



GREAT LAKES UNITED

## ACTION ALERT

### YOUR COMMENTS NEEDED ON CANADIAN FEDERAL GOVERNMENT RIGHT TO KNOW PROGRAM!!

#### BACKGROUND

Under the Green Plan, released in December 1990, the Federal Government committed to develop a "national database for hazardous pollutants being released from industrial and transportation sources." Information in the database would be public. According to the Green Plan, the guidelines and reporting forms for the inventory would be completed by the end of 1992 with the first reports scheduled for **public release** in 1994.

In late 1991, Environment Canada undertook a multi-stakeholder process to develop this inventory, called the National Pollutant Release Inventory (NPRI). The Multi-Stakeholder Advisory Committee (MSAC) met a number of times throughout 1992 to develop a draft program for the Minister. In October the Multi-Stakeholder Advisory Committee is holding information sessions across the country to obtain public input on their proposal before it goes to the Minister in December.

The National Pollutant Release Inventory (NPRI) has tremendous potential to be a tool for citizens and workers to make changes that benefit communities, workplaces and the environment. However, the NPRI can only fulfil that potential if its scope is comprehensive and its mandate is right-to-know. **We must take action now to send a strong message to Environment Canada, the Multi-Stakeholder Advisory Committee, and Minister of the Environment Jean Charest, that we want a strong and comprehensive public right-to-know program.**

In July the Canadian Environmental Network set up a caucus to define what information should be contained in the National Pollutant Release Inventory. We have developed these fact sheets to help you influence the decision that the federal government makes.

## WHAT YOU CAN DO

- **OBTAIN A COPY OF THE PROPOSED NPRI PROGRAM**

Call Gordon Pope at Environment Canada and request a copy of the Multi-Stakeholder Advisory Committee Interim Report on the NPRI. Also request information on the exact time and location of the public meeting nearest you. And remember to be put on the mailing list to receive any future notices about the NPRI.

Gordon Pope, Environment Canada  
Block 1600, Asticou Centre, 241 Cite des Jeunes, Hull, Quebec K1A 0H3  
Phone: (819)953-1654; FAX: (819)953-9542

- **PARTICIPATE IN NATIONAL MEETINGS**

In October the Multi-Stakeholder Advisory Committee is holding information sessions across the country to receive public input on their proposal for the NPRI. Please attend those meetings and voice your opinion. Please call Gordon Pope in advance and let him know that you are planning to attend. The meetings will be held as follows:

**Halifax: October 14, Le Chateau Halifax, 1990 rue Barrington, Scotia Square**

**Calgary: October 16, Le Glenmore Inn, 2720 Glenmore Trail S.E.**

**Vancouver: October 19, Hotel Sandman, 180 West Georgia St.**

**Montreal: October 23, Le Reine Elizabeth, 900 boul Rene-Levesque ouest**

**Toronto: October 26, the Delta Chelsea Inn, 33 Gerrard St. West**

**Windsor: October 28, Ramada Inn, 480 Riverside Drive West**

**Ottawa: October 30, Le centre d'etude federal, 1495 chemin Heron**

- **WRITE COMMENTS**

Can't attend a meeting? Please write comments and send them to Gordon Pope at the address listed above and to Ray Vles, PDA International 5130 St. Hubert St., Office 202, Montreal, Quebec H2J 2Y3, phone (514)495-7980, FAX (514)495-9045. Also send them to your Provincial Environment Minister and the Federal Environment Minister. Please send a copy of any comments you make to us too, care of: Craig Boljkovac, CEN, P.O. Box 1289, Stn. B, Ottawa, Ontario K1P 5R3

Honorable Jean Charest, Minister of the Environment  
Les Terrasses de la Chaudiere, 10 Rue Wellington, Hull, Quebec K1A 0H3

Environment Canada would like to have all comments in by the **end of October/first week in November.**

- **WORK WITH YOUR PARLIAMENT MEMBERS AND PROVINCIAL MINISTERS TO SUPPORT YOUR POSITION**

Write, call or set up a meeting with your federal members of parliament and urge them to support your recommendations to the federal government. You can send letters to your M.P. at: House of Commons, Ottawa, Ontario K1A 0A6. Letters to Members are free in Canada.

- **OBTAIN MEDIA SUPPORT FOR YOUR POSITION**

Meet with the editorial board of your local paper and explain to them why it is important for them to support a comprehensive right-to-know program. (Please send a copy of any editorials to Craig at the CEN office.)

