

Hazardous Waste

Scarborough Fire a Warning: Need for Better Preparation for Environmental Emergencies
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by *Mark S. Winfield*

Sunday's spectacular fire at the U.S.E. Hickson Products Ltd. plant in Scarborough highlighted the potential dangers posed by the presence of industrial facilities containing toxic, flammable or explosive substances near residential neighbourhoods.

The Hickson plant, which made sealants and coatings, was a storehouse of highly flammable chemicals used in its manufacturing processes. These included hexane, varsol, creosote and copper naphthalene. The fire produced a range of toxic substances including toluene, xylene, styrene and benzene.

Fortunately, on Sunday afternoon the wind was coming from the north, and blew the smoke from the fire south over Lake Ontario, rather than towards the neighbouring community. It was equally good fortune that an emergency plan had been in place for the industrial area on the Scarborough shoreline where the plant was located, for nearly a decade.

Ontario residents should be able to rely on more than good luck to protect them from fires, leaks or explosions at industrial facilities. Surprisingly, despite having clear authority to deal with emergencies involving toxic chemicals, with the exception of facilities storing PCBs, the federal government has established no regulations requiring that steps be taken to prevent such events, or that there be a plan to respond if they do happen.

For its part, the province has established, through amendments to the Fire Code that came into force in August 1998, a requirement that facilities with more than 500 litres of flammable liquids on site, have an approved fire safety plan. However, contrary to statements by the Minister of the Environment, the Hon. Dan Newman, the new provincial rules do not require that this include an inventory of the chemicals on site, or that this information be made available to the public.

All of this is in sharp contrast to the situation in the United States. There, the federal government has put in place a clear set of rules regarding emergency preparedness for industrial

facilities. The right of citizens to information about the amounts, location and potential effects of hazardous chemicals in their communities has been firmly established as well.

The process began in 1986 when, in the aftermath of a disastrous leak at a pesticide plant in Bhopal, India that killed more than 2,000 people, the U.S. Congress enacted the Emergency Planning and Community Right to Know Act. Under the hazardous chemicals reporting provisions of the Act, facilities storing hazardous chemicals above specific thresholds must report the chemical type and storage amount to local and state emergency planning committees. The planning committees must make the hazardous chemical inventory information submitted by local facilities available to the public. The Act also created the Toxic Release Inventory which, like Canada's National Pollutant Release Inventory, requires that companies report on their releases of toxic chemicals into the air, water and land, and transfers of waste to disposal.

The U.S. emergency planning rules were further strengthened by amendments to the Clean Air Act adopted in 1990. These require that companies of all sizes that use any of 140 flammable or toxic substances develop risk management programs. These programs have to include details on the potential effects of an accidental chemical release; an accident history of the last five years; an evaluation of worst-case and alternative accidental releases; prevention measures; and an emergency response program should an accident occur.

Risk management plans, containing a summary of each facility's program are required to be made available to the public. By June 1999, more than 60,000 facilities had filed such plans. The plans can be accessed, along with information on the accident history individual facilities, and on the identities and amounts of the chemicals which they store and use, through the U.S. Environmental Protection Agency's website.

The U.S. experience demonstrates that it is possible to establish much stronger rules for emergency prevention and preparedness than we now have in Canada. The new Canadian Environmental Protection Act permits the federal Minister of the Environment to require emergency prevention and response plans from facilities that use or manufacture toxic substances. The province, for its part, has been asked repeatedly for stronger rules on the storage of flammable and toxic substances since the July 1997 Plastimet fire.

We can't rely on good fortune to protect us from the next disaster involving toxic chemicals. Its time for the federal and provincial governments to recognize the right of communities to know about the toxic chemicals being used in their midst, and to take every step possible to prevent another event like the one in Scarborough last Sunday. Otherwise, next time we might not be so lucky.

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