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July 7, 2016

Cynara Corbin
Clerk of the Standing Committee on Environment
and Sustainable Development
House of Commons
131 Queen Street, 6th Floor
Ottawa, Ontario K1A 0A6

Dear Ms Corbin:

**Re: 2016 CEPA Review – CELA Supplementary Submissions to Standing Committee
Arising from May 19, 2016 Appearance – Alternatives Assessment**

We are enclosing our supplementary submissions to the Committee arising from our May 19, 2016 hearing appearance. The submissions are in the form of proposed amendments to the Act on the issue of alternatives. We would ask that in addition to the attached being distributed to the Committee members that it also is posted on the Committee website.

Should Committee members have any questions arising from the attached, or wish us to re-appear before the Committee to discuss this material, please feel free to contact either myself or Ms. de Leon.

Yours truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Joseph F. Castrilli
Counsel



Fe de Leon
Researcher

**SUPPLEMENTARY SUBMISSIONS TO THE HOUSE OF COMMONS STANDING
COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT ARISING
FROM CELA TESTIMONY BEFORE THE COMMITTEE ON MAY 19, 2016 ON THE
ISSUE OF ALTERNATIVES**

I. INTRODUCTION

In our testimony before the Standing Committee on May 19, 2016, we indicated that one of the overarching principles that should be embedded in *CEPA, 1999* is the principle that examination of alternatives as well as a requirement to substitute safer substances, including non-chemical alternatives, should be a fundamental part of the decision-making process under the Act. In our June 16, 2016 response to Committee questions, we included a series of tables for the period 2006-2012 that show increasing releases of “CEPA-toxic” substances over this period in Canada. In light of what the tables demonstrated, we noted that the rationale for mandatory assessment of alternatives arises in part from the failure to stem increases in the release of substances already determined by the government to be “CEPA-toxic” as defined under section 64 of the Act. Moreover, mandatory examination of alternatives for these substances would have a positive effect in helping achieve the pollution prevention objectives under section 56 of the Act.

With these environmental health concerns and broader statutory goals in mind, CELA has prepared a series of proposed amendments to the Act on the issue of alternatives to “CEPA-toxic” substances for the consideration of the Standing Committee. These are set out below. We note that these proposals are not meant to address the application of alternative assessment principles for two other categories of substances: (1) other existing substances undergoing a screening assessment for the first time or as a result of a further re-evaluation of their status; and (2) new substances. These two categories also should be subject to the application of alternatives analysis under *CEPA, 1999* but in the interest of focusing initially on substances the government has itself designated “CEPA-toxic”, we have not proposed statutory language for these other two categories at this time. However, the approach we have taken here with respect to “CEPA-toxic” substances could be modified to address these other two categories as well.

II. EXPLANATORY NOTE TO THE PROPOSED AMENDMENTS

Schedule 1 toxic substances are identified as priority toxic substances for the purposes of a new Part 5.1 to the Act. The Minister, following the production of assessment reports on safer alternatives for these substances produced over a period of several years, will prepare national safer alternatives action plans for these substances. These plans will act as a model for individual substitution implementation plans and reporting prepared by industrial facilities (defined as manufacturers, importers, processors, or users of priority toxic substances). Opportunities for industrial facilities to apply for a variance from having to prepare a plan by the deadline set out in Part 5.1 also are authorized, subject to compliance with certain criteria and an opportunity for public comment on the variance request. To assist firms in meeting the requirements of the Act, the law would authorize (1) certification of safer alternatives planners, (2) imposition of fees, and (3) establishment of technical assistance programs for small businesses and employees.