## WHY IS IT IMPORTANT TO TAKE ACTION NOW?

Presently, some members of the Multi-Stakeholder Advisory Committee and Environment Canada staff are resisting the need to make this a comprehensive Right-to-Know program. Rather, these representatives would like to see it be a limited database on releases of certain toxic chemicals

from certain industries. Right-to-Know is for the public. We have the right to know about what chemicals are used and released in our communities and about what chemicals stored at facilities have the potential to cause catastrophic accidents. But we will only have that right if we act now and tell our government what it is we want to know.

## **WHAT DO I NEED TO THINK ABOUT WHEN COMMENTING ON THE NPRI?**

Thinking about the right to know is easy -- just ask yourself the following questions:

1. What does right-to-know mean to me?
2. What kinds of information should be reported under a right to know program?
3. What facilities should report under a right to know program?
4. What kinds of chemicals do I want to know about that may be used or released in my community?
5. What mechanisms need to be put into place to make this information easy to use for me, for community organizations, and for workers?

## **KEY RECOMMENDATIONS ON THE NATIONAL POLLUTANT RELEASE INVENTORY**

### **MAKING THE INVENTORY PUBLIC:**

- The NPRI should be a public right-to-know program. The purpose of this program should be to provide citizens and workers with information on the use, storage, release and management of hazardous chemicals in their communities and workplaces.
- The Minister of the Environment should immediately institute measures that will ensure that public access to the NPRI is not thwarted by CEPA confidentiality provisions.
- NPRI reports should be available through the provinces at provincial and territorial environment ministry headquarters offices and at the regional offices, as well as municipal libraries.
- Environment Canada should support the development of a computer support service that specifically assists environmental and community organizations to manipulate the data to various formats.
- NPRI data should be available in raw data form.

### **WHAT INFORMATIONS SHOULD BE REPORTED UNDER THE NPRI:**

#### **TOXIC CHEMICAL USE**

- The NPRI should include information on the use of toxic chemicals at facilities. Specifically, companies should be required to report on the total quantity of a hazardous chemical that is manufactured, processed, used, and generated as by-product prior to any treatment, handling, transfer or release, and report the amount of that substance consumed, recycled or transferred in or as product. This information should be provided on a unit of production basis in order to be able to track the amount of substance used in relation to the amount of production at the facility from year to year.
- In order to obtain a better understanding of progress being made to reduce a facilities reliance on toxic chemicals, facilities should be required to report: percentage reductions or increases in the use of each NPRI substance within a specific process and increases and reductions in the amount of the NPRI substance remaining at the end of the process prior to treatment or recycling (non-product output). This reporting should be done on a unit of production basis.
- Companies should report the types of management techniques utilized to reduce their use of toxic substances.

#### **TOXIC CHEMICAL RELEASES**

- The amount of each NPRI toxic chemical released to air (via stack and fugitive emissions), land and water (including sewers and municipal incinerators) should be reported.
- The report should specify where these substances were discharged to (e.g. the receiving water body) and what land facilities any wastes were transferred to.
- Facilities that current report releases under federal regulations to other databases, such as mercury releases from vinyl chloride and polyvinyl chloride manufacturing, should be required to report under NPRI if they meet the reporting requirements.
- Information on seasonal breakdowns of releases should be included in the NPRI.

#### ON-SITE AND OFF-SITE TRANSFERS OF SUBSTANCES

- Facilities should be required to report on the amount of each substance that is transferred off-site or on-site for energy recovery, recycling, treatment, or disposal.
- Facilities should specifically report on: where the material is sent and how it is treated, recycled, or disposed.

#### EXTREMELY HAZARDOUS SUBSTANCE STORAGE INFORMATION

- Environment Canada should identify a list of extremely hazardous substances that have the potential to cause catastrophic accidents if accidentally released. Separate reporting thresholds should be established that reflect the quantities that could cause catastrophic accidents.
- Facilities that meet or exceed these thresholds should be required to report the maximum quantity of the chemical stored on site on any given day and the average amount stored in a day.
- This information should be distributed to local fire departments, and be made available to the public.

