

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 1 of the Bill

I move that section 1 of the Bill be amended by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following clause:

(c) to apply the precautionary principle and promote sustainable development in carrying out the purposes set out in clauses (a) and (b).

*endorse CEPA & advice of expert Panel
agree with sentiments developed in accordance
w/ statement of env. values.
PC whose deb of precaution - R.I.O. deb
should be used.
only Peter supports
lost
Section 1 carried*

Relev against
P.C. abstains.

2

NDP Motion

Bill 167

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Motion to be moved in Committee

M _____

Section 2 of the Bill

I move that the definition of "toxic substance" in section 2 of the Bill be struck out and the following substituted:

"toxic substance" means,

- (a) any substance identified in the National Pollutant Release Inventory issued from time to time under the authority of the *Canadian Environmental Protection Act, 1999*,
- (b) any substance identified as a high hazard substance pursuant to the Chemicals Management Plan under the authority of the *Canadian Environmental Protection Act, 1999*,
- (c) any substance capable of causing cancer to humans, or probably capable of causing cancer to humans, and identified as such in monographs issued from time to time by the International Agency for Research on Cancer,
- (d) any substance capable of causing cancer or reproductive toxicity and identified as such from time to time by the California Environmental Protection Agency under the authority of the *Safe Drinking Water and Toxic Enforcement Act of 1986* (California), and
- (e) any substance known to be capable of causing cancer in humans and identified as such in the *Report on Carcinogens* issued from time to time by the National Toxicology Program, United States Department of Health and Human Services;

Will not support as it does not support phased in approach

Definition should not be left to regulators
 gives certainty Expert Panel called for
 this P.C. agrees; Lack of clarity pollutants
 toxic @ (d) exposure rate important

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Section 2 of the Bill

I move that the definition of "toxic substance" in section 2 of the Bill be struck out and the following substituted:

"toxic substance" means, subject to subsection (2) a substance, other than a metal or alloy,

(a) that is identified as a toxic substance in Schedule 1 of the *Canadian Environmental Protection Act, 1999* or that has been determined to be a toxic substance through the application of a process equivalent to the Chemicals Management Plan under the authority of that Act, and

(b) prescribed by the regulations as a toxic substance;

P.C. int. Mining association C.M.P. does this
Liberals will not support this
will consult with Mining on definition
in regs. no health impacts.
motion lost.

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M _____

Section 2 of the Bill

I move that the definition of "substance of concern" in section 2 of the Bill be struck out.

*Can consumers specialty products
recommend this?
Seymour will not support intent of
Bill's to give public more info.
Some are not currently tracked
motorists.*

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Section 2 of the Bill

I move that section 2 of the Bill be amended by adding the following definition:

“precautionary principle” means the principle that states that where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;

withdrawn since earlier amendment defeated

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M _____

Section 3 of the Bill

I move that section 2 of the Bill be amended by adding the following definition:

“safer alternative” means an option that includes input substitution as well as a change in chemical, material, product, process, function, system or action, whose adoption to replace a toxic substance currently in use would be the most effective in reducing overall potential harm to public health and safety, workplace health and safety or the environment;

*It's useful to have the def
referred to above
Dr. Diamond's "science is constantly
moving" it's up to industry to
decide what's safer.
motren (08)*

Bill 167

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M _____

Section 2 of the Bill

I move that section 2 of the Bill be amended by adding the following definition:

“sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs;

*Liberals set beyond the scope of
this Bill
lost*

*Section 2
amend*

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M _____

Section 3 of the Bill

I move that paragraph 1 of section 3 of the Bill be struck out and the following substituted:

- 1. The facility,
 - i. is a sewage treatment plant,
 - ii. is a facility for the production of energy, or
 - iii. belongs to a class of facilities prescribed by the regulations.

P.L. expert panel called for the
 STP's & Energy Sector resp for
 contamination

Barnett
 ED wants this
 87% of mercury } pollution water
 71% of lead

Flynn the sectors cover 75%
 when coal closes down the other 25%
 will be captured
 this leg covers what comes in
 remediate note
 3 bar opposed liberals
 cost,

Bill 167

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M _____

Section 3 of the Bill

I move that paragraphs 2 and 3 of section 3 of the Bill be struck out and the following substituted:

- 2. The toxic substance is used or created at the facility and the amounts of the substance that are used or created are greater than,
 - i. 100 kg per year, or
 - ii. a quantity that is less than 100 kg per year, if such a quantity is prescribed.

*gov't. would be compatible with Toronto bylaw
 I prefer to see this done by regulation
 when they can enforce penalties etc right
 P. This amendment reflects concern of
 environment groups
 cost.*

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(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsection 3 (2)

I move that section 3 of the Bill be amended by adding the following subsection:

Use of single document

(2) A single document may contain more than one toxic substance reduction plan.

Wynn - one plan came from input from our industry partners.

D7 PC abstain

Section 3 carries

Bill 167

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M _____

Subsection 4 (1) of the Bill

I move that paragraph 1 of subsection 4 (1) of the Bill be amended by striking out "that the owner or the operator of the facility intends" and substituting "that the owner or the operator of the facility intends, on a risk prioritized basis" at the end of the portion before subparagraph i.

