

February 18, 2005

Summary of Discussions

Meeting in Toronto, ON - February 17, 2005

To Receive Comments on the 2004 Progress Report on the Canada-U.S. Air Quality Agreement

A meeting to receive comments on the 2004 Progress Report on the 1991 Canada-U.S. Air Quality Agreement was convened by the International Joint Commission in Toronto on February 17, 2005. Commissioner Blaney and IJC staff received the following comments. These comments are summarized from the discussion and may not accurately reflect the statements made by the individuals.

1. The participants appreciated the opportunity to meet in an informal session to present comments on the Progress Report.
2. General concern was expressed about timeliness of data used in the report. If published data are 3 years old, how can evaluation of programs be undertaken to assess whether commitments for 2010 will be met.
3. John Wellner, Ontario Medical Association (represents about 25,000 doctors in Ontario) submitted a copy of letter of February 15, 2005 from 18 Medical Officers of Health to the Canada Senate Foreign Affairs Committee on the U.S. Clear Skies Legislation and potential increase in air pollution and negative impact on the health of communities (copy attached). On the Progress Report, cataloguing of emission reductions is only part of the story. Despite good trends in some emissions, net value in terms of human health improvements is not clear. Doctors interested in human health need progress on ambient air levels, but a lot more needs to be done on health impacts tracking. Under the Ozone Annex, the goal is to attain the Canada Wide Standards. What does this mean, claims of progress are not substantiated. What are subsequent health impacts? On page 23, the statement about the Ozone Annex Review Meeting that continued efforts in health and environmental effects tracking were described was questioned. Health representatives at the meeting clearly expressed concern about the lack of sufficient health tracking, why it is important to reporting real progress, and the need for resources to facilitate this tracking. Ontario's emissions trading program confuses the issue of attaining Ozone Annex commitments. It is essential that Ontario present a plan that clearly shows actual emissions reductions. There is a need to tighten Ontario's emissions trading program. On page 12, Canada indicates that the Canada-Wide Standard for ozone will be achieved by 2005. With

Ontario's current NO_x emissions plan for 5 industrial sectors, it would appear that the commitment will not be met. No indication of this type of information is included. Although the statement is made in the Progress Report that the Air Quality Committee took into account public comments received through the IJC's synthesis process, the lack of a formal response from governments to concerns is a shortfall of the Agreement. Greater results are expected than reported on in the report. An oversight role for the IJC, similar to its role under the Great lakes Water Quality Agreement, would enhance strengthen the Agreement.

4. Peter Piersol, The Georgian Bay Association (20 Association members and 2,000 families) expressed the Associations' interest in air quality in the Georgian Bay area and its effects on health of people, the environment and visibility degradation. He indicated there is no method of evaluating the performance of initiatives and that there is a need for some measure of success of the programs. Statements such as human health and the environment have benefitted greatly from progress made under the Agreement lack health effects data to support. There is a need for increase in monitoring networks to evaluate effectiveness of emission reduction programs and initiatives. Commitments under the Ozone Annex are generally weak. It is difficult to believe the statements made as actions seem to fall short of what is needed. With respect to PEMA emissions, the NPRI emissions data are not accurate enough to justify the statements made. Health effects of fine particulate work was encouraged. The IJC should have a critical role in review of commitments.

5. Bob Kozopas, Ontario Power Generation suggested the report is a fair assessment of progress made to date; recognized the need for multinational/sectoral approach to air quality issues; OPG will meet regulations on acid rain and ozone; acid gas emissions have been reduced 65% in last 10 years. The Ontario policy on phasing out coal and introducing cleaner energy will have positive results. It was suggested that Ontario's emissions trading program should be highlighted as progress.

6. Monica Campbell, Toronto Public Health expressed general satisfaction with visual displays and noted some missing elements: trends for sectors on page 19; average ambient levels and exposures may mask peak pollutant levels - need trend data for peak exposures; emissions information is lumped - break down by population centres e.g. Toronto, ambient levels flat. Trends data on page 30 show U.S. making better progress than Canada, why? The U.S. Clear Skies Initiative will impact emissions and in turn have a negative impact on Canada. Medical Officers of health are concerned about trends in emissions and air quality.

7. Jamie Kirkpatrick, Sierra Club, Ontario points out that the report gives the impression that there are no Canada-U.S. air quality problems. While Ontario's commitments don't match expectations in many areas, why not mentioned in the report? Programs such as Ontario's Drive Clean and phase out of coal are not part of the report. Why are asthma rates increasing and the first smog day this year was in February? Need to address annual versus traditional ozone season in next report. Statements such as Canada will comply with NO_x emissions is not backed up with data.

Received From John Wellner,
OMA
2004 PROGRESS REPORT - AIR
AGREEMENT MEETING
TORONTO, FEB. 17/05

Tuesday, February 15, 2005

The Honorable Richard G. Lugar
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The Honorable Joseph R. Biden Jr.
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Dear Senators Lugar and Biden,

It is our understanding that the Senate Foreign Relations Committee has jurisdiction over domestic legislation that may have cross-border impacts, especially if there is the possibility that such legislation could contravene existing international agreements.

As Medical Officers of Health within the Province of Ontario, we are the communities' doctors and public health advocates. We are concerned that the proposed Clear Skies Legislation may increase air pollution and have a negative impact on the health of our communities. We are not aware of any analysis that has been done to determine the health impact of this proposal, particularly for those who live on our side of the Canada-United States border.

Regardless of emission reductions in our own communities, some Canadian regions are unlikely to attain the new Canada-wide air quality standards unless there is a significant decrease in the pollution that is transported into our country on the prevailing winds from the U.S. We are concerned that this problem may become worse under Clear Skies and especially worried about the impact of this legislation on U.S. commitments under the United States-Canada Air Quality Agreement and the Great Lakes Water Quality Agreement.

We respectfully request that the Senate Committee on Foreign Relations convene hearings on the proposed Clear Skies Legislation in order to investigate this issue. We would also very much appreciate the opportunity to send a representative to testify before your Committee.

Yours truly,



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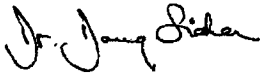


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Lugar & Biden Letter from MOHs - 2



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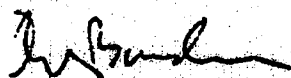
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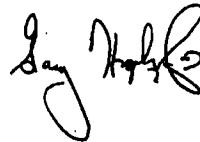
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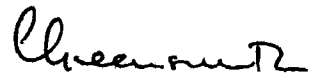
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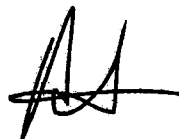
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cc. The Honourable Pierre Pettigrew,
Minister of Foreign Affairs