#### WHAT FACILITIES SHOULD REPORT?

- The NPRI should use reporting thresholds that capture significant polluting facilities. Environment Canada has not demonstrated that the 10 employee threshold is sufficient to capture these facilities. Therefore, we are opposed to this threshold. Environment Canada must prove that this threshold will capture all facilities that are significant polluters and users of toxic chemicals. In addition, we feel that the 10,000 kilogram limit is too high and that at a minimum the use threshold used in the United States should be adopted (5,000 kilograms).
- We support the use of a release threshold for use as a mechanism to capture by-product release below the proposed reporting threshold of 10,000 kilograms (that we have stated should be 5,000 kilograms). This third condition can only be accepted if it is an or condition, this means that facilities that meet the use and production thresholds are still required to report irregardless. Industry has proposed this as an and condition -- this is totally unacceptable to environmental and labour representatives.
- Transfers of NPRI substances into products should be included in the database for two reasons. First, these chemicals may be released to the environment later as the product is used or disposed. Secondly, this information is critical to assessing the effectiveness of pollution prevention programs.
- Facilities that are currently required to report releases under other federal regulations should not be exempt from reporting under NPRI if they meet the reporting thresholds.
- Environment Canada should determine if their calculations of releases from gas stations will provide community specific information. If not this exemption should be reconsidered. This exemption should not include tank farms or large gasoline distribution and storage centers.

#### WHAT CHEMICALS SHOULD BE REPORTED?

- Chemicals included on the CEPA priority substances list should be included in the NPRI.
- Chemicals should not be deleted from the list unless it can be proven beyond a shadow of a doubt that a substance will not cause harm to human health or the environment. It is assumed that all chemicals are on the list because they are known or suspected of causing harm to human health or the environment.
- A formal process should be developed for listing and delisting chemicals. Citizens should be able to initiate this process and there should be a formal opportunity for public comment on any proposal for listing and delisting.
- Persistent, bioaccumulative toxic substances should be included on the NPRI substances list. Because these chemicals may be released in smaller quantities and not captured under the proposed reporting requirement, lower reporting thresholds should be established for these chemicals.

#### ENFORCING THE NPRI:

- Environment Canada should develop a list of all companies that are required to report.
- Environment Canada should develop an effective outreach program to ensure that all reporters understand their responsibility.
- Environment Canada needs to develop and fund a specific enforcement program. Further investigation of a legislative framework for compliance and enforcement should be investigated.
- Environment Canada should develop a program to verify the data submitted. This can include annual or periodic audits approved by an outside auditor.
- The public should be given a role in enforcement including: initiating an investigation and initiating a prosecution.
- Mechanisms to protect whistleblowers should be incorporated into the NPRI.

# NATIONAL POLLUTANT RELEASE INVENTORY FACT SHEET #1

## THE INVENTORY AND RIGHT-TO-KNOW: MAKING THE INVENTORY PUBLIC

Imagine going to your provincial ministry of environment office and being able to find out exactly what chemicals are being used, stored and released by industrial facilities in your community. This is right-to-know. Right-to-know provides citizens and workers with information on the use, storage, release and management of hazardous chemicals in their communities and workplaces. Knowledge of the presence of hazardous pollutants in a community is fundamental to decisionmaking in all corners of government, from municipal discussions about land use to federal and provincial environmental protection programmes.

Unfortunately, we do not now have a right-to-know program in Canada. Data on use and emissions are gathered through many different programmes. These data, however, are inconsistent and not readily available to the public. Indeed, most of the data gathered on a plant-specific basis are completely unavailable to the public because of confidentiality provisions. We do have a workplace right-to-know program called the Workplace Hazardous Material Information System. Making the NPRI a comprehensive right-to-know program would not supplant the WHMIS program. Rather it would provide community members access to information that workers now receive, as well as, provide additional information to both workers and community members.

### WHAT DOES THE MULTI-STAKEHOLDER ADVISORY COMMITTEE CONSIDER THE PURPOSE OF NPRI TO BE?

Environment Canada and most industry representatives on the Multi-Stakeholder Advisory Committee consider the primary function of the NPRI to be to collect information on the **release** of toxic substances into the environment. The environmental and labor members of the MSAC feel that this vision of the NPRI is too narrow. They feel that the NPRI should also be used to track reductions, and increases, in the **use** of toxic substances, and should provide information on the **storage** of hazardous chemicals in order to facilitate accident prevention and response planning programs. The Multi-Stakeholder Advisory Committee proposal being distributed for public review does not currently include reporting requirements for use and storage information.

