Ontario Ministry of the Environment

Subject/Title:	**Toxics Reduction Strategy Living List Process Multi-Stakeholder Group Meeting #1**		
Date/Time:	October 14, 2011 8:30am – 2:00pm	**Location:**	40 St. Clair Avenue West 10th Floor, Rm 1040
Objectives:	○ Introduce members of the multi-stakeholder group - Provide an opportunity to get to know each other to facilitate our work going forward ○ Clearly articulate the Desired Outcome(s) ○ Provide contextual and background information for the Living List ○ Begin to finalize the Terms of Reference for the group and map the course for the path forward.		

Invitees:		
	Eric Bristow *Canadian Petroleum Products Institute (CPPI)*	Kristan Aronson/Shelley Harris *Occupational Cancer Research Centre*
	Shannon Coombs *Canadian Consumer Specialty Products Association (CCSPA)*	Ken Bondy *Canadian Auto Workers (CAW)*
	Mike Dutton *Ontario Mining Association (OMA)*	Helen Doyle/Mark Payne *Ontario Public Health Association*
	Jayne Graham *Ontario Food Industry Environment Committee (OFIEC)*	Justin Duncan *Ecojustice*
	Norm Huebel *Chemistry Industry Association of Canada (CIAC)*	Sarah Miller *Canadian Environmental Law Association (CELA)*
	Eric Shilts *Cement Association of Canada (CAC)*	Andrew Noble/Joanne Di Nardo *Canadian Cancer Society*
	Yasmin Tarmohamed *Canadian Vehicle Manufacturers' Association (CVMA)*	Julie Sommerfreund *City of Toronto*
	George Vincent *Canadian Manufacturers and Exporters (CME)*	Sarah Rang *Environmental Economics International*

Item No.	Time (min.)	Description	Lead
1	5	**Welcome and Introduction**	Facilitator
2	10	**Opening Remarks - MOE** (a) Brief overview of consultative initiative and desired outcomes (b) Timelines/Schedule (c) Format and process for today's meeting (d) Designating Co-Chairs	Steve Klose
3	30	**Getting to Know Each Other** (a) Organizations Assembled	All/Facilitated

		(b) Goals (c) Experience		
4	30	**Proposed Terms of Reference** (a) Discussion		Facilitator All
Break (15 minutes)				
5	25	**Background** Background on the Toxics Reduction Act and regulation		Steve Klose
6	30	**Background** (a) Current Regulatory List (b) Draft Living List process (c) Synergies with other programming		Dale Henry
7	45	**Discussion of Perspectives** (a) Draft Living List Framework (b) How and when stakeholders should be engaged in the Living List review (c) Key criteria that need to be considered		All/Facilitated
Networking Lunch (45 minutes)				
8		**Going forward:** Discussion (a) Process for future meetings (b) Working together between meetings (c) Next meeting		Steve Klose
9		**Process feedback** *What went well today? What needs to be improved/changed for subsequent meetings*		Facilitator
10		**Closing Remarks and adjournment**		

Some Initial Thoughts to Shape our Discussions on the Living List

In July 2007 a number of health environmental and labour groups convened by Cancer Care Ontario released their Gap analysis report on the inadequate regulation of carcinogens in use in Ontario.
CCS, CELA, OPHA and TPH were involved in this effort.

An Advocacy committee was immediately formed from this original group to secure action on the findings of the Gap Analysis Report under the auspices of the Canadian Cancer Society. Prior to the fall 2007 election promises to act were secured from all three parties. The 2006 report of the Commission on Environmental Cooperation (the NAFTA Environmental Agency) ranked Ontario 2nd in North America to Texas for volumes of toxic emissions.

CELA convened a workshop with Ken Geiser from the Mass. TURI and wrote a Model Law based on best practices from US jurisdictions to assist in our campaign for a strong Act.

Shortly after the election in November Premier McGunity announced the government "is committed to protecting our families and children through tough new laws to reduce the environmental causes of sickness in Ontario" in a toxic reduction strategy and Act.

The government created a scientific expert panel to:
1. Identify priority toxics for immediate attention,
2. Advise on the assessment, management and prioritization of Toxics especially BPA, and
3. Review a list of substances of emerging concern in Ontario and advise the Ministry regarding assessment and/or action that may be taken to determine risk to Ontarians and/or to reduce releases and exposure. Sarah Rang was an expert panel member.

