



**Submission on Bill 6: The Great Lakes
Protection Act: An Opportunity for
Ontario to Lead**

November 20, 2013

**The Registered Nurses' Association of
Ontario (RNAO)**



The Registered Nurses' Association of Ontario (RNAO) is the professional association representing nurses, in all settings and roles across Ontario. It is the strong credible voice leading the nursing profession to influence and promote healthy public policy.

RNAO welcomes the introduction of Bill 6, and welcomes any measures to strengthen environmental protection under the Bill. It represents an opportunity for Ontario to take a leading role in Great Lakes protection. We thank the Standing Committee on Regulations and Private Bills for this opportunity to present RNAO's views on the Bill.

Background: RNAO's Work on Toxics

For RNAO, this is a matter of protecting health. RNs have a holistic approach to health: they believe that prevention is just as important as treatment and cure. And they know that what is in the environment ultimately affects human health. The Great Lakes are ultimately the repository of much of society's waste, and that works its way back into the water supply and food chain. It is far better to stop that waste from getting into the environment and the fresh water than it is to attempt to filter it out when we come to consume it.

RNAO has focused for years on reducing environmental, occupational and product exposures to toxics,^{1 2 3 4 5} and this Bill presents an important window to protect against toxics. RNAO was mobilized to act because of Ontario's very poor record on toxics; the province ranks very high in terms of total releases, relative to its American and Canadian counterparts.⁶ There have been successes. RNAO was a proud member of a coalition of health and environment groups that won for Ontario gold-standard protection against cosmetic uses of pesticides. The government is to be applauded for this significant step forward. The Toxics Reduction Act was another important achievement, but one that is stalled for want of:

- bringing into force of penalties and enforcement sections of the TRA,⁷
- a mechanism to deal with unlisted substances of concern,⁸
- a living list mechanism to update listed toxics covered under the act,⁹ and

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- proclamation of clause 50 (1)(o.1) regulating the manufacture, sale or distribution of a toxic substance, substance of concern or other prescribed substance.¹⁰

Furthermore, the Act was hamstrung by a failure to include:¹¹

- targets
- mandatory substitution
- an institute that would consolidate information on best practices on toxics reduction

Given that Ontario has started from a high base of toxics releases and has had mixed progress in recent years, it is incumbent on Ontarians to seize on any appropriate opportunity to reduce toxics release, and Bill 6 is well suited to that purpose.

RNAO Recommendations on Bill 6

RNAO welcomes all the recommendations on Bill 6 from the Great Lakes Protection Act Alliance (GLPAA),¹² which would strengthen Bill 6. We are particularly focused on the need to get toxics out of the environment. The Bill itself points out the urgency for action: three of Ontario's four Great Lakes are in decline. Naturally, Bill 6 includes among its purposes, "To protect human health and well being through the protection of the ecological health of the Great Lakes-St. Lawrence River Basin," but to do that, we must fight pollution. Accordingly, we urge the Standing Committee to heed the following GLPAA recommendations:

Reducing Pollution: Ensure that the Act explicitly targets pollution reduction by:

1. Amending the purposes of the Act to add "include reduction and elimination of harmful pollutants in clause" at the end of 1(2)1.
2. Amending Schedule 1 to ensure that policy tools are there to meet that purpose:
 - a. Add at the end of Section 1: "For greater certainty, such policies may include policies that restrict the use or emission of contaminants onto, into or from the use of land or the erection, location or use of buildings or structures for such purposes as may be set out in the initiative."
 - b. Add at the end of Section 4: "For greater certainty, such policies may include policies that restrict the use or emission of contaminants permitted within prescribed instruments for such purposes as may be set out in the initiative."

Targets: Amend Section 8(1) by making the setting of targets mandatory, with targets to be set within 24 months of the coming into force of the Act. As presently worded, setting of targets is discretionary, and there are no timelines. We urge ambitious targets.

Accountability and Community Engagement:

RNAO believes that transparency, accountability and an informed public are the best protectors of environmental health. The Bill's intent and mechanisms to engage the public are important first steps. We urge the Standing Committee to heed the recommendations of the GLPAA to add the following environmentally-oriented **decision-making principles** to Section 1, as articulated in *Ontario's Great Lakes Strategy*:¹³

- Ecosystem approach
- Precautionary approach
- Accountability
- Adaptive management
- Collaboration and engagement, and
- Recognition of First Nations and Métis communities.