### WILL TRADE SECRET OR CONFIDENTIALITY CLAIMS UNDERMINE OUR RIGHT TO KNOW?

In the Green Plan the Federal Government pledged to make the National Pollutant Release Inventory a public database. However, confidentiality provisions under the Canadian Environmental Protection Act -- the law under which the NPRI is being conducted -- threaten to undermine the government's pledge and the fundamental purpose of the database -- to provide information to the public. Under current Canadian Environmental Protection Act provisions a request by a company that information be kept confidential automatically ensures that all information submitted by that company is kept confidential (confidential essentially means not released to the public). In short, a presumption is made that the information should be kept confidential. In a public right-to-know program the presumption should be that all information

submitted by a company is public unless the company can substantiate a need for confidentiality. Unless this basic premise is changed, the NPRI will never achieve its mandate. Citizens need to send a strong message to the Minister that: a) this should be a public right-to-know program, and b) the Minister should institute measures that will ensure that public access to the NPRI is not thwarted by CEPA confidentiality provisions.

• **RECOMMENDATIONS**

- a) *The NPRI should be a public right-to-know program. The purpose of this program should be to provide citizens and workers with information on the use, storage, release and management of hazardous chemicals in their communities and workplaces.*
- b) *The Minister of the Environment should immediately institute measures that will ensure that public access to the NPRI is not thwarted by CEPA confidentiality provisions.*
- c) *NPRI data should be available in raw data form.*

**WHAT MECHANISMS SHOULD BE EMPLOYED TO MAKE THIS INFORMATION EASILY AVAILABLE TO THE PUBLIC AND WORKERS?**

Information in the NPRI should be easily accessible to the public. Environment Canada and MSAC are recommending the information be made available to citizens through the following mechanisms: computer access via disk and modem; a telephone support service; and the publication of an annual report that will compile the data nationally.

We think that people ought to be able to call up the local provincial environment minister's office and request a paper copy of reporting forms filed by specific industries. In addition, a computer support service for community organizations would prove invaluable in assisting small organizations to input the information into a database format.

• **RECOMMENDATIONS**

- a) *NPRI reports should be available through the provinces at provincial and territorial environment ministry headquarters offices and at the regional offices, as well as municipal libraries.*
- b) *Environment Canada should support the development of a computer support service that specifically assists environmental and community organizations to manipulate the data to various formats.*

# NATIONAL POLLUTANT RELEASE INVENTORY FACT SHEET #2

## THE INVENTORY AND RIGHT-TO-KNOW: WHAT INFORMATION SHOULD BE REPORTED?

Take a moment to think about what you would want to know about the facilities in your local community. You would probably want to know if they are storing any substances that form toxic gas clouds or are highly explosive. You would probably also like to know what toxic chemicals are routinely emitted by the facility. And finally, you might want to know how toxic chemicals are used and managed by the facility and what steps the company is taking to reduce their reliance on toxic chemicals.

Industry representatives on the Multi-Stakeholder Advisory Committee and Environment Canada staff only want you to know what is emitted from the plant. Under the proposal being distributed for public review now, only the releases of toxic chemicals would be reported under the National Pollutant Release Inventory. Environmental, labour and some provincial representatives feel that information on the use of toxic chemicals and the storage of extremely hazardous substances should be included in the NPRI. Specifically, the environmental and labour representatives recommend that four types of information be reported:

- HAZARDOUS SUBSTANCE USE
- HAZARDOUS SUBSTANCE RELEASE OR EMISSIONS
- OFF-SITE AND ON-SITE TRANSFERS OF HAZARDOUS SUBSTANCES AND WASTES
- EXTREMELY HAZARDOUS SUBSTANCE STORAGE INFORMATION

### I. HAZARDOUS SUBSTANCE USE INFORMATION

Increasingly there is consensus amongst decisionmakers and the public that our pollution prevention efforts must move from an emphasis on controlling releases (at the end of the pipe) to reducing the use and production of toxic substances. The focus that we have had for the past twenty years has led to progress, but it has failed to go as far as we need to go because of the shuffling of toxics that occurs -- a shuffling sometimes referred to as the toxic shell game.

This shuffling occurs in several ways: among air, water and land; from direct discharges to the environment into products, which release hazardous substances into the environment when they are used or disposed of; from one location to another as we catch them in one place and ship them somewhere else for recycling or disposal where they are released into the environment; and from the community's environment to the workplace.

