POLLUTION PROBE
CLEAN AIR. CLEAN WATER.

February 28th, 2005

Secretary, Canadian Section
International Joint Commission
234 Laurier Avenue, West
22nd Floor
Ottawa, ON, K1P 6K6

Dear Mr. Clamen,

Pollution Probe appreciates the opportunity to review the *2004 Progress Report of the Canada-U.S. Air Quality Agreement*. We also appreciated the opportunity to meet with Chairman Herb Gray and senior Commission managers to discuss the report on February 11th, 2005, in Ottawa. The continued efforts by the Canadian Section to reach out and engage stakeholders is very much respected and appreciated, and serves as a good model for future engagement initiatives.

Pollution Probe is a Canadian non-profit charitable organization that works with all sectors of society to protect health by promoting clean air and clean water. Established in 1969, Pollution Probe is supported by an active donor base of more of 5,000 donors. Working in partnership with industry, governments and communities, Pollution Probe offers innovative and practical solutions to air and water pollution issues and we seek to support measures that will assist in providing a clean, safe and healthy environment for all.

General Comments on the Report:

The 2004 report is well written and relatively comprehensive, and provides a more critical assessment regarding progress than what was described in the previously published 2002 report. In our comments dated February 25th, 2003, we highlighted four additions that would benefit the 2002 report, specifically:

- A gap analysis;
- A conclusion that critically assesses progress as to "how we are doing";
- A discussion of policy options; and
- Next steps.

While the 2004 report provides a brief conclusion that describes "how we are doing", it is our view that many of our recommended additions still apply. We generally agree with the report's conclusion that both countries have continued to fulfill the obligations set forth in the Air Quality Agreement successfully, and that the implementation of each country's acid rain control program has been a notable achievement. Indeed, the 2004 progress report highlights many of the positive initiatives being undertaken on both sides of the border to address air pollution and acid rain. However, we also strongly agree with the recognition that additional efforts are necessary to address ongoing human health and environmental problems. Furthermore, it is still not clear from this report whether the agreement and the actions proposed or already undertaken will be sufficient to achieve emission reduction and air quality targets.

It is important that the report specify what is <u>not</u> happening, in addition to describing what is being accomplished. Even in the case of progress, we note with some concern that emissions reductions from stationary sources remain above target levels. It is still not certain, for example, that Canada (and specifically Ontario) will be able to comply with its commitment to meet the NO_x emissions cap from large fossil fuel-fired power plants of 39 kt by 2007. Growing uncertainties are also cause for some concern, specifically in terms of the emission sources and health impacts associated with $PM_{2.5}$, the long term impact of acid deposition on aquatic and terrestrial ecosystems, and the impacts that climate change may have on these other air issues. For example, the recently published 2004 Science Assessment on Canadian Acid Deposition (summary of key results) concludes that acid rain is still affecting the Canadian environment and the health of Canadians, the interaction with climate change is a significant research gap, and that further reductions in emissions are needed. The progress report also does not deal with air toxics, such as mercury and persistent organic pollutants, which can also have considerable environmental and health impacts.

In the future, it may be necessary to prepare a report on knowledge gaps and policy options, especially in regards to the co-benefits that may occur between actions that mitigate emissions contributing to acid deposition, air quality and climate change. It may be prudent to provide measures of uncertainties in future assessments, along with measures of progress. There may also be a need to evaluate the effectiveness of the agreement, in addition to addressing the broader issue of air quality, and help identify the policies that must still be implemented to protect the environment and human health. Pollution Probe would welcome the opportunity to contribute to such an evaluation.

Lastly, with respect to the recommended potential of the IJC to address some of these questions regarding gaps and policy options, we note that the Canada – U.S. Air Quality Agreement limits the IJC in its role as a reviewer (Article IX). This is unlike the Commissions role with respect to the Great Lakes Water Quality Agreement, and we would suggest that the IJC explore options and go to the parties to seek an enhanced role for itself in the air quality agreement.

Sincerely,

Dr. Quentin Chiotti
Director, Air Programme
Pollution Probe

Rick Findlay
Director, Water Programme
Pollution Probe