

*Community Right to Know December 2006 Workshop*

*Building Bridges &  
Beyond*

Working Group

*Expanding & Enhancing*

# Community Right-to-Know (CRTK)

a one-day workshop  
to build bridges and public  
policy on  
improving public access to  
environmental (health)  
information

December 5, 2006

United Steelworkers of America  
Hall  
Toronto, Ontario, Canada

## *Workshop Proceedings*

Toronto Cancer  
Prevention Coalition  
Occupational &  
Environmental Carcinogens



Toronto **Cancer Prevention** Coalition

This workshop is in follow-up to  
the May 30, 2006  
Building Bridges & Public Policy  
one-day working conference  
about  
preventing cancer and other  
chronic diseases

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### Contact Information & Copyright

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TCPC web page for workshop background information

<http://www.toronto.ca/health/resources/tcpc/conference.htm>

*Prepared by Karen Serwonka, MHS, Health Promotion Consultant for the Toronto Cancer Prevention Coalition, in consultation with members of the Workshop Organizing Committee and TCPC Co-ordinator, Safoura Moazami.*

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### Acknowledgments

The Toronto Cancer Prevention Coalition (TCPC)'s Occupational and Environmental Carcinogens Working Group would like to sincerely thank the following:

#### Workshop Presenters:

NANCY BRADSHAW, Community Outreach Co-ordinator, Women's College Hospital, Environmental Health Clinic; and Co-Chair of the TCPC Occupational and Environmental Carcinogens Working Group

MARION BURTON, Vice President, Peterborough & District Labour Council; and Chair, Peterborough Occupational & Environmental Health Coalition

LINA CINO (Toxics Campaign Co-ordinator), Toronto Environmental Alliance; and Member of the TCPC Occupational and Environmental Carcinogens Working Group

STUART DEANS, International Staff Representative of the United Steelworkers

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ANDREW KING, National Health Safety and Environment Coordinator and Department Leader, United Steel Workers of America – Canadian National Office; and Member of the TCPC Occupational and Environmental Carcinogens Working Group

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KATRINA MILLER, Co-Executive Director, Toronto Environmental Alliance (TEA); and Member of the TCPC Occupational and Environmental Carcinogens Working Group

SARAH MILLER (Co-ordinator and Researcher) and Canadian Environmental Law Association

PETER TABUNS, Member of Provincial Parliament (Toronto – Danforth); and NDP Environment Critic

PAUL YOUNG Health Promoter, South Riverdale Community Health Centre

RICH WHATE, Health Promotion Consultant, Toronto Public Health, Environmental Protection Office.

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#### Moderator:

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#### Breakout Group Facilitators & Reporters:

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to address the unique needs

and populations of Toronto's diverse

multicultural metropolitan area

in relation to cancer prevention

(based on the recommendations

of the Ontario Task Force on the

Primary Prevention of Cancer -1995).

## I *Our reality check: Making the case for CRTK*

On December 5, 2006, 60 people – from environment, health, labour and government sectors - convened at Toronto's United Steelworkers of America Hall to advance the cause for public policy to improve access to environmental information and support a Community Right-to-Know (CRTK) by-law for the city of Toronto. The event, "Expanding and Enhancing Community Right-to-Know," was organized by the Occupational & Environmental Carcinogens Working Group (OECWG) of the Toronto Cancer Prevention Coalition (TCPC). It was an offshoot of the Building Bridges conference, held in May 2006, organized by the Toronto Cancer Prevention Coalition (TCPC). The Building Bridges conference focussed on network building and policy development to support the prevention of cancer and chronic disease. At the May conference, CRTK was chosen among the top three issues on which to focus our future collaborative policy advocacy work. The proceedings of the May 2006 conference can be found on-line at <http://www.toronto.ca/health/resources/tcpc/conference.htm>.

### Community Right-To-Know (CRTK)

CRTK is described as "public access to information held by government or industry on chemical substances or conditions that might pose a risk to health or to the environment". A CRTK by-law would ensure that information regarding the harmful substances - to which the public is unknowingly exposed and which affect the health of the whole population - are disclosed.

The tactics, business arguments and mechanisms for community input and political strategy that have been used in the City of Toronto are transferable to other jurisdictions and other chronic disease issues. They can be extended to and adopted by other communities across Ontario through a process of partnership building and knowledge transfer.

*Source: Toronto Public Health. Access to Environmental Information: Preventing Pollution, Avoiding Risks as quoted in the May 2006 Building Bridges & Public Policy Conference Proceedings.*

On behalf of the Occupational & Environmental Carcinogens Working Group of the Toronto Cancer Prevention Coalition (TCPC), **ANDY KING**<sup>1</sup> (Co-chair) and **NANCY BRADSHAW**<sup>2</sup> (Co-Chair) welcomed participants. They provided an overview of Community Right-to-Know in their presentation *CRTK 101*. The following highlights are from Ms. Bradshaw's presentation:

### Why is Community Right-to-know important?

- honours public and workers rights
- contributes to the health of the community

<sup>1</sup> **ANDY KING**, Co-chair of TCPC's Occupational & Environmental Carcinogens Working Group, and National Health, Safety & Environment Coordinator and Department Leader, United Steel Workers of America – Canadian National Office ( [www.usw.ca](http://www.usw.ca)).

<sup>2</sup> **NANCY BRADSHAW**, Co-Chair of TCPC's Occupational & Environmental Carcinogens Working Group, and Community Outreach Co-ordinator with the Environmental Health Clinic of Women's College Hospital ([www.womenscollegehospital.ca](http://www.womenscollegehospital.ca)).