This shuffling, and the fact that we know so little about the impact of industrial chemicals on the environment, has lead the International Joint Commission, scientists, and decisionmakers to conclude that we need to reduce our **use** of toxic substances and eliminate altogether the use and production of persistent toxic substances.

In order to track reductions in the use of toxic chemicals you need to know what has gone into

the plant at the start; what is being emitted as waste prior to treatment (treatment includes incineration and energy recovery), recycling or disposal; what toxic chemicals are being consumed either in the process or in the product; and what is being emitted. What we are asking for is a very simple mass balance accounting. Empowered with this information citizens, workers, and governments can determine whether an industry is making real strides to reduce their reliance on toxic chemicals or whether the reductions the industry is claiming are just phantom reductions.

Reporting this information through the NPRI can serve a number of useful purposes. First, requiring companies to take a mass balance approach to reporting ensures that their reporting on emissions (particularly fugitive emissions) is more accurate. Secondly, tracking the use of toxic substances encourages users of toxic substances to focus on use reduction rather than release reduction. And finally, this type of reporting increases public awareness of toxic substances handled by workers, incorporated into consumer products, transported over neighbourhood roads, rails and waterways, and stored in communities.

When industry talks about reductions, what they want to talk about are reductions in the amount of toxic substances being emitted into the environment -- emission or release reductions. While reductions in emissions may be good, what industry may not be telling you is that these substances are going into the workplace or into their products, or they may be burned for "energy recovery". These types of reductions are not real reductions, they merely transfer pollution to another place. If we don't have basic information to track reductions we won't know if we are playing the toxic shell game again.

#### **• RECOMMENDATIONS**

- a) ***The NPRI should include information on the use of toxic chemicals at facilities. Specifically, companies should be required to report on the total quantity of a hazardous chemical that is manufactured, processed, used, and generated as by-product prior to any treatment, handling, transfer or release, and report the amount of that substance consumed, recycled or transferred in or as product. This information should be provided on a unit of production basis in order to be able to track the amount of substance used in relation to the amount of production at the facility from year to year.***
- b) ***In order to obtain a better understanding of progress being made to reduce a facilities reliance on toxic chemicals, facilities should be required to report: percentage reductions or increases in the use of each NPRI substance within a specific process and increases and reductions in the amount of the NPRI substance remaining at the end of the process prior to treatment or recycling (non-product output). This reporting should be done on a unit of production basis.***
- c) ***Companies should report the types of management techniques utilized to reduce their use of toxic substances.***

## **II. HAZARDOUS SUBSTANCE RELEASE INFORMATION**

Each year hundreds of thousands of pounds, if not millions, of toxic chemicals are released into the environment. These chemicals are legally and illegally discharged to water; they are released to the air as stack emissions and as fugitive emissions; and they are transferred as waste to landfills and incinerators for disposal.



There appears to be general consensus on the Multi-Stakeholder Advisory Committee that releases to all media should be reported. However, there is not agreement about including information on the name of receiving water or air shed, on the seasonal breakdown of releases, and providing descriptions of waste treatment efficiency.

In addition, Environment Canada has indicated that releases that are already reported to other databases, such as mercury releases from chlor-alkali manufacturing and vinyl chloride releases from vinyl chloride and polyvinyl chloride manufacturing, should not be included in the NPRI. Environmental and labour representatives feel that all releases should be included in the NPRI database. In addition, they feel that the name of the receiving water body or air shed should be included in the form, as should information on seasonal breakdown of releases, and information on waste treatment efficiency.

#### **• RECOMMENDATIONS**

- a) ***The amount of each NPRI toxic chemical released to air (via stack and fugitive emissions), land and water (including sewers and municipal incinerators) should be reported.***
- b) ***The report should specify where these substances were discharged to (e.g. the receiving water body) and what land facilities any wastes were transferred to.***
- c) ***Facilities that current report releases under federal regulations to other databases, such as mercury releases from vinyl chloride and polyvinyl chloride manufacturing, should be required to report under NPRI if they meet the reporting requirements.***
- d) ***Information on seasonal breakdowns of releases should be included in the NPRI.***

### **III. OFF-SITE AND ON-SITE TRANSFERS OF HAZARDOUS SUBSTANCES AND WASTES**

Companies transfer wastes to facilities both on-site and off-site for treatment and disposal. These wastes may be burned for energy recovery or to destroy them; they may be recycled; or they may be disposed. In order to assess whether toxic chemical use and the production of wastes are being reduced, we need to know the amounts of wastes that are being transferred prior to any treatment, recycling or disposal whether it be on-site at the facility or at a facility off-site. If we do not have this information industries may claim reductions under the guise of recycling or energy recovery.

