Attachment 1

Toronto Cancer Prevention Coalition

Report of the Occupational and Environmental Carcinogens Working Group:

Development of a Community Right-To-Know Strategy for Toronto:
Case Study in South Riverdale/Beaches Community

December 10, 2004

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Executive Summary:

Community Right-To-Know (CRTK) programs and by-laws have been adopted in jurisdictions world-wide to provide community members, municipalities, businesses and workers with improved access to information relating to environmental and public health and safety.

CRTK has been on the agenda of the City of Toronto several times over the past 20 years. A by-law was developed in 1986, but was deferred, due to the implementation of WHMIS. The need for a CRTK by-law was again identified in the City's Environmental Plan in 2000. In 2002, City Council endorsed the Toronto Cancer Prevention Coalition Action Plan as *the cornerstone of cancer prevention for the City of Toronto*. They identified the development of a CRTK strategy as a priority and agreed to its implementation, based on the recommendations from the Toronto Cancer Prevention Coalition Occupational and Environmental Carcinogens Working Group, as found in the 2001 working group report, Preventing Occupational and Environmental Cancer – A Strategy for Toronto.

In 2003, the Occupational and Environmental Carcinogens Working Group secured a small amount of funding from Cancer Care Ontario Central East Cancer Prevention and Screening Network to carry out a case study in the South Riverdale/Beaches neighbourhood, with a view to gathering specific information that would assist the City of Toronto in the development and implementation of a CRTK strategy.

The Working Group's study of the South Riverdale/Beaches community illustrates that there is a fundamental lack of timely and relevant information on occupational and environmental risks within a specific jurisdiction and demonstrates the ongoing challenge in accessing and employing the information necessary to improving human and environmental health within a community. The type and amount of information currently available is often inadequate to address even the basic information needs of citizens and workers in the South Riverdale/Beaches neighbourhood. The same can likely be said of other communities within the City of Toronto.

To address these gaps in information, the Toronto Cancer Prevention Coalition Occupational and Environmental Carcinogens Working Group recommends the following Community Right-To-Know Strategy for Toronto:

- inventory the storage, use and disposal/release of hazardous substances in city-operated facilities and workplaces, and make this information available to the public;
- develop options for a CRTK by-law, that would require companies and institutions to annually report use, storage, and disposal of hazardous materials to the City and to the public;
- make information on hazardous material use, storage, and disposal/release publicly accessible through a community-based user-friendly online guide and searchable database;
- create incentives for industries to decrease their use of hazardous substances; and,
- designate an FTE to coordinate the development and implementation of the CRTK strategy.

What is Community Right-To-Know?

Community Right-To-Know is generally understood as the community's right to access a broad range of information related to environmental and human health and safety. It encompasses a community's right to access information on releases to the environment, a consumer's right to know about harmful constituents in products and a worker's right-to-know about the health effects of chemicals in the workplace.

And while the worker right-to-know is established legally in Ontario by the *Occupational Health and Safety Act* and the Workplace Hazardous Materials Information System (WHMIS), " right-to-know" in the environmental context is a relatively new and evolving concept. Regardless, in many jurisdictions, they are one in the same, complementary, providing information on exposures and emissions during the entire lifecycle of a product.

Overview of Community Right-To-Know

In the U.S. and Canada, the right to access information on chemicals that may harm human health or the environment is currently provided through general health or environmental legislation at the federal or state/provincial level. To some extent, CRTK has also been established locally through municipal by-laws and ordinances in the U.S. Municipal examples include Cincinnati, Ohio; Eugene, Oregon; and, Santa Monica, California.

Although CRTK strategies can differ significantly from jurisdiction to jurisdiction, there are general elements they have in common. CRTK requires public disclosure of hazardous substances used, stored or disposed by a facility. The type of facility effected is usually designated through an adaptable list of business types. Information is generally reported directly to medical and emergency response personnel, and disseminated to the public through inventories, databases, and/or annual reports. Confidentiality claims due to trade secrets or security concerns are dealt with through an arbitration process, often involving members of the public. If a confidentiality claim is awarded, the facility is still responsible for providing detailed information to medical and emergency response personnel, and general hazard information about the substance to the public. Penalties are levied for non-compliance and there are administrative fees for filing reports.

Why is Community Right-To-Know Important?

Public access to information on the use, storage, transportation, and disposal of chemicals is critical to both understanding, but more importantly, to preventing potential health and environmental risks for all that live and work in a community.

