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June 29, 2016

Cynara Corbin
Clerk of the Standing Committee on Environment
and Sustainable Development
House of Commons
131 Queen Street, 6th Floor
Ottawa, Ontario K1A 0A6

Dear Ms Corbin:

Re: 2016 CEPA Review – CELA Response to Dow Chemical Evidence Before Standing Committee – June 14, 2016

We are writing in response to testimony given before the Standing Committee on June 14, 2016, by Mr. Michael Burt, Corporate Director, Regulatory and Government Affairs, Dow Chemical Canada Inc. Mr. Burt was responding to a question put to him by a Standing Committee member as follows:

“Hon. Ed Fast: You have a significant presence in Ontario, Alberta, and Quebec. There was a witness who appeared before us earlier on CEPA who suggested that Ontario is among the most profligate of provinces and jurisdictions in North America when it comes to the emission of toxic and hazardous substances. Do you concur with that assessment? Is Ontario really that bad?

Mr. Michael Burt: I believe you are referring to a comment that the Canadian Environmental Law Association made where they compared Ontario and California, and Ontario had a substantially larger order of magnitude in releases than California, which is a substantially larger jurisdiction.

The problem is that you are literally comparing Ontario’s apples to California’s oranges. You have a province here in Canada that is a high manufacturing industrial province and you’re comparing it to a state in the United States which has very little manufacturing. It’s basically an IT, high tech state. It would be far more appropriate to compare Ontario to Michigan, New Jersey, Louisiana, states and jurisdictions that have a similar economy, that are manufacturing and industrial based.

Hon. Ed Fast: Thank you” [page 12].

For the record, what CELA stated was that in 2004 California had the No. 1 GDP in North America, three times that of Ontario's, but had less than one-half of Ontario's on-site air releases of carcinogens (CELA Powerpoint Presentation, May 19, 2016, slide 6).

In light of Mr. Burt's suggestion, CELA is providing the Standing Committee with the following Tables comparing the releases to air of known or suspected carcinogens (hereinafter "carcinogens") in 2013 by Ontario, Michigan, New Jersey, and Louisiana from two perspectives. Table 1 shows that in 2013 Ontario had **one and a half times** the level of releases to air of carcinogens that **Michigan** had and more than **15 times** the level of releases to air of carcinogens that **New Jersey** had. Table 1 also shows that Ontario released in 2013 about **two-thirds** the level of carcinogens to air that **Louisiana** did.

Table 1: 2013 On-site Releases to Air of Carcinogens by Ontario, Michigan, New Jersey, and Louisiana and Corresponding Populations

Province or State	Quantum of Release of Carcinogens to Air (kg)	Population (millions)
Louisiana	1,897,362.22	4.6
Ontario	1,266,374.82	13.5
Michigan	736,818.18	9.9
New Jersey	83,407.93	8.9

Sources: CEC, Taking Stock; Statistics Canada; United States Census Bureau

Table 2, below, provides 2013 data on these four jurisdictions focused on just on-site releases to air of known or suspected carcinogens that are common to Canada and the United States. Table 2 shows that in 2013 Ontario had **one and a half times** the level of releases to air of common carcinogens that **Michigan** had and more than **18 times** the level of releases to air of common carcinogens that **New Jersey** had. Table 2 also shows that Ontario released in 2013 about **two-thirds** the level of common carcinogens to air that **Louisiana** did.

Table 2: 2013 On-site Releases to Air of Carcinogens Common to Canada and the United States focusing on Ontario, Michigan, New Jersey, and Louisiana and Corresponding Populations

Province or State	Quantum of Release of Carcinogens to Air (kg)	Population (millions)
Louisiana	1,318,240.17	4.6
Ontario	957,060.67	13.5
Michigan	572,822.36	9.9
New Jersey	51,395.25	8.9

Sources: CEC, Taking Stock; Statistics Canada; United States Census Bureau

Overall, CELA would submit that regardless of how the data is examined Canada should be striving to achieve results in Ontario closer to what New Jersey, not what Louisiana, is achieving. Current risk assessment and risk management measures under *CEPA, 1999* are not getting us there. This data also underscores why CELA urges the Standing Committee to recommend to Parliament amendments to *CEPA, 1999* that address the issue of alternatives. Our next submission to the Standing Committee will propose statutory language in this regard.

We would ask that in addition to the attached being distributed to the Committee members that it also is posted on the Committee website.

Should Committee members have any questions arising from the attached, or wish us to re-appear before the Committee to discuss this material, please feel free to contact either myself or Ms. de Leon.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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