For example, a company creates 10,000 pounds of toluene wastes which it burns on-site in a so called "energy recovery" unit. If this company does not have to report toluene wastes that are treated or recycled on-site in the NPRI, it can claim that it has reduced its toluene releases by 10,000 pounds. What the company doesn't tell you is that the toluene has been burned creating air pollution and possibly a toxic residue and, in addition, the company has not actually reduced the use of toluene in its process.

There is general consensus on the Multi-Stakeholder Advisory Committee that off-site transfers of NPRI substances should be reported. However, industry is opposed to reporting on-site transfers of NPRI substances. Environmental, labour, and some provincial representatives want both on-site and off-site transfers of NPRI toxic substances to be reported.

#### **• RECOMMENDATIONS**

- a) ***Facilities should be required to report on the amount of each***

- substance that is transferred off-site or on-site for energy recovery, recycling, treatment, or disposal.*
- b) *Facilities should specifically report on: where the material is sent and how it is treated, recycled, or disposed.*

#### **IV. ACCIDENT INFORMATION**

Facilities around the nation store and use hazardous chemicals that, when released accidentally have the potential to cause catastrophic accidents such as the one that occurred in Bhopal India. Information on the storage of these materials is critical to responding to emergencies and preparing emergency response and accident prevention plans.

Presently, information on the storage of extremely hazardous substances is not included in the MSAC proposal. Environmental and labour representatives feel that this information should be reported under the NPRI.

#### **• RECOMMENDATIONS**

- a) *Environment Canada should identify a list of extremely hazardous substances that have the potential to cause catastrophic accidents if accidentally released. Separate reporting thresholds should be established that reflect the quantities that could cause catastrophic accidents.*
- b) *Facilities that meet or exceed these thresholds should be required to report the maximum quantity of the chemical stored on site on any given day and the average amount stored in a day.*
- c) *This information should be distributed to local fire departments, and be made available to the public.*

# NATIONAL POLLUTANT RELEASE INVENTORY FACT SHEET #3

## THE INVENTORY AND RIGHT-TO-KNOW WHO SHOULD REPORT?

All kinds of facilities use, store, and release hazardous substances. Manufacturing industries such as chemical companies, sewage treatment plants and incinerators, service industries such as dry cleaners, and even small offices use or release some amount of toxic chemicals. Where do you draw the line on who reports and who doesn't.

The Multi-Stakeholder Advisory Committee (MSAC) evaluated various types of reporting thresholds and conditions. MSAC reached consensus on two reporting thresholds that would be used for the first year of reporting: (a) any facility with 10 or more full time employees (20,000 total person hours per year) will have to report on each NPRI chemical that (b) is used, manufactured (intentionally or as a byproduct) and/or processed in quantities greater than 10,000 kilograms per year. Environment Canada would like to see the thresholds raised. Environmental and labour representatives on MSAC are concerned that these thresholds may allow too many facilities to slip through. For example, the Edmonton Board of Health recently released a report that indicated that 90% of industries in Alberta employ less than 10 people. Canadian Environmental Network caucus members oppose the ten employee threshold and feel that the government should prove that this threshold is sufficient to capture significant releases. The caucus also feels that the 10,000 kilogram threshold is arbitrary. This threshold is higher than thresholds used in the United States (approximately 4,600 kilograms for chemicals that are used; 11,000 kilograms for substances that are manufactured or processed). Caucus members feel that at a minimum we should adopt thresholds that are roughly equivalent to the use threshold in the United States -- 5,000 kilograms. In 1993 the discussion on these thresholds will be reassessed. It's important to send a message now that we want more, and not fewer facilities, captured under the reporting thresholds.

MSAC members agreed that federal government facilities should not be exempt from reporting. The inclusion of municipal and provincial facilities requires further negotiations between Environment Canada and the provincial government agencies. Citizens should send a strong message to their provincial governments that all municipal and provincial government facilities that meet the reporting thresholds should report.

