



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

February 8, 2007

Anne O'Toole
Director General
Pollution Prevention Directorate
Environment Canada
351 St. Joseph Blvd.
Gatineau, Quebec
K1A 0H3

Dear Ms. O'Toole,

Re: Proposed notice requiring the preparation and implementation of pollution prevention plans in respect of mercury releases from mercury switches in end-of-life vehicles processed by steel mills

Please consider the following comments by the Canadian Environmental Law Association (CELA) regarding the *Proposed Notice requiring the preparation and implementation of pollution prevention plans in respect of mercury releases from mercury switches in end-of-life vehicles processed by steel mills* (*Canada Gazette* Part 1, Volume 140, No. 49, December 9, 2006).

CELA would like to express its general support for the comments and recommendations made by Great Lakes United (GLU) in its submission on the Proposed Notice dated February 7, 2007.

As the GLU submission makes clear, the scope of the proposed measures is insufficiently broad to cover the wide variety of vehicles and destinations for scrap vehicles.

We also support GLU's recommendation that "elimination", not "reduction" be the goal, that the Government of Canada define in greater detail how it will achieve this goal, and that a life-cycle approach be taken in order to ensure that producers and users take full responsibility for mercury, including safe final management of the mercury collected.

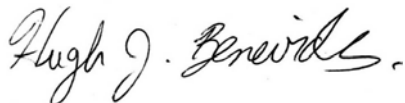
CELA also emphasizes the need for the Government of Canada to use its regulatory powers in section 93 of the *Canadian Environmental Protection Act, 1999* (CEPA) as soon as possible, rather than taking a wait-and-see approach to the use of regulatory powers. Regulatory action has been demonstrated time and again to provide the strongest motivation for economic actors to change their behaviour.

In this context, CELA, most recently through PollutionWatch, a joint project between CELA and Environmental Defence, has recommended that CEPA be amended to minimize the barriers, such as the requirement for repeated Cabinet reviews, that stand in the way of the Minister of the Environment enacting regulations under CEPA.

We urge the government to amend the proposed notice in order to address the gaps identified by GLU, and in order to achieve the overall objectives of eliminating mercury releases from mercury switches, and the phase out of all mercury switches in all new vehicles within a specified time frame, to enact the appropriate regulation as soon as possible.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in cursive script that reads "Hugh J. Benevides".

Hugh Benevides
Counsel

CELA Publication #560