III. NEW PART TO BE ADDED TO CEPA

PART 5.1 SAFER ALTERNATIVES TO PRIORITY TOXIC SUBSTANCES

Definition

103.1 The definitions in this section apply in this Part.

“industrial facility” means a place where a priority toxic substance is manufactured, imported, processed, or used;

“priority toxic substance” means a substance identified pursuant to section 103.2;

“safer alternative” means an option that includes input substitution as well as including a change in chemical, material, product, process, function, system or other action, whose adoption to replace a priority toxic substance currently in use would be the most effective in reducing overall potential harm to public and workplace health, safety, or the environment;

Identification of Priority Toxic Substances

103.2 (1) Not more than one year following the coming into force of this Part, and at two year intervals thereafter the Minister, utilizing the assistance of any advisory committees the Minister considers appropriate, shall identify and publish a list pursuant to subsections (4) and (5) of not more than twenty priority toxic substances contained in the List of Toxic Substances in Schedule 1.

Same

(2) The first list to be so published shall be known as List 1, with the second and subsequent lists to be numbered sequentially thereafter, with each such subsequent list to contain, subject to subsection (6), not more than twenty such substances at a time.

Criteria for identification

(3) The criteria for identification of priority toxic substances under subsection (1) shall include, but not be limited to, whether the substances are recognized as:

- (a) carcinogens, mutagens, reproductive or developmental toxins;
- (b) persistent or bioaccumulative;
- (c) endocrine disruptors; or
- (d) possessing other characteristics of equivalent concern including but not limited to,
 - (i) inherent toxicity;

- (ii) level of use in Canadian industry or in products sold in Canada;
- (iii) level of exposure to a vulnerable population; or
- (iv) such other characteristics as set out by regulation.

Consultation on priority toxic substances

(4) The Minister shall ensure that notice of the first and subsequent lists referred to in subsection (1) is published in the Environmental Registry and shall seek comment from the public regarding prioritization of assessment of substances on, that should be added to, or that should be deleted from, the lists.

Final version of list to be published in Environmental Registry

(5) Following the consultation referred to in subsection (4), the Minister shall publish in the Environmental Registry the final version of the first and subsequent lists containing the order in which priority toxic substances on the lists shall be the subject of safer alternative assessment reports under section 103.3.

Ministerial authority to add to list

(6) Notwithstanding subsection (1), the Minister may at any time add a substance to the first or subsequent lists if it meets one or more of the criteria set out in subsection (3), in which case subsections (4) and (5) shall apply and each such list may contain more than twenty priority toxic substances at any one time.

Safer Alternatives Assessment Reports

103.3 (1) Within 180 days after the publication of a list referred to in subsection (5) of section 103.2, and annually thereafter, the Minister shall select priority toxic substances from the list in the order in which they appear on the list and conduct and publish, utilizing the assistance of any advisory committees the Minister considers appropriate, a safer alternatives assessment report that evaluates the availability of safer alternatives to these substances.

Content of report

(2) The content of a safer alternatives assessment report shall include:

- (a) uses and functions of the priority toxic substance;
- (b) uses that result in the greatest volume of dispersion of, or highest exposure to, the priority toxic substance in the indoor, workplace, and natural environment;
- (c) consideration of the potential impacts to human health and the environment, including a vulnerable population, of the continued use of a priority toxic substance;

- (d) whether any of the existing uses of the priority toxic substance are unnecessary;
- (e) public policy implications of a reduction in the use of the priority toxic substance where its current use is necessary;
- (f) whether alternatives, including non-chemical alternatives, are available for the uses and functions of the priority toxic substance;
- (g) whether the alternatives identified in subsection (f) are unacceptable, require further study, or are safer than the priority toxic substance;
- (h) a qualitative discussion of the economic feasibility, opportunities, or costs associated with adopting and implementing any safer alternatives to the priority toxic substance including a qualitative characterization of,
 - (i) the economic impacts of adopting and implementing a safer alternative on the economy of Canada;
 - (ii) any impacts on the workforce or quality of work life;
 - (iii) potential costs or benefits to existing business;
 - (iv) potential impacts on the cost of providing health care if a product containing the priority toxic substance is a medical product; and
 - (v) the extent of human exposure to the priority toxic substance that could be eliminated and health care costs saved by adopting and implementing a safer alternative;
- (i) recommendations on a course of action that should be employed with respect to the priority toxic substance including, but not limited to, whether all uses of the priority toxic substance should be prohibited; and
- (j) such further or other matters as set out by regulation.

