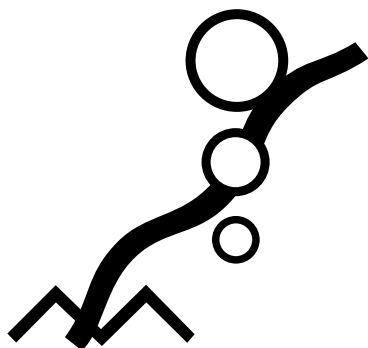




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# **Modifying the National Pollutant Release Inventory**

**A Guide to the Procedures to  
Follow When Submitting Proposals  
and  
A Description of the Stakeholder  
Consultation Process**

*Canadian Environmental Protection Act, 1999*

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## 1 — Introduction

A permanent process for modifying the National Pollutant Release Inventory (NPRI) was developed through consultations with Canadian stakeholders and, in particular, with the assistance of members of the Multistakeholder Ad Hoc Work Group on Substances, established in 1998. This document applies in respect of the administration of the NPRI under the *Canadian Environmental Protection Act, 1999 (CEPA, 1999)*.

This document presents:

- Guidance on how to submit requests to Environment Canada's NPRI office for changes to the NPRI program;
- A summary of the issues that are considered when assessing candidate additions and deletions to the NPRI list of substances, including specific decision factors; and
- A description of the consultative approach that will be used by Environment Canada when considering changes to the NPRI.

The decision factors, considerations and consultative approach described in this document meet the requirements of the Information Gathering Guidelines outlined in section 47 of the *CEPA, 1999*. The consultative approach also continues the tradition of collaboration that has been integral to the successful development and ongoing evolution of the NPRI.

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## 2 — Nominations by Stakeholders

The following conditions apply to proposals by stakeholders for additions, deletions, and other types of proposals for change to the NPRI:

- Any party (person, government or organization) in Canada may submit proposals to Environment Canada for changes to the NPRI program;
- Nominations for addition or deletion of substances must be accompanied by a rationale in relation to the decision factors presented in this document. Other information to be provided to the NPRI office when submitting proposals for change to the program are outlined in the Appendix to this document;
- The NPRI will provide, within reasonable time, acknowledgement of receipt of the proposal(s) to the proposing party; and
- Environment Canada will publish, early each year, a list of all proposals received, with an indication of how it intends to proceed:
  - Rejection of the nomination or recommendation;
  - Referral of the nomination or recommendation to the stakeholder consultation process; or
  - Deferral of a decision on how to proceed, pending additional information or resources.

**Important Note:**

Environment Canada intends to formally notify stakeholders of the list of issues early each year. Proposals for change should, therefore, be submitted no later than December 15 of the preceding year. While proposals for change received after this date may be put forward for consultation after the list is published, it is more likely that a decision on whether and how to forward it for consultation would be deferred to the following year. The urgency and complexity of an issue will be factors in determining the timeline for its consideration. With respect to candidate additions to the NPRI list of substances, priority will be given to *CEPA*-toxic substances.

When making proposals for addition or deletion of substances to the NPRI list of substances, a rationale should be provided against each of the Decision Factors presented in this document. If individuals or organizations cannot provide rationales against these factors, a proposal can still be submitted to Environment Canada, recognizing that the lack of background information may affect the ability of Environment Canada to move the proposal forward to stakeholder consultation.

The Decision Factors generally reflect the consensus recommendations of the members of the NPRI Ad Hoc Work Group on Substances (1998-2000). Additional information substantiating the Decision Factors, information on areas where consensus was not reached, and Environment Canada's response to the Work Group recommendations are contained in the document entitled "Environment Canada Response to the Fifth Report and Final Recommendations of the NPRI Multistakeholder Ad Hoc Work Group on Substances". It is available from the NPRI office or from the NPRI Web site <[www.ec.gc.ca/pdb/npri](http://www.ec.gc.ca/pdb/npri)>.

### **3.1 Decision Factors<sup>1</sup> (Evaluation of Proposed Changes to the NPRI List of Substances)**

#### **1. Does the substance meet NPRI criteria, that is:**

- i) *Is the substance manufactured, processed or otherwise used (M,P,O)<sup>2</sup> in Canada?*
- ii) *Is the substance of health and/or environmental concern?*
- iii) *Is the substance released to the Canadian environment?*
- iv) *Is the substance present in the Canadian environment?*

The first two criteria are intended to be absolute, in the sense that a substance must be M,P,O in Canada, and of health and/or environmental concern, to be added to the NPRI. Similarly, if these criteria are not satisfied for a substance currently in the NPRI, it should be deleted.

