



Toronto Cancer Prevention Coalition

Occupational and Environmental Working Group

October 11, 2008

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The Honourable John Gerretsen  
Minister of the Environment  
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Dear Mr. Mouchian and Minister Gerretsen:

**Re: the Toronto Cancer Prevention Coalition  
Occupational and Environmental Working Group  
Submissions to the Ontario Ministry of the Environment on Creating Ontario's  
Toxics Reduction Strategy Discussion Paper (EBR Registry No. 010-4374)**

Thank you for the opportunity to comment on the framework the Ministry of the Environment has developed for Ontario's Toxics Reduction Strategy. The Environmental and Occupational Working Group of the Toronto Cancer Prevention Coalition (TCPC) congratulates the Ministry on developing a strategy to reduce the use and release of toxic substances in Ontario.

As Ontario discharges more toxics than any other Canadian jurisdiction, it is fundamentally important that toxics use reduction legislation be implemented in Ontario to protect the environment and human health. While we support the overall approach in the province's strategy, we strongly encourage the Province to strengthen specific areas of the legislation, as described in the Canadian Environmental Law Association's ("CELA's") submission regarding the "Creating Ontario's Toxics Reduction Strategy" Discussion Paper<sup>1</sup>. Based on CELA's research and that of our other coalition members, we recommend the following steps be taken to ensure a comprehensive approach in this law that:

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<sup>1</sup> Canadian Environmental Law Association, *Our Toxic-Free Future: An Action Plan and Model Toxics Use Reduction Law for Ontario (August 2008)* – hereinafter referred to as *CELA Report and Model Bill*. As our recommendations are based on the *CELA Report and Model Bill*, we will continue to refer to it in the text, but will not reference each point, unless warranted.

1. applies to a **larger list of chemicals, reduces the thresholds and increases the number of industrial sectors subject to the law;**
2. **requires substitution of safer alternatives;**
3. establishes **province-wide toxics reduction targets;**
4. establishes an **institutional framework that both facilitates and approves the preparation of toxics use reduction plans,** including certification by certified pollution prevention planners;
5. **establishes and implements labeling and warning requirements on consumer products** re: carcinogenic and other negative health effects;
6. strongly supports **public right-to-know;** and
7. **allows complimentary municipally-led toxics reduction and right-to-know bylaws to operate** in conjunction with the Province's new law.

Additionally, to provide adequate health and environmental protection, and to assist in the stimulation of a green, competitive, sustainable economy in Ontario, we underscore the need to:

- apply a precautionary approach;
- support the public's right to know and limit the scope of confidential business information claims;
- apply the substitution principle;
- invest in green chemistry;
- promote the use of life-cycle assessment;
- require and promote extended producer responsibility;
- foster corporate environmental stewardship; and
- apply the principles of just transition.

Finally, to encourage a sustainable economy, we recommend that the Province's toxics reduction strategy should be viewed by the newly-created Cabinet Committee on Ontario's Economic Future as an integral part of the shift to a sustainable economy. The strategy should be seen as central to the creation of green jobs in this Province, based on pollution prevention solutions that this legislation can stimulate.

## **Background**

### **Toronto Cancer Prevention Coalition's Occupational and Environmental Working Group**

The Occupational and Environmental Working Group of the Toronto Cancer Prevention Coalition has been a strong advocate for toxics use reduction and a community right-to-know bylaw since our inception in 1999. Our membership includes leaders in the areas of environmental protection, environment and health protection, cancer prevention and occupational health. Members include: the Canadian Environmental Law Association (CELA), the Toronto Environmental Alliance (TEA), Toronto Public Health (TPH), the Environmental Health Clinic of Women's College Hospital, Canadian Cancer Society (CCS), Women's Health and Environment Network (WHEN), Occupational Health Clinics for Ontario Workers (OHCOW), Workers Health and Safety Centre (WHSC), the Toronto Workers Health and Safety Legal Clinic (TWHSLC), Canadian Auto Workers (CAW) and United Steel Workers (USW), as well as public citizens, who are committed to the primary prevention of cancer, in particular, from environmental and occupational exposures.

