program where similar claims were made- OTURA will follow regular, established methods for protecting info claimed as confidential
5) Ontario is not Massachusetts, Ontario is bigger, more industrialised, more people, different sectors, so Mass. TURA not good model for Ontario	Ontario has many of same industrial sectors as Mass. There are some differences- Ontario has more car manufacturers and refineries- (but refineries OK in New Jersey TUR system) see spreadsheet Difference is more in number of industrial facilities – Ontario roughly double Mass. so phasing important-
6) Mass TUR lead to "deindustrialisation" of Mass- hurt companies and many left- Ontario manufacturing sector already hurt – OTURA will make problem worse	Would ask Ken Geiser here for any stats Could cite example of electronic sector in Mass- which reduced lead and other metals so was well positioned over competitors when European RoHS regulations came into effect and influenced buying choices in North America OTURA only apply to larger companies- those over 10 employees who use larger amounts- 10 tonnes OTURA designed to help companies develop a greener process/product which may give them a competitive advantage Mass shows some companies save money from reduced inputs/disposal costs etc.
7) Is costly, time consuming, paper tiger exercise Materials use accounting info useless	Suggest ask for costs from MOE and Mass Aim of TURA is to drive innovation, new thinking in green chemistry, will provide grants to foster research and share experience- things that industrial groups say are needed Materials use accounting key to identifying opportunities
8) No proven environmental benefits	Mass facilities show reductions- can use stats here Also make link to occupational health improvements
9) Not made the case that OTURA needed in Ontario- other programs are driving toxics down already	Ontario is one of highest provinces in Canada for releases of carcinogens- need to make progress (lots of other stats here too)

	Very few Ontario companies report doing pollution prevention plans
10) Informing Ontarians part of Strategy is ill thought out and potentially dangerous Need to be careful in communicating info to public on risks of toxics, especially risks posed by consumer products Can create market pressures/economic damage based on incorrect info	MOE could be more clear on this part Current proposal is for general info on toxics to be on web site Don't believe MOE is considering product database linking TUR use data with commercial products