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- aids in emergency planning
- provides information for taking action on toxic use reduction
- assists in identifying priorities for action
- encourages voluntary action by industry
- allows for tracking trends and progress in toxic use reduction
- aids in research

### Perceived Barriers to CRTK

- breach of security leading to decreased safety in communities
- effect on property values
- costs to business

### Bottom Line

- CRTK provides for safer communities and workplaces due to decreased use, storage and release of toxic substances
- property values increase as community is "cleaned up"
- initial costs to businesses are mitigated by longer-term economic benefits

### CRTK in Toronto

- 1986: CRTK by-law drafted. Later shelved with the introduction of WHMIS legislation
- 2001: TCPC Action Plan adopted by City Council, without amendment
- 2002: Toronto's City Council identifies CRTK as a priority
- 2004: presentation of South Riverdale-Beaches case study to Toronto Public Health
- 2005: Toronto Board of Health (BoH) directs the Medical Officer of Health to report on CRTK strategy
- 2006: Canadian Environmental Law Association (CELA) background report released - January
- 2006: Toronto Public Health (TPH) report released: *Access to Environmental Information* – June
- 2006 – BoH adopts recommendations:
  - CRTK pilot project
  - consultations with broad group of stakeholders
  - Expand environmental website portal
- 2006 – BoH adopts CRTK Principles:
  - Information on chemicals stored, used and released by location and facility
  - Sustainable business practices

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- Chemicals of priority
- Disclosure from facilities using priority chemicals
- Searchable web-based database

**RICH WHATE (Toronto Public Health's Environmental Protection Office)**

<http://www.toronto.ca/health/resources.htm> gave an update on the activities and plans of TPH's Environmental Protection Office. He described the upcoming consultations with stakeholders from industry, environment and health NGO's, and the public, to inform TPH's recommendations regarding an RTK system for the city of Toronto.

### Workshop Objectives

- To expand our broad coalition of stakeholders
- Share experiences, knowledge and tools
- Take action at municipal level of government, influence provincial and federal activities

*"We don't want a manufacturing museum. We want to encourage businesses to go green".* **Andy King**

In this section we will capture how other speakers portrayed the current lay of the land, which underscores their cause for concern and motivation to act. The other issues which presenters addressed - identifying the changes they want to see and showcasing some living examples, both locally and internationally - will be captured in upcoming sections of the proceedings.

**KATRINA MILLER and LINA CINO (Toronto Environmental Alliance -TEA)**

<http://www.torontoenvironment.org> overviewed the Ontario Ministry of Environment's (MOE) **Certificate of Approval (CoA)** Program. Since, the 1950s, MOE has issued over 200,000 CoAs. These CoAs permit businesses to produce, use and store substances considered to be toxic under the **Canadian Environmental Protection Act** <http://www.ec.gc.ca/CEPARegistry/>. One example provided was waste motor oil, which, when burned in space heaters, releases numerous toxic contaminants into the local air, including sulphur oxides, nitrogen oxides, fine particulate matter, arsenic, cadmium<sup>3</sup>, PAHs {Polycyclic Aromatic Hydrocarbons}, tetrachloroethylene and lead. Ms. Cino identified a key loophole in the Ministry's CoA program: the lack of a tracking system, as there are no expiry dates on CoAs and very little enforcement. In a later presentation, Canadian Environmental Law Association (CELA)'s **SARAH MILLER** expanded on the MOE's inability to oversee the CoA process, noting that it takes 60 days to process one CoA, and there are approximately 200,000 in Ontario. The Ministry willingly admits their inability and is looking at a risk-based system as a possible alternative.

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<sup>3</sup> Three - cadmium, PAHs (Polycyclic Aromatic Hydrocarbons) and tetrachloroethylene - which rate among 10 key carcinogens in workplaces and the environment. Source: *Ten Key Carcinogens in Toronto Workplaces and Environment, Toronto Public Health, March, 2002* [http://www.toronto.ca/health/pdf/cr\\_summaryreport.pdf](http://www.toronto.ca/health/pdf/cr_summaryreport.pdf) as referenced in Nancy Bradshaw's introductory workshop presentation.

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**PAUL YOUNG (South Riverdale Community Health Centre, Toronto)** outlined South Riverdale's long legacy of industrial pollution and community action for industrial responsibility and clean-up. Riverdale is a community east of downtown Toronto, just off Lake Ontario, with a population of 80,000. Using the map created by TEA, *Reported Releases of toxic chemicals in Toronto* <http://www.torontoenvironment.org/node/312?PHPSESSID=d6a2ad198fd14f2e40d>, Mr. Young highlighted the concentration of toxins (on the high end of the scale at 250 – 1200 tonnes) in Ward 30's southern extremity, attributable to a 1000 acre area of industrial land to the south and its proximity to 2 major highways. He identified the impact of existing and proposed industrial activity on local air quality (e.g. the Portland re-development scheme).

**MARION BURTON (Peterborough & District Labour Council and Peterborough Occupational & Environmental Health Coalition)** recounted Cancer Care Ontario's declaration that Peterborough, formerly a major manufacturing centre, has a higher than average incidence of cancer. She noted that three out of four cancers are estimated to be industry related in heavily industrialized communities. Ms. Burton spoke of the right of community members to know the types, levels and health effects of toxic chemicals in the environment in which they live and work. She spoke of the excellent work of the Occupational Health Clinics for Ontario Workers (OHCOW) in establishing a temporary intake clinic in Peterborough for workers from Canadian General Electric and Ventra Plastics. OHCOW staff found evidence of workplace exposures to toxic chemicals, including trichloroethylene and asbestos. Ms. Burton advocated for the establishment of a permanent OHCOW clinic in the Peterborough area to serve the community and other parts of Eastern Ontario.