In 2001, our working group released the report, *Preventing Occupational and Environmental Cancer: A Strategy for Toronto*, to reduce the impact of cancer in Toronto from environmental and occupational exposures. The report recommended the need for a community-right-to-know (CRTK) bylaw and a phased-out reduction for eight key carcinogens in Toronto, among other recommendations.<sup>2</sup> This report led the City of Toronto to recommend community-right-to-know as a priority for Toronto in May of 2002, (adopted by council on November 7, 2002) including the recommendation that federal and provincial governments develop right-to-know resources for the public.<sup>3</sup> In addition, Toronto City Council called for a plan to phase-out the use and release of the eight key carcinogens listed in our report, reinforcing the need for toxics reduction and pollution prevention plans.

Since 2001, the Occupational and Environmental Working Group, and their individual partners, have been providing evidence and support for a CRTK bylaw for the city of Toronto, including comprehensive reviews and reports of similar right-to-know and toxics use reduction legislation enacted in Massachusetts, New Jersey, and other jurisdictions in the United States and Europe.<sup>4</sup> As noted in your Discussion Paper, and many others, these programs have led to a reduction in toxics use and releases and in many cases, have helped stimulate a greener economy.

With support from our research and advocacy, Toronto Public Health has developed a comprehensive *Environmental Reporting and Disclosure Program* for the city of Toronto.<sup>5</sup> The bylaw was adopted by the Toronto Board of Health (BOH) on July 3 2008, pending additional information, and will be presented at the Toronto BOH in the fall 2008. Given the support for the bylaw demonstrated at the July BOH meeting, we are anticipating that it will be adopted and recommended for approval of Toronto City Council in December, 2008.<sup>6</sup>

Toronto Public Health has been diligent in ensuring that its proposed Environmental Reporting and Disclosure bylaw will not duplicate the Province's Toxic Reduction Strategy. In fact, the Toronto bylaw is currently being reviewed and revised to ensure a complimentary approach to toxics use reduction in Ontario's largest city, which will not duplicate the Province's strategy. **We urge that the Province's legislation include explicit provisions to allow stronger municipal legislation to prevail** to assure these two laws are complimentary.

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<sup>2</sup> Occupational and Environmental Working Group of the Toronto Cancer Prevention Coalition, *Preventing Occupational and Environmental Cancer: A Strategy for Toronto* (2001). See [http://www.toronto.ca/health/resources/tcpc/pdf/tcpc\\_occupational\\_enviro\\_carcinogens.pdf](http://www.toronto.ca/health/resources/tcpc/pdf/tcpc_occupational_enviro_carcinogens.pdf).

<sup>3</sup> Toronto Cancer Prevention Coalition, *Action Plan for Cancer Prevention in the City of Toronto and Strategies Developed through the May 1, 2002 Roundtables to Implement the Action Plan*. [http://www.toronto.ca/health/resources/tcpc/pdf/tcpc\\_occupational\\_and\\_environmental\\_carcinogens.pdf](http://www.toronto.ca/health/resources/tcpc/pdf/tcpc_occupational_and_environmental_carcinogens.pdf).

<sup>4</sup> See TCPC Occupational and Environmental Working Group Reports, and Related Reports at [http://www.toronto.ca/health/resources/tcpc/tcpc\\_working\\_group\\_reports.htm](http://www.toronto.ca/health/resources/tcpc/tcpc_working_group_reports.htm).

<sup>5</sup> Toronto Public Health, *Environmental Reporting and Disclosure Program* (June, 2008). See [http://www.toronto.ca/health/hphe/pdf/understanding\\_proposed\\_bylaw\\_june\\_2008.pdf](http://www.toronto.ca/health/hphe/pdf/understanding_proposed_bylaw_june_2008.pdf).

<sup>6</sup> Toronto Public Health. *Progress Report on a City of Toronto Environmental Reporting and Disclosure Program* (June 18, 2008) [http://www.toronto.ca/health/boh\\_pastreports/070308\\_boh\\_pastreports.htm#001](http://www.toronto.ca/health/boh_pastreports/070308_boh_pastreports.htm#001).

## **Ontario's Environment: A need for Change**

As noted in your Discussion Paper, "Ontario is one of the top dischargers of toxics in North America and the number one discharger in Canada", and "Ontario industries account for 36 percent of the total Canadian discharges of reportable chemicals into the air and 50 percent of discharges to water."<sup>7</sup> Moreover, due to direct discharges of toxins and other contaminants to air and water, as well as indirect discharges from municipal sewage treatment plants that are not designed to treat complex mixtures of contaminants, there have been critical incidents of environmental and human health contamination over the years in the Great Lakes basin, which occupies over 90 percent of Ontario's residents.<sup>8</sup>

This places Ontario in a position of responsibility, and presents an opportunity, to take a leadership position on toxics reduction in Canada.