Consultation on report

(3) The Minister shall ensure that notice of a draft of a safer alternatives assessment report referred to in subsection (1) is published on the Environmental Registry and shall seek comment from the public on the contents of the draft report before the report is finalized.

Final version of report to be published on Environmental Registry

(4) Following the consultation referred to in subsection (3), the Minister shall publish on the Environmental Registry the final version of a safer alternatives assessment report.

Timing for completion of reports

(5) Not more than two years after the publication of a list pursuant to section 103.2 shall elapse before all priority toxic substances on a list shall have a safer alternatives assessment report drafted and finalized.

National Priority Toxic Substance Safer Alternatives Action Plans

103.4 (1) Not more than one year after the publication of a safer alternatives assessment report for a priority toxic substance pursuant to section 103.3, the Minister shall utilize the report to establish a national safer alternatives action plan for that substance.

Goal of plans

(2) The goal of a national priority toxic substance safer alternatives action plan shall be to coordinate the activities of the government of Canada and to require manufacturers, importers, processors, and users of priority toxic substances to

- (a) act as expeditiously as possible to ensure substitution of a priority toxic substance with a safer alternative while
 - (i) minimizing job loss; and
 - (ii) mitigating any other potential unintended negative impacts; and
- (b) achieve such other goals as may be specified by regulation.

Content of plans

(3) Each national priority toxic substance safer alternatives action plan shall contain:

- (a) timetables, schedules, and deadlines for achieving substitution of a priority toxic substance with safer alternatives for specified uses;
- (b) requirements for all industrial facilities that manufacture, import, process, or otherwise use a priority toxic substance to create substitution implementation plans that demonstrate how such facilities will substitute all specified uses of the substance with a safer alternative, including with respect to consumer products containing the priority toxic substance;
- (c) where the safer alternatives assessment report indicated that safer alternatives are feasible and of comparable cost, and that all uses of the substance should be prohibited, a requirement that the Minister promulgate regulations requiring the substitution of a priority toxic substance with a safer alternative;

- (d) where the Minister determines that implementation of the national priority toxic substance safer alternatives action plan for the substitution of a substance, or specified uses of a substance, will take longer than five years, a requirement for plain language labeling of products containing the substance identifying that the substance is present in the product, and the impact of the substance on human health and the environment, including vulnerable populations;
- (e) where the safer alternatives assessment report finds that safer alternatives are feasible, but require extensive capital expenditure or training, the Minister shall implement technical assistance programs for small businesses and employees pursuant to this Act;
- (f) where the safer alternatives assessment report finds that safer alternatives are not feasible, the national priority toxic substance safer alternatives action plan shall designate research and development activities to be undertaken by the Minister with a view to examining the future feasibility of finding safer alternatives for the substance and report progress in achieving this goal every two years; and
- (g) such other measures as established by regulation.

Consultation on plan

(4) The Minister shall ensure that notice of a draft of a national priority toxic substance safer alternatives action plan referred to in subsection (1) is published on the Environmental Registry and shall seek comment from the public on the contents of the draft plan before the plan is finalized.

Consultation on section 103.4(3)(f) reports

(4.1) The Minister shall ensure that notice of any draft report on the future feasibility of finding safer alternatives for a substance prepared pursuant to section 103.4(3)(f) is published in the Environmental Registry and shall seek comment from the public on the contents of the draft report before the report is finalized and republished on the Environmental Registry.

Final version of plan to be published on Environmental Registry

(5) Following the consultation referred to in subsection (4), the Minister shall publish on the Environmental Registry the final version of a national priority toxic substance safer alternatives action plan for a substance.