**STUART DEANS (United Steelworkers)** highlighted exposure issues in four workplaces across Toronto. Mr. Deans also referred to the *Reported Releases of toxic chemicals in Toronto* map <http://www.torontoenvironment.org/node/312?PHPSESSID=d6a2ad198fd14f2e40d>, noting the negative impact that industry can have on the health of workers and communities. As examples, he discussed the exposure of workers and community residents to toxic chemicals in three GTA businesses, Valspar, Foamex and Canac, highlighting concerns with inadequate ventilation in plants, improper return to work practices, increased rates of occupational disease and clusters of occupational diseases (including respiratory and skin diseases related to occupational exposure). In summary, he stressed the joint responsibility of companies and unions for the health and safety of workers.

**ENZO MANCUSO and LISA HAWKINS (Workers Health & Safety Centre)** presented an overview of the **Workplace Hazardous Materials Information System (WHMIS)**, the Canadian system for protecting workers from exposure to toxins (and other workplace health hazards).

WHMIS is based on federal legislation that was developed with input from labour, industry and government sectors. The official national site on Health Canada's website, at [http://www.hc-sc.gc.ca/ewh-semt/occup-travail/whmis-simdut/index\\_e.html](http://www.hc-sc.gc.ca/ewh-semt/occup-travail/whmis-simdut/index_e.html), refers to WHMIS as "Canada's national hazard communication standard (and) a model of federal, provincial, territorial synchronization". WHMIS is a system designed to protect workers in 3 ways:

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1. A cautionary labeling system for all containers that come into workplace to help workers identify the nature of the hazardous materials they are handling.
2. Requirement for disclosure of information via material safety data sheets (MSDS)
3. Educational and training programs for workers.

It is important to understand the **existing limitations or loopholes in the current system**, so that it may be improved over time. These include:

- the ability of WHMIS to keep current with the thousands of new chemicals and millions of new products being developed each year,
- limited training on WHMIS (particularly in small, non unionized workplaces),
- lack of certification for WHMIS training, and
- trade secret regulations, which allow manufacturers to withhold info on chemical content.

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### *II What we want to achieve & what will it take to get us there*

Presenters identified the changes they want to see and the actions it will take to achieve these changes.

In their opening remarks, TCPC Working group co-chairs, Andy King and Nancy Bradshaw, highlighted the ultimate goal for CRTK to lead to toxics use reduction and a decreased burden on the population's health.

Mr. King and Ms. Bradshaw acknowledged that a reduction in the toxics burden to the community **requires a massive industrial overhaul**. However, the initial cost to businesses will be mitigated by longer term health and economic benefits. They noted that CRTK advocates need to look for ways that communities and industries/businesses can work together to reduce the use of toxic chemicals in businesses and subsequent releases into the community.

#### *Community Right-To-Know Campaign's ultimate goal*

The ultimate goal of TCPC's Occupational and Environmental Working Group is the implementation of a CRTK by-law in Toronto to give the public a greater right to know what toxic chemicals are used, stored and released in our city. More comprehensive information would enable residents and their elected representatives (i.e. politicians) to make choices about what risks are acceptable, and how to avoid those risks which aren't.

When industries come under (greater) public and (governmental) scrutiny, they work harder to eliminate or reduce their pollution. They find ways to use less toxic chemicals, reduce toxic releases and improve emergency prevention techniques to avoid accidents.

**The ultimate desire is for safer neighbourhoods and healthier citizens.**

**A Road Map**  
to the  
**Reduction in use and release of toxics**  
via  
**Community Right-to-Know**

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CRTK Campaign



City of Toronto CRTK by-law



more detailed reporting by all industry to the City  
on all toxic chemicals used, stored, released



↑ public knowledge of toxic load  
(greater public access to information on the use, storage and release  
of toxic chemicals in one's neighbourhood, city)



Civic choices about what risks are acceptable



Civic pressure on politicians & industries  
to develop a plan to eliminate/reduce those risks not deemed publicly acceptable



Reduction in use and release of toxics



Safer workplaces and neighbourhoods



decreased health burden on the population

### *III Case studies of progress and sources of inspiration - from local action to international initiatives*

Presenters showcased practical examples of local and international CRTK initiatives and best practices, which have inspired and informed TCPC's Occupational and Environmental Working Group in moving CRTK forward in Toronto.

**Toronto Environmental Alliance's (TEA) KATRINA MILLER** and **LINA CINO** highlighted several examples of the strength of working in broad based coalitions. Below are some examples of TEA's work with community members:

- In South Etobicoke, a **forum called "Clear the Air"** was organized by the **South Etobicoke Environmental Liaison Committee (SEELC)** - comprised of residential, government (municipal, provincial and federal), and industrial representation. This led to the development of a **community liaison committee** to address environmental and health concerns with the expressed interest to work with local industry to address environmental concerns.
- The **East Toronto Climate Action Group** used the NPRI (National Pollutant Release Inventory) data <sup>4</sup> accessible via [http://www.ec.gc.ca/pdb/npri/npri\\_home\\_e.cfm](http://www.ec.gc.ca/pdb/npri/npri_home_e.cfm) or via [www.pollutionwatch.org](http://www.pollutionwatch.org) to target the seven companies in east Toronto who were the biggest polluters. With TEA's help, the group started a **letter-writing campaign** to start negotiating with the companies to reduce their toxic burden on their neighbourhood.
- **Residents for Safer Communities (RSC)**, TEA's formal volunteer group comprised of leaders from resident associations across Toronto, was formed in April 2006. In the summer of 2006, members of the RSC contacted approximately 44 Toronto facilities issued CoAs by the Ministry of the Environment to burn waste motor oil. The results were encouraging: the majority had discontinued this practice and had arranged for their waste oil to be picked up and recycled. Ten Toronto facilities, however, continued to burn the waste oil. RSC and TEA followed up with a 2-part, second course of action by: a) sending the delinquent businesses a follow up letter, reminding them of the **City of Toronto bylaw of 2000**, which prohibits the burning of waste motor oil in space heaters, and provides a list of recyclers (highlighting those who will pay them to pick up their oil); and b) filing an application of review to the provincial government requesting that the MOE review the CoA instrument, specifically with regard to no existing expiry dates, and how to make them null and void.

\*Update: In January 2007, the MOE announced a proposal to ban the burning of used oil.

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<sup>4</sup> The National Pollutant Release Inventory (NPRI) is a database (legislated by the Canada Environmental Protection Act [CEPA] 1999) to which facilities are required to report on their release (emissions to air, water and land) and transfer of ± 350 chemicals (of hazardous waste offsite for disposal, treatment or recycling). NPRI data is searchable by location (e.g. street, town, chemical or facility name). It is accessible directly via [http://www.ec.gc.ca/pdb/npri/npri\\_home\\_e.cfm](http://www.ec.gc.ca/pdb/npri/npri_home_e.cfm) or via [www.pollutionwatch.org](http://www.pollutionwatch.org) for a more user friendly version. Source: *CRTK Fact Sheet - Secrecy is Toxic: You have a right to know.*

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**PAUL YOUNG (South Riverdale Community Health Centre)** outlined this community's long legacy of industrial pollution and **community action for industrial responsibility and clean-up**, beginning with the removal of lead found in the soil of residents yards – detected by symptoms and high blood lead levels in children – back in the 1970s.

The South Riverdale Community Health Centre (SRCHC), which emerged out of resident action on the lead issue, continues to work with neighbourhood residents to improve community health, with a strong emphasis on environmental health. It recognizes the importance of addressing health inequities resulting from barriers – such as income, language, and access – which are significant in this community  
<http://www.ejnet.org/ej/principles.html>.

South Riverdale's interest in CRTK continues to support and facilitate the community's on-going priority setting and action on environmental issues which impact upon their collective health. For example, residents wanted to deal with a local manufacturer of shingles that emitted strong odours. Through their Environmental Liaison Committee, they did a tour of the facility and realized there were larger environmental concerns. They partnered with the East Toronto Climate Action Committee to conduct research and dialogue further with the business.

In another example, the SRCHC and community worked for over 6 years to establish Dundas Street East as a bike route to enable active transportation and tackle the vehicular traffic as a source of non-point source pollution. As for action right on their premises, the SRCHC has drastically reduced its waste output from 40 bags per week to just 6, over a year.

SRCHC recognizes the key role **policies in all sectors** play in affecting a population's health. Influencing how policies are developed and re-defined over time is fundamental to CRTK from their perspective. They "promote learning and action" as a group to affect public policy.

Inspired by Toronto's work towards a CRTK by-law, **Peterborough** has formed its own **Occupational and Environmental Health Coalition**. Coalition Chair **MARION BURTON** said they are also working towards a CRTK bylaw for Peterborough. Burton talked about their support for increasing the manufacturing base in their community, with the goal being to make Peterborough a leader in green industry. She emphasized the importance of recognizing and dealing with **occupational disease as a public health issue**. She explained that the Coalition was formed for the purpose of developing a **comprehensive occupational and environmental health plan** in partnership with the labour movement and community members. To jump-start the inclusion of workers and the community in this plan – which until now has been lead by Peterborough County City Health Unit - Peterborough's Occupational & Environmental Health Coalition is organizing a workshop (April 20-21, 2007) focusing on detection, diagnosis and treatment of occupational disease; prevention of occupational disease; compensation and building public support for further action.

Of the four workplaces, **STUART DEANS (United Steelworkers)** highlighted regarding environmental and occupational exposures, he elaborated on the organizing strategy at Valspar, a manufacturer of paints and resins in the middle of a residential area in

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Scarborough. The facility is viewed as a pressure cooker – “if it were to blow would take out 10 city blocks out”. Waste is stored in a tank, which is supposed to be collected. However, the tank has a valve, which if opened, dumps the chemical waste into an adjoining swamp, which drains into Lake Ontario. To warn the residents of the environmental concern, the Steelworkers leafleted the community. At the 11<sup>th</sup> hour in union negotiations, union workers with hard hats surrounded the property; company managers thought that the workers were from Ministry of the Environment and the company called in the union to bargain.

While the emphasis of Workplace Hazardous Materials Information System (WHMIS) is on the control of hazardous materials, the second presenter **LISA HAWKINS (Workers' Health & Safety Centre)** proposed that more emphasis is needed on reduction and substitution with non-hazardous materials.

The **Canada Labour Code** (Canada Occupational Health & Safety Regulations [SOR/86-304], Part X, 10.16) <sup>5</sup> **specifies substitution:**

- 10.16 (1) "No person shall use a hazardous substance in a work place where it is reasonably practicable to substitute a substance for it that is not a hazardous substance"
- (2) Where a hazardous substance is to be used for any purpose in a work place and an equivalent substance that is less hazardous is available to be used for that purpose, the equivalent substance shall be substituted for the hazardous substance where reasonably practicable."