### **Primary Prevention of Cancer from Occupational and Environmental Carcinogens in Ontario**

As noted in the Canadian Cancer Society, Ontario Division's new *Take Charge on Toxics* campaign, "there is public concern around the issue of the environment and cancer because a number of cancers are potentially associated with exposure to environmental and occupational carcinogens."<sup>9</sup>

In Ontario, the number of newly diagnosed cancers increases by 2.5 percent annually; projections estimate that there will be 91,000 new cancers diagnosed. Research indicates that cancers resulting from environmental exposures range from as low as 5 percent (a conservative estimate) to 18 percent. In real terms, taking the 18 percent figure, this is the equivalent of 11,340 people being diagnosed with cancer in 2008, and 4,914 deaths related to environmental carcinogens.<sup>10</sup>

Based on current scientific data, occupational exposures account for approximately 8 percent of cancer cases in the population. This estimate is likely low among those exposed to occupational carcinogens. In 2008, it is estimated that 5,040 Ontario workers will be diagnosed with cancer and 2,192 will die as a result of occupational exposure to carcinogens. Moreover, occupational carcinogens disproportionately affect certain sectors of Ontario's labour force who are exposed to occupational carcinogens, such as asbestos, in the construction industry, non-metal mining, auto parts repair, manufacturing of products containing asbestos, petroleum refineries, and wholesale and retail trade.<sup>11</sup>

The impact of cancers from occupational and environmental carcinogens in Ontario not only affects the health of Ontario residents and workers, but also burdens Ontario's health care system, workers compensation system and labour force, as more residents

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<sup>7</sup> Ministry of Environment, *Creating Ontario's Toxics Reduction Strategy: Discussion Paper* (August 2008) p. 29.

<sup>8</sup> *Ibid.*, p. 30.

<sup>9</sup> Canadian Cancer Society, Ontario Division, *Take Charge on Toxics campaign: Toxics use reduction legislation recommendations* (October, 2008) p. 1.

<sup>10</sup> *Ibid.*, p. 2-3.

<sup>11</sup> *Ibid.*, p. 3.

and workers become ill, requiring treatment, and/or die from cancers related to occupational and environmental carcinogens.

Toxic reduction legislation seeks to eliminate or reduce exposures from occupational and environmental exposures through primary prevention. We are very pleased to see that the Province is taking this step, however we call on the MOE to take a more progressive and accelerated approach to reduce and eliminate carcinogens and other toxins from our communities and workplaces in order to accomplish more meaningful results, particularly in the short term. This is discussed in more detail under our first recommendation below.

### **Benefits of Toxics Use Reduction**

The benefits of toxics use reduction have been demonstrated in many jurisdictions world-wide, and indeed, are recognized by the Province in your Discussion Paper. These benefits include:

- reduced pollution, leading to a cleaner environment and safer products;
- reduction in health risks to the public, and contribution to safer and healthier workplaces;
- monetary savings to business through implementation of pollution prevention plans;
- promotion of cleaner, more innovative and competitive technologies and development of greener products;
- reduced costs for business related to environmental compliance, and reduced enforcement costs to government; and
- reduced need for further hazardous waste management.

### **Recommendations for the Provincial Strategy:**

The success of Ontario's legislation will depend on its thoroughness. Key components will be needed for the best made-for-Ontario solution that will prevent unnecessary use and exposures to toxic substances by employing the most enduring regulatory tools in use globally. Many of these components are now part of your strategy. These include requirements to produce toxics use reduction plans that are compiled using materials use assessments to capture the use and fate of all toxics used in manufacturing processes and products in the province. It will be crucial that the legislation assure the rigour of these plans by requiring that they be certified by trained pollution prevention planners that are also certified.

To build upon, and strengthen the toxic reduction strategies in your paper, we recommend the following, based on the recommendations in *CELA's EBR Submission*.<sup>12</sup>

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

To provide adequate and meaningful reductions in the use and release of toxic substances in Ontario, we recommend that the Province

- a. *expand and accelerate the number of chemicals regulated,*
- b. *reduce the thresholds that trigger the laws application, and*

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<sup>12</sup> Canadian Environmental Law Association, *Submissions to the Ontario Ministry of the Environment on Ontario's Toxics Reduction Strategy Discussion Paper* (Sept. 2008). This report will be identified hereinafter as *CELA's EBR Submission*.