Parrettly. CP Industry exposure, emissions are most important
oppose
Hynn. would allow p planning process to be circumvented

lost

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M. _____

Subsection 4 (1) of the Bill

I move that paragraph 1 of subsection 4 (1) of the Bill be amended by striking out "and" at the end of subparagraph i, adding "and" at the end of subparagraph ii and adding the following subparagraph:

- iii. to reduce the level of emissions of toxic substances for the total facility, on a risk prioritized basis.

Fluorinated compounds to intent of Bill end as the pipe approach no longer acceptable.
LOSA,

Bill 167

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M _____

Subsection 4 (1) of the Bill

I move that paragraph 4 of subsection 4 (1) of the Bill be struck out and the following substituted:

- 4. A description of the total facility that uses or creates the toxic substance, including,
 - i. a description of how, when and where the substance is emitted from the total facility, and
 - ii. quantifications that,
 - A. were made under section 9 before the plan was prepared, and
 - B. were used to prepare the plan.

*same as last amendment to bill
not just emissions
lost*

PC Motion

Bill 167

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Motion to be moved in Committee

M _____

Subsection 4 (1) of the Bill

I move that paragraph 5 of subsection 4 (1) of the Bill be struck out and the following substituted:

5. A description and analysis of the options, determined based on consideration of the risk of exposure to emissions, for reducing the use and creation of the toxic substance at the facility.

ditto
Loft,

Bill 167

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Motion to be moved in Committee

M _____

Subsection 4 (1) of the Bill

I move that subsection 4 (1) of the Bill be amended by adding the following paragraph:

7.1 In the case of a facility that uses the toxic substance in relation to the use and processing of raw material feedstocks from nature, such as crude oil, rocks and trees,

- i. a description and analysis of options, determined based on consideration of the risk of exposure to emissions, that were considered for reducing the emission of the toxic substance into air, water and land,
- ii. a statement identifying the options described in subparagraph i that will be implemented, or a statement that none of the options will be implemented, and
- iii. if an option described in subparagraph i will be implemented, the items set out in subparagraphs 7 i to v, with necessary modifications.

Glynn
 will work closely with other jurisdictions & stakeholders. Sebas to come up with made-in-Ontario solutions.
 cost,

Bill 167

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M _____

Subsection 4 (1.1) of the Bill

I move that section 4 of the Bill be amended by adding the following subsection:

Exemption

(1.1) A facility is not required to include the items described in paragraphs 4, 5, 6 and 7 of subsection (1) in a toxic substance reduction plan for a toxic substance if the use of the toxic substance relates to the use and processing of raw material feedstocks from nature, such as crude oil, rocks and trees.

*PC is need disciplined assessment of exposure
Glynn*

This is contrary to intent. Believe assessment should include raw materials. People want balance between env & economy. Bill 167 does this.

lost

*Section 4 carried
Sections 5, 6 & 7 no amend carried*

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M _____

Clause 8 (1) (b)

I move that clause 8 (1) (b) of the Bill be amended by striking out "available to the public" and substituting "available to the public on the Internet and by other means".

*Thyms
responding to stake holders
Carried*

3

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Subsection 8 (1.1) of the Bill

I move that section 8 of the Bill be amended by adding the following subsection:

Scope of public information

(1.1) For the purposes of clause (1) (b), the owner and the operator of a facility is only required to make available to the public the portions of a summary that relate to the risk of exposure to emissions.

*CPHA
toxic substances others causing
unnecessary*

*From this Act goes beyond
emission is also about
creation and use*

lost

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsection 8 (3)

I move that section 8 of the Bill be amended by adding the following subsection:

Use of single document

(3) Summaries of more than one toxic substance reduction plan may be contained in a single document.

[Handwritten notes:]
Flynn looking over another
 carried
 Section 8 carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 9 of the Bill

I move that section 9 of the Bill be struck out and the following substituted:

Toxic substance accounting

9. (1) The owner and the operator of a facility who are required under section 3 to ensure that a toxic substance reduction plan is prepared for a toxic substance shall ensure that, for the total facility, the net use and the total emissions of the substance from the total facility are quantified in accordance with the regulations.

Exemption

(2) Subsection (1) does not apply if the facility's use of the toxic substance relates to the use and processing of raw material feedstocks from nature, such as crude oil, rock and trees.

Section 9

P.C.

symm this would maintain status quo. would me a flexibility would not have to carry out process by process audits.

lost

Section 9 passed

Bill 167

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Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsection 10 (2.1)

I move that section 10 of the Bill be amended by adding the following subsection:

Use of single document

(2.1) Reports prepared under this section with respect to more than one toxic substance may be contained in a single document.

*allows for flexibility
carried*

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Subsection 10 (3.1) of the Bill

I move that section 10 of the Bill be amended by adding the following subsection:

Same

(3.1) Despite subsection (3), a facility is not required to disclose to the public the use or presence of a toxic substance at the facility if,

- (a) the disclosure would result in disclosure of the facility's proprietary information or other information that could create competitive disadvantage for the facility in relation to competitors in Ontario and in other jurisdictions; or
- (b) the disclosure would cause increased security concerns for the facility.

ve
 own Petroleum & Products Institute
 companies already have emergency
 response, health & safety
 sharing info has no inherent

slip in
 shall intent - can do a
 balanced population
 between public interest & proprietary
 information
 2007

Bill 167**An Act to promote reductions in the use and creation of toxic substances and to amend other Acts****Motion to be moved in Committee**

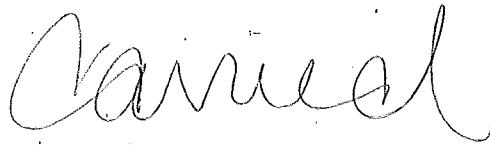
(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsections 10 (3) and (4)

I move that section 10 of the Bill be amended by,

- (a) striking out "available to the public" in subsection (3) and substituting "available to the public on the Internet and by other means"; and
- (b) striking out "available to the public" in subsection (4) and substituting "available to the public on the Internet and by other means".