Community Right-To-Know:

- Honours community and workers' right to know about potential hazardous exposures and health and environmental risks they face, so that they can make informed decisions regarding where they work and live;

- Assists decision-makers and the community in identifying priorities for action and regulatory initiatives;

- Improves neighbourhood safety;

- Allows tracking of progress in reducing use and releases/disposal of hazardous substances;

- Aids in the monitoring, diagnosis and prevention of environmental and human health effects from hazardous exposures.

Benefits of a Community Right-To-Know Strategy

In addition to the five main reasons for implementing CRTK as discussed above, CRTK strategies have been demonstrated to:

- strengthen emergency response planning by making detailed information regarding hazardous substances available to emergency personnel;

- reduce liability associated with accidents involving the release of hazardous materials because of a higher level of due diligence and transparency;

- encourage industries to reduce the use and disposal/release of hazardous substances;

- generate cost savings by encouraging a reduction in purchasing, use, and disposal/release of hazardous materials; and

- lead to greater community and worker involvement in preventing exposure and reducing risk.

For example, in the United States, the significant reductions in toxic chemical emissions that have occurred since initiation of the Toxics Release Inventory Program (TRI) demonstrates the wisdom of the old adage "what gets measured gets managed." According to the Environmental Protection Agency, industries have reduced releases by almost 50 per cent in the first decade of TRI. Even the Chemical Manufacturers Association has lauded TRI as a "very successful venture."

Despite the many benefits to CRTK, some groups have expressed concerns regarding its implementation. The following barriers are most frequently mentioned: security risks, disclosure of trade secret information, negative effect on property values and costs to business. In fact, a CRTK by-law can have the opposite affect in a community: by contributing to reduced use, storage and transport of hazardous materials, communities become safer, better prepared for emergencies and more desirable places to live, which can increase property values in the long

run. Businesses, as well, benefit by reducing costs associated with the use, storage and disposal of hazardous materials, as well as improving their public image. Trade Secret concerns and claims under CRTK are very infrequent. In most U.S. jurisdictions with CRTK, trade secret claims are filed by under 4% of reporting companies.

Community Right-To-Know Case Study

Based on the success and benefits of CRTK strategies, the Occupational and Environmental Carcinogens Working Group of the Toronto Cancer Prevention Coalition recommended the development of a CRTK by-law as one of the key recommendations in the 2001 working group report, Preventing Occupational and Environmental Cancer – A Strategy for Toronto. See Appendix A for Working Group members.

The idea for CRTK is not new to the City of Toronto. A CRTK by-law had already been developed, but deferred, in 1986, due to the implementation of WHMIS and the need for a CRTK by-law was again identified in the City's Environmental Plan in 2000.

In 2002, City Council endorsed the Toronto Cancer Prevention Coalition Action Plan as *the cornerstone of cancer prevention for the City of Toronto*. They identified the development of a CRTK strategy as a priority and agreed to its implementation, based on the recommendations from the working group's report.

In 2003, the working group secured a small amount of funding from Cancer Care Ontario Central East Cancer Prevention and Screening Network to carry out a case study in the South Riverdale/Beaches neighbourhood, with a view to gathering specific information that would assist the City of Toronto in the development and implementation of a CRTK strategy.

Other reasons for doing the case study included the following:

- Some information data bases and regulatory systems are in place, such as the Workers Hazardous Materials Information System (WHIMIS), the National Pollutant Release Inventory (NPRI), Pollution Watch, the Ministry of the Environment's (MOE) Ontario Regulation 127/01 (OnAIR web-site) and Certificate of Approval Program. However, these data bases/systems do not accurately reflect the total levels of carcinogens in our environment due to thresholds for reporting, and exemptions for some industries and small businesses. The case study allowed us to determine the local information available from these databases and how the regulatory exemptions affected the amount of information available on environmental and occupational carcinogens for a Toronto community.

- It is difficult to determine the specific sources of carcinogens in our environment. According to the 2002, "Ten Key Carcinogens in Toronto Workplaces and Environment" report from Toronto Public Health's Medical Officer of Health, "there is insufficient data available on the emission sources of these (ten) carcinogens so that it is difficult to identify the specific sources that contribute to most of Toronto's air shed." Identifying sources of emissions is

key in developing strategies to reduce the use and release of carcinogenic substances. The case study allowed us to see how this "played out" in a Toronto community and identify the gaps.

