



MAY 10 2002

J.A.L. Bowman
6 - 600 Laurier Avenue West
Ottawa ON K1R 6L1

Dear J.A.L. Bowman:

I am responding to your Notice of Objection, dated December 28, 2001, regarding the proposed Order to add road salts that contain inorganic chloride salts with or without ferrocyanide salts to Schedule 1 (List of Toxic Substances) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

I have reviewed your submission, and have fully and carefully considered the issues raised. The Notice of Objection does not present any information (with respect to the nature and extent of the danger posed by road salts) that warrants establishing a board of review in this case. Therefore, I will not establish a board of review.

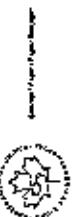
Regarding the specific points supporting your Notice, I would like to provide the following information:

Road salts and CEPA 1999 jurisdiction

CEPA 1999 defines "environment" quite broadly, so as to include all biotic and abiotic components of the biosphere. This definition does not distinguish between "natural" and "non-natural" environments.

It is estimated that, each year, approximately five million tonnes of road salts containing inorganic chloride salts with or without ferrocyanide salts are applied on Canadian roadways. Environment Canada's comprehensive science assessment of road salts found that high releases of road salts around storage and snow disposal sites, and from run-off and splash from roadways, pose a serious threat to the aquatic environment, groundwater, plants and animals.

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Many research studies have been conducted on the environmental impacts of various types of road salts, notably in Canada, the United States and northern Europe. Studies have often documented such impacts, and have led to various actions to reduce them. Almost all chloride ions that enter the soil and groundwater can, ultimately, be expected to reach surface water (it may take from a few years to several decades or more for steady-state groundwater concentrations [those that remain more or less constant] to be reached). Due to the widespread dispersal of road salts throughout the environment, notably through the movement of surface water and groundwater, scientific studies have identified impacts on most components of the environment. Effects have been observed both near and far from roadways, patrol yards and snow disposal sites.

Environment Canada's scientific risk assessment was carried out with the participation of experts from provincial/territorial and national transportation agencies; the salt industry; independent experts; academics and institute scientists; and other government departments. Provincial/territorial, municipal and other agencies were approached to obtain a broad range of information. In addition, the opinions of more than thirty independent reviewers, including scientists and experts from municipal and provincial/territorial transportation agencies, were taken into account before completing the assessment.

Duplication of regulatory oversight

Although this matter is outside the mandate of a board of review, I would like to point out that CEPA 1999 is the key federal legislation regarding pollution prevention and the protection of the environment and human health. The *Canadian Environmental Assessment Act* provides for the assessment of the environmental impacts of only those projects that fall within its scope. Each Act addresses different matters.

Provincial authority

This matter is also outside the mandate of a board of review. However, it is important to note that the environment is an issue that cuts across many different areas of both federal and provincial/territorial constitutional responsibility. Accordingly, each of these government jurisdictions can act to protect the environment. This was recognized by the Supreme Court of Canada in *R. v. Hydro-Québec*. Regarding your comments on the Regulatory Impact Analysis Statement (RIAS) that accompanied the proposed Order, a further RIAS with full economic analysis will accompany the publication of any instrument to be developed for the management of road salts.

A copy of your letter has been forwarded to Environment Canada's Existing Substances Branch, which has the responsibility for this regulatory initiative. Your comments will be fully considered as we analyze all the submissions that we have received and decide how to proceed on this proposed Order. An overview of the comments received, the responses provided and a government decision on the path forward will be posted on Environment Canada's Web site, www.ec.gc.ca, in the coming months.

The federal government recognizes the importance of road salts in maintaining roadway safety, and is not proposing a ban on road salts or any other measure that would compromise roadway safety. Measures will be selected and developed in partnership with provinces and territories, with input from stakeholders such as municipalities, associations, industry and environmental groups, in order to determine how to minimize the environmental impacts of road salts while maintaining the level of roadway safety that Canadians expect. A broad range of management actions will be studied, including improved application technologies as well as better practices for storage and handling of salts and disposal of waste snow.

I appreciate receiving your comments on this matter.

Yours sincerely,

A handwritten signature in black ink that reads "David Anderson". The signature is written in a cursive style with a long horizontal flourish at the end.

David Anderson, P.C., M.P.

**MINISTERIAL
CORRESPONDENCE
CORRESPONDANCE
DU MINISTRE**

Approved by Assistant Deputy Minister
Approuvé par le Sous-ministre adjoint

Date

Johanne Beaulieu

24/04/02

Approved by Deputy Minister
Approuvé par le Sous-ministre

Date

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| <i>Bauman, J.A.L.</i> | | | |
| PHONE | FAX | ADDITIONAL COPIES FOR INFORMATION TO COPIES ADDITIONNELLES POUR INFORMATION | |
| ACTION REQUIRED - SUITE À DONNER | | COMMENTS - COMMENTAIRES | |
| CONTACT PERSON IN CORRESPONDENCE UNIT PERSONNE RESSOURCE À L'UNITÉ DE LA CORRESPONDANCE | | | |

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| Date | Referred to (name of Individual) Envoyé à (nom de l'individu) | BF Date de rappel | Remarks Remarques | Initials |
|---------------------|--|-------------------------|----------------------------------|-----------------|
| 17-1-01 | Will | 17-1-01 | OK | RL |
| 18/01/01 | Will | 18-01-01 | Approved by [unclear] | RL |
| 3/3-01 | Will | 3-3-01 | copy enclosed | Jo |
| 1 June | Will/Jean | 1-6-01 | votee approbation | Jo |
| 14/11 | Will | 14-11-01 | FYA | RL |
| 24/11 | Will | 24-11-01 | FOR APP. | RL |
| 24/11 | LB | 24-11-01 | FOR APP. | RL |
| 25-11 | SARA | 25-11-01 | TOXIC | RL |
| 30-11 | LPB | 30-11-01 | OK | SB |
| 1 mai | celision | 1-5-01 | Approved by Sara | Sara |
| 7 May | LPB | 7-5-01 | OK | AMS |
| 10 May | DCU | 10-5-01 | Signe | DM |