



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

October 8, 2008

**VIA ELECTRONIC MAIL**  
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Ontario Ministry of the Environment  
Strategic Policy Branch  
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Dear Mr. Mouchian:

**Re: *Creating Ontario's Toxics Reduction Strategy – A Discussion Paper*: EBR Registry Number: 010-4374**

On September 25, 2008, the Canadian Environmental Law Association (“CELA”) filed submissions with your office on the above document. Representatives of CELA and other organizations also attended at one or more of the five consultations held by the Ministry on the above subject during the period September 9 – 18 (Ottawa, Hamilton, Toronto, Sarnia, Sault Ste. Marie). During our various attendances, we had occasion to hear first-hand, comments made by representatives of industry regarding their views on the implications of the proposed toxics reduction law. In many instances, what we heard does not bear scrutiny and constitutes, in our view, assertions without any basis or substantiation.

Because of the importance CELA places on a robust toxics reduction law in protecting public health and the environment in Ontario, the following constitute our views on these myths:

**Myth # 1: Ontario's proposed toxics reduction law is not needed, will hurt businesses, and will not provide any environmental benefits.**

Response: Ontario is one of the top dischargers of toxics in North America and the number one discharger in Canada. Maintaining the status quo is not an option. Experience with toxics reduction laws in Massachusetts and New Jersey has demonstrated that such laws result in *lower* business costs, and corresponding reductions in public and workplace environmental health risks.

**Myth # 2: Ontario's proposed list of non-NPRI chemicals is not science-based like the federal Chemicals Management Plan (“CMP”) list under the *Canadian Environmental Protection Act* and if the Ontario list expands beyond CMP it will impose an undue burden on reporting facilities and undermine federal-provincial harmonization efforts.**

Response: Ontario's list was developed in part using CMP categorization data. Environment and health are concurrent areas of jurisdiction under the Constitution and to the extent Ontario has a made-in-Ontario toxics problem there is no reason for the province to restrict itself to a made-in-Ottawa solution. Any additional reporting obligations companies may have under Ontario's law will be more than offset by lower compliance costs and improved performance as unnecessary reliance on toxics is reduced.

**Myth # 3: Ontario's toxics reduction law will result in competitors learning business secrets.**

Response: This has not been the experience in jurisdictions with toxics reduction laws, such as Massachusetts and New Jersey. There is no reason to think the situation will be any different in Ontario.

Yours truly,



Joseph F. Castrilli  
Counsel