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Dear Mr. Lavallée,

**Re: Comments on Proposed Modification
to the National Pollutants Release Inventory**

Thank you for providing us the opportunity to comment on the proposed modifications to the National Pollutants Release Inventory (NPRI). We expect that the upcoming workshop on NPRI on October 9-10, 1997 will provide a good forum to discuss in detail the proposals outlined for the 1998 reporting year under the NPRI. This letter also outlines our request to make a formal presentation during the October workshop primarily to focus on the topic of measuring pollution prevention.

Overall, the proposed modifications to the NPRI are supported. However, there are some critical issues that must be addressed within the scope of this letter. The recent release of the report by the Commissioners for Environmental Cooperation revealed some of the weaknesses found with the NPRI that were identified and vocalized by the environmental non-governmental organizations over the past years. As such, this letter will not provide in-depth analysis of the weaknesses of NPRI but can be referred to in submissions made by members of the Toxics Caucus of the Canadian Environmental Network (CEN) relating to the *Canadian Environmental Protection Act* (CEPA) review and the last consultation on NPRI held in October of 1996.

Background and Purpose of National Pollutants Release Inventory

As you well know, the problems with toxic substances to environment and human health are well documented. Hence, the availability of information on toxic substances found in the environment becomes increasingly important as governments develop regulations and programs to protect the Canadian public from its impact. The consultation document on proposed modifications to the NPRI provides a good synopsis as to the purpose of the NPRI and the consultation. However, the consultation document fails to provide support for a regulatory regime to the NPRI program.



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In the past, significant reductions in release of toxic substances were achieved as a result of regulatory action not through voluntary initiatives. We maintain that NPRI requires a regulatory framework that will provide an accountability mechanism as well as establishing an economic environment that is advantageous for those industries implementing clean technologies. The original multi stakeholder group that developed the NPRI reached a consensus for a legislative framework to the NPRI. This has not been achieved and Bill C-74, a new CEPA, does not include a legislative framework to NPRI.

Consideration of Substances for the NPRI

While we support the idea of expanding the list of substances for reporting under the NPRI, we also have major concerns with respects to the process by which substances are added or deleted. Expanding the list of substances will provide comparisons between different countries' inventories, between facilities and may also trigger reporting for other facilities currently not required to report under the NPRI. However, the process for selection should not be as cumbersome or time consuming as outlined in the consultation document. Furthermore, any substances such as dioxins and furans, which meet the toxicity (i.e., persistence and bioaccumulation) requirements under CEPA should automatically be included in the list of substances to be reported despite the amounts released or the other reporting thresholds for NPRI.

The U.S. TRI has recently expanded its list of substances for reporting from over 300 substances to over 600 substances. This recent development provides greater evidence that the federal government should be expanding its NPRI list of substances. Moreover, these new TRI substances should be included in any expanded list of the NPRI to ensure that comparisons can be made between the two inventories.

We also note for the record that members of the Toxics Caucus have outlined their concerns with the definition of CEPA "toxic" in submissions regarding the Toxic Substances Management Policy (TSMP) and the CEPA review. These concerns are now extended to the proposed modifications regarding the selection of NPRI substances.

The last comments with respect to expanding the list of substances is one that addresses the need to list individual substances versus the listing of classes of substances. We support the inclusion of class of substances for the very nature of the inherently toxic traits that they share with other substances in their class.

We recognize that inclusion of such substances will require a complete review of the reporting thresholds. Our previous submissions with respect to the NPRI outlined our concerns pertaining to the employee threshold, the use threshold and the release threshold. The proposed modifications make progress towards developing a comprehensive inventory. In particular,

lowering the reporting threshold for substances of concern such as dioxins and furans is highly supported on an interim basis. However, it is extremely important to note that the thresholds for reporting should not be dependent on meeting both the employee and MPO thresholds. The impacts of maintaining these thresholds should be reviewed in the October meeting. Generally, we support a lowering of the reporting threshold to the NPRI.

A brief note should be made to highlight the general definition provided for the term, "persistence." While the definition for persistence outlined in the consultation document fails to provide an exact number of days needed to determine the persistence of each substance, it is our view that the consultation document should provide clarification and adopt the definition of persistence provided by the International Joint Commission in its Seventh Biennial Report on Great Lakes Water Quality and also outlined in previous submissions by the members of the Toxics Caucus on TSMP.