The third and fourth criteria indicate that there should be reasonable expectation that a substance is being or may be released into the Canadian environment for it to be added to or retained in the NPRI. In general, however, unless there is evidence or analysis to the contrary, it can reasonably be assumed that a substance that is M,P,O in Canada is likely to be released and, therefore, present in the Canadian environment.

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1 These Decision Factors are applicable to candidate substances at both the 10-tonne and alternate thresholds.

2 M,P,O of the substance includes the M,P,O of the substance as a by-product. A by-product is an NPRI substance that is incidentally manufactured, processed or otherwise used at a facility at a concentration of less than 1% by weight, and is released on site to the environment or transferred off site for disposal.



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*Proposals should include a rationale against each Decision Factor.*

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## **2. Do facilities contribute significant releases of the substance?**

There are various ways in which ‘significant’ can be characterized. The concept relates not only to the proportionate quantity of a substance released by facilities reporting to the NPRI, but also to the potential for health or environmental impacts. In other words, even if facilities do not account for a major proportion of total releases, facility releases may nonetheless be significant depending on such factors as location, timing, concentration, and the hazard associated with the substance.

## **3. Does inclusion of the substance support one or more of the objectives of the NPRI?**

The objectives of the NPRI are to:

- Identify priorities for action;
- Encourage voluntary action to reduce releases;
- Allow tracking of progress in reducing releases;
- Improve public understanding; and
- Support targeted regulatory initiatives.

## **4. Is the substance reported elsewhere? If it is, is there additional value in reporting to the NPRI?**

If a substance is reported elsewhere, the value of adding it to or deleting it from the NPRI list of substances would be considered if:

- The information on the substance is as readily available to the public as it would be through the NPRI;
- The information is available at the facility level;
- The information is comparable in terms of quality and comprehensiveness as that required by the NPRI; and
- The type of data is comparable (e.g., absolute quantities versus concentration).

If a substance that is reported elsewhere is to be included or retained on the NPRI list, efforts will be made to the greatest extent possible to consolidate reporting under the NPRI (assuming potential compatibility of data requirements)<sup>3</sup>.

## **5. Is the substance already in the NPRI in some form? If it is, is there additional value in including it in another form?**

When considering adding a substance in another form (e.g., ‘tetraethyl lead’ as a separate listing from ‘lead and its compounds’), the potential for double-counting will be avoided. For example, a compound will not be both listed as an individual substance and included as part of an aggregate category. To the extent possible, substances will be listed with their Chemical Abstracts Registry (CAS) numbers.

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<sup>3</sup> In sum, the NPRI is recognized as a key national emissions database; and where a substance falls within the NPRI’s mandate, efforts will be devoted to ensuring a single-window approach through the NPRI.

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## 3.2 Additional Considerations (Results of the Evaluation of Proposed Changes)

### 1. Addition to the NPRI

If application of the preceding Decision Factors indicates that a candidate substance should be *added* to the NPRI, the value of the information versus the cost of obtaining it and making it available through the NPRI will be taken into account. Efforts will be made to implement reasonable measures to reduce burdens (and costs) without compromising the integrity of the NPRI. (This same consideration will apply to any modification proposed for the NPRI program, including changes to the reporting requirements or format.)

### 2. Deletion from the NPRI

If application of the preceding Decision Factors indicates that a substance currently in the NPRI should be *deleted*, the following additional factors will be taken into account:

- Industrial uses of the substance;
- Potential that the substance, even if not currently used, will be used in the future;
- Possibility that the substance, if consistently unreported, warrants an alternate threshold or revisions to current exemptions;
- The benefits to be gained by deleting the substance (e.g., availability of additional resources to more effectively track substances of greater concern); and
- Other means available to track releases of the substance.

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### 3.3 Categories and Criteria for Candidates for Alternate Thresholds<sup>4</sup>

Candidates for consideration at alternate thresholds (ATHs) may be drawn from two categories:

- Category 1: Persistent, bio-accumulative and inherently-toxic (PBiT)<sup>5</sup> substances; or
- Category 2: Other substances of special environmental or health concern that are not captured at current reporting thresholds<sup>6</sup>.

Obligations arising from domestic/international agreements are an important driver in identifying ATH candidates (and in subsequently determining appropriate thresholds).