It is not clearly defined, however, a) whose responsibility is it to ensure that substitution takes place in these circumstances; b) what is the process for determining what is "reasonable," and who determines this; and, most importantly, c) what approach or process can workers take via their joint health and safety committee (JHSC) to leverage substitution.

In British Columbia, they go a little further and in BC Occupational Health & Safety Regulation 5.57 stipulates <sup>6</sup> that if employers claim that it is not practicable to substitute hazardous materials (noting substances which are carcinogenic, have reproductive critical effects, are sensitization critical, etc.) for less hazardous ones, they must document their reasons and **must implement an exposure control plan**. Other sections specify the substitution of particular substances (e.g. Section 6.10 for asbestos).

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The original sources (below) are referenced in Lou Riklik's presentation on Hazardous Materials Substitution to the CAW National Health & Safety Conference in June 2006 (available on-line at <http://www.caw.ca/whatwedo/health&safety/conferences/pdfs/CAWSUBSTITUTION.pps>).

<sup>5</sup> Source: <http://72.14.205.104/search?q=cache:JaGkg428mHIJ:laws.justice.gc.ca/en/L-2/SOR-86-304/text.html+Canada+Labour+Code+Canada+Occupational+Health+and+Safety+Regulation+hazardous+OR+substance+%2210.16%22&hl=en&ct=clnk&cd=1&gl=ca> (as accessed March 14, 2007). Enabling Statute: Canada Labour Code. Canada Occupational Health and Safety Regulations (SOR/86-304). Reference below quoted statement is also made to: SOR/88-68, ss. 8, 14; SOR/88-632, s. 44(F); SOR/96-294, s. 2; SOR/2002-208, s. 43(F).

<sup>6</sup> Source: <http://www2.worksafebc.com/publications/OHSRegulation/Part5.asp> (as accessed March 14, 2007).

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Ms. Hawkins also commented that European countries are more progressive and comprehensive in their legislation/regulations and that we often look to them to guide us forward. A directive from the European Community dating back to 1990<sup>7</sup> goes further by stipulating that substitution is required, if it is technically possible to do so: "The employer shall reduce the use of a **carcinogen** at the place of work, in particular by **replacing it, in so far as it is technically possible**, by a substance, preparation, or process which under its conditions of use, is not dangerous or is less dangerous to workers' health or safety, as the case may be." The EU also has chemical directives which Lisa mentioned are referenced in a key resource on hazardous materials substitution: Lou Riklik's presentation on this topic to the CAW National Health & Safety Conference in June 2006 (available on-line at [http://www.caw.ca/whatwedo/health&safety/conferences/pdfs/CAWSU\\_BSTITUTION.pps](http://www.caw.ca/whatwedo/health&safety/conferences/pdfs/CAWSU_BSTITUTION.pps)).

Hawkins referred to REACH, an EU regulation which provides for a comprehensive system for Registration Authorization & Restriction of Chemicals produced and used in Europe and comes into force June 1, 2007:

*The REACH Regulation gives greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances.*

*Manufacturers and importers will be required to gather information on the properties of their substances, which will help them manage them safely, and to register the information in a central database. A Chemicals*

*Agency will act as the central point in the REACH system: it will run the databases necessary to operate the system, co-ordinate the in-depth*

### *Quote from p. 43 of May Conference proceedings:*

#### **Advocate for a New Policy Bottom Line**

- *When thinking about the reasons given by politicians when not choosing the most health-positive route in a policy direction, one breakout group noted an often used bottom line – sometimes declared, often undeclared – for government policy decisions at all levels – seems to be that of the economic imperative. This appears in various forms. One is to frame public policies and programs as economic burdens, without highlighting their potential economic benefits. The other is to support policy decisions that facilitate a climate that is good for businesses, rather than focusing on the potential for bringing about more equity (i.e. narrowing the gap between the richest and the poorest segments of our society). Gearing public policies towards an economic bottom line has proven in the long run to not be in the best interest (and sometimes at the peril of) future sustainability nor for the public's health.*
- *What about a health imperative or public health bottom line for all public policy? We need to encourage governments to be explicit about (or expose through advocacy) what the bottom line is on all policy directions and decisions. Incorporate this as a consistent key message in all future policy and advocacy initiatives it ties in with health impact assessment of policy directions*

<sup>7</sup> Source: Section II, Article 4, 1

[http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31990L0394&model=guichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31990L0394&model=guichett)

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*evaluation of suspicious chemicals and run a public database in which consumers and professionals can find hazard information. The Regulation also calls for the **progressive substitution of the most dangerous chemicals when suitable alternatives have been identified.***<sup>8</sup> {bold: emphasis is author's}

Ms. Hawkins pointed out that the steps of substitution for any jurisdiction sound easy, but really are challenging. However, if communities and workers, were considered **paramount**, this would be a logical progression to make.

Hawkins referred to more inspiring work in the areas of toxic use reduction and substitution in other jurisdictions. In **Massachusetts**, their **Toxic Use Reduction Unit** <http://www.turi.org> has a done work on finding alternatives to lead, perc and formaldehyde and have a great database. Looking to future generations, Ms. Hawkins is encouraged by the linkages being made on **children's health and the environment** and noted the emergence of several coalitions addressing these issues<sup>9</sup>. Physicians are being drawn in and connections are being made in Ontario with the 14 **Local Health Integration Networks (LHINs)**<sup>10</sup>, which on April 1, 2007 assume full responsibility for funding, planning and integrating local health care services - delivered in hospitals, long-term care facilities, community health centres, community support services and mental health agencies - in the 14 geographic areas across the province.