Timing for completion of plans

(6) Not more than three years shall elapse after the publication of a list under section 103.2, before all priority substances on any such list shall have a plan required under subsection (5) drafted and finalized.

Action by federal sources

(7) Following the publication in the Environmental Registry of the plan referred to in subsection (5), all federal sources shall take any required implementing actions as set out in the plan and this Act.

Industrial Facility Substitution Implementation Plan

103.5 (1) Where a final version of a national priority toxic substances safer alternatives action plan has been published in the Environmental Registry pursuant to subsection 103.4 (5), an owner and operator of an industrial facility that manufactures, imports, processes, or otherwise uses the priority toxic substance identified therein shall, within one year of the Environmental Registry publication, develop and complete a substitution implementation plan that implements the national priority toxic substances safer alternative action plan for the applicable substance at that facility.

Content of plan

(2) The content of a substitution implementation plan referred to in subsection (1) shall include:

- (a) identification of all uses of a priority toxic substance by the industrial facility;
- (b) identification of all alternatives considered, including cost and feasibility considerations;
- (c) selection of preferred alternatives that will achieve the objectives, timetables, schedules, deadlines, and any prohibitions set out in the applicable national priority toxic substances safer alternatives action plan, including with respect to consumer products containing the priority toxic substance;
- (d) a declaration signed by the highest ranking representative with direct operating responsibility at the industrial facility and with authority to bind the owner certifying that:
 - (i) he or she has read and is familiar with the substitution implementation plan;
 - (ii) the plan is true, accurate, and complete to the best of his or her knowledge; and
 - (iii) it is the corporate policy of that industrial facility to achieve the objectives, timetables, schedules, and deadlines of the plan;
- (e) a certification signed by a safer alternatives planner that the plan meets the requirements of this Act, is complete and reasonable in every respect, and is capable of meeting the objectives, timetables, schedules, and deadlines of the applicable

national safer alternatives action plan for the priority toxic substance, including with respect to consumer products containing the priority toxic substance; and

(f) such other content as established by regulation.

Same

(2.1) Two or more industrial facilities may collaborate on the preparation of a plan referred to in subsection (1) so long as the other requirements of section 103.5 are met.

Variance application

(3) Notwithstanding subsection (1), the owner and operator of an industrial facility may file an application for a variance of the deadline set out in subsection (1), declaring and certifying that there is no safer alternative that is technically or economically feasible for the facility's particular use of the substance.

Content of variance application

(4) The content of the variance application referred to in subsection (3) shall include:

- (a) identification of all uses by the industrial facility of the priority toxic substance;
- (b) identification of all alternatives considered and their cost and feasibility considerations;
- (c) the basis for the certification that there is no feasible safer alternative;
- (d) documentation of efforts to be taken by the industrial facility to minimize use of the priority toxic substance and human and environmental exposures, including that of vulnerable populations, to the substance until safer alternatives are found and implemented;
- (e) steps the industrial facility will take to identify safer alternatives in the three-year period subsequent to the date of the variance, if granted;
- (f) a declaration signed by the highest ranking representative with direct operating responsibility at the industrial facility and with authority to bind the owner certifying that:
 - (i) he or she has read and is familiar with the variance application and supporting materials; and
 - (ii) the variance application is true, accurate, and complete to the best of his or her knowledge;

- (g) a certification signed by a safer alternatives planner that the variance application meets the requirements of this Act, and is complete and reasonable in every respect; and
- (h) such other content as established by regulation.

Public access to information in variance application

(5) All information submitted to the Minister as part of a variance application shall be accessible to any member of the public unless the owner and operator of the industrial facility submitting the material

- (a) claims that some of the material consists of trade secrets or is confidential business information;
- (b) seeks protection from the Minister from its disclosure; and
- (c) provides justification for this request;

in the variance application.

