



November 24, 2004

Patrick G. Finlay, P.Eng.
Director
Minerals and Metals Branch
Environment Canada
Place Vincent Massey, 12th Floor
351 St. Joseph Blvd.
Gatineau, Quebec K1A 0H3

Dear Mr. Finlay:

Re: Proposed Notice, *Canada Gazette*, Part I, September 15, 2004

We are pleased to submit comments by Pollution Probe in response to the Proposed Pollution Prevention Plan Notice dated September 15, 2004, in the *Canada Gazette* on "the preparation and implementation of a pollution prevention plan in respect of specified toxic substances that are released from base metal smelters and refineries and zinc plants."

Our comments are based on three objectives:

- Emissions of the specified toxic substances should be reduced to levels that do not pose risks to human health and the environment.
- Federal and provincial programs aimed at achieving toxic emission reductions should be complementary.
- Companies should operate on a level playing field when being required to reduce their toxic emissions.

The Proposed Pollution Prevention Plan (referred to henceforth in this letter as "The Plan") calls for toxic emission reductions that Pollution Probe believes contribute significantly to the first objective of protecting human health and the environment. To meet this objective, emissions of persistent and bioaccumulative toxic substances, in particular, should be reduced to the lowest achievable levels using "the best available techniques for pollution prevention and control" as called for in The Plan.

The Plan sets emission reduction targets that go beyond existing and proposed provincial targets, but the more stringent targets can be complementary to

provincial targets when viewed as a challenge to industry to do better. There is no inherent conflict between The Plan and provincial programs, although the possibility does exist that conflict could occur when the federal government sets regulations that “harmonize regulatory requirements for all base metal smelters and refineries and zinc plants in Canada by 2015.” This should be avoided, if possible, but not at the expense of achieving the necessary emission reductions of the specified toxic substances.

In Pollution Probe’s opinion, the most difficult objective to meet is the creation of a level playing field for companies required to make emission reductions. The challenge here relates to the relative amounts and intensities of emission reductions that each company and facility must meet. Ideally, comparable facilities would be required to reduce their total emissions to specified levels and to release similar amounts of toxic substances per unit of production. However, Pollution Probe does not have a clear understanding of the full scope of this issue and its implications for The Plan and the companies involved. We believe that further studies and analysis, as allowed for by The Plan, may be needed to resolve this issue in an equitable way.

In summary, Pollution Probe supports the overall intent and direction of The Plan. The companies affected by The Plan have been given a significant challenge to meet. Pollution Probe believes these companies should undertake the studies needed to demonstrate the feasibility and equity of The Plan, and that this information should be considered during the implementation of the Plan.

Pollution Probe was not a member of the Base-metals Environmental Multistakeholder Advisory Group (BEMAG) that worked diligently to help fashion The Plan. We would like to be more directly engaged in any further consultations, studies and analysis related to The Plan, and we are prepared to put considerable effort into helping to find appropriate solutions to outstanding issues.

Sincerely,



K.B. Ogilvie
Executive Director



Dr. Q. Chiotti
Air Programme Director
and Senior Scientist