24

24

PC Motion

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Subsection 10 (5) of the Bill

I move that section 10 of the Bill be amended by adding the following subsection:

Same, limitation

(5) Despite subsection (4), the Director shall not make information available to the public linking a toxic substance to a consumer product unless the toxic substance is identified as a toxic substance in Schedule 1 to the *Canadian Environmental Protection Act, 1999*

public cannot distinguish between substances

Alipn

consult. of public balance
comb. public RTH

lost

Section 10

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.1 of the Bill

I move that the Bill be amended by adding the following section:

Institute established

10.1 (1) The Minister shall establish a body known as the Ontario Toxic Substance Use Reduction and Safer Alternatives Institute, which may be affiliated with one or more universities or colleges in Ontario.

Purposes of Institute

- (2) The purposes of the institute established under subsection (1) include,
 - (a) providing general information about and publicizing advantages of and developments in toxic substance use reduction and safer alternatives;
 - (b) establishing courses, seminars, conferences and other events, reports, updates, guides and publications to provide technical information for facilities;
 - (c) working in cooperation with the Ministry, other ministries and other levels of government regarding promotion of toxic substance use reduction and safer alternatives;
 - (d) developing and providing curriculum and training for higher education students and faculty on toxic substance use reduction and safer alternatives;
 - (e) engaging in research, development and demonstrations of toxic substance use reduction and safer alternatives, including assessments of the impact of adopting such methods on the environment, public and workplace health, the economy and employment within affected facilities;

- (f) developing by a prescribed date and in conjunction with the Ministry and any other prescribed ministries, a toxic substance use reduction and safer alternatives planning program for individuals who wish to be certified as toxic substance use reduction and safer alternatives planners;
- (g) sponsoring research or pilot projects to develop and demonstrate innovative technologies for toxic substance use reduction and safer alternatives;
- (h) assisting in the training of inspectors and others, if so requested by the Ministry;
- (i) providing toxic substance use reduction training and assistance to individuals, community groups, workers, and municipal government representatives so as to allow them to understand and review reporting requirements, toxic substance reduction plan summaries, and other information available to the public under this Act; and
- (j) conducting studies on potential restrictions on the use of toxic substances in Ontario, including,
 - (i) existing provincial, national, and international experiences with restrictions,
 - (ii) social, environmental, and economic costs and benefits of adopting restrictions, and
 - (iii) specific toxic substances that should be considered for restrictions in the province and how such restrictions could be implemented.

Needed votes Peter Bennett
 opposed liberals + Bentley
 obtained Bennett

Planning program

(3) The planning program referred to in clause (2) (f) shall provide training with respect to the following:

1. Assisting facilities in the development and implementation of current toxic substance use reduction and safer alternatives.
2. Preparing, reviewing and approving toxic substance reduction plans.

Precautionary principle

(4) The institute established under subsection (1) shall apply the precautionary principle and the principles of sustainable development in carrying out its duties and responsibilities under this Act.

P. Cavens - this is an effective integral to law. Expert Panel supported this.
 [Flynn]
 not planning to est. an Institute, mass out on its own ahead of its time. A network to work w/ academics, industry stakeholders, P.C.'s don't know how much this costs. P.T.

Bill 167

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M _____

Section 10.2

I move that the Bill be amended by adding the following section:

Establishment of toxic substance reduction targets

10.2 (1) The Government of Ontario shall take measures to achieve the following targets through the use of toxic substance use reduction and safer alternatives:

- 1. Within five years after the coming into force of this Act, a 50 per cent reduction in the use of toxic substances in Ontario from quantities released in the year the Act came into force.
- 2. Within five years after the coming into force of this Act, a 20 per cent reduction in the use of toxic substances in Ontario from quantities used in the year the Act came into force.
- 3. Within 10 years after the coming into force of this Act, a 40 per cent reduction in the use of toxic substances in Ontario from quantities used in the year the Act came into force.

Peter supports all others defeated if

Peter Jablonski / Expert Panel rec. Mass JURA had a 50% target, if we are going to spur green chemistry ability to have govt accountability.

Kathleen Perchault - quotes targets for release it would be disingenuous to limit targets to release. Let's have a motion to determine targets later.

P.C.'s: P.C. substitution is intent other seats will get ahead as we will not be... there will be an... section...

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.3 of the Bill

I move that the Bill be amended by adding the following section:

Establishment of fund

10.3 (1) Upon the coming into force of this Act, the Minister shall,

- (a) establish a fund to be known as the Toxic Substance Use Reduction and Safer Alternatives Fund; and
- (b) appoint an administrator who shall be responsible to the Minister for meeting the purpose of the fund.

Purpose of fund

(2) The purpose of the fund referred to in subsection (1) is to provide monies, which shall be dedicated and used to enable the Minister, the Ministry and other ministries to meet their obligations in implementing this Act.