The Canadian Nurses' Association has endorsed the principles of the Canadian Environmental Protection Act (CEPA), including the precautionary principle, pollution prevention, virtual elimination of persistent and bioaccumulative toxic substances, and the "polluter pays" principle.¹⁴ Those principles are worthy of inclusion in any piece of environmental legislation, including this one. We ask you to consider including the CEPA principles in the Bill as well.

Reporting is an essential dimension of accountability and right to know. RNAO endorses the GLPAA's call for more comprehensive progress reports on the Great Lakes Strategy scheduled in the year prior Strategy reviews, as well as annual progress reports.

Consultation should be accessible to all. RNAO endorses GLPAA's recommendation to clarify that any person may develop a proposal for an initiative, request development of a target, or request establishment of a performance measure.

In summary, RNAO welcomes Bill 6 as an important piece of legislation, but we urge the Committee to amend the Bill to explicitly make it a tool to reduce pollution of the Great Lakes.

That includes amending the purpose of the bill, mandating targets with timelines, adopting environmental decision-making principles, strengthening accountability, and maximizing access to consultation.

References

- ¹ Registered Nurses' Association of Ontario. (2008). *Move Now to Protect Public Health: Submission to the Toronto Board of Health on Environmental Reporting and Disclosure*. July 3. Retrieved November 19, 2013 at http://rnao.ca/sites/rnao-ca/files/storage/related/3479_RNAO_Submission_to_TBOH_Community_Right_to_Know_July_2008.pdf.
- ² Registered Nurses' Association of Ontario. (2009). *Time to Show the Money: The Toxics Reduction Act, 2009: Submission on Bill 167 to the Standing Committee on General Government*. May 13. Retrieved November 19, 2013 at http://rnao.ca/sites/rnao-ca/files/storage/related/5080_Microsoft_Word_-_Bill_167_submission_-_May_13_2009.pdf.
- ³ Registered Nurses' Association of Ontario. (2010). *Re: Proposed Ontario Regulation 455/09, Toxic Reduction Act and Policy Options for Enhanced Planning -- EBR Registry Number 010-9349*. May 18. Retrieved November 19, 2013 at http://rnao.ca/sites/rnao-ca/files/RNAO_EBR_submission_-_toxic_reduction_act_-_010-9349_-_May_18.pdf.
- ⁴ Registered Nurses' Association of Ontario. (2008). *Briefing Note: The Environment and Human Health*. January. Retrieved November 19, 2013 at http://rnao.ca/sites/rnao-ca/files/storage/related/3111_Briefing_Note_-_The_Environment_and_Human_Health.pdf.
- ⁵ Registered Nurses' Association of Ontario (2009). *Nurses commend government for law aimed at reducing dangerous toxics*. Retrieved November 20, 2013 at <http://rnao.ca/news/media-releases/Nurses-commend-government-for-law-aimed-at-reducing-dangerous-toxics>.
- ⁶ Council for Environmental Cooperation. (2006). *Toxic Chemicals and Children's Health in North America*. May. In 2002, Ontario ranked second in total releases of recognized developmental and reproductive toxicants, and fifth in terms of carcinogens, of all US states and Canadian provinces.
- ⁷ For sections of the TRA that are not yet in force, see highlighted sections of: Ontario. (2013). *Toxics Reduction Act, 2009*. Retrieved November 20, 2013 at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_09t19_e.htm#BK16.
- ⁸ Section 11 on reporting substances of concern has not been proclaimed by cabinet. Ibid.
- ⁹ We are hopeful that the government will soon implement a living list mechanism, as the Living List Multistakeholder Working Group facilitated by the Minister of the Environment completed its deliberations in April 2013.
- ¹⁰ Ibid.
- ¹¹ Registered Nurses' Association of Ontario (2009). *Government's legislation on toxics bad for people's health*. Retrieved November 20, 2013 at <http://www.newswire.ca/en/story/481271/government-s-legislation-on-toxics-bad-for-people-s-health>.
- ¹² Great Lakes Protection Act Alliance. (2013). *Detailed prioritize recommendations regarding amendments to Bill 6 (proposed Great Lakes Protection Act): Submission to the Standing Committee on Regulations and Private Bills*.
- ¹³ Government of Ontario. (2012). *Ontario's Great Lakes Strategy*. P. 31. Retrieved November 19, 2013 at http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/stdprod_101827.pdf.
- ¹⁴ Canadian Nurses Association. (2008). *Resolution: Environmental Determinants of Health*. Retrieved November 19, 2013 at http://23072.vws.magma.ca/CNA/documents/pdf/publications/Resolution4_Environmental_Determinant_of_Health_2008_e.pdf.