

Rec'd - DCU - DOE

JAN 8 2002

The Honourable David Anderson, P.C., M.P.  
Ottawa, Ontario  
K1A 0H3

Reçu UCM MDE

December 27, 2001

Dear Minister Anderson,

We formally serve a notice of objection to the proposed *Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999*, (CEPA) with respect to salt.

**Does not fall under CEPA jurisdiction as per intent of CEPA**

Roads are, if one pushes the interpretation of CEPA to an absurd extreme, CEPA toxic. Road construction includes the introduction in the environment of substances (gravel, pavement) that:

“is entering or may enter the environment in a quantity or concentration or under conditions that

- (a) have or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- (b) constitute or may constitute a danger to the environment on which life depends;”

The strip of land that is itself a covered over to become a road is indeed a highly disturbed, perhaps destroyed habitat. However, it is not the intent of CEPA to include under its jurisdiction such contained effects of urbanization. The road, the ditch and the narrow strip of land affected by road salt are all confined areas that do not reflect an effect on the overall environment or ecosystem. Like the materials that make up the road, road salts applied to that narrow strip of land should not be considered CEPA toxic. They are encompassed in the road's disturbed habitat.

**Assessment Already covered under the *Canadian Environmental Assessment Act***

Sensitive areas may be affected by road salts. Those elements are covered under the CEAA. Prior to the construction of major projects, like roads, the CEAA has provisions for requiring an assessment of effects including those on sensitive areas.

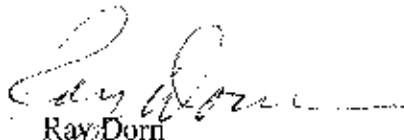
**Contrary to Canada's Regulatory Framework**

A. This legislation encroaches on provincial authority to protect its own natural resources. Decision of application of salts should be make at the provincial and municipal level.

Environment Canada officials that administer CEPA may provide valuable advice to provinces, but they lack the expertise to weigh factors like potential for damage to property, to human life and to persons in the form of long-term disabilities of car accident survivors. This is evident in the RIAS. In that document, officials reported that more salt is used in Ontario and Quebec than in other provinces. The RIAS fails to take into account the greater population and urbanization of Ontario and Quebec, and climate factors as part of the explanation for the regional trends. This clearly indicates a lack of expertise, or as a less attractive alternative, a bias on the part of the writers.

B. This legislation represents a duplication of legislative oversight. Road construction and its impact to the environment, is subject to evaluation under the *Canadian Environmental Assessment Act*. This represent yet another costly legislative burden to taxpayers.

Respectfully yours,



Ray Dorn  
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