Fund sources

(3) The fund shall have credited and transferred to it on an annual basis monies from the following sources:

1. All fees imposed on facilities pursuant to section 10.4.
2. All fees collected in connection with licences under the authority of clause 49 (1) (e).
3. All fees collected as penalties for contraventions of offences under this Act.

4. Any grant, gift or other contribution explicitly made to the fund.
5. Any interest earned on monies in the fund.
6. Any other monies that may be available or may be appropriated from the consolidated revenue fund for the implementation of this Act.

Peter Fabians

*Chaired out of order
Standing order 57 - (financial
order)*

Bill 167**An Act to promote reductions in the use and creation of toxic substances and to amend other Acts****Motion to be moved in Committee****M** _____**Section 10.4 of the Bill**

I move that the Bill be amended by adding the following section:

Fees to be paid by facility

10.4 (1) The Minister shall establish a schedule of initial and annual fees to be paid by facilities to the Ministry for the purposes of enabling the Minister to meet the obligations of the Ministry in implementing the provisions of this Act.

Criteria for establishing fee

(2) The criteria for establishing the schedule of fees referred to in subsection (1) shall include:

1. The number of employees at a facility.
2. Whether a toxic substance is manufactured, processed, or otherwise used at a facility.
3. The annual quantity of each toxic substance that is manufactured, processed or otherwise used at the facility.
4. The characteristics of the toxic substances that are manufactured, processed or otherwise used at the facility, including the characteristics set out in subsection 10.7 (3).
5. Such other criteria as may be prescribed.

Ministerial survey notice for obtaining information from facility.

(3) For the purposes of obtaining information from a facility with respect to matters addressed in subsection (2), the Minister may publish a survey notice requiring prescribed persons and facilities to provide information requested in the survey notice by the date specified in the notice.

Declaration

(4) The owner of, or the highest ranking representative with direct operating responsibility at a facility and with authority to bind the owner shall, at the time of filing the response to the survey notice referred to in subsection (3), file a declaration certifying that,

- (a) he or she has read and is familiar with the information provided in response to the survey notice; and
- (b) the information provided is true, accurate, and complete to the best of his or her knowledge.

Report under Canadian Environmental Protection Act

(5) A facility required to file an annual report pursuant to the National Pollutant Release Inventory under section 46 or 71 of the *Canadian Environmental Protection Act, 1999* shall file a copy of the report with the Minister.

withdrawn as previous
order was withdrawn,
standing order 57.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.5 of the Bill

I move that the Bill be amended by adding the following section:

Technical assistance programs for businesses

10.5 (1) The Minister shall, in consultation with other ministries, colleges, universities and private consortia, facilitate business transition to toxic substance use reduction and safer alternatives in Ontario by establishing a technical assistance program for businesses.

Program content

(2) The technical assistance program for businesses shall include the following:

1. Programs to evaluate technologies, encourage university research and industrial collaboration, attract funding and additional support through federal and private sector grants and financial assistance.
2. Direct grants and loans to businesses for costs required to implement toxic substance use reduction and safer alternatives.
3. Technical support for individual companies or sectors.
4. Technical assistance in assessing toxic substance use reduction and safer alternatives and assistance in forming groups to assess and develop safer alternatives.
5. Research and development of safer alternatives, including demonstration projects.

6. Market development programs to create demand for safer alternatives.
7. Conferences, seminars, and workshops focused on solving problems and evaluating technology development opportunities for particular sectors.
8. Publications to assist particular sectors develop and implement toxic substance use reduction and safer alternatives.
9. Such other measures as may be prescribed.

Peter Jabuns - a methodology for
pro

Flynn by not prescribing we
would have more choice
24 million with authority
will develop guidance materials
will not require legal
authority to do so,



Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.6 of the Bill

I move that the Bill be amended by adding the following section:

Technical assistance programs for employees

10.6 (1) The Minister shall, in consultation with the Minister of Labour, colleges and universities, cooperate in facilitating employee transition to toxic substance use reduction and safer alternatives in Ontario by establishing a technical assistance program for employees.

Program content

(2) The Ministers mentioned in subsection (1) shall jointly develop a plan to ensure just and fair transition to re-employment assistance, vocational re-training or other support or arrangements to enable any employee displaced in the province as a result of the implementation of toxic substance use reduction or safer alternatives measures to be,

- (a) eligible for an available job with at least equivalent wages, benefits, and working conditions;
- (b) eligible for vocational re-training and job placement;
- (c) entitled to receive re-employment assistance and health benefits; and
- (d) entitled to receive any additional benefits pursuant to the provisions of a collective bargaining agreement.

Just Transition
 Turn half but a half empty we do
 not expect this Bill to be drafted on
 business instead profitability might
 occur. I intend to give grants to subsidized
 workers
 vote Tabrins yes rest no Jays abstain

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.7 of the Bill

I move that the Bill be amended by adding the following section:

Identification of potential priority toxic substances

10.7 (1) Not later than one year following the coming into force of this Act, and every two years after, the Minister shall identify and publish a list under subsections (4) and (5) of not more than 10 potential priority toxic substances of concern commonly used in Ontario industry or used in products sold in Ontario.

Same

(2) The first list published under subsection (1) shall be known as List 1 and the subsequent lists shall be numbered sequentially and shall each contain, subject to subsection (6), not more than 10 toxic substances.