**SARAH MILLER** and **ANN WORDSWORTH** (**Canadian Environmental Law Association - CELA**) <http://www.cela.ca>, which works locally and collaborates internationally (e.g. on the Stockholm Convention on Persistent Organic Pollutants {Sarah mentioned this and I thought it important to expand upon this international commitment Canada (federal gov't) made}- a global treaty to protect human health and the environment from POPs - to which Canada is a Party)<sup>11</sup>, presented on what lessons Toronto can garner from USA experiences at all jurisdictional levels.

What began locally with worker and citizen lobbying in some cities across the USA culminated in **municipal by-laws** and **good neighbour agreements**. With the establishment of the **Toxics Release Inventory Program** <http://www.epa.gov/tri/><sup>12</sup> in the USA, some municipalities went on to drop their toxics by-laws dropped, while other hung on.

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<sup>8</sup> Source: [http://ec.europa.eu/environment/chemicals/reach/reach\\_intro.htm](http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm) (as accessed March 14, 2007)

<sup>9</sup> Sources: Canadian: <http://www.healthyenvironmentforkids.ca/english/>, <http://www.cela.ca/coreprograms/detail.shtml?x=2351>, <http://www.pollutionprobe.org/whatwedo/Child.htm>, <http://www.cape.ca/children.html>, <http://www.cich.ca/milestones.html>; USA: <http://www.cehn.org/>, International: <http://www.who.int/ceh/en/>

<sup>10</sup> Sources: [http://www.health.gov.on.ca/transformation/lhin/lhin\\_mn.html](http://www.health.gov.on.ca/transformation/lhin/lhin_mn.html) and <http://www.lhins.on.ca> (as accessed March 14, 2007)

<sup>11</sup> via CELA's collaboration in the International POPs Elimination Network. Source: <http://www.cela.ca/coreprograms/detail.shtml?x=1763>

<sup>12</sup> Alternative resource using this data: <http://www.scorecard.org/>

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**New York City**, is an example of a city that retained its **Community Right-to-Know Law** (of 1989 and regulations), and has since nurtured a culture of pollution prevention. For example, Ms. Miller explained how every fire engine in NYC has a computer to draw up information on any facility's list of hazardous substances and a special list noting carcinogenic and tetarogenic hazardous substances, and where in the plant they are located. It is a centralized database which is updated locally. A filing fee, payable to the City, is generated by the volume of hazardous materials a facility deals with. Miller emphasized that the program can be revenue neutral to a city, if done right. Citizens can go to the commission and obtain information filed by a facility. For those failing to fine, a citizen can take private legal action.

Miller posed a rhetorical question: has it been success? As one indicator, in the aftermath of 9/11, having not been deemed as a further threat to terrorism, there were no alterations made. It has become part and parcel of business development plans. There is practical assistance available to help companies comply (e.g. suggesting substitutes) and avoid being polluters: they inform businesses upfront of laws to comply with when doing business in NYC, for to do so nowadays means practicing pollution prevention. Within the City's corporate structure they co-ordinate environmental protection and economic development. In the city planning department, for example, there is a new environment division and they also have a green bus development scheme.

In their approach, they have gone further than any voluntary initiative; they provide information, training, loans, business incentives and breaks for companies making the transitions. And where they see change is needed, they are modifying their laws.

Miller reflected that it is important to ask ourselves – citizens and our representatives alike – do we want to see economic competitiveness drive everything? With the new City of Toronto Act, there is far greater power, for example, to protect the public's health in whatever way necessary. Toronto is bigger than many of the provinces, so there is no reason why it should not take a role in Community Right-to-Know.

On to **Eugene, Oregon**, which has since (in 1996) adopted a **Toxics Right-to-Know Charter Amendment to its City Charter** (via a voter-initiated referendum), and established a TR2K program<sup>13</sup>. It builds on the toxins release inventory by requiring reporting on what goes into and out of plants, thus asking companies for pollution releases. The presenters explained that a lot is found out via final product releases; often more so than in water and air releases alone - reminding us that there are hundreds of ways to access information and urged us to push for more information on any front we can.

In summary, the by-laws serve a **dual purpose as a better information source they provide**: firstly for emergency response teams and secondly for community awareness regarding exposures in our air, land and water. As an offshoot of such bylaws, emerged **good neighbourhood agreements**, which can be formal, written agreements that put in place protections, improvements companies can take.

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<sup>13</sup> Source: *Creating Community Right-to-Know Opportunities in the City of Toronto*, a Report prepared for Toronto Public Health by the Canadian Environmental Law Association. January 10, 2006. Available on-line at [http://www.toronto.ca/health/hphe/pdf/crtk\\_june\\_2006\\_report.pdf](http://www.toronto.ca/health/hphe/pdf/crtk_june_2006_report.pdf)

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Another important piece of legislation, at the state level, to know about is **Proposition 65, a 1986 voter initiative in California**. This has placed the onus on state to develop list of materials that are carcinogenic (cancer-causing) and tetarogenic (causing birth defects), and requiring businesses to warn the public of their presence via labels, posters, newspaper adds, etc. This would require, for example, a landlord spraying with pesticides or using lead paints to notify tenants. It is very progressive legislation that continues to generate a lot of activity today. As a result many companies removed tolulene (a known human reproductive toxin) removed from some spot removers; and some reduced the amount of lead used in fine china. This has become known as "the California effect": equipping the public with better knowledge and the ability to protect ourselves. While the State is responsible for enforcement and taking legal action under this legislation, there is the citizen option to take legal action as well. One prominent legal case involved six people suing McDonalds for having acrylamide in French fries.