Adjust the NPRI Reporting Deadline

We are in support of adjusting the reporting deadline for NPRI data to May 1 for the 1998 reporting year and beyond. For the reasons outlined in the consultation document May 1 reporting will provide time to the government departments to follow-up on missing data and verify information provided in the reporting form. While you have outlined the need to assess internal issues related to an earlier reporting deadline, such as early release of the data, and the application of stronger enforcement provisions under CEPA for late reporters, etc., it is our hope that these issues will be discussed during the October 9-10 meeting. An earlier reporting deadline is ineffective if the availability of summary reports and data to the public is delayed. An earlier reporting deadline and an earlier date for release of the information to the public is essential so the public and the government are not using seriously out of date information.

Finally, with respect to the extension of the reporting deadline, we outline our concern with those industries, in particular those industries which do not belong to the NERM program, that fail to meet the May 1 reporting deadline and the implications to the completion of the summary report. It is unclear what the penalties are for missing the deadline. Such delays would make it difficult to assess the level of reductions from previous years' data.

Tracking of Pollution Prevention Activities

During the round of consultations regarding proposed modification to the NPRI held last October, the environmental non-governmental organizations provided a detailed discussion on the need to utilize the data collected under the NPRI to assess pollution prevention activity. These comments were also highlighted during the review of the CEPA.

The proposed modifications to use the NPRI as a way to measure pollution prevention provides

many advantages to both the public and industry. Hence, the qualitative parameters expected to be part of the 1997 reporting year can be regarded as progress towards gaining a clearer picture of the performance of industry on pollution prevention. However, we also agree that a quantitative component is both useful and necessary to improve this assessment method. To ensure that the information is collected in a timely and effective manner, such a process should require that industry report under a regulatory regime as oppose to reporting voluntarily. We have, in the past, outlined our arguments supporting the need for mandatory reporting that will create an economic framework promoting investment by industry for clean technology development and implementation.

To truly undertake measurement of progress in pollution prevention initiatives, we support that the federal government must undertake to review the overall NPRI program. As stated in the consultation document, the current NPRI has limitations such as the specific number of substances reported and threshold limits for reporting. While we firmly recognize the need to lower the reporting thresholds and expand the list of substances to account for smaller industries' emissions, a discussion during the upcoming workshop with respect to these aspects of NPRI may be necessary since there will no doubt be a need to expand the type of information (e.g., on-site treatment) necessary to make a qualitative measurement of pollution prevention. However, it is anticipated that measuring progress in pollution prevention will provide the Canadian public with invaluable information with respect to the effectiveness of government programs on management of toxic substances and on industries' ability to address pollution problems. The U.S. TRI has demonstrated the usefulness of such information.

Despite the very limited methodologies available for measuring pollution prevention progress, it should not be a deterrent to the Canadian government to lay down the foundations to further its efforts on pollution prevention. At the very minimum, the collection of data through the NPRI will at the onset provide a basis for comparison from year to year and from facility to facility, as well as possible comparisons with other countries' inventories. The federal government should continue to examine the methodologies available to measure progress; however, it should not use these studies as an excuse for not proceeding immediately to require pollution prevention reporting. At the very least, modifications to the current NPRI should be made to collect information regarding on-site treatment of wastes and incineration activities on site so that the Adjusted Quality of Change method can be utilized. Figure 2 from the U.S. TRI data demonstrates that a significant amount of waste can be accounted for if such information is reported under the NPRI.

In conclusion, the proposed modifications outlined in the consultation document are supported and necessary if the Canadian government is truly to embrace pollution prevention. It would also provide significant improvements to the Canadian public in the area of citizens' rights. The workshop in October will provide some interesting and valuable discussions as we continue to assess the effectiveness of different methodologies for measuring pollution prevention. We cannot emphasize enough the importance of reporting to the NPRI under a mandatory framework which would remove any economic advantage provided to non reporting facilities as well as

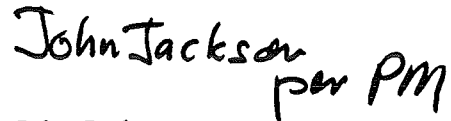
allowing us to assess more completely our progress in the area of pollution prevention.

We look forward to reviewing a draft agenda for the workshop. Should you have any questions, please do not hesitate to contact us.

Sincerely,



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