The following criteria will be applied to assess whether ATHs are appropriate for candidate substances drawn from the above categories:

- Science-based justification for an ATH;
- Costs and benefits of the NPRI listing at an ATH, to the community, reporters and program administrators;
- The capability of reporting facilities to provide the required information for an ATH (e.g., existence of estimation methods or monitoring data); and
- The significance of the releases from reporting facilities.

Capability refers to the state of knowledge about the source in question. Facilities are required to report information that is in their possession or to which they may be reasonably expected to have access. Capability is not static; it can be improved through testing and guidance.

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4 The NPRI office is currently developing a proposed, limited set of alternate thresholds, and these will be a subject for stakeholder consultations in the future. In the interim, as with the ATHs established for substances added for the 2000 reporting year, the NPRI will use multistakeholder consultations to identify the most appropriate ATHs.

5 Inherent toxicity refers to the hazard a substance presents to the environment or human health, that can be represented by the toxic effect caused by a substance, that is, the toxicity found in a study, or predicted due solely to the test substance (i.e., the effect that has not been masked or mitigated by some factor or parameter).

6 Category 1 is intentionally limited to P and B and iT substances to promote speedy consideration of ATHs for a relatively easily-defined set of candidates. Category 2 includes but is not limited to substances that are persistent or bio-accumulative and inherently toxic. It is important to acknowledge that such substances can be as significant a concern as Category 1 substances once exposure is taken into account and, therefore, no priority is implied by the labelling "Category 1" and "Category 2". Environment Canada is developing a framework document to define criteria to be applied to Category 1 and 2 substances. The document will be referred to multistakeholder consultation in 2001.

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When you have decided to submit a proposal for modification to the NPRI, you should:

- Review the above information requirements;
- Develop the appropriate justifications for your proposal (as noted above, justification for a proposed addition or deletion to the NPRI list of substances should address the Decision Factors); and
- Forward your proposal to the NPRI office using the format described in the Appendix.

An acknowledgement of receipt of your proposal will be provided within a reasonable time frame. Other correspondence will follow that will indicate to you if and when Environment Canada will proceed with your proposal. If you have questions, contact the NPRI office:

National Pollutant Release Inventory  
Environment Canada  
9<sup>th</sup> Floor, Place Vincent Massey  
351 St. Joseph Blvd.  
Hull, QC  
K1A 0H3

Attention: Co-ordinator of Proposals for Modifications (NPRI)  
Consultations and Outreach

Tel: (819) 953-1656  
Fax: (819) 994-3266  
E-mail: [nprimodif@ec.gc.ca](mailto:nprimodif@ec.gc.ca)

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## **4 — Steps for Submitting a Proposal to Modify the NPRI**

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## 5 — The Stakeholder Consultation Process

Once Environment Canada receives a proposal for change to the NPRI, it will be considered for referral to multistakeholder consultations. The consultative steps<sup>7</sup> are outlined below. Reasonable time will be allowed for review and input by stakeholders prior to final Environment Canada decisions on modifications to the NPRI, and, where required, the publication of a notice in the *Canada Gazette*.

### Step 1

Environment Canada will identify proposed changes to the NPRI. These will include not only proposals put forward by Environment Canada, but also those proposals received from stakeholders that Environment Canada determines should proceed to consultation. (Public notification will be provided on proposals that will not proceed to consultation, as well as reasons for deferral or rejection.)

- Candidates for addition or deletion to the NPRI list of substances will be drawn from existing lists of substances of health and/or environmental concern that are generated using criteria compatible with the NPRI. Examples of such lists include the Priority Substances List, and the list of substances in the United States' Toxics Release Inventory.
- Substances that are identified for assessment under the *CEPA, 1999* are automatic candidates for addition to the NPRI list of substances. Substances declared toxic under the *CEPA, 1999* in particular will be given high priority in NPRI consultations.
- Candidate additions and deletions will be screened for other considerations (i.e., more than health and/or environmental concerns) before being put forward for consultation. This will involve a check of uses in Canada based on the Domestic Substances List (DSL), and any additional information needed to ensure a reasonable basis for stakeholder review and, in particular, information relevant to the Decision Factors listed in this document.

### Step 2

Environment Canada will notify Canadian stakeholders of changes that are being proposed, and will recommend the type of consultative approach to be used.

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<sup>7</sup> This process does not limit Environment Canada's authority and responsibility to make timely and appropriate decisions regarding the administration of the NPRI program.

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### Step 3

Environment Canada will establish a consultation process based on the following options:

- For multiple, complex or controversial candidate substances, or other types of changes, a multistakeholder working group (MSWG) will be established to develop recommendations.