Minister to decide claims of confidentiality

(6) After considering the claims, disclosure protection request, and justification with respect thereto under subsection (5), the Minister shall determine which portions of the variance application are non-confidential for the purposes of subsection (7).

Non-confidential portions of variance application on Environmental Registry

(7) Where the owner and operator of an industrial facility files a variance application pursuant to subsection (3), and following the Minister's consideration of any claims of confidentiality under subsection (5), the Minister shall forthwith place the non-confidential portions of the application on the Environmental Registry, as determined under subsection (6), and invite public comment on the variance application at least 45 days prior to making a decision on the variance application under subsection (8).

Consideration and decision by Minister of variance application

(8) The Minister, following review of the variance application referred to in subsections (3), shall accept, reject, or accept with conditions, such application within 60 days of receipt of the application after applying the criteria set out in subsection (9).

Criteria

(9) The criteria to be considered by the Minister before granting or rejecting a variance application shall include whether:

- (a) there is a need for the use of the substance;
- (b) the substance is necessary to meet a required performance standard or specification;
- (c) there is no safer alternative;
- (d) use of the product containing the priority toxic substance would cause human exposure or environmental contamination, including to a vulnerable population; and
- (e) such other criteria as established by regulation.

Duration of variance

(10) A variance granted under this section shall expire three years after its issuance unless, pursuant to subsection (10.1), a new application for variance has been granted by the Minister before the expiry date.

Renewal of variance

(10.1) A variance issued pursuant to subsection (10) may be renewed once for up to three additional years by the Minister upon application and subject to the criteria set out in subsection (9) and any additional criteria specified by regulation.

Notice of objection to variance decision

(11) Any person may file a notice of objection within 30 days of the Minister granting, renewing, or refusing to grant or renew a variance application.

Employee consultation

(12) An owner and operator of an industrial facility evaluating the substitution of safer alternatives shall consult with facility employees prior to filing the plan referred to in subsection (1) or a variance referred to in subsection (3). Such consultation shall include:

- (a) a minimum thirty day period for the provision of comments;
- (b) maintenance of documentation of employees input and how it was utilized;
- (c) opportunity for anonymous employee comments;
- (d) analysis of the impact substitution may have on all aspects of the quality of working conditions and work life;
- (e) such other matters as established by regulation.

Substitution implementation plan and pollution prevention plan

(13) An owner and operator of an industrial facility required to prepare a substitution implementation plan shall include the plan in the pollution prevention plan for the industrial facility, if any.

Conflict between substitution implementation plan and pollution prevention plan

(14) Where there is a conflict between a substitution implementation plan and a pollution prevention plan, the requirements of the plan that are more protective of human health and the environment, including a vulnerable population, shall prevail.

Plan to be provided to Minister on request

(15) The owner and operator of an industrial facility who are required under section 103.5 to ensure that a substitution implementation plan is prepared and implemented shall, if a copy is requested by the Minister, ensure that the copy is given to the Minister in accordance with the regulations.

Plan summary contents to be established by regulation

(16) The owner and operator of an industrial facility shall provide to the Minister a summary of the plan referred to in subsection (1), the contents for which shall be established by regulation.

Plan summary to be placed on Environmental Registry

(16.1) The owner and operator of an industrial facility shall place a copy of the plan summary referred to in subsection (16) on the Environmental Registry in accordance with the regulations.

Update of plan

(17) Every two years after the development of the substitution implementation plan referred to in subsection (1), the owner and operator of the industrial facility shall update the plan showing progress made in substituting a safer alternative for the priority toxic substance and shall, if a copy is requested by the Minister, ensure that the copy is given to the Minister in accordance with the regulations.

Update of plan summary to be placed on Environmental Registry

(18) Every two years an update of the plan summary referred to in subsection (16) shall be provided to the Minister by the owner and operator of the industrial facility referred to in subsection (1) for placement on the Environmental Registry in accordance with the regulations.

