



North American Metals Council

June 15, 2004

Mr. William V. Kennedy
Executive Director
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, bureau 200
Montréal (Québec)
Canada, H2Y 1N9

Re: Comments on Draft Report *Taking Stock : A Special Report on Toxic Chemicals and Children's Health in North America*

Dear Mr. Kennedy:

The North American Metals Council ("NAMC") appreciates the opportunity provided in your April 13, 2004, notice to submit comments on the Draft Report *Taking Stock: A Special Report on Toxic Chemicals and Children's Health in North America*. NAMC is an unincorporated group of metals producers and users that focuses on science and policy-based issues that affect metals in a generic way. Its members include representatives of a broad cross-section of metals referenced in the Draft Report, such as aluminum, cadmium, copper, nickel, lead, zinc, and others.

NAMC is concerned that the draft report as currently written rests on a foundation that is so scientifically flawed it cannot achieve the overriding goal of the CEC's Cooperative Agenda for Children's Health and the Environment in North America: "to serve as the blueprint for trilateral action to advance the protection of North American children from environmental risks to health." (Draft Report at 3.) The draft's reliance on (1) health effects conclusions based principally on the Environmental Defense "Scorecard" and (2) pollutant release and transfer register ("PRTR") reports creates a result that is so far from its intended mark -- particularly with respect to metals -- that it is more likely to mislead than serve as any kind of reliable blueprint for action that will advance the protection of North American children.

Comments have been filed by several metals sector industries detailing many examples of the faulty methodology, inaccuracies, and unsupported conclusions associated with the Environmental Defense Scorecard's health effects statements relating to metals, and additional errors in the draft report in interpreting or reporting Scorecard information. Among these comments are submissions from the Aluminium Association of Canada, American Zinc Association, Copper Development Association, International Cadmium Association, Mining Association of Canada, Nickel Institute and International Nickel, Inc., and The Aluminum Association. As these comments illustrate, the CEC's reliance on the Scorecard database is unjustified and inconsistent with established

scientific principles.

Similarly, as those comments point out, the use of aggregate release and transfer data from the PRTR reports as the basis for ranking chemicals and facilities in terms of presumed risks to children is highly misleading. Among other problems, these aggregate release and transfer data include transfers for recycling (which often represent the bulk of the release and transfer volume for a metal), management in highly regulated disposal facilities, and other nondispersive activities that have no realistic connection to exposure pathways for children. Most of the reported releases and transfers of metals and metal compounds are present in insoluble or sparingly soluble forms, and they are either reprocessed for metal recovery or managed to ensure long term physical and chemical stability and to minimize releases to air or water. Reported quantities are in no way indicative of actual effects on the air children breathe, the water they drink, or the food they eat; in short, PRTR data cannot serve as a meaningful proxy for exposure. Moreover, the volumetric rankings for metals are artificially inflated because the draft report fails to differentiate data for the elemental metal from data for various compounds -- even though different species of a metal may have very different chemical, physical, and toxicological properties. Thus, the draft report's use of PRTR data to rank chemicals in terms of potential environmental risks to children results in a very misleading picture.

In combination, the draft report's central reliance on the Scorecard database for developmental and neurotoxicant classifications and its simplistic ranking system based on the total volume of releases and transfers of a metal and its compounds have inappropriately propelled several metals -- including those that are essential elements necessary to children's health -- to the top of what will undoubtedly be perceived as "worst offender" lists. As a result, the report not only propounds inaccurate information, but, even worse, falsely alarms parents who may, for example, avoid giving their children zinc supplements needed for their health. *See, e.g.*, Comments of Barbara Levine, Ph.D., R.D., filed May 10, 2004, in this proceeding.

We welcome the Secretariat's stated intention to conduct a science review of the draft report, but emphasize that a fundamental rethinking of its data sources and analytical approaches is needed to ensure that it will further the CEC's intended goal of protecting North American children from genuine environmental risks to health. If truly relevant and reliable data cannot be compiled at this time, it would be better to highlight the importance of developing needed information than to use inadequate and misleading information that could do more harm than good.

Respectfully submitted,

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