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The Mining Association of Canada  
L'Association minière du Canada

May 10, 2004

Dear Mr. Kennedy,

Thank you for the opportunity to comment on the draft Report *Taking Stock: A Special Report on Toxic Chemicals and Children's Health in North America*, extended in your letter of April 13, 2004.

First, let me commend the Commission for undertaking important research regarding toxic chemicals and children's health. We have no doubt as to the dedication of the many individuals from the scientific and medical communities involved in this report who have contributed their knowledge and expertise to advance our collective understanding of the risks to children's health from toxic chemicals. The Mining Association of Canada is also committed to the safe use of minerals and metals and to minimizing the impact that the production and use of minerals and metals has on human health. This is especially critical when it comes to our children.

It is in the interest of contributing to the development of a thorough understanding of the impacts on children's health from minerals and metals that we submit the following comments.

The Mining Association of Canada had previously submitted comments to the Commission on some key aspects of the *Taking Stock* reports, directly and through the Canadian Council on International Business. Our concerns have related mainly to the reports' aggregation of release and transfer data, and their focus on relative ranking of facilities and jurisdictions. These concerns remain, but the draft Report raises more serious questions that go beyond methodology.

We have serious misgivings about the appropriateness of the Commission's apparent endorsement and incorporation of a list developed by one stakeholder group, and the use of such a list as the defining foundation for the Report. It is our belief that the Commission, as a public and independent body, should base its work and published reports on authoritative scientific source information rather than convenient lists. For the Commission to endorse the work of one stakeholder conveys not only an unacceptable bias, but, more importantly, will circumscribe our examination and understanding of the critical issues under review.

The draft Report suggests that the decision to use the Environmental Defense lists was made because generally recognized lists do not exist. We would suggest that there were several more appropriate avenues that the Commission should have considered. One would have been to fund further analysis by an outside party, with the results published by that outside party as a report of that party, not the Commission. Another option would have been to recommend greater urgency in the development of recognized source information or increased research.

We support greater use of peer reviews. However, it is doubtful that a peer review initiated by the Commission could, in any reasonable time, develop recognized source information on developmental toxicants and neurotoxicants. There are national and international bodies that

already exist and appear to be more appropriate vehicles for creating such information than the Commissions.

The effect of the use of the Environmental Defense lists is central to the main highlights of the Report. The substances identified in the draft Report as “known or suspected developmental toxicants released or transferred in the five largest quantities” and “five chemicals suspected to be neurotoxicants released or transferred in the largest quantities” receive undue focus. Two of them (copper and zinc) are essential elements, necessary to healthy development. Their prominence in the draft Report raises questions about its methodology and its other conclusions. Such misleading and unsubstantiated conclusions may well harm children’s health directly by misinforming the public, and indirectly by diverting attention from much more serious risks.

In sum, we recommend that the draft Report be revised so that:

- Only recognized scientific source information is used;
- Where gaps in information are identified, the Report confine itself to highlighting the importance (and possibly challenges and approaches) of filling those gaps;
- Careful attention be paid to speciation, so that the characteristics of a particular compound are not assumed unjustifiably to apply to an element and all its compounds;

In addition, we recommend that

- the Commission review its overall methodology, particularly the aggregation of releases and transfers;
- the Commission continue to explore the role of the *Taking Stock* Report, and PRTRs, in assessing exposure and the state of the environment;
- The Commission develop a policy to guide its role of promoting a healthier North American environment while maintaining its credibility.

Again, thank you for the opportunity to comment, and I look forward to continuing dialogue with the Commission.

Sincerely yours,



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