Offence

(19) The owner and operator of an industrial facility referred to in subsection (1) that fails to give a copy of the substitution implementation plan to the Minister, provide a plan summary to the Minister, file a true, accurate, and complete declaration required by this Part, comply with any condition of a variance, or substitute a safer alternative for a priority toxic substance where such alternative is available, and technically and economically feasible, is guilty of an offence.

Safer Alternatives Planners

103.6 (1) Where an individual wishes to be certified as a safer alternatives planner under this Act, the individual shall:

- (a) satisfactorily complete a safer alternatives planning program developed by the Minister pursuant to the requirements of this Act and the regulations;
- (b) pass a uniform certification examination which the Minister shall develop by the date established by regulation; or
- (c) have at least two years of work experience in safer alternatives planning activities as approved by the Minister; and
- (d) meet such further requirements as established by regulation.

Restriction where certification based only on work experience

(2) Where an individual satisfies the requirement of at least two years of work experience as set out in subsection (1)(c), but has not satisfactorily completed a safer alternatives planning program and passed the uniform certification examination as set out in subsection (1)(a) and (b), the individual shall only be certified to engage in safer alternatives planning activities in industrial facilities owned or operated by his or her employer.

Duration of certification

(3) The duration of the certification authorized under subsection (1) shall not exceed a period greater than two years after its issuance unless renewed before its expiry pursuant to subsection (4).

Renewal of certification

(4) An individual may renew a certification issued pursuant to subsection (1) for an additional two years and thereafter under this subsection at two year intervals before its expiry if he or she successfully completes a course of continuing education instruction in safer alternatives planning activities offered by the Minister.

Fees for certification or renewal

(5) The Minister shall establish, by regulation, a fee to be assessed any individual when such individual obtains his or her certificate as a safer alternatives planner for the first time under subsection (1) or upon renewal pursuant to subsection (4). Such fees shall be deposited in the Safer Alternatives Fund established under this Act.

Suspension or revocation of certification

(6) The Minister may suspend or revoke the certification of an individual upon:

- (a) a finding of fraud, gross negligence in the certification of substitution implementation plans, or for other good cause; or
- (b) a failure by the individual to re-apply for certification by the expiry date applicable to the individual's existing certification; or
- (c) a failure by the individual to pay the requisite fee established pursuant to subsection (5).

Reinstatement of certification

(7) The Minister may re-instate an individual's certification that has been suspended or revoked under subsection (6)(b) or (c) upon the filing by the individual of an application and the payment of the appropriate fee.

Agreement on certification equivalent provisions

(8) Where the Minister and a government agree in writing that there are in force by or under the laws applicable to the jurisdiction of the government

- (a) provisions that are equivalent to a regulation made under a provision referred to in subsection (1) and (5), and
- (b) provisions that are equivalent to subsections (2), (3), (4), (6), and (7),

the Governor in Council may, on the recommendation of the Minister, make an order declaring that the provisions of section 103.6 may be met by compliance with the provisions of the law in force in the jurisdiction of the government.

Safer Alternatives Fund

103.7 (1) Upon the coming into force of this Part, the Minister shall,

- (a) establish a fund to be known as the Safer Alternatives Fund; and

- (b) appoint an administrator who shall be responsible to the Minister for meeting the purpose of the Fund.

Fund purpose

(2) The purpose of the Fund is to provide monies, which shall be dedicated and used solely, to enable the Minister to implement the provisions of this Part.

Fund sources

(3) The Fund shall have credited and transferred to it on an annual basis monies from the following sources:

- (a) all fees imposed on industrial facilities pursuant to section 103.8;
- (b) all fees imposed on individuals pursuant to section 103.6;
- (c) all penalties collected for violations of this Act;
- (d) any grant, gift, or other contribution explicitly made to the Fund;
- (e) any interest earned on monies in the Fund; and
- (f) any other monies that may be available, or appropriated, to the Minister from consolidated revenue for the implementation of this Act.

