

UPDATE ON ONTARIO'S AIR QUALITY

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Coincident with the awful air quality experienced by Southern Ontario during the summer, the Ministry of Environment released its report on the effects of trans-boundary air pollution. The report (*Transboundary Air Pollution in Ontario*, http://www.ene.gov.on.ca/envision/techdocs/5158e_index.htm) confirmed what has been confirmed previously, that the sources of much of the province's frequent poor air quality are in the U.S. Unlike previous Ministry studies, however, it went on to measure the human health and economic costs. The results are startling. The report found that health damages comprise approximately 70% of the total economic damages or about \$6.6 billion per year, of which \$3.7 billion is attributed to U.S. emissions and \$2.9 billion to provincial air pollution. The great majority of the economic loss is associated with health damages or attributable to premature mortality. The report went on to state "a predicted 4,881 premature deaths, 56% or 2,751 are associated with U.S. emissions, and more specifically with particulate matter."

In an attempt to heighten awareness, the Sierra Legal Defence Fund and other environmental organizations filed a petition with U.S. EPA Administrator Stephen Johnson to seek emission reductions of contaminants from over 200 coal-fired electricity generating plants in the American mid-west. If Mr. Johnson accepts the information contained in the petition to the effect that the plants are causing air pollution impacts outside of the U.S., he must give formal notification to the Governors of the states in which the emissions originate, failing which he can be sued under the provisions of the U.S. *Clean Air Act*. If the petition is accepted by the EPA, it effectively causes a review in each state of remedial options. If public hearings are held to study options, the Clean Air Act requires that Canada be invited to appear.

This isn't the first time that Canadians have utilized Section 115 of the *Clean Air Act* in an attempt to remedy U.S. based air pollution. In 1987, for example, the Ministry brought a suit under Michigan's *Environmental Protection Act* in an attempt to force the installation of better pollution control technology in Detroit's garbage incinerator. This suit and others like it never proceeded on their merits because of standing and/or jurisdictional issues.