- c. *increase the number of industrial sectors subject to the law, as set out in CELA's Report and Model Bill*
- Initially the Province's plan 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. The plan is not clear when, or if, the law would apply to another 135 non-NPRI chemicals, many of which the MOE has identified as carcinogens, as well as reproductive toxins, neurotoxins and mutagens, which are likely present in the Ontario environment.<sup>13</sup>
  - MOE reliance on NPRI thresholds will miss many toxic substances and emissions released by smaller facilities, which, in the city of Toronto, represent only approximately 3% of facilities that release key toxins into the environment.<sup>14</sup> While this percentage may not reflect all communities in Ontario, it is expected that a large percentage of Ontario facilities will be missed in the Province's proposed strategy. Moreover, approximately 97% of facilities in Toronto, Ontario's largest city, will not be captured under the Province's plan.
  - Moreover, 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 200,000 tonnes per annum, which is a significant gap in coverage and a step back from NPRI itself.<sup>15</sup>

## **2. The toxics law should require substitution of safer alternatives**

The requirement of safer substitution should be a key principle in the Province's toxics reduction strategy to provide protection of Ontario's environment and its citizens' health. In addition, safer substitution will assist in spurring innovative green technologies and supporting sustainable industries, which can stimulate Ontario's economy. The components of safer substitution approach should include:

- a. identification of priority toxic substances for substitution;
  - b. preparation of safer alternatives assessment reports;
  - c. development of alternative action plans by the Province for those substances;  
and
  - d. implementation plans by companies, based on the provincial plans.
- At present, the MOE does not propose to address safer substitution in the new law. Substitution of toxic chemicals with safer alternatives provided by innovative initiatives, such as green chemistry, is cornerstone to the success of toxics reduction laws in the United States and Europe. In Ontario, we have seen the success of safer substitution in the dry cleaning industry, as an example. We recommend that the Provincial law invest in initiatives, such as green chemistry, and mandate safer substitution to ensure that our most toxic chemicals in Ontario are systematically removed from the market. Failure to address this issue may cause Ontario to fall behind developing initiatives in the United States and Europe.

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<sup>13</sup> Ibid., p. 15-17.

<sup>14</sup> Lura Consulting, Access to Environmental Information: Environmental Reporting in Toronto: Gaps and Opportunities (May 2007) p. 6.

<sup>15</sup> CELA's EBR Submission, p.20.

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

Other jurisdictions enacting toxics reduction laws in the U.S. and Europe have demonstrated that targets are a *necessary* component in reducing and regulating toxic use and releases. In Ontario, toxic use reduction targets are already being used in Ontario to phase-out perchlorethylene in the dry cleaning industry.

As demonstrated in that industry, and many others, targets act to spur innovation and provide a benchmark for measuring progress.

**4. The law should establish an institutional framework that both facilitates and approves the preparation of toxics use reduction plans, including certification by certified pollution prevention planners.**

**A. We recommend that a Toxics Use Reduction and Safer Alternatives Fund be included in the legislation.**

- The discussion paper does not indicate that a fund will be established to finance the programs and institutions that will be necessary to ensure proper implementation of the Act and achieve its purposes. As noted in *CELA's EBR Submission*, a dedicated fund will assist to:
  - crystallize the importance of the ongoing need for secure financing of a strategy and law dedicated to toxics use reduction, within government;
  - ensure the public that there will be the necessary funds to administer and enforce the program;
  - underscore the importance that government places on the program – including technical assistance for businesses that must make adjustments due to the Act;
  - provide assurance to employees that must make re-employment adjustments that programs will be in place to meet their needs.<sup>16</sup>

**B. Authorize a toxics use fee on industrial facilities subject to the Act's requirements, and on toxics use reduction and safer alternative planners that seek to be certified under the Act**

- The discussion paper is also silent on the need for a financial mechanism to ensure that the program is adequately funded. 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, and on toxics use reduction and safer alternative planners.<sup>17</sup>

**C. The law should establish an Institute to, among other actions, train and certify toxics use reduction planners.**

- We support the Province's proposal that an external body, such as a university or college-based institute, be established to deliver technical and scientific support and provide education and information outreach. Moreover, we strongly suggest that the proposed Institute provide mandatory training on toxics reduction plans and offer training and certification for toxics reduction planners. In Massachusetts, the training and certification of toxics use

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<sup>16</sup> *CELA's EBR Submission*, p.8.

