



Guide 3 Non-toxic environment



Blue Dot

Municipal Toolkit
Protecting Human Health

Blue Dot Municipal Toolkit

People in Canada take pride in this country's natural landscapes, rich ecosystems and wildlife. But Canada's Constitution doesn't mention environmental rights and responsibilities. Municipalities across the country are recognizing and supporting their residents' right to a healthy environment. By adopting the Blue Dot declaration, more than 150 municipal governments now support the right to clean air and water, safe food, a stable climate and a say in decisions that affect our health and well-being.

For some municipalities, adopting the Blue Dot declaration is a clear statement about environmental initiatives already underway. For others, it's a significant first step. Either way, after passing a declaration, many ask "What happens next?"

This toolkit provides practical ideas for next steps. Its introduction and 13 downloadable guides cover topics related to human health, green communities and a low-carbon future. Written for policy-makers, each guide shares examples of policies and projects undertaken in communities in Canada and around the world. The goal is to inform, inspire and share good ideas and great practices that will lead to healthier, more sustainable communities now and in the future.

The following guides are available:

Introduction to the Blue Dot Municipal Toolkit

Protecting Human Health

- Guide 1: Air quality
- Guide 2: Clean water
- Guide 3: Non-toxic environment
- Guide 4: Healthy food

Creating Green Communities

- Guide 5: Access to green space
- Guide 6: Protecting and restoring biodiversity
- Guide 7: Waste

Building a Low Carbon-Future

- Guide 8: Transitioning to 100% renewable energy
- Guide 9: Green buildings
- Guide 10: Sustainable transportation
- Guide 11: Green economy
- Guide 12: Climate change adaptation
- Guide 13: Ecological footprint and land-use planning

To read more about municipal actions for environmental rights, and to access all the Blue Dot toolkit guides, visit <http://bluedot.ca/municipal-toolkits/>. To read more about the Blue Dot movement and work at the local, provincial and federal levels, visit www.bluedot.ca.

Ensuring a healthy environment requires action in communities of all sizes and at all levels of government. This toolkit helps municipalities continue to take the lead.

Acknowledgments

This project is the product of a collaboration between authors Andhra Azevedo, David Richard Boyd and Alaya Boisvert. Many others also contributed. The authors particularly wish to thank Cheeying Ho, Deborah Curran, Don Lidstone, John Purkis, Michelle Molnar, Nina Winham, Pierre Sadik, Rachel Plotkin and Margot Venton for their helpful reviews and comments.



David
Suzuki
Foundation

Fondation
David
Suzuki

Protecting Human Health

Guide 3: Non-toxic environment

Municipalities can protect residents from exposure to toxic doses of chemicals. Potentially harmful exposure to chemicals can occur in both rural and urban environments from cleaning products, pesticides, and industrial and commercial production and use.

Canadian examples of good practices

- a. **Toronto: ChemTRAC program and Environmental Reporting and Disclosure Bylaw**
 - i. **Background:** The city pioneered the first community right-to-know law in Canada, creating a precedent for other municipalities.
 - ii. **Initiative:** Toronto's ChemTRAC program requires local businesses to report releases of 25 priority chemicals at thresholds far lower than the National Pollutant Release Inventory through the city's Environmental Reporting and Disclosure Bylaw. The program allows the city to map and identify toxic hotspots, see industry contributions to releases, and rank chemical releases based on their toxic equivalent potential through annual reports.¹ ChemTRAC assists businesses in reducing emissions and preventing pollution through a grant program. Grants have been given to business improvement associations, non-profits and community groups for projects including the development of local action plans and training enterprises to choose safer alternatives.² Penalties for offenses are \$5,000 for first offence, \$25,000 for a second offence and \$100,000 for a third offence.³
- b. **Pesticide use bylaws:** Cosmetic pesticide bans were pioneered by the town of Hudson, Quebec to protect residents from unnecessary exposure. Now several provinces prohibit these pesticides, including Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island, Alberta and Manitoba. These laws vary in strength. Nova Scotia and Ontario bans are the most rigorous⁴. Outside of those provinces, municipalities can choose to adopt cosmetic ban bylaws to provide or supplement protection to residents from exposure to cosmetic pesticides, although some provinces, such as British Columbia, may limit municipal jurisdiction on such bans.⁵ Peterborough's is an example of a municipal gold standard for pesticide bylaws (repealed once the Ontario ban was in force), which banned all pesticides with few exemptions.⁶

1 Toronto Public Health, Tracking and Reducing Chemicals in Toronto.

2 City of Toronto, "ChemTRAC Toxics Reduction Grant Recipients," 2015, <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=32859e4266228410VgnVCM10000071d60f89RCRD&vgnextchannel=2b4fb77320991410VgnVCM10000071d60f89RCRD>. City of Toronto, Toronto Municipal Code, Chapter 423 Environmental Reporting and Disclosure, 2011, http://www.toronto.ca/legdocs/municode/1184_423.pdf.

