



ASSOCIATION DE L'ALUMINIUM DU CANADA
ALUMINIUM ASSOCIATION OF CANADA

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January 10, 2000

Mr. Vic Shantora
Director General
Toxics Pollution Prevention Directorate
Environment Protection Service
Department of the Environment
Ottawa, Ontario K1A 0H3

Re: **Proposed order adding toxic substances to Schedule I of the Canadian Environmental Protection Act (CEPA).**

Dear Mr. Shantora:

Following publication of proposed regulatory text in the Canada Gazette Part I (13 November 1999), pursuant to subsection 332(1) of the *Canadian Environmental Protection Act (1999)*, we file notice of objection to the proposed Order for the following substances: " # 40 Inorganic fluorides" and " # 43 Polycyclic Aromatic Hydrocarbons (PAHs)". Following the 04 April 1998 proposal to list the same substances, comments were sent to James Riordan on the 02 June 1998.

The proposed listing is based on an assessment made at least seven years ago which, in turn, is based, for the most part, on references 10 to 15 years old. Consequently, the proposed listing is based on information which is no longer current. Since the publication of those reports, major reductions in the emission of these substances have been effected by the aluminum industry in Canada. Consequently, the assessment report should be revised to take into account these reductions and to evaluate if CEPA criteria for defining toxic substances still apply. This is particularly important for fluorides.

Unlike the natural substances already listed as toxic under CEPA, Canadians and their environment are more exposed to PAHs through natural and diffuse sources than from industrial emissions. For example, Horizontal Stud Soderberg operations have been replaced with prebake technology and PAH emissions from the remaining installations have been reduced by as much as 80 per cent. At current emission levels, we believe there is no immediate or long-term harmful effect on health. Reduction of releases from major point sources would impact only marginally on the total dose (diet and inhalation) received by Canadians. Consequently, subjecting industrial sources to P2 or other regulatory approaches would be a most ineffectual means to protect Canadians.

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If, however, the government is determined to list PAHs, at a minimum, the proposal should specify which ones are of concern. This would be consistent with the pollution prevention approach used in the industry since the early 1990s. Substitution of raw material with less carcinogenic / toxic PAH content is one of the options used to reduce those emissions. Listing PAHs without defining harmful substances, automatically, eliminates that option. Health being the most critical aspect, rather than listing all PAHs, we recommend listing only the five PAHs (benzo(a)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene) identified in the conclusion of the assessment report.

For fluorides another natural substance, the reference in the assessment report to Cornwall Island no longer applies. Significant reductions achieved by the two American smelters, in full compliance with all US and Canadian standards, have reduced the impact on the surrounding environment. As for fish toxicity, we still think that comparing water lab results with concentrations in the environment has the potential to misrepresent reality. Water quality from rivers and lakes may affect the toxicity of the sample differently than laboratory water. For example, varying pH, hardness, metal ion content and temperature factors affect potential toxicity. Improvement in operations have reduced the amount of fluoride released to the environment and we are not aware of any location where fluorides have been demonstrated as harming fish.

Finally, even if hydrogen fluoride has the potential to harm vegetation, aluminum industry operating practices and provincial regulations, implemented in each concerned province, can efficiently mitigate negative impacts. Listing fluorides under CEPA is unjustified and would only duplicate control mechanisms already functioning in those provinces.

Conclusions:

The Aluminium Association of Canada believes the inclusion of inorganic fluorides and PAHs would create an unacceptable and unpredictable precedent for mostly natural substances, unnecessarily complicating regulatory and enforcement procedures not only for Environment Canada but also for provincial governments responsible for controlling those sources. Therefore, we respectfully request that the government reconsider its decision to list these substances and, if it remains convinced of the need to list PAHs that the listing be restricted to the five PAHs mentioned above.

The Association appreciates greatly this opportunity to comment on the above proposal. If you have any questions with respect to our views, please do not hesitate to contact me.

Yours sincerely,

Christian L. Van Houtte
President