

A collaborative project by:

ENVIRONMENTAL DEFENCE

**CANADIAN ENVIRONMENTAL
LAW ASSOCIATION**



February 5, 2008

Environmental Reporting and Disclosure Program Consultation
C/o 277 Victoria Street, 7th Floor
Toronto, Ontario
M5B 1W2

RE: Comments on the proposed Environmental Reporting and Disclosure Program

Thank you for the opportunity to comment on the proposed Environmental Reporting and Disclosure Program.

We are writing on behalf of PollutionWatch (www.PollutionWatch.org), a project run by Environmental Defence and the Canadian Environmental Law Association (CELA). PollutionWatch.org is a web site based on the principle that communities across Canada have a right to know what pollutants are released and transferred by facilities.

The PollutionWatch web site uses the release and transfer data collected annually by the federal government under the National Pollutant Release Inventory (NPRI) program. In the most recent year of reporting posted on the PollutionWatch site, more than 8,000 facilities across Canada reported their releases and transfers to the NPRI. PollutionWatch also uses the emissions data reported by about 300 facilities under the federal government's Greenhouse Gas Emissions Reporting Program.

Since the web site launched in April 2001, the PollutionWatch partners have seen a steady increase in the number of visitors to the site. Throughout 2007, monthly visitors to PollutionWatch.org ranged between 18,000 and 29,000, with monthly hits reaching a high of 858,000. Just four years ago, monthly visitors ranged between 2,000 and 4,000. The increased traffic to the PollutionWatch web site clearly shows that people across the country are becoming more and more interested in getting information about releases and transfers of pollutants in their communities. Based on emails and calls received at the Environmental Defence and Canadian Environmental Law Association offices, people using the PollutionWatch site include academics, grassroots community groups, students, financial planners and real estate institutions, health, labour and environmental organizations and media.

The PollutionWatch partners strongly support the proposed Environmental Reporting and Disclosure Program. Although the PollutionWatch site is a popular source of information about pollutants released and transferred by facilities in Toronto, the reality is that the NPRI has a number of limitations related to its scope and reporting thresholds that means not all facilities in Toronto are included. The NPRI requires certain facilities to report, based on thresholds set for each reported pollutant and the size of the facility (expressed as the number of employees). The NPRI also leaves out a number of sources of pollutants, such as dry cleaners and car repair shops. The proposed Environmental Reporting and Disclosure Program, therefore, will provide Torontonians with relevant information on the use and release of pollutants from a wider range of

Environmental Defence [t] 416 323-9521 [f] 416 323-9301 [e] info@environmentaldefence.ca

Canadian Environmental Law Association [t] 416 960-2284 [f] 416 960-9392 [e] pollutionwatch@cela.ca

facilities throughout the City, giving communities a much better picture of pollution in their neighbourhoods. In our perspective, this level of information will be of significant value to policy makers on environmental matters.

Community organizations have been asked to consider specific questions in relation to the proposed Environmental Reporting and Disclosure Program. Our comments to the following questions should be considered complementary to the comments provided by CELA in its detailed submission dated January 31, 2008.

1. In what ways might the proposed program impact you and your community/organization?

Most importantly, the proposed program would provide people living and working in Toronto with a more comprehensive understanding of the pollutants used and released by facilities in Toronto, in particular the 25 specific pollutants outlined in the consultation report. Providing this information is critical for building community right to know in Toronto.

As we have seen with the PollutionWatch web site, making information about releases publicly available is essential for ultimately reducing and eliminating pollution. First, such information provides communities and individuals with the tools they need to encourage facilities in their neighbourhoods to reduce emissions. Second, making release information public provides a clear incentive for facilities to ensure appropriate pollution prevention planning is in place and that they are operating responsibly. Third, accountability of facilities to their communities is further enhanced through this type of reporting as it purports to make public pollution data on substances that may have significant health and environmental impacts. Disclosure of this information may facilitate dialogue among community members and facility operators and lead to improved pollution prevention strategies.

2. How would you make use of the information collected through the Environmental Reporting and Disclosure Program?

The PollutionWatch partners would consider adding the data collected through the Environmental Reporting and Disclosure Program to the PollutionWatch web site so that the web site would provide a more comprehensive picture of releases of pollutants in Toronto. PollutionWatch was established to release pollution data collected through NPRI. In 2006, PollutionWatch expanded to include Greenhouse Gas data collected through Statistics Canada under the Greenhouse Gas Emissions Reporting Program. A decision to add the data collected through the proposed Environmental Reporting and Disclosure Program would depend upon how the data is collected and publicly presented by the City of Toronto, as well as potential technical and resource limitations for the PollutionWatch site. PollutionWatch aims to add value to the data posted on its web site. For example, the NPRI data posted by Environment Canada on its web site does not allow for aggregation and ranking of pollutants reported under NPRI while the PollutionWatch web site does.