<sup>17</sup> *Ibid.*, p. 8-9.

reduction and safer alternatives planners by the institute have been key to the success of their program.<sup>18</sup>

**D. The law should include technical assistance to smaller facilities for reducing their use and emissions of toxic substances, and to employees who may require re-employment, or vocational training, due to the Act.**

- As noted earlier, smaller facilities are responsible for an increasing amount of toxic emissions, yet they are exempt from the proposed Act. To provide a comprehensive Toxics Reduction Act, smaller facilities should be included in the Act, along with technical assistance to support pollution prevention initiatives.
- In addition, the Act should provide technical assistance and re-training for employees, as required.<sup>19</sup>

**5. The law should establish and implement labeling and warning requirements on consumer products re: carcinogenic and other negative health effects, such as reproductive toxicity.**

- The discussion paper indicates that the Province will require manufacturers and/or sellers of consumer products to publicly report on products containing a toxic substance. We agree with this approach. It appeared, however, at the Toronto consultations, that the MOE is not going to propose regulations to consumer products, and only address consumer products where the federal government does not act.<sup>20</sup>
- We would like further clarification in the proposed law re: consumer products, for example, providing authority to broadly address consumer products and describing how this will be accomplished.
- To provide further transparency and safety re: consumer products, we recommend that a Bill be included that authorizes immediate labeling and warnings for toxic substances in consumer products where the substances are capable of causing cancer or other negative health impacts, such as reproductive toxicity.<sup>21</sup>

**6. The law should strongly support community-right-to-know, to provide the public with access to information on toxics in their communities, compiled under the authority of existing environmental laws.**

We are pleased to see plans for public disclosure of information to the public in your report. Research provided by TPH and others, such as the Toronto Environmental Alliance (TEA), has consistently demonstrated that the public wants more transparent and detailed information on the toxics in their own communities to enable them to take part in pollution prevention activities that impact on the health of their families and the state of the local environment. For example, when TPH requested public and stakeholder comments on their proposed *Environmental Reporting and Disclosure Program*, they received over 500 responses in favour of the program,

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<sup>18</sup> Ibid., p.22.

<sup>19</sup> Ibid., p.11.

<sup>20</sup> Ibid., p.21.

<sup>21</sup> Ibid., p.21.



including 460 favourable responses citizens.<sup>22</sup> In addition, TEA has received strong support for a CRTK bylaw in Toronto, among the public.

- In addition to your plans for public disclosure of Toxic Reduction summaries, and use data from Materials Accounting and Reports, we would also like the Act to provide:
  - a. public access to environmental information acquired by government from industry, such as website access to contaminated lands, air emissions, and water discharge monitoring that is currently submitted to the MOE;
  - b. links to health information re: toxins, in particular carcinogens, and reproductive toxins;
  - c. the right to apply for review of toxics use reduction and safer alternatives plans, or, alternatively, amend the Environmental Bill of Rights (EBR) to ensure that such plans are included in the definition of "instruments," thereby being subject to review under the EBR; and
  - d. the right of the public to resort to the courts, where, for whatever reasons, the government fails to act.

Regarding this final point, we expect that the current Ontario government is highly committed to the success of this regime. However, governments may change over time and less enlightened governments may administer and enforce the law differently, less effectively, or not at all. Given these possibilities, the public should be provided with the recourse of taking legal action to ensure government compliance with the basic requirements under the Act. As an example, *CELA's Report and Model Bill* includes a public right of action.<sup>23</sup>

**7. Include a conflicts provision that allows municipally-led toxics reduction, right-to-know and pollution prevention bylaws in conjunction with the new provincial law.**

As previously noted, the city of Toronto has developed a comprehensive made-for-Toronto *Environmental Reporting and Disclosure* Bylaw, which we anticipate to be approved by Toronto City Council in December 2008.

We are pleased to see that you have addressed this in your report, noting, "the Ministry will work to consult with the City of Toronto to better align the approaches to reducing toxics and to minimize duplication and potential burdens on Ontario facilities." Your paper, however, does not indicate whether, or how, provincial legislation will address potential conflicts with municipal bylaws that plan to impose greater toxics use reduction, or other requirements, on industrial facilities proposed under the new provincial law. As noted in *CELA's EBR submission*, "the trend in both legislation and judicial interpretation, with some exceptions, has been and should continue to be toward expanding, not contracting, municipal authority that would allow municipalities to enact more restrictive toxics use provisions, or grant greater information access, if necessary."<sup>24</sup> We urge the Province to include specific legislation that allows more robust municipal legislation to prevail.