- There is increasing evidence on the carcinogenicity of specific chemicals and of potentially harmful levels of exposure to these chemicals. For example, the "Ten Key Carcinogens" report highlighted cases where workers' exposure to several carcinogens was significantly above "a background level " and noted that existing data suggested that "nine out of ten carcinogens are present in outdoor air at levels that approach and frequently exceed those deemed 'tolerable' by outside agencies". This needs to be reflected in our databases and surveillance systems.

- There is a growing awareness and concern about carcinogenic and other health effects of environmental and occupational exposures, in both the community and the workplace. This has led to increased pressure on employers and governments to provide accurate, up-to-date information on the use, release into the environment and potential impacts on human health and the environment, from hazardous chemicals.

Why South Riverdale/Beaches?

The neighbourhood of South Riverdale/Beaches was chosen by the working group as the case study area because:

- there is a history of local environmental contamination (lead, industrial pollutants) and current concerns regarding existing and new developments in the area (i.e. Ashbridges Bay Treatment site and the Portlands Energy Center)

- the community is active and organized; engaging in environmental issues through groups like the South Riverdale Community Health Centre (SRCHC) Environmental Education Program, South Riverdale Environmental Liaison Committee. (SRELC), and the South Riverdale Chinese Environmental Ambassadors (SRCEA);

- the community encompasses a broad socio-economic base and diverse ethnic populations, therefore is deemed to be representative of many communities in the city;

- land use is mixed between industrial, residential, and recreational uses; and,

- the case study compliments other studies taking place in the community such as the Ashbridges Bay Treatment Plant Emissions Study and a Health Status Study, being conducted by Toronto Public Health, in this community.

Case Study Goals and Objectives

Given somewhat limited resources, this case study provides a "snapshot" of the information available on environmental and occupational carcinogens in a Toronto community. It was not intended as an in-depth study of the issues, but rather to provide groundwork, identify gaps and make recommendations for further action to be taken by the City, our working group and other stakeholders.

Goals

- To assist the City of Toronto in implementing Council's decision to develop a Community-Right-To-Know strategy.
- To increase the capacity of the South Riverdale/Beaches community to be aware of environmental and occupational carcinogens in their community and provide a model for other communities.
- To provide groundwork for Cancer Care Ontario to enhance surveillance systems for occupational and environmental carcinogens.

Objectives

- To identify the current practices and needs of a Toronto community (residents, fire and emergency services personnel and workers) in accessing comprehensive information on sources of priority environmental and occupational carcinogens in their community. For list of priority carcinogens, see Appendix B.
- To identify sources of information available for priority environmental and occupational carcinogens in the community for i) the community, ii) fire-fighters and emergency services personnel and iii) workers, through identification and review of existing data-bases and legislation.
- To identify gaps in access to information on sources of priority environmental and occupational carcinogens in the community for i) the community, ii) fire-fighters and emergency services personnel and iii) workers.
- To provide recommendations to address these gaps.

Methodology

The study was conducted in three phases:

Community Needs Assessment:
A needs assessment was conducted to determine access to information on environmental and occupational carcinogens for i) community members, ii) fire-fighters and emergency personnel, and iii) local workers. This was accomplished through focus groups and/or key informant

interviews with i) community groups, ii) Toronto fire-fighters and Toronto Public Health Emergency Services personnel, and iii) staff from Toronto Workers Health and Safety Legal Clinic, and from a mid-sized local health care facility.

To ensure local government was informed, letters were sent to all councillors, MP's, MPP's and school trustees, to inform them of the project and encourage their participation. Local MP's and their Assistants were frequently present at the community meetings we attended. We received their support throughout the project and look forward to continued contact.

Data Review and Analysis
We reviewed the data available on environmental carcinogens in the community through on-line databases (National Pollutant Release Inventory, Pollution Watch, Ministry of Environment's Environmental Registry and OnAIR). In addition, we conducted an on-line search for information specific to the dry cleaning and auto body industries, particularly from Ontario, as these industries are ubiquitous in Toronto and are examples of smaller workplaces that use, store and dispose of carcinogenic substances.

Interviews were conducted with staff from the Ministry of Environment, the Canadian Environmental Law Association and the South Riverdale Community Health Centre to provide technical/background information.

Evaluation and Recommendations
We identified gaps and made recommendations based on information from our Needs Assessment, Data Review, a scan of "Best Practices" from other jurisdictions, and discussions with others who had implemented CRTK programs.

Case Study Key Findings

Despite an educated and active community-based group comprised of representatives from government, industry and the public, minimal information on the health, safety and environmental status of the neighbourhood was accessible from any one source. The fundamental lack of access to relevant, reliable, user-friendly information was a major concern.