Criteria for identification

(3) In determining whether a toxic substance should be identified as potential priority toxic substance under subsection (1), the Minister shall consider,

- (a) whether the substance is a carcinogen, mutagen or reproductive toxin;
- (b) whether the substance is persistent or bioaccumulative;
- (c) whether the substance is an endocrine disruptor;
- (d) whether the substance is inherently toxic;
- (e) the extent to which the substance is used in Ontario industry or in products sold in Ontario;

- (f) the extent to which sensitive populations are exposed to the substance; and
- (g) such other characteristics as may be prescribed.

Consultation on potential priority toxic substances

(4) The Minister shall ensure that notice of a list referred to in subsection (1) is made available to the public and shall seek comment from the public regarding,

- (a) prioritization of assessment of substances on the list,
- (b) whether substances should be added to the list, and
- (c) whether substances should be deleted from the list.

Final version of list to be published

(5) Following the consultation referred to in subsection (4), the Minister shall make available to the public the final version of the list containing the order in which priority toxic substances on the list shall be the subject of safer alternative assessment reports under subsection (7).

Ministerial authority to add to list

(6) Despite subsection (1), the Minister may at any time add a substance to a list, in which case subsections (4) and (5) shall apply at that time and the list may contain more than 10 priority toxic substances.

Safer alternatives assessment reports

(7) Within 180 days after the publication of a final version of a list referred to in subsection (5) and every year after, the Minister shall select priority toxic substances from the list in the order in which they appear on the list and ensure that a safer alternatives assessment report that evaluates the availability of safer alternatives to these substances is conducted and published.

Content of report

(8) The content of a safer alternatives assessment report for a priority toxic substance shall include the following:

1. The uses and functions of the priority toxic substance.
2. The uses that result in the greatest volume or dispersion of, or highest exposure to, the priority toxic substance in the indoor, workplace, and natural environment.
3. Consideration of the potential impacts to human health and the environment of the continued use of the priority toxic substance.

4. Whether any of the existing uses of the priority toxic substance are trivial or clearly unnecessary.
5. The public policy implications of a reduction in the use of the priority toxic substance where its current use is non-trivial or clearly necessary.
6. Whether alternatives are available for the uses and functions of the priority toxic substance.
7. Whether the alternatives identified in paragraph 6 are unacceptable, require further study, or are safer than the priority toxic substance.
8. A qualitative discussion of the economic feasibility, opportunities or costs associated with adopting and implementing any safer alternatives to the priority toxic substance including a qualitative characterization of,
 - i. the economic impacts of adopting and implementing a safer alternative on the Ontario economy,
 - ii. any impacts on the workforce or quality of work life,
 - iii. potential costs or benefits to existing business,
 - iv. potential impact on the cost of providing health care if the product is a medical product, and
 - v. the extent of human exposure to the priority toxic substance that could be eliminated and health care costs saved by adopting and implementing a safer alternative.
9. Recommendations on a course of action that should be employed with respect to the priority toxic substance, including whether all uses of the substance should be prohibited.
10. Such other matters as may be prescribed.

Consultation on report

(9) The Minister shall ensure that notice of a draft of a safer alternative assessment report is made available to the public and shall seek comment from the public on the contents of the draft report before the report is finalized.

Final version of report to be published

(10) Following the consultation referred to in subsection (9), the Minister shall make available to the public the final version of a safer assessment report.

Timing for completion of reports

(11) The Minister shall ensure that not later than three years after the publication of a final version of a list under subsection (5), an assessment report has been drafted and finalized for each priority toxic substance on the list.

Alternatives action plans

(12) Not more than one year after the publication of a final version of a safer alternative assessment report for a priority toxic substance under subsection (10), the Minister shall use the report to establish an alternatives action plan for that substance.

Goal of plans

(13) The goal of an alternatives action plan shall be to coordinate the activities of the government of Ontario and to require users of priority toxic substances to,

- (a) act as expeditiously as possible to ensure substitution of a priority toxic substance with a safer alternative while,
 - (i) minimizing job loss, and
 - (ii) mitigating any other potential unintended negative impacts; and
- (b) achieve such other goals as may be prescribed.

Content of plans

(14) Each alternatives action plan shall contain the following:

1. Timetables, schedules and deadlines for achieving substitution of a priority toxic substance with safer alternatives for specified uses.
2. Requirements for all facilities that manufacture, process, or otherwise use a priority toxic substance to demonstrate how they will substitute all specified uses of the substance with a safer alternative, including with respect to consumer products containing the priority toxic substance.
3. Where the safer alternatives assessment report indicated that safer alternatives are feasible and of comparable cost and that all uses of the substance should be prohibited, a specific timetable for substituting a safer alternative for the priority toxic substance.

- 4. Where the Minister determines that implementation of the alternatives action plan for the substitution of a substance, or specified uses of a substance, will take longer than five years, a requirement for plain language labelling of products containing the substance identifying that the substance is present in the product and the impact of the substance on human health and the environment.
- 5. Where the safer alternatives assessment report finds that safer alternatives are feasible but require extensive capital expenditure or training, the Minister shall implement technical assistance programs for businesses and employees.
- 6. Where the safer alternatives assessment report finds that safer alternatives are not feasible, the alternatives action plan shall designate research and development activities to be undertaken with a view to examining the future feasibility of finding safer alternatives for the substance.
- 7. Such other items as may be prescribed.

Consultation on plan

(15) The Minister shall ensure that notice of a draft of an alternatives action plan is made available to the public and shall seek comment from the public on the contents of the draft plan before the plan is finalized.

