
From: NICOLE HACKETT [mailto:nhackett@shaw.ca]
Sent: February 13, 2008 1:50 PM
To: Thompson,Lorri [NCR]
Subject: Regulations Amending the Gasoline Regulations - Notice of Objection

Please consider this a notice of objection requesting that a board of review be established under section 333 of the Act.

My concern is about the current plan to implement a total and permanent ban on the use of leaded fuels for competition purposes, effective January 1st, 2009 as per the Regulations Amending the Gasoline Regulations, Vol. 141, No. 51 - December 22, 2007 listed in the Canadian Gazette, Part 1, Vol. 141, No. 51 on December 22, 2007.

Background:

In 1993, legislation was introduced in *Canadian Environmental Protection Act* which banned the sales of leaded fuels in Canada. Permanent exemptions were given to the aviation industry and in 1994 a temporary exemption was given to competition vehicles which were renewed in 1997, 1998 and 2003. The original exemption was given because of the realization that significant adverse economic hardships would be suffered by local communities and businesses if competition motor sports events were not able to continue due to the ban of an integral product. The latest exemption was given based on a revised lead exposure assessment by the World Health Organization (WHO) intake levels at and in the vicinity of race tracks were within recommended Provisional Tolerable Weekly Intake (PTWI) for lead. The current position taken within the regulations are that a one year exemption will be given to allow facilities, industry and communities to adjust.

As per the Government's own report, this decision is not based on scientifically documented test data on the health impacts of leaded fuel used in motor sports racing applications. As per the same document "*no additional air or soil sampling at or near race tracks has been conducted since 1997, so there is therefore no new information on human exposure to lead from competition vehicles at this time.*"¹ Yet at the same time the above mentioned report cites "*new scientific evidence has become available that indicates a possibility of adverse health effects occurring at lower levels of lead exposure than previously thought acceptable, with children, toddlers and pregnant women being the most vulnerable to effects that may include cognitive and developmental deficits. As a result, the WHO PTWI levels used in past assessments may no longer be appropriate measures of tolerable exposure*"², yet goes on to state multiple times that "*quantitative data by which to assess the actual human exposure to lead from racing events which use leaded fuels are currently lacking.*"³ As per the government's own words, they have no quantifiable scientific data with which to back up their claims that leaded fuel used in race applications has a negative impact on the community yet are still planning to go ahead with their ban which will result in a devastating impact on many communities.

The United States, Great Britain, and Australia all currently allow leaded fuel to be used for competition purposes but to date, no country other than Canada is suggesting that the using the WHO PTWI levels used in past assessments as guidelines when reviewing the competition vehicles usage of leaded fuel in their race applications is not sufficient. Again it cannot be stated enough that according to the governments own report "*in the absence of recent, specific lead exposure data, it is not possible to quantify the health costs associated with one additional year of exemption. There are also no qualitative reports of health impacts resulting from exposure to lead at race tracks*" but then goes on to say "*notwithstanding this lack of recent, specific exposure data, new scientific data suggests that adverse health effects may arise at lead levels previously thought to be acceptable.*"⁴ Basing a decision on unsubstantiated and unproven claims that

“may” produce a certain result while having no verifying data to back up those claims is completely irresponsible and shows a complete lack of disregard to local communities and people that this will severely impact.

The racing industry in Canada is completely integrated with the United States with events being held on both sides of the border throughout the racing season. Due to the fact that no other country has any plans at this time to remove their exemptions for competitive vehicles a situation will arise where Canadian race facilities will not be able to host events sanctioned by the National Hot Rod Association (NHRA), International Hot Rod Association (IHRA), Champ Car, International Motor Sport Association (IMSA) and the International Jet Sport Boat Association (IJSBA). The economic impact felt on communities, raceways and local businesses will be devastating. Many small communities depend on local raceways or riverboat races to generate revenue for their communities. Racetracks depend on large events like NHRA and IHRA championship races held at their facilities to generate revenue to keep their facilities operational for local sport competitors. When the authors of the analysis state *“following the expiry of the proposed exemption on January 1, 2009, it is expected that in aggregate, consumer expenditure on entertainment would remain unchanged. Some consumer expenditure on leaded racing events would be replaced by consumer expenditure on alternative racing events at the same facilities, or expenditure on alternative forms of entertainment in the local community. As a result, the overall economic impact of exemption expiry on many communities may be reduced,”*⁵ is patently false. The devastation felt not only in the racing community, but in local communities that depend on the tourism generated from those events, cannot be mitigated by a one year exemption. The reports expectation that facilities will magically find alternate events that will engage the public to the same level that current events do and provide the required operating revenue for their facilities is completely short sighted. As a result of the devastation, many race facilities will be forced to shut down.

The current government has made it a priority to stop street racing on our city streets in Canada. Speaking to any law enforcement officials, one of the necessary components to stop illegal street racing which endanger innocent lives, is by having a sanctioned, controlled facility where the “street racers” can go to race in a controlled environment rather than on the busy streets of our cities. Sanctioned controlled racing not only promotes responsible operation of high performance motor vehicles it also provides safe places in which to operate them, which is in the best interest of our communities as a whole. Most of these facilities depend on the revenue generated by hosting sanctioned events which in turn allow for operation of the facility for locals. Removing the major sources of revenue from the facilities will force the closure of many of the racetracks currently open which will in turn exacerbate the already significant street racing problem faced in many of our communities. Facilities like Mission Raceway Park in Mission, BC will be devastated by the loss of the IHRA events that they depend on for their revenue to keep their facility operational. Instead, the ban will push more race enthusiast out onto our streets, where innocent bystanders invariable will be injured or worse.

