

**Speaking Notes on Bill 167: Toxics Reduction Act, 2009
to the Standing Committee on General Government**

May 13, 2009

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(RNAO)**

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Good afternoon. My name is Wendy Fucile. I am a registered nurse and the President of the Registered Nurses' Association of Ontario. I am joined here today by Kim Jarvi, senior economist at RNAO. RNAO is the professional organization representing registered nurses who practise in all roles and sectors across this province. Our mandate is to advocate for healthy public policy and for the role of registered nurses in enhancing the health of all Ontarians.

We welcome this opportunity to present our recommendations to the Standing Committee on General Government on Bill 167, the Toxics Reduction Act, 2009.

RNAO joined with a broad range of health and environment partners in hailing the introduction of Bill 167 as a courageous first step to rectify Ontario's deplorable record on toxics. We are here to urge the government to take the next step to strengthen this legislation through a series of amendments.

We come with a sense of great urgency. By the government's own reckoning, Ontario is one of the biggest emitters of toxics in North America, and this has dreadful health consequences, particularly for children. The Ministry identified childhood health effects of pollution as including cancer; learning, developmental and behavioural disabilities; impaired endocrine function; birth defects; and respiratory problems, such as asthma.

The scope of the pollution tells us that health effects will be tragically large. Research into a limited number of environmentally-related outcomes (Parkinsons, diabetes, and neurodevelopmental effects) suggests that in these areas alone, the cost to society could come to \$10 billion in Ontario. Our children are victimized twice: with compromised health and with a terrible environmental legacy.

Effective immediate action is imperative; we must change the way we do business, and do it now. The public supports and expects action on toxics and on the economy, and we believe that a well-articulated vision for green economic recovery will maintain and expand that public support. The government has made significant commitments in green energy, and toxics

reduction will be another key element of green economic recovery. Please do not wait on the federal government to act, as some have requested.

Ontario has the authority and obligation to act, and must act now.

Bill 167 is modeled on the successful Massachusetts Toxic Use Reduction Program, which saw sharp drops in toxics use, in toxic waste, in toxic releases, and in toxics shipped in products. The Ontario Bill is framework legislation that depends on strong regulations to be effective. Its stated goals are to prevent pollution and protect human and environmental health by reducing the use and creation of toxics; and to inform Ontarians about toxics. There is not a lot upfront to assure Ontarians concerned about their health that the government can deliver on that promise. You have our submission, which goes into more detail about areas requiring strengthening, and I will use my limited time to speak to certain key points.

- a) So far, only \$41 million has been committed to this very important undertaking. **RNAO recommends a substantial increase in the allocation to toxics reduction.**
- b) There are no targets for reduction, whereas Massachusetts had targets in its own legislation and the Ontario government's own Toxic Reduction Scientific Expert Panel recommended numerical goals.

RNAO recommends targets for use and release, including a 50 per cent reduction in toxic releases within five years of the Act coming into force.

- c) There is no provision for an independent academic institute to support business, employees and community to realize the objectives of the toxics reduction strategy, again as delivered in Massachusetts and as recommended by the government's Expert Panel. **RNAO recommends establishing such an institute and funding it from a fee on the use and release of toxics, with a weighting towards fees on release.**
- d) There is no commitment on the scope of the coverage, and alarmingly, the government's toxics reduction discussion document suggests that most toxics emitters may not be covered: Specifically:
1. Adoption of very high federal reporting thresholds would exclude the vast majority of emitters. For example in Toronto, federal reporting misses 97 per cent of emitters and over 80 per cent of emissions.
 2. Exclusion of all but manufacturing and mineral processing will exclude 25 per cent of emissions of large emitters.

3. Only prescribed toxics will be reported. The government discussion document speaks of only starting with 45 toxics out of the hundreds of chemicals of concern.

The right to know about poisons in one's environment is absolutely fundamental. RNAO recommends more rapid phase-in of reporting, and inclusion of all toxics in the first phase, both those on the 2008 National Pollutant Release Inventory and those not yet on the NPRI. RNAO also recommends the Bill commit to a goal of comprehensive coverage of all toxics. Reporting thresholds must be significantly lower than current federal thresholds, and all users and emitters who reach thresholds must report.

e) The Bill must make a stronger commitment to labeling of toxics. **The public wants labeling, and the government must clearly put its commitment to labeling into the legislation.**

f) The Bill does not make substitution of safer alternatives mandatory. **When safer alternatives are available, firms must be obliged to use them.**

Members of the Standing Committee, as I outline some areas that must be strengthened, I wish to reiterate that we are seeking to build on what has been presented. MPPs, Ministry staff, the government's Expert Panel, and many community organizations have put in a tremendous amount of excellent work on this legislation, carefully weighing what is possible in the current climate. We put it to you that the public is ready for government to put teeth into the legislation and take the Bill to its next level, which will make toxics reduction central to a healthier new Ontario.

Accordingly, in addition to the above steps, we ask you to make the intent of the Bill clear and strong by:

- **Including in the preamble an endorsement of the principles of the *Canadian Environmental Protection Act* – specifically the precautionary principle, pollution prevention, virtual elimination of persistent and bioaccumulative toxic substances, and the “polluter pays” principle.**
- **Adding to the purposes of the Bill the following:**

- **the reduction or elimination of toxic releases (and not just their use and creation)**
- **promotion of safer alternatives to toxics**
- **recognition of Ontarians' right to know the identity and amounts of toxics that are used, created, occur in consumer products or are released into the environment or workplace**
- **adoption and application of the precautionary principle and principles of sustainable development to the above goals.**

I want to thank you for your attention to this matter of great concern to registered nurses. We will continue to work with government staff and with all parties to ensure that Ontarians get the protection from toxics that they demand and deserve.