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February 14, 2005

Mr. Murray Clamen
Secretary, Canadian Section
International Joint Commission
234 Laurier Avenue West, 22nd Floor
Ottawa, Ontario K9P 6K6
commission@ottawa.ijc.org

Dear Mr. Clamen:

Re: Air Quality Committee 2004 Progress Report – **Canada-US States Air Quality Agreement**

I am writing on behalf of Clean Air Hamilton, a multi-stakeholder group that includes representatives from industry, three levels of government, and the academic and environmental communities in the City of Hamilton, to provide comments on the 2004 Progress Report prepared by the Canada-United States Air Quality Committee.

Air pollution represents a significant public health concern in the City of Hamilton. An update of our 1997 air quality-health study was conducted for Clean Air Hamilton by researchers in the McMaster Institute of Environment and Health in 2002 using the most up-to-date scientific literature. This study estimated conservatively that five key air pollutants contribute to about 100 premature deaths, 140 respiratory hospital admissions, and 480 cardiovascular hospital admissions in Hamilton each year. This study identified ground-level ozone, nitrogen dioxide (NO_2) and inhalable particulate matter (PM_{10}) as the air pollutants that constituted about three-quarters of the health effects impacts in our City (Jerrett, 2003).

We have observed a substantial reduction in ambient air levels of sulphur dioxide (SO_2), total reduced sulphur, benzene and benzo[a]pyrene in our City over the last five years as a result of actions taken in the industrial, electrical and transportation sectors in Canada. Over the past ten years however, we have seen no evidence of reductions in ambient air levels of PM_{10} or NO_2. Ambient concentrations of ground-level ozone give us the greatest cause for concern because they have actually increased over that same period and continue to drive smog alerts in southern Ontario during the summer months (Clean Air Hamilton, 2003-2004).

In order to realize substantial reductions in ambient air levels of PM_{10} (and respirable particulate matter) and ozone in our city, we believe that significant reductions in emissions of precursors will be needed from U.S. sources that are upwind of Hamilton. A source attribution study conducted by our group in 1997 estimated that long-range

transport was responsible for about 70% of the ambient PM_{10} detected in the residential areas of Hamilton and for about 40% of the PM_{10} measured in the industrialized north end of the City (HAQI, 1997). In addition, ozone modeling performed for the Canada-U.S. Air Quality Committee suggests that U.S. sources are responsible for a significant percentage of the nitrogen oxides (NO_x) and ground-level ozone measured in the ambient air in southern Ontario (Wegman, 1999).

The new Canada-U.S. Air Quality Committee report indicates that southern Ontario falls into the region of Canada that experiences the highest ambient levels of ground-level ozone and respirable particulate matter ($PM_{2.5}$); coal-fired power plants in the United States are responsible for 67% of that nation's SO_2 emissions and 22% of its NO_x emissions; and many of the heaviest SO_2 and NO_x emitters are located upwind of southern Ontario.

In addition, the Committee report identifies the Clean Air Interstate Rule (CAIR) proposed by the U.S. Environmental Protection Agency (EPA) in January 2004 as a Rule that could: reduce SO_2 emissions from power plants in 29 states by 3.6 million tons annually by 2010 and by 5 million tons annually by 2015; and reduce NO_x emissions from power plants by 1.5 million tons annually by 2010 and by 1.8 million tons annually by 2015.

However, a new document recently released by the U.S. non-governmental organization, Clear the Air, reports that while emissions of SO_2 and NO_x from all power plants in the United States were reduced by 10% and 29% respectively between 1995 and 2003, air emissions of SO_2 and NO_x from the heaviest emitting coal-fired power plants increased by 54% and 38% respectively (U.S. PIRG, 2005). Data included in that report confirm that the States with the greatest increases in emissions from coal-fired power plants over the last decade include States that are upwind of southern Ontario (e.g., Ohio and Indiana)(U.S. PIRG, 2005).

The Clear the Air findings suggest the need for two actions to ensure that all communities enjoy improved air quality in the near future: (1) significant reductions in emissions of SO_2 and NO_x from U.S. coal-fired power plants; and (2) the use of regulatory provisions that ensure that emission reductions are achieved by all coal-fired power plants.

It is our understanding that the New Source Review requirement in the existing U.S. Clean Air Act can be used to require the installation of best available control technologies when older coal-fired power plants are upgraded or expanded. We are therefore concerned to learn that the Clear Skies Bill introduced by the Bush Administration, which is currently before the House of Representatives, would increase the emission caps, extend the implementation period for emission reductions, and remove the New Source Review provisions contained in the Clean Air Act, making it more difficult in the future for the U.S. EPA to require reductions from the heavy-emitting coal-fired power plants that are upwind of southern Ontario (Janofsky, New York Times, 2005).

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Therefore, we would like to see the Canada-United States Air Quality Committee describe the air quality benefits that could accrue to Canada if the New Source Review provisions were applied to coal-fired power plants that have been expanded or retrofitted in the PEMA airshed. We would also like the Committee to compare the applications of the CAIR Rule, the Clear Skies Bill, and the existing Clean Air Act in terms of their potential impacts on air quality in southern Ontario.

Sincerely,

Brian McCarry
Chair, Clean Air Hamilton

cc. Honourable Herb Gray, Chair, Canadian Section
His Worship Mayor Larry Di Ianni, City of Hamilton
Honourable Stéphane Dion, Federal Minister of the Environment
Honourable Leona Dombrowsky, Ontario Minister of the Environment
Kim Perrotta, Air Quality Coordinator, City of Hamilton

References:

Clean Air Hamilton (Formerly HAQI), "Clean Air Hamilton 2003-2004 Progress Report", November 2004. www.cleanair.hamilton.ca

Hamilton Air Quality Initiative (HAQI), "Environmental Work Group Final Report", December 1997. www.cleanair.hamilton.ca

Janofsky, Michael, New York Times "Climate Debate Threatens Republican Clean-Air Bill", New York Times. January 27, 2005. www.nytimes.com/2005/01/27/politics/27enviro.html

Jerrett, M. and T. Sahsuvaroglu, McMaster Institute of Environment and Health, "A Public Health Assessment of Mortality and Hospital Admissions Attributable to Air Pollution in Hamilton", May 2003. www.cleanair.hamilton.ca

U.S. PIRG "Pollution on the Rise: Local Trends in Power Plant Pollution", Prepared by Zachary Corrigan, Staff Attorney and Emily Figdor, Clean Air Advocate, with the U.S. PIRG Education Fund. January 2005. www.cta.policy.net/reports/pollution_on_the_rise.pdf

Wegman, Richard, Garvey, Schubert & Barer. Brief of Amicus Curiae Government of Canada in Support of Respondent and Affirmance of Rule, in the United States Court of Appeals for the District of Columbia Circuit, No. 98-1497 (and consolidated cases)(NO_x SIP Call), STATE OF MICHIGAN, et al., Petitioners, v. U.S. Environmental Protection Agency, Respondent. July 14, 1999