

**Public Consultation: Creating Ontario's Toxics Reduction  
Strategy – A Discussion Paper (010-4374)**

**Submission to Mr. Greg Mouchian, Senior Policy Advisor,  
Integrated Environment Planning Division for the Ministry of  
the Environment**

**Submission from the *Take charge on toxic* campaign**

**October 2008**



- **Report** annually on progress and monitor emissions, holding industry accountable to reduce their use of toxic chemicals through enforcement of regulations.

#### **Detailed Recommendations:**

Despite the *Take charge on toxics* campaign's overall support for the government initiative on toxic use reduction, in order for this legislation to effectively reduce toxic chemicals, adequately inform the public and ultimately protect public health, the Society feels the proposed legislation should be enhanced by addressing the following.

**Reduce** the release of toxic chemicals in places where people live, work and play by 50 per cent within 5 years in Ontario to protect public health.

#### **1. Targets need to be established:**

The Discussion Paper does not include numerical goals or targets for reducing toxic chemicals in Ontario. It is important to set clear and ambitious goals for toxics use reduction in order to spur innovation as well as provide benchmarks to measure progress. The Campaign recommends the Government of Ontario set targets for reduction on both the release and usage of priority chemicals with annual public reporting.

Ontario should set an overall goal of a 50% reduction in the release of toxic substances in the province within 5 years of the passage of the legislation.

Targets and goals will also help the government evaluate the progress Ontario makes in terms of reducing toxic chemicals in various environments. The government should also set a timeline for when reported information would be made available to the public.

In terms of the timelines mentioned in the Discussion Paper the Campaign recommends that an appropriate update schedule for Toxic Reduction Plans is every two years and reporting to government should occur annually.

**Reveal** to all Ontarians the toxic chemicals in their workplaces, community and homes through an identifiable product label or symbol and access to a public database.

#### **2. Community Right-to-Know:**

The *Take charge on toxics* campaign supports the government's commitment to inform the public about toxic chemicals in their environments. The Campaign believes all Ontarians should be informed of exposure to cancer-causing substances at home, at work and in their environment. The government should make information available to the public about toxins released into communities across Ontario, including company TUR plans and annual reports on their use and release of toxic chemicals, through an easily-searchable and easily-accessible format on the internet. It is important for the information on the website will be explained in clear, easy to understand language with links to useful health and environment websites. A mechanism should also be in place to answer specific questions that the public may have about toxins in their environment.

**Restrict** the use of toxic chemicals that are still in use through guidance from an Ontario Toxic Use Reduction Institute (OTURI).

#### **5. Development of a Toxic Use Reduction Institute:**

The *Take charge on toxics* campaign recommends the Government of Ontario establish an independent university-based research institute to advance the province's capacity for toxic use reduction activities, safe substitution, green chemistry, education and information outreach and to provide training on toxics reduction planning.

The development of a Toxic Use Reduction Institute (TURI) was an important component to the success of Massachusetts's TUR legislation. Massachusetts's TURI offers a broad range of services to encourage toxic use reduction such as, providing technical assistance for individuals, outreach to small businesses, promoting research, pilot projects and demonstrations of innovative technologies and developing and administering training programs for toxic use reduction planners<sup>1</sup>

Since the Discussion Paper indicates that implementation of the Toxic Reduction Plans are voluntary for companies it is vital that Ontario develops a TURI to encourage and support the implementation of the plans.

**Report** annually on progress and monitor emissions, holding industry accountable to reduce their use of toxic chemicals through enforcement of regulations.

#### **6. REACH (Registration, Evaluation, and Authorization of Chemicals):**

The Discussion Paper does not address the issues REACH presents to Ontario. The European Union's REACH program will affect manufacturers in Ontario and globally. All industries, which supply to Europe a finished product ready for the consumer or are part of a supply chain to manufacturers in Europe – even if the supply chain passes through another country first - will be bound by the rules of REACH. Over 6 per cent of Ontario's exports flow directly to the European Union. In addition, exports from Ontario to the United States and other jurisdictions will also be subject to the REACH program. Therefore, well over 6 per cent of Ontario's manufactured goods will ultimately be subject to REACH.

The Campaign believes Ontario needs to design a system in order to fully account for the impact of off-shore toxic reduction control strategies. Ontario companies must meet REACH's standards in order to remain competitive and export to the world's largest market.

#### **7. Too many schedules:**

The Campaign recommends consolidating all NPRI chemicals from Schedules 1 and 2 into a single schedule that becomes subject to all the requirements of the law by 2012. Also, the Campaign recommends consolidating all non-NPRI chemicals from Schedules 3 & 4 into a single schedule and impose reporting requirements on them upon implementation of the legislation, with materials accounting and toxics

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<sup>1</sup> Canadian Environmental Law Association. *Our Toxic-Free Future: An Action Plan and Model Toxic Use Reduction Law for Ontario*. Toronto: August 2008.

The following are recommended steps for enforcement:

- Letter sent to the facilities requesting confirmation of the development of a Toxic Reduction Plan.
- Then would escalate to a warning or under issued a ticket or summon to appear in court

### **13.Stronger purpose statement:**

The Campaign believes the TUR strategy needs a stronger purpose statement. A purpose section helps support the legislations objectives and is an aid to public understanding. Ontario's Toxic Use Reduction Legislation purpose section should focus on Ontario families and workers who need strong toxic use reduction legislation to reduce the health risks associated with exposure to toxic chemicals. The purpose statement should also mention the precautionary principle as a guiding directive for the strategy.

### **Conclusion:**

The *Take charge on toxics* campaign is pleased the government has taken the initiative to reduce toxic chemicals in Ontario. However, there are some concerns with what does not appear to be contained in the legislative proposal and some aspects that should be stronger. In order to provide the strongest health protection for Ontarians the proposed Toxic Use Reduction strategy would be enhanced by including the above recommendations.