Not only is there the impact felt by race track facilities to consider, but a ban will completely decimate the Canadian jet boat racing community. Some of the top manufacturers in the world are located here but without the exemption, the drag boat community will cease to exist in Canada. Jet boat racing, like most other forms of racing, has always been a family oriented sport. The nature of the sport involves traveling to some of the more remote, beautiful and rugged area's of the great outdoors Canada has to offer and many of the towns which host events experience huge increases in tourism when the race event takes place. The 2007 World Championships, which took place in Alberta Canada, saw 1000's of spectators take in 8 full days of racing spread over 3 towns in northern Alberta. These towns not only saw an influx of spectators but also the economic benefits that 53 race teams themselves would bring, representing hundreds of racers, mechanics, support personal and race officials. There is no doubt that the days and weekends these races took place would represent some of, if not the busiest weekends these towns experienced all season. To date 4 races are scheduled for the 2008 season and potential of 6 races taking place in 2009 season but the proposed ban on

leaded racing fuels would cause the cancellation of all of these races. Removal of the exemption and implementation on a full ban for competition vehicles means that jet boat racing will not be able to take place in these communities and as such the loss of revenue for local businesses will be felt deeply.

Besides the devastating impact that this will have on local economies, there is no intellectual consistency with the stated reasons given for not renewing the exemptions for competition vehicles. If as the regulation says "*given the new scientific evidence regarding the impact of lead on human health, it is reasonable to infer that vulnerable populations living near race tracks and/or attending racing events could be exposed to lead in the air and soil at levels that may be unsafe,*"⁶ is true, then removing the exemption for 1.5% of the leaded fuel sold in Canada to competition vehicles while at the same time leaving in place the exemption for 98.5% used by the aviation industry is not consistent with the governments stated objectives in reducing the risk to the harmful effects of lead in our environment. Residents who live in the vicinity of airports and airfields face a much higher exposure to leaded fuel exhaust due to volume of aircraft travelling in Canada with repeated exposure on a daily basis, year in year out, rather than those who are exposed to leaded exhaust from competition vehicles once or twice a year for less than 8 hours at facilities that host major events. There may be a small number of tracks that have racers in leaded fuel classes where they will run more frequently than previously stated, but even at those facilities the exposure to leaded exhaust is significantly less than the exposure faced by residents who live in the vicinity of an airport with flights taking off daily. If the government is correct in their assertion that exposure to lead must be at lower levels than the guidelines from the WHO state, then continuing to allow the aviation industry to have an exemption when they are responsible for 98.5% of the usage of leaded fuel in Canada is not consistent with the logic used to argue against continuing the exemptions for competition vehicles.

If this ban does go through, Canada would be the only country with an outright ban on the use of leaded fuel in competition vehicles. Countries like Great Britain, Australia, and the United States have taken the responsible approach to mitigate the amounts of leaded fuels used in their respective countries while at the same time realising the economic advantages competition fuel usage brings to their communities and residents. Each country has recognised the benefit the racing community as a whole brings to their respective economies and understands the cancellation of the leaded fuel exemption would negatively affect a large number of businesses, racing facilities and local communities.

It must also be noted, as per Table 2-8 in the US EPA Air Quality Criteria for Lead Volume I of II,⁷ recent studies have shown that the primary source of lead exposure in the United States is not mobile sources (which include competition vehicles and aircraft) at 9.95% of 2002 emissions but instead Industrial/Commercial/ Institutional Boilers & Process Heaters which account for 17.21% of 2002 emissions.

The race industry is slowly moving towards all classes to run on alternatives to leaded fuel, but until such a time as the sanctioning bodies complete that transition the government report has provided no plausible reason to support the position that outright ban of leaded fuel used by competition vehicles will result in reductions to the risk of lead exposure for the population. There is no logical reason for the government not to provide another exemption for competition vehicles which accounts for 1.5% of total usage as there are no current plans to remove the exemption for 98.5% of all mobile emissions which come from the aviation industry. If there are serious concerns about the effect of leaded fuel use, removing 1.5% of the leaded fuel usage will not result in any significant reductions to the harmful effects that the government has listed.

I ask that the government extend the exemption provided to competition vehicles until such a time as new quantifiable scientific data comes to light which support the claims that the usage of leaded fuels in competition vehicles pose a significant risk or until such a time that the race community has completed a change over to alternate fuels. This position takes into account not

only the risks associated with exposure to leaded fuels but also recognises the severe impact that the outright ban will have on our communities.

Thank you,

Nicole Hackett, AScT

Footnotes:

- 1 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html>, Paragraph 15
- 2 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html> , Paragraph 9
- 3 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html> , Paragraph 18
(See also paragraphs 31 and 48)
- 4 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html> , Paragraph 51
- 5 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html> , Paragraph 42
- 6 <http://canadagazette.gc.ca/part1/2007/20071222/html/regle1-e.html> , Paragraph 31
- 7 US Environmental Protection Agency Air Quality for Lead Volume 1, October 2006