Groups like CELA want to see such protections put in place here. Twenty years of CRTK information and the development of a by-law were lost with the shelving of the earlier 1986 by-law.

Miller and Wordsworth expressed hope that the City of Toronto will look to these as examples - to guide us as we endeavour to blaze some trails of our own and that workshop participants contemplate adopting or adapting some examples in our afternoon workshop.

**JENNIFER FOULDS (Environmental Defense)** presented a detailed overview of 2 great on-line resources: **Pollution Watch** and **Toxic Nation**.

**Pollution Watch** <http://www.PollutionWatch.org> is an interactive web-based tool for accessing information on pollution in Canada. It uses data from the Federal government's National Pollution Release Inventory (NPRI), published by Environment Canada. It was created and is maintained as a joint venture between to environmental non-governmental organizations (ENGOS), the Canadian Environmental Law Association (CELA) and Environmental Defense. The data dates back to 2001. 2004 NPRI data will be live later in December 2006 and 2005 NPRI data likely early in 2007. Ms. Foulds encouraged participants to contact companies directly for updates to find out whether they have changed their usage/emissions, etc. Pollution Watch features enhanced CRTK - including capabilities for time trends, ranking, a health effects list (e.g. CEP Act toxins, carcinogens, endocrine disrupters, respiratory toxicants, reproductive/developmental toxicants, ozone depleting substances) and action tools (e.g. enabling citizens to email facilities directly).

**Toxic Nation** <http://www.toxicnation.ca> is a virtual resource connecting pollution data (toxic chemicals) with bio-monitoring data (impacts on human health). It includes data from 2 studies:

- ➔ First study: tested 11 adults for 88 chemicals
- ➔ Second study: tested children, parents and grandparents from five families (six adults and seven children; 13 people in total) for 68 chemicals

Test results were as follows:

Adult Study: 60 of 88 chemicals were detected, including

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- 41 carcinogens,
  - 27 hormone disruptors,
  - 21 respiratory toxins, and
  - 53 reproductive/developmental toxins
- Family Study: 46 of 68 chemicals were detected, including

- 38 carcinogens,
- 23 hormone disruptors,
- 12 respiratory toxins,
- 38 reproductive/developmental toxins, and
- 19 neurotoxins
- kids had higher levels of some chemicals than their parents

**Recommendations for Government and Industry:** as part of the Review of the Canadian Environmental Protection Act:

- establish timelines for the virtual elimination of toxic chemicals,
- make industry accountable for its chemicals,
- regulate toxic chemicals in consumer products, and
- reduce pollution in the Great Lakes basin.

There is an on-line Toxic Nation petition people can sign if they wish to urge the federal government to strengthen the regulation of chemicals in Canada.

**Toronto Environmental Alliance's LINA CINO** and **KATRINA MILLER** showcased TEA's **Mapping Pollutants**. The reaction to TEA's visual representation of **Toxins in Toronto: You have a right to know** has been astounding. People like the visual representation, the impetus for which they got from the *Pollution Watch* site. It has been reported in three newspapers and it is popping up everywhere they go.

Before this was published, if somebody from the community really wanted access to hazardous storage/use information, s/he could (and still can) make request through Toronto's Medical Officer of Health, evoking clause 90 of the Ontario Health & Safety Act, to get information from the MSD sheets. It's still an avenue to use as a resource.

**Ontario's Environmental Registry**, accessible on-line via <http://www.ebr.gov.on.ca/ERS-WEB-External/> is a product of the Ontario Environmental Bill of Rights which posts "public notices" about decisions to be made with environmental implications (i.e. proposed new laws, regulations, policies and programs or about proposals to change or eliminate existing ones) must be listed on website for comment (within 30-60 days, depending on instrument e.g. before a certificate of approval is awarded; or after to see if one was awarded – for which there is a \$5. fee).

After **Mapping Pollutants**, TEA released **Secrecy is toxic: A Citizen's Guide to Community Right-to-Know** to get information about pollution in neighbourhoods out to the public, to enable people to take action.

In their presentation are slides from CRTK Citizen Guide Workshops which they conducted in communities such as Mount Dennis, for input on questions to make the guide most useful to community residents:

- What kind of information do you want?
- What would you use this information for?

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- How do you think people should be able to access this information?

Please refer to Ms. Cino powerpoint presentation for detailed community feedback.

Among the many resources and great practical information tips in the guide, Ms. Miller highlighted a tool called **good neighbour campaigns** (pioneered in New Jersey and Ohio) which essentially harnesses "the power of community organizing to make neighbourhood facilities prevent or limit their release of toxic chemicals". TEA offers hands-on support and advice to communities wishing to embark on good neighbour campaigns.

