September 22, 2008

His Worship Fred Eisenberger
Mayor
City of Hamilton
Hamilton City Centre
77 James Street North, Suite 230
Hamilton ON L8R 2K3

Dear Mayor Eisenberger:

In the wake of the fire at Biedermann Packaging Inc., concerns were raised by your office and members of Hamilton City Council regarding the hazards of industrial toxics in our communities. The government shares the position of the City of Hamilton that there is a need to increase the amount of information available to the public on substances of concern to human health and the environment. I welcome this opportunity to provide an update about our actions on this issue.

Earlier this year, our government appointed an expert panel with representatives from the scientific and medical communities to advise which toxics should be the focus of immediate attention, action and reductions as new toxics reduction legislation is developed. Our strategy is to develop tough new toxics reduction legislation to reduce pollution, inform and protect Ontarians from toxic chemicals in the air, water, land and consumer products. This developing strategy will include Right-to-Know measures for communities.

We received a great deal of information from the expert panel. We also understand the importance of working with our municipal partners and other stakeholders including environmental experts, industry, and firefighters to develop an effective information sharing system. In September, we held a series of consultation sessions with stakeholders from the industrial, health, and environmental sectors on proposed approaches for the strategy. I was pleased to hear that a session held in Hamilton was successful and generated good discussion.

The Ministry of the Environment’s proposed toxics reduction strategy has been posted on the Environmental Registry for a 45-day period. It can be viewed at www.ebr.gov.on.ca under Registry #010-4374. The public has until October 11, 2008 to comment. I encourage the City to submit any additional comments.

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As described in our discussion paper, Ontario’s proposed toxics reduction strategy could encompass:

- New requirements to report on the use of toxics and to prepare toxics reduction plans, and new authority to regulate toxic substances in products.
- Building capacity to support the design and implementation of the toxics reduction plans, and for actions that result in reductions or elimination of a toxic or which help to foster a greener economy.
- Ways to inform Ontarians on toxics use and measures they can take to make informed choices.

In addition to this work and as part of two Environmental Bill of Rights requests for review, the ministry is also undertaking two reviews of Regulation 914 under the Pesticides Act. The first is to determine if regulatory requirements related to the storage, sale or transfer of a pesticide should be extended to pesticide manufacturing and formulating operations in order to minimize any environmental impacts of these operations near sensitive areas. The second review will assess if regulatory requirements for fire department notification should be extended to include all companies that manufacture/formulate and store pesticides, not just vendors and operators.

In a similar request though the EBR process, the ministry had been requested to review the Certificate of Approval for waste water at Biedermann Packaging. During that review, Biedermann Packaging Inc. requested the cancellation of that certificate as it was a process that the company was no longer using and as such the EBR review request was denied. The ministry has since inspected the facility to insure that the process has been removed.

With specific reference to the fire at Biedermann Packaging Inc., I believe you are aware that ministry staff met with the Chief of the Hamilton Fire Department in April to discuss how we can work more effectively together to prevent and respond to such incidents.

As the ministry’s Investigations and Enforcement Branch is currently conducting an investigation into the fire and its environmental impact, I trust you will understand that I cannot comment further. I can assure you, however, that the results of the investigation will be shared with your office and the community.

Thank you, again, for sharing the City of Hamilton’s concerns with me. We look forward to working with the City of Hamilton to achieve our mutual goals to protect the local environment and the good health of your citizens.

Sincerely,

John Gerretsen
Minister