MSAC members also recognized that under the proposed thresholds many NPRI substances would not be reported because they are either produced or released as by-products (dioxins from pulp and paper mills) or because they are released directly by a facility (such as would occur with hazardous waste incinerators and sewage treatment plants). In order to address this issue MSAC members discussed the possibility of adding a third reporting threshold that would be based on the release of toxic chemicals rather than their use or production. The condition reads: "or the release of 1,000 or more kilograms of an NPRI substance." This third condition would be an "or" condition. If the first two thresholds are met (10 or more employees and manufacture, use, or process 10,000 kilograms or more of an NPRI substance) and the release threshold is not met, the facility would still have to report. If the first two thresholds are not met but the third is met, the facility would still have to report. Environmental representatives feel that if all three conditions are met facilities should still report any releases under 1,000 kilograms in order to maintain consistency in the database. There appears to be support for this position from other representatives on the MSAC. Environmental and labour representatives on MSAC have several

concerns about including a release threshold, such as: Is it workable? Is it enforceable? However, there is strong interest in capturing by-product releases that may not be captured under the proposed reporting threshold of 10,000 kilograms.

MSAC members agreed that for releases that are under 1,000 kilograms measures should be instituted to diminish the reporting burden. Industrial representatives on MSAC are interested in developing a mechanism to preclude reporting on releases that are less than 1,000 kilograms or minimize the reporting requirements for these releases. Environmental and labour representatives on the committee feel that these releases should be reported. There is no agreement on a specific reporting mechanism.

MSAC members also recognized the need to track through the NPRI releases of persistent toxic substances. Because small releases of these chemicals can have devastating impacts on the environment, MSAC members felt that a separate threshold should be established for persistent toxic substances. No recommendations on this issue came from MSAC and discussions will continue in 1993.

#### **SHOULD SOME FACILITIES BE EXEMPTED FROM REPORTING?**

The Multi-Stakeholder Advisory Committee agreed that the following types of facilities should be exempted from NPRI reporting requirements: facilities that sell and distribute gasoline, releases of NPRI substances that are due to the combustion of fuel for transportation (although this exemption is meant to apply to mobile sources, at this time it also includes pipeline pumping stations), and releases from vehicle fleet operation and maintenance. MSAC members also considered whether or not it was appropriate to exempt ore extraction (but not processing) from the NPRI due to the difficulty of estimating the potential amount of NPRI substances that may be contained in the ore. They did not reach any conclusions on this issue. Canadian Environmental Network caucus members were not opposed to some of the exemptions but made specific recommendations which are outlined below.

Industry and government representatives feel that releases of NPRI substances into products should be exempted from the reporting requirements. Environmental and labour representatives are opposed to this because these chemicals may be released to the environment through use and disposal of the product. In addition, information on NPRI substances that are transferred to products is essential in understanding whether or not a facility is actually reducing its use of toxic chemicals.

Some representatives on MSAC feel that releases required to be reported under other regulations (such as mercury releases from chlor-alkali manufacturing plants) should not be reported under NPRI. Environmental and labour representatives disagree with this view and feel that the database should be comprehensive and complete.

#### **• RECOMMENDATIONS**

- a) *The NPRI should use reporting thresholds that capture significant polluting facilities. Environment Canada has not demonstrated that the 10 employee threshold is sufficient to capture these facilities. Therefore, we are opposed to this threshold. Environment Canada must prove that this threshold will capture all facilities that are significant polluters and users of toxic chemicals. In addition, we feel that the 10,000 kilogram limit is too high and that at a minimum the use threshold used in the United States should be adopted (5,000 kilograms).*
- b) *We support the use of a release threshold for use as a mechanism to*

**capture by-product releases below the proposed reporting threshold of 10,000 kilograms (that we have stated should be 5,000 kilograms). This third condition can only be accepted if it is an or condition, this means that facilities that meet the use and production thresholds are still required to report irregardless. Industry has proposed this as an and condition – this is totally unacceptable to environmental and labour representatives.**

- c) Transfers of NPRI substances into products should be included in the database for two reasons. First, these chemicals may be released to the environment later as the product is used or disposed. Secondly, this information is critical to assessing the effectiveness of pollution prevention programs.**
- d) Facilities that are currently required to report releases under other federal regulations should not be exempt from reporting under NPRI if they meet the reporting thresholds.**
- e) Environment Canada should determine if their calculations of releases from gas stations will provide community specific information. If not this exemption should be reconsidered. This exemption should not include tank farms or large gasoline distribution and storage centers.**