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<sup>22</sup>Lura Consulting, *Access to Environmental Information: Environmental Reporting in Toronto: Gaps and Opportunities* (May 2007) p. 60-65.

<sup>23</sup> *CELA Report and Model Bill*, p. 86-87.

<sup>24</sup> *CELA's EBR Submission*, p.13-14.

As Toronto is the largest city in Ontario, with up to 7,000 businesses anticipated to be captured in its Environmental Reporting and Disclosure Bylaw by the year 2013,<sup>25</sup> it is anticipated that the complimentary legislation proposed by the City of Toronto, along with strengthened toxics reduction legislation by the province, can place Ontario as a leader in toxics reduction, pollution prevention and innovative "green" technologies making Ontario a model for a healthier, safer communities and more competitive Ontario businesses.

## Conclusions

In conclusion, the Environmental and Occupational Working Group of the Toronto Cancer Prevention Coalition supports the overall approach by the Province to reduce the use and release of toxic substances in Ontario. However, we have some serious reservations about areas where the Province is silent, or ambiguous, as well as aspects that appear to be too narrow, limited, or will be implemented too slowly, to provide Ontario with robust toxic reduction legislation that protects its citizens from related cancers, and other serious health impacts.

As the top discharger of toxics in Canada, Ontario has the responsibility, and opportunity, to lead by example and significantly reduce toxins in our communities and workplaces, while protecting the health of Ontario citizens, including those most vulnerable, such as children.<sup>26</sup>

With a strengthened toxic reduction strategy and Act, such as that proposed by *CELA's Report and Model Bylaw*, aligned with the city of Toronto's comprehensive *Environmental Reporting and Disclosure Program*, Ontario is in the position of becoming the leader in toxics reduction in Canada, and a model in North America, at a time when the public is highly concerned environmental degradation and the health impacts resulting from toxins in their communities, workplaces and consumer products. Additionally, such a move will assist in stimulating innovative sustainable technologies, such as green chemistry, providing Ontario businesses with a greater competitive advantage in the global economy.

We urge the Province to take this opportunity to lead by strengthening its Toxic Reduction Strategy, as described in our recommendations, and work with the city of Toronto to support the *Environmental Reporting and Disclosure Bylaw*, thereby placing Ontario as a leader in toxics reduction in Canada.

Sincerely,

Nancy Bradshaw, Co-chair, Occupational and Environmental Working Group,  
Toronto Cancer Prevention Coalition, on behalf of the Occupational and  
Environmental Working Group, Toronto Cancer Prevention Coalition.

cc. Fiona Nelson, Chair, Toronto Cancer Prevention Coalition

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<sup>25</sup> Toronto Public Health, *Environmental Reporting and Disclosure Program* (June, 2008), p.17.

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**Attachment: Toronto Cancer Prevention's Occupational and Environmental Working Group responses to Selected Questions on the Environmental Registry Proposal No. 010-4374**

The Discussion Paper seeks answers to 44 questions posed throughout the document. This attachment provides answers to selected, applicable questions. Many of the Toronto Cancer Prevention Coalition's Occupational and Environment Working Group's responses are embedded in our letter, therefore our responses are often brief and will refer to our letter and/or CELA's EBR Submission, and/or Report and Model Bill.

**A. Materials Accounting**

**Q.2: How would materials accounting information assist in your understanding of how toxics are used in your community?**

**Q. 3: Do you have comments about materials accounting and how it should work?**

TCPC's Occupational and Environmental Working Group supports materials accounting as a critical initial step in toxics reduction. Materials accounting has been used successfully in jurisdictions, such as New Jersey and Massachusetts, and is also used by the city of Toronto to guide applicable facilities, under the Sewer Use bylaw. Without materials accounting, which tracks the type and amounts of substances brought in, used, produced and released into the environment by a facility, it is not possible to clearly account for the number and type of toxics used and released by facilities in a community.

While we strongly support the concept of materials accounting, we recommend that your strategy go further to: a) apply to all NPRI substances; and hazardous non-NPRI substances, identified under the federal government's Chemicals Management Plan, and identified by IARC as carcinogens and reproductive toxins; b) applied more quickly; and c) from an expanded number of sectors. For details, please refer to *recommendation 1* in our submission and to *CELA's Report and Model Bill*<sup>27</sup>

**B. Toxics Reduction Plans**

**Q.5: What is the appropriate update schedule for Toxics Reduction Plans – annually, every two years, every five years, other?**

We support *CELA's Report and Model Bill*, which recommends updates every two years.<sup>28</sup>

**Q.6: Do you have any suggestions on how the contents of the Toxics Reduction Plan Summaries?**

We support *CELA's Report and Model Bill*, which recommends *mandatory* pollution prevention plans as a legal requirement, including *mandatory* substitution with safer chemicals, as noted in *Recommendation 2* in our submission. Further, we encourage the Ministry to develop a list of priority substances for elimination and their

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<sup>27</sup> *CELA's Report and Model Bill*, p. 49-50.