More specifically the primary findings of the pilot project were as follows:

Community Access to Information*:*

a) Focus Groups

Focus groups were held with both the South Riverdale Environmental Liaison Committee (ELC) and the Chinese Environmental Ambassadors, community groups engaged in local environmental advocacy and education. The purpose was to determine community concerns and current practices regarding accesses to information about local environmental and occupational carcinogens. The key themes from the groups were:

Strengths

- ELC – forum for community, advocates, local government, workers and local industry to dialogue and problem solve. This group has been successful and may be a useful model for other Toronto communities.
- Chinese Environmental Ambassadors – work on "projects" and educate others within their community. This is a useful model for other communities interested in educating and engaging others.

Gaps

- Need for access to user-friendly, unbiased, reliable information for the community to help them take action locally
- Need for a coordinated effort by City to disseminate reliable, relevant information to community
- Need for financial support for community groups or City (coordinator)

These gaps/issues were echoed in an interview with a professor of Environmental Studies at York University who is a resident.

b) Data Review and Analysis

Information on carcinogens in this community from existing sources such as the National Pollutant Release Inventory (NPRI), Pollution Watch, Ministry of the Environment's Environmental Registry, and OnAIR was often inconsistent, incomplete and difficult to access (e.g. may only be available through Freedom of Information).
The working group identified "higher concern" industries, based on Toronto Public Health's "Ten Key Carcinogens" report, our working group's report, and concerns expressed by the community. This included businesses involved in manufacturing, dry cleaning, auto servicing (auto body shops, service stations and repair shops) publishing and printing, film and photo development, incineration and landscaping. A scan of South Riverdale/Beaches found 115 such businesses. Our attempts to access information on these businesses yielded the following:

- On the NPRI and Pollution Watch websites, we could access pollutant release information on only 11 of the 115 businesses (10 %).

- On MOE's Environmental Registry, we found information for only 2 of 30 auto body and dry cleaning businesses regarding Certificates of Approval, or other environmental instruments. A subsequent search by MOE staff, through a Freedom of Information request, found information for 10 of the 30 businesses.

- The information on pollutant releases from businesses on MOE's OnAIR site was difficult to access, including very short time limits on the site.

- Information from MOE offices was often inconsistent. For example, we were given contradictory information on three occasions from different offices of the MOE regarding the requirements for Certificates of Approval in the dry cleaning industry.

- Small businesses are of higher concern, as they are currently exempt from some environmental requirements to report, potentially reducing control mechanisms, and limiting public access to information. In particular, some workplaces in industries such as auto body repair and dry cleaning that use, store and dispose of carcinogens, may not have the resources necessary to make environmental improvements to minimize and control exposures and releases. *

Emergency Response

Interviews with key informants revealed that while the City of Toronto Emergency Response team has often been able to secure critical information at the time of an emergency, particularly from larger workplaces, the availability of information is not mandatory and is often inaccessible for planning purposes.**

Worker Access to Information

A review of the WHMIS website revealed that the WHMIS program contains gaps in information that can affect both workers and the public. For example, Trade Secrets legislation limits access to information on amounts of chemicals in certain products, such as cosmetics and hairdressing products, limiting the information available for both consumers, and workers within these industries.

Small industrial workplaces, including some industries that use, store and dispose of carcinogens, such as dry cleaning establishments and auto body shops, often employ a higher number of immigrant workers.*** This can result in a language barrier in accessing rights under WHMIS and in obtaining other relevant occupational health and safety information, as most information is available only in English and French. In addition, there can be a great disparity in the level of information, resources, training and support available to the working population in non-unionized smaller workplaces, compared with the medium-sized unionized workforce.****

* Information gathered from NPRI, MOE's Environmental SWAT team review of auto body shops (2002), MOE staff, national and provincial auto body and dry cleaner industry websites, and a 2003, Canadian Centre for Pollution Prevention (C_2P_2) report on Dry Cleaner Pollution Prevention Projects at http://www.c2p2online.com/documents/LoriFryzuk.pdf.

** Information gathered from 3 key informant interviews with staff from Toronto Fire Services and Toronto Public Health Emergency Services Unit

*** From key informant interview with a staff member at Toronto Workers Health and Safety Legal Clinic, representing employees in Toronto, including the South Riverdale/Beaches area and C_2P_2 report on Dry Cleaner Pollution Prevention Projects at http://www.c2p2online.com/documents/LoriFryzuk.pdf.