The 2009 Toxics Reduction Act took a phased approach to regulating toxics in two different categories **toxic substances** and **substances of concern** **Substances of concern** Section 11 of the Act are substances suspected of being in use in Ontario where there is very little exposure or emissions data. Ministry staff in consultation with a sub-group of the expert panel screened substances in a 2008 MOE Discussion Paper including the carcinogens listed in our Gap analysis report, California's Proposition 65 and Great Lakes Toxics Air Emissions Inventory (GLAIR), 600 other persistent bioaccumulative and inherent toxicity of substances found in the Great Lakes (Muir and Howard Report) and others under consideration as priorities for the Domestic Substances List (DSL) by the federal Chemicals Management Plan. This resulted in an initial list of 19

substances of concern. Regulation of requirements for these substances of concern was deferred for development at a later date.

The Act also set out that Toxic substances also were to be regulated in Phases. A review was done to prioritize what substances should be examined in Phase 1 and which substances would be left to Phase 2. The Ministry Backgrounder describes that process used to evaluate and rank toxic substances to be subject to accounting, toxic reduction planning and reporting requirements under the law. Initially the decision was made that all substances on the National Pollutant Release Inventory plus acetone would be considered. Ontario industries already reported on discharges to NPRI and the MOE could build on their data reporting system to include new data on use and accommodate to some degree industry complains that the new reporting was not needed. The also looked at the substances under consideration by the risk based Chemical Management Plan which Industry considers to be superior to this hazard based ranking system.

1. Their ranking and review involved a review for hazards and emissions using the Risk Screening Environmental Indicators Inventory (RSEI) and SRAM Scoring and Ranking Systems for Persistent, Bioaccumulative and Toxic substances for the Great Lakes.
2. Substances identified in other MOE programs.
3. Priorities of other programs and agencies
4. Carcinogens from our gap analysis report. 24 were identified in their ranking 11 were already priorities in 1-3reviews and 13 were added.

The result of the ranking is that In Phase 1 **47 priority substances** are covered. This leaves the remaining NPRI substances for Phase 2 in 2012.

This brings us to the Living List process set out to determine at least once every five years what should be added or removed from the list, the degree of public involvement and inform other strategies. Because the foundation of the TRA is the NPRI we will need to become very familiar with the benefits and shortcoming of the NPRI process. The process has a multi-stakeholder Advisory Committee who we might want to invite to assist us in this challenge. Sarah Rang is a member of that Committee as is one of CELA's Board Members. A good place to begin is with the document on modifying the National Pollutant Release Inventory A Guide to Procedures to follow when Submitting Proposals and a description of the Stakeholder consultation process.
Nominations of substances by Stakeholders
Considerations for Additions and Deletions of Substances

We can look to other jurisdictions like Massachusetts, California and New Jersey and REACH for models, but we have to keep in mind that we have already had our options limited by the Act and regulations and the delays in the regulation on Planner qualifications and the influence of the modernization of approvals and the Open for Business strategy.

Although we have lobbied for a Toxic Reduction Institute persistently we do not have all of the benefits and expertise this could bring. The last Minister expressed interest in resuscitating an Institute after the election, it is unclear if Minister Bradley will. The delay in the Planners regulation bought about by the Open for Business initiative has meant Phase 1 reporting has proceeded with out the involvement of Pollution Prevention Planners. We learned the hard way that even though regulations to the ACT were posted on the EBR they were with drawn to repurposed under the special consultation by the CME. The choice of reporting in bands and ranges means that we may never have the right to know about actual uses of toxics. Worker involvement in pollution prevention planning by facilities was not encouraged in the law. We were told by the past Director that the pending compliance regulation will not be a deterrent for failure to produce a PP Plan. We were also told that there will now be a level playing field in the Living List Committee because there will be more proportional representation between industry and the rest of us representing health, environment and labour.

One of our greatest challenges will be to structure the Living List Process to give capacity and purpose to the public and provide them with confidence and access to experts, scientists and epidemiologists and data that will result in this Act preventing pollution, exposures and diseases through PPP Implementation not required by the Act.

The good news is that we have our own experts in people who have worked with REACH,NPRI, CMP and on place-based Great Lakes Toxics issues that have shaped chemical management plans in North America. We all have other more than full time jobs and we need to consider that in four years time that there will be empowered people to take on the first LL substance review.