<sup>28</sup> *Ibid.*, p. 64-67.

alternatives, based on current scientific knowledge and green chemistry. For further information, please refer to *CELA's Report and Model Bill*.<sup>29</sup>

### **C. Reporting Requirements**

**Q. 7: Do you have any comments on the proposed reporting requirements?**

We recommend that the Ministry expand and accelerate data reporting on chemical substances, as discussed in *Recommendation 1* in our submission and *Recommendation 13* in *CELA's EBR submission*. We support *CELA's Recommendations for Reporting*, outlined in their *Report and Model Bill*.<sup>30</sup>

**Q. 8: Do you have any comments on the frequency of reporting – annual, every two years, every five years unless significant changes to plan are made, other?**

Reporting should occur annually to align with NPRI reporting.

**Q. 9: Are these the right elements on which to report?**

In general, yes. For more details, please refer to *recommendation 1* in our submission and *CELA's Recommendations for Reporting*, outlined in their *Report and Model Bill*.

**Q.10: Are the proposed components of the report useful for determining where and how facilities in your community are working to reduce the use and release of toxic substances?**

As noted in *Recommendation 1* in our submission, we have concerns about the scope of your plan, whereby approximately 97% of facilities may be missed (in Toronto), as they are too small, or do not meet the high threshold requirements. Moreover, many of these facilities are located in residential and/or mixed residential/industrial Toronto neighbourhoods, (e.g. dry cleaning facilities, print shops, auto body shops, etc.), within close proximity to homes, schools, community centres, seniors centres, etc. With this in mind, we again stress the need for a more robust toxic reduction strategy that captures these small and medium-sized businesses that are exempt under your proposed strategy.

### **Public Disclosure**

**Q.11: Do you have suggestions regarding the public disclosure of Toxics Reduction Plan summaries, use data from materials accounting and reports?**

We believe that public disclosure is paramount in a comprehensive toxic reduction strategy. As noted in *Recommendation 6* in our submission, we would like to see further expansion of your plans for public disclosure and moreover, public engagement, review and action. In addition, we recommend that the information is made available in a variety of languages.

**Q. 12: How will having access to this information better prepare you to make informed choices about toxics?**

As noted in *Recommendation 6* in our submission, we have heard from many Toronto residents that information on toxic emissions will be used to assist them in making informed choices about the products they purchase and the companies that

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<sup>29</sup> Ibid., p. 67.

<sup>30</sup> Ibid., p. 62-64.

they frequent. Moreover, the information needs to be reliable, up-to-date, easy to understand and meaningful.

#### **E. List, Schedules, and Phases With Respect to Toxic Substances**

**Q. 14 Do you have any comments on the proposed list of toxics?**

**Q. 15 Do you have any comments on the Province's proposal to organize toxics into schedules and to tailor requirements for each schedule?**

**Q. 16 Do you have any comments on the proposed phase-in timetable?**

See *Recommendation 1* in our submission and *Recommendations 11-13* in *CELA's EBR Submission* for more details.

#### **F. Thresholds and Sectors**

**Q. 18: Are the NPRI thresholds appropriate for Ontario?**

Please refer to question 10. As an example, Toronto's *Environmental Reporting and Disclosure Bylaw* recommends toxics thresholds at approximately 1% of the NPRI thresholds to capture more businesses in a variety of sectors, with a phased-in approach to provide assistance to businesses, for example, those not currently reporting under NPRI.<sup>31</sup>

**Q. 19: What are workable and effective approaches to address lower thresholds?**

Technical and financial assistance for smaller facilities will enhance businesses' ability to achieve lower thresholds.

**Q. 20: Are there additional sectors that the Province should consider for inclusion?**

Yes. All sectors covered under NPRI should report, as well as any other facilities in sectors that have approval to emit contaminants to air, under the Environmental Protection Act, or discharge contaminants to water, under Ontario Water Resources Act.