**** Comparison between key informant interviews with a staff member at Toronto Workers Health and Safety Legal Clinic, representing primarily the non-unionized workforce and an Occupational Health and Safety Representative from a local mid-sized health care facility.

Working Group Recommendations – Community Right-To-Know Strategy for Toronto

- Inventory the storage, use and disposal/release of hazardous substances in City operated facilities and workplaces, and make this information available to the public;
- Develop options for a Community Right to Know by-law, that would require companies and institutions to annually report use, storage, and disposal of hazardous materials to the City and to the public;
- make information on hazardous material use, storage, and disposal/release publicly accessible through a community-based user-friendly online guide and searchable database;
- create incentives for industries to decrease their use of hazardous substances; and,
- designate an FTE to coordinate the development and implementation of the CRTK strategy.

Benefits of a Community Right-to-Know Strategy for City of Toronto Operations

A CRTK strategy can help make City operations more efficient and effective. Currently, different departments house information relating to hazardous substances, making it cumbersome to collect information for tracking and reports. A CRTK strategy would consolidate this data, making it more useable. Tracking and reduction of hazardous materials can also improve employee / employer relationships in the City.

Inventories of hazardous substance use by the City would increase the efficiency of toxic use reduction plans and environmental procurement policies. Effective implementation of toxic use reduction plans can lead to significant cost savings for the City as the purchase, use and disposal of hazardous substances is expensive.

Specific programs and departments in the City of Toronto may see significant benefits with the implementation of the CTRK strategy. For example, Toronto's Water Wastewater department will have to meet a new water quality management standard soon to be mandated by the province. Ready access to information on hazardous substances used in water treatment plants and in facilities and institutions discharging to Toronto's sewer system will likely improve the department's ability to meet the new standards, as well as improve the effectiveness of the Sewer Use By-law.

The City Planning Department may also benefit from access to information through the CRTK Strategy. Assessing the potential risks to new and existing communities from the use, storage and disposal of hazardous substances in a community can be an important step in developing and reviewing plans for intensification, land use zoning and reclamation.

Finally, a CRTK Strategy would help the City departments that are considering ISO 14001certification by providing needed information for monitoring and pollution prevention planning.

Conclusion

A CRTK strategy in the City of Toronto has many benefits to the community, businesses, the City, and the environment. Toronto's CRTK strategy should begin with a publicly available inventory of hazardous substances in city facilities and workplaces. An in-house inventory would help the city discover the best means for collecting and tracking information, and communicating it to the public, while devising plans to expand the system to the whole city. Toronto will also lead by example, proving CRTK to be a sign of progress and innovation. A strong CRTK strategy can help Toronto fulfill its reputation of a clean and healthy place to live.

Appendix A

Members of the Occupational and Environmental Carcinogens Working Group of the Toronto Cancer Prevention Coalition

Chairpersons
Ruth Grier, Community member, Co-chair

Andy King, National Health and Safety Co-ordinator, USWA National Office, Co-chair

Members
Gail Aiken, Community consultant outreach consultant, Canadian Cancer Society

George Botic, CAW National Rep. Health and Safety

Nancy Bradshaw, Community Outreach Co-ordinator, Environmental Health Clinic, Women's College Ambulatory Care Centre

Dan Boone, CAW National Health and Safety Co-ordinator

David Evans, Enviroscanada Consulting

Sandra Glasbeek, Community member

Dorothy Goldin-Rosenberg, Women's Healthy Environment Network

Lisa Hawkins, Workers Health and Safety Centre

Katrina Miller, Toronto Environmental Alliance

Sarah Miller, Canadian Environmental Law Association

Cheryl Rook, Ontario Health Clinics for Ontario Workers

Dan Ublanski, lawyer/director Toronto Workers Health and Safety Legal Clinic

Rich Whate, Health Promotion Consultant, Toronto Public Health

Appendix B

Priority Environmental and Occupational Carcinogens

Asbestos*+

Benzene*+

Tetrachlorethylene*+

Dioxins and Furans*+

Polycyclic Aromatic Hydrocarbons (PAH's)*+

Formaldehyde*

Cadmium*

Chromium*

1,3 Butadiene*

Trichlorethylene*

Methylene Chloride*

Diesel Fuel+

Pesticides+

Sources:
* Toronto Public Health, Ten Key Carcinogens in Toronto Workplaces and Environment, March, 2002.
+ Toronto Cancer Prevention Coalition, Occupational and Environmental Carcinogens Working Group, Preventing Occupational and Environmental Cancer, 2001.