Final version of plan to be published

(16) Following the consultation referred to in subsection (15), the Minister shall make available to the public the final version of an alternatives action plan for a substance.

Action by other ministries

(17) Following the publication of the final version of the plan referred to in subsection (16), all ministries shall take any required actions as set out in the plan.

Precautionary principle

(18) When exercising the duties and responsibilities set out in this section, the Minister shall have regard to the precautionary principle and the principles of sustainable development.

lost only 17 votes because of

P. Labung we need regulatory centers for substitution this does this by giving industry.

Thynn not proposing at this time. minimum permanent science behind safer alternatives is

will be required to address alternatives in their plans do not place undue administrative burden.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 10.8 of the Bill

I move that the Bill be amended by adding the following section:

Right to know

10.8 (1) The public shall have access to the information set out in subsection (2) by the means identified in subsections (3), (4), (5), (6), and (7).

Pollutant inventory

(2) The Minister shall establish, maintain and make public a pollutant inventory that contains at least the following information:

1. The alphabetical index record referred to in subsection 19 (9) of the *Environmental Protection Act*.
2. All records that are filed in the Environmental Site Registry established under section 168.3 of the *Environmental Protection Act*.
3. All reports submitted under section 6 of Ontario Regulation 127/01 (Airborne Contaminant Monitoring and reporting) made under the *Environmental Protection Act*, R.S.O. 1990, c. E.19.
4. All reports supplied to the Ministry under the following regulations made under the *Environmental Protection Act*:
 - i. Ontario Regulation 560/94 (Effluent Monitoring and Effluent Limits – Metal Mining Sector).

- ii. Ontario Regulation 215/95 (Effluent Monitoring and Effluent Limits – Electric Power Generation Sector).
 - iii. Ontario Regulation 561/94 (Effluent Monitoring and Effluent Limits – Industrial Minerals Sector).
 - iv. Ontario Regulation 64/95 (Effluent Monitoring and Effluent Limits – Inorganic Chemical Sector).
 - v. Ontario Regulation 214/95 (Effluent Monitoring and Effluent Limits – Iron and Steel Manufacturing Sector).
 - vi. Ontario Regulation 562/94 (Effluent Monitoring and Effluent Limits – Metal Casting Sector).
 - vii. Ontario Regulation 63/95 (Effluent Monitoring and Effluent Limits – Organic Chemical Manufacturing Sector).
 - viii. Ontario Regulation 537/93 (Effluent Monitoring and Effluent Limits – Petroleum Sector).
 - iv. Ontario Regulation 760/93 (Effluent Monitoring and Effluent Limits – Pulp and Paper Sector).
5. The alphabetical index record referred to in section 13.1 of the *Ontario Water Resources Act*.
 6. All reports required under sections 61 and 81 of the *Clean Water Act, 2006*.
 7. All notices provided to the Ministry under section 29 of the *Pesticides Act*.
 8. The alphabetical index record referred to in subsection 31 (8) of the *Pesticides Act*.
 9. All adverse drinking water test results reported under section 18 of the *Safe Drinking Water Act, 2002*.
 10. Prescribed information, including consumer product labelling information about the impacts of prescribed pollutants on the environment and human health.

Publication requirements

(3) The Minister shall ensure that the inventory established under subsection (2) is kept current and includes instructions in plain English and French on how to use the inventory.

Searchable information on inventory

(4) The Minister shall ensure that the information contained in the inventory established under subsection (2) is capable of being searched by the following criteria:

1. The name of the pollutant.
2. The name of the person responsible for the pollutant.
3. The geographic region, including postal code.
4. The number of the regulation under which the information was filed.
5. The instrument to which the information relates.
6. The type of impact on the environment.
7. The type of impact on human health.

Reports

(5) The Minister shall ensure that reports, organized by the criteria set out in subsection (4) and by other prescribed criteria, may be created by a user of the inventory established under subsection (2).

Public access

(6) The requirement set out in this section to publish and maintain the inventory established under subsection (2) applies,

- (a) in addition to any other requirements under this Act or any other Act respecting public access to the documents listed in subsection (2); and
- (b) despite any requirement in any other Act or regulation that would limit the disclosure or use of the documents listed in subsection (2).

Consumer product warnings

(7) No prescribed supplier shall supply to a consumer products that expose the consumer to a toxic substance unless the supplier includes a warning of the exposure in the prescribed manner.

Safety data sheets

(8) Despite clause 38 (1) (d) of the *Occupational Health and Safety Act*, upon the coming into force of this Act, an employer shall furnish forthwith to the fire department which serves the location in which the workplace is located, a copy of every unexpired material safety data sheet required by that Act in respect of hazardous materials in the workplace as defined under that Act.

Peter Joban Community right to know
this guarantees unless there.

Barrett objects to NPollutant Release /
~~objects to~~ ~~coast~~ pollutant - thinks it
should be tags

Flynn will not be ~~ambigious~~
will be setting up website do not
lead legal authority to do this,
no authority
consulted w/ fire Marshall previous
of MSDS to fire dept would result
in administrative burden

yes Peter,
no everyone else

WOS

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsection 11 (2)

I move that section 11 of the Bill be amended by adding the following subsection:

Use of single document

(2) Reports prepared under this section with respect to more than one substance of concern may be contained in a single document.

Barnett will support this.
deb. substance of concern.
carried.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 11 of the Bill

I move that section 11 of the Bill be struck out.

