

Ontario Bill 66, Schedule 5, repeal of the Toxics Reduction Act by 2021

January 20, 2019

Background (not submitted to consultation)

Ontario's provincial government is moving quickly to roll back many environmental protections, including a multi-pronged "[Open for Business Act](#)."

[Bill 66 is multi-pronged](#). It would also would roll back protections for drinking water (undoing the lessons from the Walkerton tragedy), the Greenbelt around Toronto, circular economy (waste), and allow planning permissions to open up land for development in Ontario for "good jobs"

The [Greenspace Alliance of Canada's Capital](#) made a clear statement regarding Ford's fictitious investment/development/employment crisis (Ontario is already targetted heavily by foreign investment, there is low unemployment and regulation is not out of line - perhaps lax) versus the real crisis - climate change.

In response to the [Environmental Bill of Rights](#) Consultation, and in support of the Canadian Environmental Law Association's excellent, detailed analysis of one aspect, [opposing repeal of the Toxics Reductions Act](#),

Prevent Cancer Now submitted the following online:

I am writing on behalf of the civil society organization, Prevent Cancer Now. We oppose cessation of activities under the *Toxics Reduction Act* (TRA) and its eventual repeal. We recommend withdrawal of Section 5 of Bill 66.

The proposed premise, that the TRA merely duplicates the National Pollutants Release Inventory (NPRI), is inaccurate. The TRA was designed and has operated to complement, not duplicate the NPRI. Reporting is streamlined to minimize duplication.

The submission by the Canadian Environmental Law Association, and writings by David McRobert LLB, have detailed the history and successes of the TRA and similar Acts in achieving measurable reductions in use of toxic substances in industries, as well as emissions of toxic substances. We support these submissions, and also offer further observations.

To reinforce differences between the TRA and the NPRI,

1. the TRA covers uses and emissions of toxic substances, while the NPRI requires reporting of emissions; and
2. the TRA requires planning to reduce uses and emissions, as well as reporting, whereas the NPRI focuses on reporting.

Before reaching the conclusion that federal initiatives are sufficient to reduce the use and emissions of toxic substances, it is important to understand some background information. The NPRI operates alongside the Chemicals Management Plan (CMP), under the Canadian Environmental Protection Act. A significant gap in the CMP, that was recognized and discussed at the Fall 2018 meeting of the Stakeholders Advisory Committee, is that the CMP does not cover occupational exposures. It does not consider them in any assessments and thus they do not feature in subsequent initiatives. This is an enormous shortcoming, and explains why Canada does not take action on some substances that are subject to restrictions in other jurisdictions.

This shortcoming was borne out in a review I conducted of the lists of substances covered by the NPRI and the TRA. Apart from slightly differing definitions the majority of substances are the same, with some important exceptions. The exceptions are that some highly toxic chemical intermediates (reactive "building blocks" for finished products), that would chiefly be encountered in the workplace, are included among substances prescribed under the TRA, but absent from the NPRI list of substances. These include, for example, 2,4-Diaminotoluene (and its salts), 3-Chloropropionitrile, Dihydronaphthalene, 2-Methyl-3-hexanone, Nitroaniline, and Nitrobenzene. Another substantial difference between lists of prescribed substances is that some toxic substances incorporated into products (not reactive chemical intermediates) are not on the NPRI list, such as terpenes and creosote.

Thus, the TRA is covering toxic substances being encountered by Ontario workers, that are not covered under the NPRI. As well, beyond reporting, the TRA requires planning actually to reduce

the use of toxicants. This has been demonstrated as helping to reduce toxicants (see CELA submission, and writings of D. McRobert).

The largest line item in the provincial budget is health care, and the primary driver of health care spending is chronic disease. A substantial proportion of the ballooning chronic disease in younger and younger Ontarians is related to environmental exposures, and reduction of some of these exposures is precisely the aim of the TRA.

The most fiscally prudent approach would be to retain, and to resource adequately, activities under the TRA. Environmental excellence among Ontario industries will yield a competitive advantage, as well as healthier workers and communities. The goal is ultimately to optimize productivity and to save health care dollars, as well as to protect Ontario's air, water, land and biota. We cannot afford not to do so.

Links were provided to the [CELA](#) and to the [Greenspace Alliance](#) submissions.