3 David Suzuki Foundation and Equiterre, Pesticide Free? Oui!, 2011, <http://www.davidsuzuki.org/publications/reports/2011/pesticide-free-oui-2011/>.

4 Environmental Law Centre, UVic Faculty of Law, and Deborah Curran & Company, Green Bylaws Toolkit, 2007, <http://www.elc.uvic.ca/publications/green-bylaws-toolkit/>.

5 City of Peterborough, By-Law to Regulate the Use of Pesticides within the City of Peterborough, 2005, <http://www.peterborough.ca/Assets/City+Assets/By-Laws/2005/05-077+Pesticide+by-law+-+amended+by+06-056.pdf>.

6 City of Toronto, "ChemTRAC Toxics Reduction Grant Recipients," 2015, <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=32859e4266228410VgnVCM10000071d60f89RCRD&vgnextchannel=2b4fb77320991410VgnVCM10000071d60f89RCRD>.



International examples of good practices

c. New York City: Community Right-to-Know Program

- i. Initiatives:** All facilities must complete a facility inventory form for each hazardous substance present above thresholds established by the commissioner and pay fees based on the amount and type of hazardous substances present. Facilities with extremely hazardous substances must also submit risk management plans; since enactment of the law, many facilities have reduced use of EHS. Data for this program is available online and in summary annual reports. The city holds the right to inspect facilities and give out first offence fines of \$250 to \$2,500 and second offence fines of \$1,700 to \$5,000.⁷ The city also enacted a Spill Bill, recognizing it needs to be able to respond to hazardous material spills. The commissioner can use this bill to order remediation actions and issue a violation if not acted upon.⁸
 - ii. Results:** Between 2010 and 2014, the city conducted 8,500 inspections and found 440 violations in 2014.⁹
- d. Ordinances have been passed by dozens of American municipalities, from Pittsburgh to Santa Monica, to recognize their citizens' right to live in a healthy environment, protect the rights of nature, and often to prohibit specific industrial activities particularly hazardous to human health and/or the environment. For example, Pittsburgh passed an ordinance banning commercial extraction of natural gas within the city to protect rights to water, self-government and the rights of natural communities.¹⁰
- e. Detroit's Lead Poisoning Prevention Law requires all rental unit owners to register their properties annually within 90 days of sale. All pre-1978 rental units are required to provide a lead clearance report. A clearance report requires both a lead inspection and a lead risk assessment. Rental units built after 1978 require only a risk assessment. To reduce tenants' exposure, annual inspections are required where lead paint interim controls are used, with inspections every three years if lead paint hazards have abated. Once owners have removed lead paint, no further clearance reports are required.¹¹
- f. Diesel fuel is a known carcinogen that can be abated through emission rules for road and non-road diesel engines. See Blue Dot municipal toolkit guide 1, air quality for practices used to reduce diesel and soot emissions.

7 City of New York, New York City Community Right-to-Know Law and Regulations, 1993, <http://www.nyc.gov/html/dep/pdf/tier2/regs.pdf>.

8 New York City Environmental Protection, Spill Bill Law and Regulations, 1988, <http://www.nyc.gov/html/dep/html/businesses/tier2.shtml>.

9 City of New York, New York City Community Right-to-Know Law and Regulations.

10 Community Environmental Legal Defense Fund, "Ordinances."

11 Katrina S. Korfmacher and Michael L. Hanley, "Are Local Laws the Key to Ending Childhood Lead Poisoning?," *J. Health. Polit. Policy Law* 38, no. 4 (2013): 757-813, doi: <http://dx.doi.org/10.1215%2F03616878-2208603>.



Good Practices Documents and Links

- o **Pesticide Free? Oui!** — David Suzuki Foundation report providing recommended best practices for strong cosmetic pesticide bans.
- o **Community Environmental Legal Defence Fund Ordinances** — Examples of municipal environmental rights protection in the United States.



Advisory services

The **Natural Step Canada (TNSC)** is a national charity whose mission is to tackle climate change and accelerate the transition to a truly sustainable society that thrives within nature's limits. Its academy, advisory services and Sustainability Transition Labs use best-in-class science, systems thinking and facilitation to help individuals and organizations collaborate, solve complex problems, foster innovation, optimize performance and drive systems change.

TNS Canada offers a **Service Cycle for Sustainable Communities** to help municipal governments plan for long-term sustainability and resiliency, embed sustainability into their culture and operations, and engage community stakeholders in their sustainability plans.

To learn more go to: <http://naturalstep.ca/>

The **Whistler Centre for Sustainability (WCS)** is a non-profit organization with the mission to "inspire and facilitate effective planning and meaningful conversations for a better world." WCS provides innovative community engagement, planning and implementation services to local governments across Canada, drawing on its expertise and experience in more than 40 communities. The Centre's work is rooted in future-focused social, environmental and economic values, so that final deliverables embed sustainability throughout.

To learn more go to: <http://whistlercentre.ca>