Industrial facility fee

103.8 (1) Upon the coming into force of this Part, the Minister shall have established by regulation a schedule of initial and annual fees to be paid by an industrial facility to the Minister for the purposes of enabling the Minister to implement the provisions of this Part.

Criteria for establishing fee

- (2) The criteria for establishing the schedule of fees referred to in subsection (1) shall include:
- (a) the number of employees at an industrial facility;
 - (b) whether a chemical that appears on the List of Toxic Substances in Schedule 1, is manufactured, imported, processed, or otherwise used at such facility;
 - (c) the annual quantity of each such chemical referred to in subsection (b) that is manufactured, imported, processed, or otherwise used at such facility;
 - (d) the characteristics of each such chemical as set out in subsection (3) of section 103.2; and

- (e) such other criteria as established by regulation.

Ministerial survey notice for obtaining information from industrial facility

(3) For the purposes of obtaining information from an industrial facility with respect to matters addressed in subsection (2), the Minister shall be authorized to publish a survey notice pursuant to sections 46 and 71, requiring regulated persons and other industrial facilities to provide information requested in the survey notice by the date specified in the notice.

Declaration

(4) The owner of, or the highest ranking representative with direct operating responsibility at, an industrial facility and with authority to bind the owner shall, at the time of filing the response to the survey notice, file a declaration certifying that:

- (a) he or she has read and is familiar with the information provided in response to the survey notice; and
- (b) the information provided is true, accurate, and complete to the best of his or her knowledge.

Report under Canadian Environmental Protection Act

(5) Information filed by an industrial facility required to file an annual report pursuant to the National Pollutant Release Inventory under sections 46 or 71 of this Act, shall also be used to the extent necessary by the Minister for the purposes of compliance with this Part.

Consequences of failure to pay fee, respond to survey notice, file declaration, or provide report

(6) An industrial facility that fails to pay the fee, respond to the survey notice, file a true, accurate, and complete declaration, or provide a report required by this Part is guilty of an offence.

Technical Assistance Programs for Small Businesses

103.9 (1) The Minister shall, in consultation with federal sources, other governments, colleges and universities, and private consortia, facilitate transition to safer alternatives measures by establishing a technical assistance program to small businesses.

Program content

(2) The technical assistance program for small businesses shall include:

- (a) programs to evaluate technologies, encourage university research and industrial collaboration, attract funding, and additional support through federal and private sector grant and financial assistance;
- (b) direct grants and loans to small businesses for costs required to implement and safer alternatives;
- (c) technical support for individual companies or sectors;
- (d) technical assistance in assessing safer alternatives and assistance in forming groups to assess and develop safer alternatives;
- (e) research and development of safer alternatives, including demonstration projects;
- (f) market development programs to create demand for safer alternatives;
- (g) conferences, seminars, and workshops focused on solving problems and evaluating technology development opportunities for particular sectors;
- (h) publications to assist particular sectors develop and implement safer alternatives; and
- (i) such other measures as established by regulation.

Technical Assistance Programs for Employees

103.10 (1) The Minister shall, pursuant to subsection (2), establish a technical assistance program for employees arising from the implementation of safer alternatives measures for a priority toxic substance or substances at an industrial facility.

Program content

(2) The Minister in cooperation with federal sources, other governments, and colleges and universities, shall develop a program to ensure just and fair transition to re-employment assistance, vocational re-training, or other support or arrangements such that any employee displaced as a result of the implementation of safer alternatives measures for a priority toxic substance or substances at an industrial facility will be:

- (a) eligible for an available job with at least equivalent wages, benefits, and working conditions;
- (b) eligible for vocational re-training and job placement;
- (c) entitled to receive re-employment assistance and health benefits; and

(d) entitled to receive any additional benefits pursuant to the provisions of a collective bargaining agreement.