



Ontario Public Health Association
 l'Association pour la santé publique de l'Ontario
 Established/Établi 1949

The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

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Constituent Societies

Alliance for Healthier Communities

Association of Public Health
 Epidemiologists in Ontario (APHEO)

Association of Supervisors of
 Public Health Inspectors of Ontario
 (ASPHIO)

Canadian Institute of Public Health
 Inspectors (Ontario Branch) (CIPHIO)

Community Health Nurses'
 Initiatives Group (RNAO)

Health Promotion Ontario (HPO)

Ontario Association of Public
 Health Dentistry (OAPHD)

Ontario Association of Public Health
 Nursing Leaders, (OAPHNL)

Ontario Dietitians in Public Health
 (ODPH)

Ontario Society of Physical Activity
 Promoters in Public Health (OSPAPPH)

Charitable Registration
 Number 11924 8771 RR0001

Michael Friesen
 A/Senior Policy Advisor
 Toxics Reduction Program
 Ontario Ministry of the Environment, Conservation and Parks
 40 St. Clair Avenue West, 4th floor
 Toronto ON M4V 1M2

Dear Mr.Friesen,

RE: EBR #013-4234, Repeal the Toxics Reduction Act, 2009 and all associated regulations by December 31, 2021

The Ontario Public Health Association (OPHA) strongly urges the Ontario government to reconsider repealing the Toxics Reduction Act and its associated regulations. This Act plays a critical role in pollution prevention and the protection of public health by reducing the use and creation of toxic substances and informing Ontarians about toxic substances. Ontarians are exposed to hundreds of chemicals every day through the air we breathe, the food and water we consume, and the things we handle. Some of these chemicals have the potential to cause adverse health effects and may play a role in the development of chronic diseases such as cancer.

The OPHA strongly supports regulatory action to reduce the public's exposure to toxic substances; however, we feel that the effectiveness of this legislation can be strengthened.

Leading up to and following the enactment of the Toxics Reduction Act in 2009, OPHA was pleased to be a member of the former Ministry of Environment's Multi Stakeholder Group that examined these issues. The Group brought together industry, non-governmental health and environmental groups, and First Nations to work on regulations and frameworks towards full implementation of the Toxics Reduction Program. With a two pronged goal of preventing pollution by reducing the use and creation of toxic substances; and informing Ontarians about those substances, the Toxics Reduction Program contributed to protecting Ontarians from exposure to toxics substances.

In assessing the benefits of this legislation, OPHA strongly urges the provincial government to keep in mind the following important considerations and changes its plans by strengthening the Toxics Reduction Act and the associated regulations rather than repealing it.

1. The Toxics Reduction Program implemented elements beyond what is currently provided by the Federal Government's Chemical Management Plan

The Toxics Reduction Act requires regulated facilities to report on the use, creation and release of regulated substances and to prepare Toxics Reduction Plans. Regulated facilities are required to make this information publicly available. They are also required to identify whether they will be implementing the Plan or actions within it. In this way, facilities are encouraged and incentivized to make reductions. Many facilities identified that there would be cost savings from implementing their Toxics Reduction Plans.

The Toxic Reductions Act does not duplicate federal programs. Repealing the Toxics Reduction Act and relying on federal requirements will not provide sufficient protections for Ontarians. The federal Chemical Management Plan, for example, does not require that regulated facilities prepare a Toxics Reduction Plan. At the same time, it is not clear that the reporting requirements under the National Pollutant Release Inventory will adequately capture the reporting of the creation, use and release of the many thousands of toxics substances that people are potentially exposed to in Ontario.

2. The Toxics Reduction Program achieved significant results in reducing the creation, use and release of toxics substances in Ontario

According to the 2017 Minister's Annual Report on Ontario's progress to implement the toxics reduction program, there have been measurable decreases, year over year, in levels of toxic substances used and created by regulated facilities in Ontario. The report showed that between 2015 and 2016, across all regulated facilities, there was a:

- *"6% decrease in use of toxic substances;*
- *2% decrease in creation of toxic substances;*
- *9% decrease in the amount of toxic substances contained in product;*
- *2% decrease of substances released to air, land and water; and*
- *3% decrease in the levels of carcinogens being released to the environment."*

3. The Toxics Reduction Program could do more to protect Ontarians from exposure to toxic substances through full implementation of Regulations under the Toxics Reduction Act

While the Toxics Reduction Act has achieved some results in protecting Ontarians from exposure to toxic chemicals, it has the potential to do more. The Act included provisions that could better address workplace exposure to toxic substances. The Toxics Reduction Act also focused on reducing toxic substances in consumer products. There are also provisions under the Act allowing the government to establish toxics reduction targets. More substantial toxics reductions, consumer and worker protection, and public 'right-to-know' could be realized if these provisions were to be fully implemented under the Toxics Reduction Act. Finally, the Toxics Reduction Act had a Living List Framework for reviewing and updating the list of substances prescribed under the Act, whereby anyone could nominate a change to the list. In order to be effective, this framework must be easy to navigate and supported by provincial resources to ensure that the list remains current and includes all toxic substances, including 'substances of concern' to which Ontarians are exposed.

Conclusion

The Toxic Reductions Act and its associated regulations provide an important safeguard for Ontarians against potential harmful toxins. It has played an important role in influencing industry to reduce toxic substances. The Act has been complementary to federal initiatives rather than being duplicative and will leave a critical regulatory gap if repealed. OPHA recognizes the provincial government's interest in reducing the regulatory burden on industry in order to stimulate economic growth and job creation. However, as the Toxics Reduction Act provides an important framework for public health protection and safety, we strongly advocate that the province strengthen this important legislation rather than repeal it.

Please don't hesitate to contact me at pwalsh@opha.on.ca or by calling 416 367-128 should you have any questions or require any additional information.

Thank you for your consideration.



Pegeen Walsh

About the Ontario Public Health Association:

OPHA is a member-based charity that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including promoting public dialogue and education on healthy public policy, capacity building, research and knowledge exchange. Our membership brings together many different disciplines and sectors working together to achieve our shared vision of optimal health for all.