Furthermore, in our own program work, the PollutionWatch partners actively monitor and respond to environmental matters of concern at the municipal level and collaborate with other health and environmental organizations to advocate for improved environmental protection programs in the City of Toronto. The pollution data gathered through the Environmental Reporting and Disclosure Program would greatly enhance our knowledge of reported pollution sources as it would be the first of its kind anywhere in Canada.

3. How could the City make the information accessible, understandable and relevant for users?

a) Create a database online

The City of Toronto should make the information available to the public via an easy-to-use and easy-to-understand online database. The database should allow for visitors to search for reporting facilities in their neighbourhoods via postal code and/or address. This functionality will help to ensure that the information is relevant for Torontonians.

b) Provide ability to rank facilities and pollution type

Visitors to the online database should also be able to easily rank reporting facilities based on a variety of search functions, such as reported uses or releases of specific pollutants, or by facility and company name. The more ways that visitors are able to search information will help to ensure the online database meets a wide range of needs. The information should also be available in a downloadable format, such as Excel, so that it can be readily analyzed by individuals, business and community organizations.

c) Information to be distributed widely and in multiple languages

In addition to an online database, the City of Toronto should make the information readily available in a printed format via libraries, community centres, schools, universities and other locations where the public can freely and easily access it.

Information in the online database, and in printed format, should be provided in languages that are spoken and understood by people living and working in Toronto.

To ensure the information is understandable, the City of Toronto should avoid technical jargon, write in plain language, provide clear definitions of all technical terms used, and clearly explain what the information can tell Torontonians, and what it cannot (i.e. all data have some limitations).

d) Mapping of facilities reporting to program

Community members may find it useful to understand the location of the facilities reporting under this program. A map locating reporting facilities provides a visual perspective on the number of facilities as well as type of facilities located in a specific Toronto neighbourhood. The web sites for NPRI, the Taking Stock program under the Commission for Environmental Cooperation and the PollutionWatch web site all have mapping functions to some level. These maps have received positive support from web site visitors.

e) Create and publish annual report on pollution data

The City of Toronto should also provide a report outlining the trends and observations of pollution data from Toronto based facilities. The City of Toronto's National Pollutant Release Inventory: Toronto's 2005 Annual Report, if expanded and modified in scope to include data for toxic substances and their health impacts, may offer a forum to outline and analyze the pollution data collected from the Environmental Reporting and Disclosure Program. This report should include but not be limited to general pollution observations, trends in increases or decreases of pollutants over time, pollution prevention strategies employed by facilities and an analysis of specific pollutants or sectors of relevance.

f) Consolidation of one main database for environmental information

Finally, it would be helpful to have all of the environmental information collected by the City of Toronto, including the new data collected under the proposed program, amalgamated into one online database or web site.

4. Any additional comments?

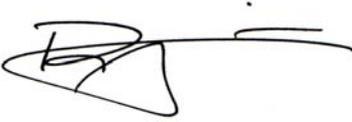
The proposed program does not effectively capture releases of pollutants from Sewage Treatment Plants, identified as a leading source of pollutants released to the environment. Although these facilities are required to report under the Sewer Use by-law on specific pollutants, our organizations would like to point out that the proposed reporting program offers a good opportunity to address some of the gaps that exist with the Sewer Use By-law by ensuring that Sewage Treatment Plants be captured under the reporting requirements of the program.

Concluding comments

The PollutionWatch partners, Environmental Defence and the Canadian Environmental Law Association, applaud the City of Toronto for taking such a bold step forward in protecting the environment and human health in Toronto. This proposal is in keeping with Toronto's leadership in environmental protection demonstrated through the creation of the Sewer Use By-law and the Pesticides Use By-law, to name a few. We hope that this effort will be considered and adopted by other jurisdictions in Canada in the near future.

Should you have any questions about our submission, please do not hesitate to contact Jennifer Foulds, Environmental Defence (416-323-9521 ext 232) or Fe de Leon, CELA (416-960-2284 ext 223).

Sincerely,



Dr. Rick Smith
Executive Director
Environmental Defence



Theresa McClenaghan
Executive Director and Counsel
Canadian Environmental Law Association