

Town of Richmond Hill

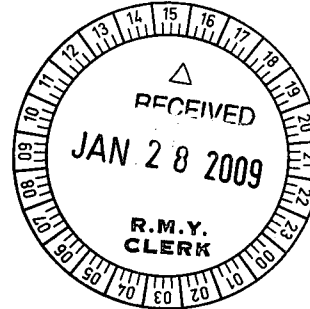
REGION OF YORK
CLERK'S OFFICE

FILE No. - P36

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January 23, 2009

Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street, 4th Floor
Newmarket, Ontario
L3Y 6Z1



Dear Mr. Kelly:

Re: Information relating to a Right-to-Know By-law

Richmond Hill Town Council, at its meeting on January 19, 2009 approved the following resolution relating to a Right-to-Know By-law:

"That the information prepared by staff relating to a Right-to-Know By-law be referred to the Health and Emergency Medical Services Committee of the Region of York for comment."

In accordance with Council's directive, I am forwarding to your attention a copy of the information prepared by Tricia Myatt, Manager, Policy and Intergovernmental Affairs, on this issue. Could you please forward the material to the Health and Emergency Medical Services Committee for comment.

If you require further information, please contact Tricia Myatt at (905) 771-5463.

Sincerely,

Donna L. McLarty
Town Clerk

cc: T. Myatt, Manager, Policy and Intergovernmental Affairs
Councillor A. Warner



Issue/Briefing Notes:

The City of Toronto's Environmental Reporting, Disclosure and Innovation Program or 'Right-to-Know' Strategy

Explanation: The City of Toronto, through its Public Health Department and Medical Officer of Health, is moving forward with an Environmental Reporting, Disclosure and Innovation Program related to the reporting and disclosure of the emission of 25 specific chemicals by businesses in the City.

Current Status:

- At the December 8, 2008 Committee of the Whole meeting, Town Council directed staff to look into the City of Toronto's program related to the reporting of toxic chemicals and provide information to Council on this issue.

Key Messages:

- Not applicable.

Background:

- In January 2005, the City of Toronto Board of Health recommended that the City's Medical Officer of Health (MOH) consider practical and effective community "right-to-know" strategies relating to reporting and disclosure of chemicals in the City.
- In June 2006, the City's MOH reported to the Board that despite existing reporting regulations and voluntary programs, there was found to be a significant lack of data on toxic chemical emissions from Toronto facilities. In particular there was concern that smaller organizations were not covered by existing federal and provincial requirements. These smaller organizations make up a large portion of the businesses in Toronto that could be releasing these toxins. The Board of Health directed further work on this issue, including that consultation with stakeholders take place.
- In June 2007, Toronto City Council endorsed its Climate Change, Clean Air and Sustainable Energy Action Plan. This plan included a recommendation to request the Board of Health to develop a proposed reporting program for the use and release of toxic air contaminants and explore the reporting of greenhouse gas emissions.
- In July 2008, a draft Environmental Reporting, Disclosure and Innovation Program, including a draft by-law was presented to the City's Board of Health.
- The City has now reviewed the recently released provincial toxins strategy and believes the City's proposed strategy will complement it. The provincial policy focuses on large organizations, whereas the City's program will focus on smaller organizations. In addition, the program would work in conjunction with the federal government's National Pollutant Release Inventory (NPRI) which also focuses on larger organizations.
- City Council approved moving forward with the Environmental Reporting, Disclosure and Innovation Program at its December 1 through 3, 2008 Council meeting.
- The City's Environmental Reporting, Disclosure and Innovation Program is comprised as follows:
 - The City would enact a new by-law to require annual reporting of chemical usage and emission data of 25 priority substances that meet specific thresholds. The by-law would specify the facilities and activities that are required to report and establishes penalties for failing to comply with the by-law.
 - The by-law would come into effect on January 1, 2010 to provide adequate time for businesses to learn about the new requirements. In addition, the sectors covered would be phased in between 2010 and 2013, with full reporting by all sectors covered by sometime in 2013.
 - Key tools to assist business with compliance would be developed including a by-law guidance document and a guide to reporting that would include lists of tools to help facilitate estimates of quantities of chemicals and timelines and instructions for reporting.

- Toronto Public Health would work with its City partners as well as the business community, workers and the Ministry of Environment to provide information and training as required through various sources.
- Reporting would be through a partnership between Toronto Public Health and Environment Canada using a web-based data filing system. This system, known as OWNERS is currently used by Environment Canada for the collection and discussion of NPRI data, as well as other environmental data from industry used by provincial and municipal governments.
- Toronto Public Health would create a new website that provides facilities to calculate their substance use and emissions and directly link them to the OWNERS system for electronic submission.
- Enforcement of the by-law would be through desk top audits and inspections as needed to ensure facilities have reported the required information. If the information is not obtained, enforcement would begin with a warning and could lead to the issuance of a ticket or a summons under the *Provincial Offences Act*. A company that knowingly submits inaccurate data or does not submit the data as required would be guilty of an offence and would be liable of a fine of not more than \$5,000 for a first offence, \$25,000 for a second offence and \$100,000 for a third or subsequent offence.
- The phase-in of this program is as follows:
 - 2009 - Education begins for all sectors.
 - 2010 – By-law takes affect and Phase 1 sectors would begin tracking 2010 data. Phase 1 sectors are: food and beverage manufacturing, printing and publishing, chemical manufacturing, wood industries, power generation, water and wastewater.
 - 2011 – Phase 1 sectors would submit data to the City by June 30, 2011. Phase 2 sectors would begin collecting 2011 data and includes the following sectors: chemical wholesale, waste management and remediation services, medical and diagnostic laboratories, dry cleaning and laundry services, automotive repair and maintenance, funeral services.
 - 2012 – Phase 1 and 2 facilities would report data. Phase 3 sectors would begin tracking 2012 data. Phase 3 sectors are all other facilities and include paper manufacturing, primary metal manufacturing, machinery manufacturing and other industries.
 - 2013 – all affected facilities reporting.
- It is anticipated this new program, once fully implemented will expand the number of businesses in Toronto reporting on toxins from 350 under existing requirements to between 5,000 and 7,000 facilities.
- The cost of the program includes \$1.296 million in capital funding over three years (2009 – 2011) for the development of a website and web-based data management and disclosure system. It would have net operating costs of \$0.163 million in 2010 and \$0.052 million in 2011. City Council has not approved this funding as it will be considered with the overall 2009 budget for Toronto Public Health.
- The City is using its authority under the *City of Toronto Act, 2006* to proceed with this program. This provides City of Toronto Council with authority to pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City. They are also using their authority under this Act to pass by-laws to establish a system of escalating fines.

Next Steps / Decisions Required:

- Not applicable.

Important Considerations:

- A review of the provisions of the *Municipal Act, 2001* is required to determine whether the Town of Richmond Hill has authority to institute a similar program.
- As this program is operated by Toronto Public Health, consideration may want to be given to working with the Region to determine whether a similar program at a Regional level, operated by York Region Public Health would be appropriate.

- A review of whether any Town businesses are covered by existing reporting and disclosure requirements would need to be completed to determine how many businesses would be affected by such a program.
- Proceeding with such a program does have a financial impact on businesses which would need to be considered. In addition, full consultation with the Town's businesses and other interested parties would need to take place regarding any such program.

Official Spokesperson:

Not Applicable.

Other Key Contacts:

Tricia Myatt, Manager, Policy and Intergovernmental Affairs ext. 5463



*Last Revised:
January 23, 2009*

***Town of Richmond Hill
Issues/Briefing Note
Produced by Office of the CAO***