Orvis parliamentary procedure you can vote against but not strike out what is in his can of spide appreciates concern

Klynn 20 topics of concern that are not tracked by NRRI and are in use in Ontario identified by the Expert Panel legislation needs to be flexible to accommodate such substances.

Barnett industry needs certainty
Klynn Great Lakes Toxic Inventory

Section carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Section 11.1

I move that the Bill be amended by adding the following section:

PROGRESS REPORTS

Progress reports

11.1 (1) The Minister shall annually prepare a report describing progress relating to implementation of this Act.

Available to the public

(2) The Minister shall make the reports prepared under subsection (1) available to the public on the Internet and by other means in accordance with the regulations.

Report available on an annual basis

Carried

Sections 12 & 13 Carried,

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Clause 14 (1) (a) of the Bill

I move that clause 14 (1) (a) of the Bill be amended by striking out the words "or substance of concern".

PC yes
lost

Section 14
Carried
Sections
15 to 28
Carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Clause 29 (1) (a) of the Bill

I move that clause 29 (1) (a) of the Bill be amended by striking out "or a report on a substance of concern is prepared under section 11".

lost

Section 29 carried
Sections 30 to 38
carry

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Subsection 39 (3)

I move that subsection 39 (3) of the Bill be amended by striking out "the Minister, the Director or a provincial officer" and substituting "the Director or a provincial officer".

Glynn

Mitchell

a housekeeping, no
minutes added in 167

carried

Section 39 carried
Sections 40 to 43 carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 44 of the Bill

I move that section 44 of the Bill be amended by striking out "the document is revised to meet all of the requirements" and substituting "the document was prepared in accordance with the purposes of this Act."

Correct
Can Vehicle Manufacturing Assoc
ISO 14001 compliance should exempt
them from the S.
Highway Industry - no duplication
speaks to purposes only not to
requirements, regulations,
cost,

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Section 48

I move that section 48 of the Bill be struck out and the following substituted:

Review

48. (1) The Minister shall, at least once every five years, consult with experts and the public about,

- (a) possible changes to the lists of substances that are prescribed as toxic substances and as substances of concern; and
- (b) possible changes to the regulations prescribed for the purposes of paragraphs 2 and 3 of section 3 and paragraph 2 of section 11.

Additional substances

(2) The Minister shall from time to time publish lists of substances that are not toxic substances or substances of concern but that the Minister proposes to consider during the next consultation under clause (1) (a).

← Flynn Industry asked to be able to use existing work to contribute to plan. Would not be asking them to revise previous documents.

Carried

414 Carried

45 → 47 Carried

Section 48 carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

(On peut obtenir la version française de cette motion auprès du greffier.)

M _____

Clause 49 (1) (c.1)

I move that subsection 49 (1) of the Act be amended by adding the following clause:

(c.1) setting targets relating to toxic substances;

*Flynn
parmi
le cancer society asked for release
targets.*

*Flynn agrees with CCS that Bill
will allow for targets to be set.*

Carried.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 49 of the Bill

I move that section 49 of the Bill be amended by adding the following subsection:

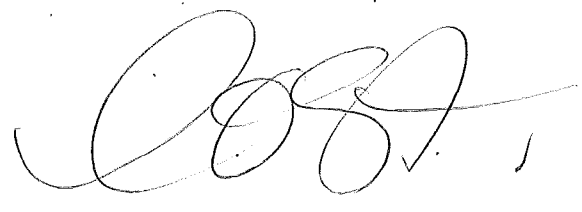
Conflict

(1.1) A regulation made under subsection (1) does not apply to the extent that it overlaps or conflicts with a provision of an Act or regulation made by the Government of Canada respecting toxic substances.

*Barnett - Cdn Res. Products Institute
GMP are of most stringent processes
in the world - duplication
works against key pro. harmonization*

Thynn

*O.C.S. very much in support of
this Bill with a few changes,
would not allow them to do the S.*



Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 50 of the Bill

I move that section 50 of the Bill be struck out.

*Adm CPA think its the
feds job.*

*Sections 50 to 63
out of order*

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 51 of the Bill

51 to 56

I move that section 51 of the Bill be struck out.

COPA Barnier/Jampter disappointed no harmonization of CCMP the most comprehensive

~~Plan~~

Banning & restructuring without scientific rationale with be in conflict with Federal Laws science based risk-based approach

what deal of assistance deal in Canada - Point of Contact ASAC confusion dup in marketplace unnecessary costs to industry govt This is the job of the Federal govt

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 52 of the Bill

I move that section 52 of the Bill be struck out.

Flynn's response
On will continue to work
with Fed's

new authorities would give out
ability to act & consult with
public.

compliance & enforcement powers
needed to limit sale if necessary
if industry believes there are no cases
in Ontario to do. OHS

504063
carried

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 53 of the Bill

I move that section 53 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 54 of the Bill

I move that section 54 of the Bill be struck out.

48

PC Motion

Bill 167

**An Act to promote reductions in the use and creation of toxic substances and to
amend other Acts**

Motion to be moved in Committee

M _____

Section 55 of the Bill

I move that section 55 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 56 of the Bill

I move that section 56 of the Bill be struck out.

PC Motion

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 57 of the Bill

I move that section 57 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 58 of the Bill

I move that section 58 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 59 of the Bill

I move that section 59 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 60 of the Bill

I move that section 60 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 61

I move that section 61 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M_____

Section 62

I move that section 62 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 63 of the Bill

I move that section 63 of the Bill be struck out.