**SARAH MILLER (Canadian Environmental Law Association - CELA)** <http://www.cela.ca>, conducted a virtual tour of *Tox Town* <http://toxtown.nlm.nih.gov/> a website developed by the US National Library of Medicine (NLM) and the National Institutes of Health (NIH) which provides an introduction to toxic chemicals and their "associated health risks, you might encounter in every day life, in everyday places"; and from there you can go on to see if these chemicals are in your (American) community. Ms. Miller, gave us a sampling of how the information can be searched on the site:

- For example, you can click on drinking water
- You can see what there is to look out for in various facilities e.g. schools
- Indoor air pollution
- Can look up more information on the health effects of particular substances
- You can go to Town: and check out chemicals used at the park, for which there is susceptibility to childhood pesticide poisoning
- You can go to the USA/Mexico border (where a lot of virtually unregulated nasty industrial activity going on)
- Visit the virtual home garage and see what hazards may be present

Ms. Miller explained that the City of Toronto is looking at all the data it collects. She asked the audience if we want an environmental portal to help us to identify what are the major pathways of exposure in this city? Participants responded enthusiastically.

**NANCY BRADSHAW (Women's College Hospital's Environmental Health Clinic)** introduced the *Cancer Smart Consumer Guide* available on-line at <http://leas.ca/CancerSmart-Consumer-Guide.htm> which explores the close link between our own health and the environment. More than just handy tips, the guide identifies some of the research upon which it is based and explains the link to CRTK: based on the belief that people have the right to know what is in the products we buy. This informative booklet by the Vancouver-based Labour Environmental Alliance Society helps people identify toxins in everyday home and garden products and choose toxin-free products - a healthier choice for our families and for the environment.

Following our afternoon breakout groups, we wrapped up the workshop with a visit from **PETER TABUNS**, Ontario Member of Provincial Parliament (Toronto – Danforth) and NDP Environment Critic, who mentioned his recent introduction of private member's **Bill 164, the Community Right to Know Act (Disclosure of Toxins**

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**and Pollutants)** <sup>14</sup> to the Ontario legislature. He thanked the Toronto Cancer Prevention Coalition for all the work they have done to lead to this. This proposed legislation, requiring the labeling of carcinogens in consumer products, would be the first in a Canadian jurisdiction. Having passed second reading November 30, 2006, the legislation was then directed to go to the Standing Committee on Regulations and Private Bills.

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<sup>14</sup> Source: [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=502](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=502) (as accessed March 14, 2007)

## ***IV Dialogue on Steps to move us forward (breakout group brainstorming)***

**NANCY BRADSHAW** reminded us of the **key themes** emerging from the May 2006 *Building Bridges & Public Policy Conference*, which pre-empted this workshop:

- Continue the networking among conference participants;
- More strategic partnering: more Information/data/research;
- Expand repertoire of the tools used (research/advocacy, etc.) and improve skills;
- Generate options for policy directions;
- Advocate for a new policy bottom line; and
- Get the issues on politicians' radar, election agendas.

And asked that we build on some of the **key issues** generated then:

- building a larger coalition
- increasing capacity for CRTK in Toronto and beyond
- increasing evidence
- working with industry / businesses
- adopting and adapting existing models e.g. good neighbour agreements
- Advocacy: encouraging other levels of government to do some of this work
- how do we communicate this to people

Also keeping in mind the tools and case studies from other communities and countries showcased today.

### **Reminding us why we need a CRTK by-law in Toronto ...**

- ◆ Over 40,000 facilities don't have to report annual pollution releases
- ◆ No reporting for industrial use, production and storage of chemicals.
- ◆ Province gives out permits to pollute (200,000 to date) but doesn't track their emissions
- ◆ No transparency around emergency prevention and response plans; nor exposure of emergency workers

## **Key questions for the afternoon session**

Participants joined one of three breakout groups for 45 minutes to discuss the following questions and brainstorm suggestions.

**Q-1 What other activities/resources do we need to support a CRTK by-law in T.O?  
And who will do this?**

**Q-2 Who else do we need to bring on board? And who will follow-up on this?**

**Q-3 How can you/your organization support the development of CRTK by-law?**

**Q-4 How do we continue to link/support each other?**

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Each break-out group had 5 minutes to report back on their ideas generated during the group discussions, for a total of 15 minutes.

**A synopsis of the major themes/key points from our combined work follows:**

**Q-1 What other activities/resources do we need to support a CRTK by-law in T.O?  
And who will do this?**

**Q-2 Who else do we need to bring on board? And who will follow-up on this?**

**Q-3 How can you/your organization support the development of CRTK by-law?**

- Learn from others' success & incorporate best practices and useful tools
- Build the Evidence
- Clarifying our vision and solutions (including a "pitch" of a few key messages)
- Build Alliances / Strengthen
- Education: of General Public & Targeted Groups / Access to Info
- Create a virtual environmental portal for the city of Toronto
- Secure resources to assist companies in transitions to become more "green"
- Develop Substitution lists of Non/less toxic chemicals/products – as alternative to toxic choices

**Q-4 How do we continue to link/support each other?**

- Networking between participants and their networks and groups – more workshops and forums like today's building bridges workshop [Group: AW, Response to Q4]
- Better/more assistance to take the first step. i.e. start with more networking options like this and have a supported (info etc.) network option via collective networking. Follow up e-mail links for resources/directed mailings to group resources using participants as point resources [Group: AW, Response to Q4]
- Media involvement needed etc. [Group: AW, Response to Q4]
- Radio involvement [Group: AW, Response to Q4]

## ***V NEXT STEPS IN REALIZING A CRTK BYLAW***

While we ran out of time as one large group to answer the question, **Q-5 What would we like to see in a fall workshop – next steps? And who can follow-up?**, one of the breakout groups was able to skip ahead and address this question. Below are their suggestions:

- Address the issue of increasing protection by introducing (legislation) for whistle-blowers at all levels.
- Encourage more participation from occupational and environmental groups and all levels of government.