# NATIONAL POLLUTANT RELEASE INVENTORY FACT SHEET #4

## THE INVENTORY AND RIGHT-TO-KNOW: WHAT CHEMICALS SHOULD BE REPORTED?

The purpose of right to know is to inform citizens and workers about hazards from toxic chemicals. Therefore any chemicals that even hint at being toxic to humans, wildlife, fish, or other elements of the environment should be included on the NPRI list of chemicals. The list of NPRI chemicals should include at a minimum persistent toxic substances, known or suspected carcinogens, nerve poisons, reproductive and developmental toxins, teratogens, and immune and endocrine system toxins.

Environment Canada and MSAC have developed a list of 176 chemicals for inclusion on the NPRI list for the first year of the program. This list was based on chemicals used in Canadian commerce and derived from other lists of regulated toxic substances. These chemicals are primarily chemicals used in large quantities. MSAC is evaluating the possibility of developing a second list of chemicals that would have lower reporting thresholds.

MSAC has agreed that there should be a process for adding and deleting chemicals from the list, although they have not developed a process. One criteria discussed for the deletion of a substance from a list is the absence of reports on the substance for two years. Environmental and labour representatives have opposed this and feel that deletion should be based on toxicity and impacts on the environment.

MSAC has also discussed whether substances that are reported under existing inventories -- such as NO<sub>x</sub>, SO<sub>x</sub>, VOC, CO, particulates, and greenhouse gases -- should be included in the NPRI. Environmental and labour representatives support the inclusion of these substances in the NPRI for several reasons. First, these releases impact the environment and the NPRI covers pollutant releases not just toxic chemical releases. Secondly, by including this information in the NPRI it will make it more accessible to the public. And finally, adding these emissions to the NPRI would be a first step towards unifying emission inventories. It has been recommended that this information be in a separate section of the NPRI report so that the quantity of these releases will not be added to the quantity of toxic releases.

MSAC identified several chemicals of concern that should be included in the NPRI: PCBs, dioxins, furans, pesticides and ozone depleting substances. However, the committee was unclear about how to include them in the inventory. Two potential mechanisms were suggested: include these substances on the list (this would mean that releases of PCBs, dioxins and furans would probably not be reported because their volumes would be too low) or dedicate a chapter in the annual report developed by Environment Canada to these substances. Environmental and labour representatives feel that persistent toxic substances should be included on the list and would need to have a lower threshold for reporting (probably a release threshold).

### • **RECOMMENDATIONS**

- a) *Chemicals included on the CEPA priority substances list should be included in the NPRI.*
- b) *Chemicals should not be deleted from the list unless it can be proven beyond a shadow of a doubt that a substance will not cause harm to*

*human health or the environment. It is assumed that all chemicals are on the list because they are known or suspected of causing harm to human health or the environment.*

- c) A formal process should be developed for listing and delisting chemicals. Citizens should be able to initiate this process and there should be a formal opportunity for public comment into any proposal for listing or delisting.*
- d) Persistent, bioaccumulative toxic substances should be included on the NPRI substances list. Because these chemicals may be released in smaller quantities and not captured under the proposed reporting requirement, lower reporting thresholds should be established for these chemicals.*

## **NATIONAL POLLUTANT RELEASE INVENTORY FACT SHEET #5**

### **THE INVENTORY AND RIGHT-TO-KNOW: ENFORCING THE NPRI**

In order to protect our right-to-know the federal government must ensure that: a) companies are reporting and b) that the reporting is accurate.

#### **• RECOMMENDATIONS**

- a) Environment Canada should develop a list of all companies that are required to report.*
- b) Environment Canada should develop an effective outreach program to ensure that all reporters understand their responsibility.*
- c) Environment Canada needs to develop and fund a specific enforcement program. Further investigation of a legislative framework for compliance and enforcement should be investigated.*
- d) Environment Canada should develop a program to verify the data submitted. This can include annual or periodic audits approved by an outside auditor.*
- e) The public should be given a role in enforcement including: initiating an investigation and initiating a prosecution.*
- f) Mechanisms to protect whistleblowers should be incorporated into the NPRI.*