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Dear Mr. Maude,

Re: Bill 99, *Lake Simcoe Protection Act, 2008*, EBR Registry Number 010-3753

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Ministry of the Environment's proposed *Lake Simcoe Protection Act, 2008*. CIELAP was founded in 1970, with the mission to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

The purpose of the proposed legislation is to provide a framework for a Plan to protect and restore the ecological health of the Lake Simcoe watershed ecosystem. CIELAP sees the proposed Act as an excellent step toward preserving a valuable and symbolic natural resource. However, there is potential to further strengthen the protective capacity of the Act. We would like to reiterate our comments from the consultation period of EBR 010-2974:

1. That the Act place a greater emphasis on addressing the environmental and health impacts of pharmaceuticals and personal care products (PPCPs) and endocrine-disrupting compounds (EDCs) from sewage sludge, whose impacts still poorly understood;
2. And that the government consider expanding the Greenbelt to include more of the Lake Simcoe watershed.

In addition, we recommend:

3. Tightened regulation of polybrominated diphenyl ethers (PBDEs), which accumulate in animal tissue and have been found in increasing concentrations in the Great Lakes.

1. Addressing environmental and health impacts of PPCPs and EDCs

Although protecting human health is not stated explicitly in the purpose of the Act, promoting ecological health naturally promotes human health, since the latter is a subset of the former.

Section 4 indicates that the Act will “provide for ongoing scientific research and monitoring related to the ecological health of the Lake Simcoe watershed.” The Act should specifically provide for increased research on the presence of emerging contaminants such as PPCPs and EDCs in Lake Simcoe.

In 2006, CIELAP released a report entitled *There is No “Away”: Pharmaceuticals, Personal Care Products, and Endocrine-disrupting Substances: Emerging Contaminants Detected in Water*, available at <http://cielap.org/pdf/NoAway.pdf>. This report highlights research showing that between 50% and 90% of the active ingredients in drugs, including antibiotics and endocrine-disrupting compounds (EDCs), are not absorbed by the human body but instead are excreted. Improper disposal of pharmaceuticals and personal care products (PPCPs) through municipal solid waste or sewage systems also occurs due to a lack of public awareness of their impacts. As a result there is a high concentration of contaminants from PPCPs found in sewage. While some of these contaminants may be removed from sewage sludge by wastewater treatment, many are not.

The Lake Simcoe Basin Wide Report of March 20, 2008 notes:

Lake Simcoe assimilates treated sewage treatment effluent from 14 Water Pollution Control Plants (WPCPs) but also is the drinking water supply for 6 communities in the Lake Simcoe basin which may represent a potential threat pending further research. Presently WPCPs do not treat their respective effluent specifically for the removal of PPCPs and EDCs. The effluent may therefore still contain PPCPs and EDCs among other potentially harmful chemicals. A cost effective technology to effectively remove these is presently not available. The release of treated sewage effluent that contains PPCPs has been identified by scientists as a potential risk to human health.

As a newly emerging area of research, there have not yet been standards proposed for pharmaceutical concentrations in sewage effluent or surface water. This creates difficulty in developing management control mechanisms or treatment alternatives for pharmaceuticals in sewage effluent. There has also been ongoing debate on the sampling methodologies, laboratory analysis and reporting thresholds for these parameters, further complicating an effective response to this issue at this time. The agencies, municipalities and researchers must remain diligent and closely monitor progress in this area and develop a strategy to respond, monitor and take action when necessary.

CIELAP’s 2006 report highlights a number of recommendations, including the need to: review sewage sludge management practices in light of issues related to pharmaceuticals and resistant bacteria in water; phase out the use of antibiotics and of hormones as animal growth promoters and review the use of preventive antibiotics in animal feed; and increase research on municipal water treatment technologies that better remove pharmaceuticals and related compounds.

Given the potential for PPCPs to pose a serious risk to the environment and to human health, it is important for the Ministry of the Environment to ensure that the strategy addresses and reduces the potential impacts on Lake Simcoe of contaminants in PPCPs and EDCs. The Act and Plan should provide a framework that will allow agencies, municipalities and researchers to conduct research and monitor progress on these contaminants, and develop a strategy to respond, monitor and take action.

2. Expanding the Greenbelt to include more of the Lake Simcoe watershed

Another potential element in a Strategy to protect Lake Simcoe could be its inclusion under the *Greenbelt Act*. While some of the land adjacent to Lake Simcoe is protected as part of the Greenbelt surrounding Toronto, other areas such as in Simcoe County were not included. The likelihood of continued urban expansion in these areas will further threaten the water quality and health of Lake Simcoe by ensuring additional pressure on its waters and ecosystem. Inclusion of more areas of the Lake Simcoe watershed within the *Greenbelt Act* would ensure increased protection, offering the dual benefit of curbing leapfrog development and reducing the possibility of future pollution in the Lake.

In April 2008, CIELAP published a comparative study of five other greenbelts in Europe and North America, entitled *Ontario's Greenbelt in an International Context*, and available at <http://cielap.org/pdf/GreenbeltInternationalContext.pdf>. One of the primary recommendations in this report is that efforts be made to grow the Greenbelt in size in response to the threat of leapfrog development. As part of the Strategy to protect Lake Simcoe, the Ontario government should consider expanding the Greenbelt to include more of the lands adjacent to Lake Simcoe.

3. Increased control of PBDEs entering Lake Simcoe

In 2008, CIELAP published a paper entitled *An overview of policies for managing polybrominated diphenyl ethers (PBDEs) in the Great Lakes basin*, which can be accessed through <http://www.cielap.org/pubcentre.html>. The report notes that these flame retardants, which enter the environment through improper disposal of paint, furniture, and electronics containing the substances, are being found in increasing concentrations in the Great Lakes basin. Because they are fat soluble, they bioaccumulate in animal tissues and persist in greater concentrations as they move up the food chain. Scientific research indicates that they may be particularly hazardous to developmental and reproductive health.

The currently proposed Canadian federal regulations on PBDEs have been criticized as having little practical economic or environmental impact. No restrictions on the only class of PBDEs currently in wide use (decaBDE) have been proposed, although the Proposed Risk Management Strategy for PBDEs outlines the development of approaches to minimize decaBDE emissions, in consultation with various stakeholders. The approaches appear primarily voluntary and have not, as of yet, been implemented.

The proposed *Lake Simcoe Protection Act, 2008* would provide an excellent opportunity to move ahead on reducing the environmental presence of PDBEs. Controlling their release into Lake Simcoe could be a beneficial part of the Act's overall protection strategy. At the very least, consistent monitoring of PBDE levels in the lake would help to increase pressure on stronger regulation at the federal level.

CIELAP strongly supports this important piece of legislation, and submits that by further regulating specific pollutants and including more of Lake Simcoe watershed in the Greenbelt Plan, it will provide even more comprehensive and long-term protection for the Lake Simcoe ecosystem.

Thank you for the opportunity to provide input on this proposal. Please contact me or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely,

A handwritten signature in black ink that reads "Anne Mitchell". The signature is written in a cursive, flowing style.

Anne Mitchell
Executive Director

Cc: Hon. John Gerretsen, Minister of the Environment
Gord Miller, Environmental Commissioner of Ontario