



MAY 10 2002

Mr. Ray Dorn  
39 Bentbrook Crescent  
Nepean ON K2J 3Y1

Dear Mr. Dorn:

I am responding to your Notice of Objection, dated December 27, 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).

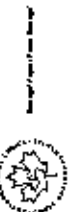
I have reviewed your submission, and have fully and carefully considered the issues raised. The Notice of Objection does not present any information (with respect to the nature and extent of the danger posed by road salts) that warrants establishing a board of review in this case. Therefore, I will not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



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](http://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" with a stylized flourish at the end.

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



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CORRESPONDANCE  
DU MINISTRE**

Approved by Minister for Carriage Approuvé par le ministre pour la diffusion	Date: / /
Approved by Assistant Deputy Minister Approuvé par le sous-ministre adjoint	Date: / /
<i>Johanne Beaulieu</i>	<i>27/07/07</i>
Approved by Deputy Minister Approuvé par le sous-ministre	Date: / /

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<i>Down, Ray.</i>			
PHONE	FAX	ADDITIONAL COPIES FOR INFORMATION TO COPIES SUPPLÉMENTAIRES POUR INFORMATION	
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CONTACT PERSON IN CORRESPONDENCE UNIT PERSONNE À RÉCUPÉRER À L'UNITÉ DE LA CORRESPONDANCE			

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