MSWG members will have technical and policy expertise. They may include representatives of industry, environmental organizations, Aboriginal organizations, other federal departments, other Environment Canada programs, and provincial/territorial/Aboriginal and municipal governments.

- Where only one or two additions or deletions, or minor changes are being proposed, a paper-based consultation with stakeholders, versus the establishment of an MSWG, may be used.
- Other consultation mechanisms, such as workshops, might be warranted in addition to an MSWG or paper-based consultation. As in the past, workshops may also be held from time-to-time to address broad directional issues and help set priorities for program development.

### Step 4

Preliminary recommendations arising from the consultations will be published for review and comment, and directly circulated to an established list of stakeholders. The list will cover all major categories of stakeholder, and every effort will be made to ensure that the list includes representatives of sectors that currently report to the NPRI, or that might become reporting sectors as a result of proposals being put forward. Any party in Canada can request to be added to the NPRI stakeholder list by contacting Environment Canada's NPRI office.

### Step 5

Stakeholder feedback on preliminary recommendations will be considered prior to finalizing recommendations. Where an MSWG has been established, it will have the opportunity to review the broader stakeholder input, and consider revisions to its preliminary recommendations.

### Step 6

Environment Canada will review recommendations arising from the consultation process and publish a formal response.

### Step 7

Environment Canada will publish revised NPRI reporting requirements, where applicable, in the *Canada Gazette*, Part I. A reasonable period will be allotted for persons to fulfil reporting requirements following the *Canada Gazette* notice.

*Preliminary  
recommendations  
arising from the  
consultations will  
be published for  
review and comment.*

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## **6 — Concluding Note**

This document provides guidance on how to prepare and submit a proposal for change to the NPRI, and information on what happens to a proposal once submitted. If you have questions about the requirements for submitting proposals, or the consultation process, or if you would like your name or the name of your organization/department/ministry added to the NPRI stakeholder list, please contact the NPRI office.

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# Summary of Information Requirements for Proposals to Modify the National Pollutant Release Inventory (NPRI)

## 1. Who Can Submit a Proposal

Any party in Canada may submit a proposal for modifications to the NPRI.

Anyone submitting a proposal for change to Environment Canada will receive an acknowledgement. Follow-up will also be made directly with the proponent on the status of the proposal.

## 2. When the Proposal Should be Submitted

A proposal may be submitted at any time during a calendar year. However, if a proposal is intended for referral to consultation in the next calendar year, it should be submitted no later than December 15. Proposals received after that time may also be considered for consultation. Priority will be given to *CEPA*-toxic substances.

Notwithstanding the fact that a proposal is received no later than December 15, depending on the complexity of the issue and other priorities of the NPRI program, it may be deferred for consideration for future year(s). The proponent and stakeholders will be advised of the status of the proposal.

## 3. What Information Should be Provided

It should be noted that the more complete is the information provided, the more quickly a proposal can be considered by Environment Canada.

The following information should be included:

- Name, address and co-ordinates of the individual who will act as contact for future correspondence on the proposal
- Type of modification requested:
  - Addition of substance;
  - Deletion of substance;
  - Other type of modification to the program;
  - Change in reporting thresholds;
  - Change in general reporting requirements; and/or
  - Other (must be specified).
- Background on the substance to be added or deleted:
  - CAS #, if applicable;
  - Specific substance information (uses); and
  - Proposed reporting thresholds for additions (provide justifications).



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- Information and rationale:

Proponents should address each Decision Factor, consideration and additional Information of candidate substances for alternate thresholds. These information requirements are outlined in the document entitled “Modifying the National Pollutant Release Inventory”.

The amount and quality of the information provided under these factors and considerations will assist Environment Canada in establishing priorities for addressing proposals.

#### **4. Proposed Timing for the Change (proposed year for implementation)**

#### **5. Information on Industry Sectors that will be Affected by the Change**

- Industry sectors to be affected by the change;
- Number of reporting facilities expected to be affected; and
- Proposals for specific industry exemptions or targets (except in the case of Strategic Options Processes, a reporting requirement may be intended for a specific industry sector).

#### **6. Proposals should be forwarded to**

National Pollutant Release Inventory  
Environment Canada  
9th Floor, Place Vincent Massey  
351 St. Joseph Blvd.  
Hull, QC  
K1A 0H3

Attention: Co-ordinator of Proposals for Modifications (NPRI)  
Consultations and Outreach

Tel: (819) 953-1656

Fax: (819) 994-3266

E-mail: [nprimodif@ec.gc.ca](mailto:nprimodif@ec.gc.ca)