#### **G. Consumer Products**

**Q. 21. Do you support creating new authority for Ontario to ban or restrict toxics and consumer products containing toxics? Should this authority be limited to a designated list or be broad enough to include any toxic substance?**

Yes we strongly support Ontario creating new authority to ban or restrict toxics and consumer products containing toxics. We submit that this authority should be based on a list, as described in *CELA's EBR Submission, Recommendation 9*, page 13.

**Q. 22. Should the legislation include authority for the Province to take precautionary action when, with limited scientific evidence, it suspects that a toxic substance poses a serious risk of harm to human health or the environment?**

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<sup>31</sup> Toronto Public Health, *Environmental Reporting and Disclosure Program* (June, 2008).

Yes. As noted on page 2 of our submission, we strongly support the precautionary principle and urge the province to take action, particularly when a toxic substance poses a serious risk of harm to human health or the environment.

**Q. 23: What are workable and effective ways to ensure the public has useful information on toxics and consumer products?**

As noted earlier, a website, available in various languages, as well as product labeling and warning, would be workable and effective.

**H. Institutions and Toxics Reduction Planning**

**Q. 24: What should be the division of responsibilities between the government and other parties?**

The division of responsibilities outlined in your Strategy appears to be reasonable.

**Q. 25: What parties, such as a university, agency or centre of excellence, are most effective and efficient for particular functions and types of activities?**

Please refer to *Recommendation 4 C & D* in this submission.

**Q. 26: Do you have any comments on the proposal to establish a training and certification program for toxics reduction planners?**

We strongly support a training and certification program for toxics reduction planners. Please see *Recommendation 4 C* in this submission.

**I. Technical Assistance**

**Q. 28. What are the opportunities regarding the implementation of toxics reductions?**

As noted throughout this submission, a) Ontario's high levels of toxic emissions, b) alignment with Toronto's proposed *Environmental Reporting and Disclosure Program*, c) public concern and growing scientific evidence re: toxic emissions and accidents and subsequent health effects, and d) opportunities to invest in green chemistry and other innovative technologies to support a more sustainable manufacturing sector and economy in Ontario, all place Ontario in an excellent position to show leadership in toxic reduction.

**Q. 29: What are the key barriers regarding the implementation of toxics reductions?**

A key barrier to implementation would be lack of an infrastructure, resources and technical guidance to support capacity-building for industries to adapt to changing requirements, and to adopt newer green technologies and other pollution prevention initiatives. In this instance, the opportunities for Ontario businesses to improve their competitiveness may be restricted.

To avoid this scenario, we have outlined recommendations to support an infrastructure and resources for the program, including technical guidance. Please see *Recommendation 4A-D*, in this submission.

**Q. 30: How can technical assistance best be targeted to reduce barriers?**

As noted in *Recommendation 4 D* in this submission, smaller facilities should be provided with technical assistance to assist them in all aspects of toxics reduction (e.g. materials accounting, reporting, pollution planning, safe substitution, etc.).

## **J. Partnerships and Linkages**

### **Q. 33. How should information on feasible alternatives be disseminated to maximize access to and use of this information?**

Among other approaches, provincial chemical action plans can be utilized. For further details, please see *Recommendation 9* of *CELA's EBR Submission*, page 13.

### **Q. 34. Are you aware of, or can you suggest, other potential partnerships or linkages that may be useful?**

As noted throughout this submission, and in more detail in *Recommendation 7*, we see a unique opportunity to align with Toronto's proposed *Environmental Reporting and Disclosure Program*, which, if approved, would be in force at the same time (January 1, 2010). The alignment of these programs could provide Ontario with a robust and enviable model for toxics reduction.

## **K. Public Access to Information**

### **Q. 41. What concerns do you have regarding existing reporting systems and how could we improve upon them?**

Please see *Recommendation 5* of *CELA's EBR Submission*, page 10.

### **Q. 43. What types of information do consumers need to make informed choices when purchasing products that may contain certain toxins?**

### **Q. 44. What is the most effective way, such as a website, or through outreach, to educate consumers?**

Consumers require additional information re: toxic substances of high and moderate concern (including carcinogens) in consumer products to make informed choices that protect their health and the health of their families and that pose the least risk to the environment. Indeed, consumers are looking for information in this regard. Please see *Recommendation 5* in this submission re: consumer labeling.

The information should be provided through a website (including information on chemicals of concern and their health effects, products that contain these chemicals, and safer alternatives) coupled with outreach, to best educate and protect the public.