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 64 of the Bill (clause 49 (1) (n.1) of the *Toxics Reduction Act, 2009*

I move that subclause 49 (1) (n.1) of the *Toxics Reduction Act, 2009* as set out in section 64 of the Bill be struck out and the following substituted:

- (n.1) prohibiting or regulating the manufacturing, sale or distribution of,
 - (i) a toxic substance or any other substance prescribed by the regulations, or
 - (ii) anything that contains a toxic substance or any other substance prescribed by the regulations;

Cost

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 64 of the Bill (clause 49 (1) (n.1) of the *Toxics Reduction Act, 2009*)

I move that clause 49 (1) (n.1) of the *Toxics Reduction Act, 2009* as set out in section 64 of the Bill be struck out and the following substituted:

- (n.1) prohibiting or regulating the manufacturing, sale or distribution of a toxic substance, a substance of concern or any other substance prescribed by the regulations.

lost,

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 64 of the Bill (section 49 of the *Toxics Reduction Act, 2009*)

I move that section 64 of the Bill be amended by adding the following subsection:

(2) Section 49 of this Act is amended by adding the following subsection:

Regulations made under clause (1) (n.1) or (n.2)

(3) A regulation made under clause (1) (n.1) or (n.2) may only be made if,

- (a) the substance or consumer product that is the subject of the regulation is not regulated under the *Food and Drugs Act (Canada)* or the *Canadian Environmental Protection Act, 1999*;
- (b) in the opinion of the Lieutenant Governor in Council, the inherent toxicity of the substance or consumer product that is the subject of the regulation and the environmental and human health exposure related to the substance or product indicate that the regulation is necessary; and
- (c) the facilities affected by the regulation have been consulted.

Highly lenient presentation
 Cosmetics, toiletries
 CN will continue to work on
 this, on stage sub. be a need
 however there may be a need
 to act in CN's interest in the
 future.
 lost

60

PC Motion

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 64 of the Bill

I move that section 64 of the Bill be struck out.

*Section 64
Carried*

*Sections 65 to 68
Carried*

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 68.1 (Section 25 of the *Occupational Health and Safety Act*).

I move that the *Occupational Health and Safety Act* be amended by adding the following section:

Employer to make and maintain inventory

36. (1) An employer shall make or cause to be made and shall maintain an inventory of all hazardous materials and all hazardous physical agents that are present in the workplace.

Inventory

(2) The inventory required by subsection (1),

- (a) shall contain such information as may be prescribed; and
- (b) shall be prepared in consultation with the committee or health and safety representatives, if any, for the workplace or with a worker selected by the workers to represent them, if there is no committee or health and safety representative.

Amendment to inventory

(3) Where an inventory required by subsection (1) is amended during a year, the employer, not later than the first day of February in the following year, shall prepare a revised version of the inventory incorporating all changes made during the preceding year.

Reasonable effort by employer

(4) Where, under the regulations, an employer is required to identify or obtain the identity of the ingredients of a hazardous material, the employer is not in contravention of

the regulations if the employer has made every effort reasonable in the circumstances to identify or obtain the identity of the ingredients.

Same

(5) An employer shall advise a Director in writing if, after making reasonable efforts, the employer is unable to identify or obtain the identity of the ingredients of a hazardous material as required by the regulations.

Exception

(6) Except as may be prescribed, subsection (1) does not apply to an employer who undertakes to perform work or supply services on a project in respect of materials to be used on the project.

Employer to keep floor plan

(7) The employer shall keep readily accessible at the workplace a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where they are most likely to come to the attention of workers.

Peter Sobunz

draw rules out of order
cannot amend a Bill
that is not opened
Ode 49 S Act is not opened

Bill 167

An Act to promote reductions in the use and creation of toxic substances and to amend other Acts

Motion to be moved in Committee

M _____

Section 36.1 of the *Occupational Health and Safety Act*

I move that the *Occupational Health and Safety Act* be amended by adding the following section:

Risk to worker

36.1 (1) If there is a risk to a worker at a workplace from exposure to a hazardous substance by any route of exposure, the employer shall eliminate the exposure or otherwise control it so that the hazardous substance is below harmful levels by means of,

- (a) substitution,
- (b) engineering control,
- (c) administrative control, or
- (d) personal protective equipment.

Substitute

(2) When selecting a substitute as a means of controlling exposure under subsection (1), the employer shall ensure that the hazards of the substitute are known, and that the risk to workers is reduced by its use.

Protective equipment

(3) The use of personal protective equipment to control exposure is permitted only if,

- (a) the means set out in clauses (1) (a), (b) and (c) are not practicable;

- (b) additional protection is required because the means set out in clauses (1) (b) or (c) are insufficient to reduce exposure below harmful levels; or
- (c) the exposure results from temporary or emergency conditions only.

Riter anticipates some
ruling
- carried -
title of act carried
Bill as amended
carried
- shall Bill go to
house carried

Opening remarks opposition Party
P.C.s Hope amendments will pass
that will address duplicative
nature with federal government
actions. Hope its not being rammed
through on basis of emotion "not
science". Heard from wide sectors
Can see, Man. ^{ed}
we are in difficult times,
would have thought the government
would have listened to CG on targets
would have included SAs
Comments deputations - 41 amendments
precautions verses risk discussion
should be interested.