

For Immediate Release
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GOVERNMENT OF ONTARIO JOINS LEGAL FIGHT TO PROTECT THE PROVINCE'S AIR QUALITY

Reducing Transboundary Air Pollution Protects the Health of Ontarians

WASHINGTON – The province of Ontario announced today that it has joined a legal action in an attempt to force some of the worst emitters of air pollution in the U.S. to install modern pollution control equipment. Environment Minister Laurel Broten and Attorney General Michael Bryant filed an *amicus curiae* brief on behalf of the province at the request of New York Attorney General Eliot Spitzer.

“Ontario is committed to working alongside our neighbours in our quest for clean air,” Broten said. “I am in Washington this week to engage U.S. legislators and regulators to work together with us to find solutions to this problem.”

On May 9th, Bryant and Broten filed the brief with the 7th Circuit United States Court of Appeals to uphold a court decision against Cinergy Corporation, a subsidiary of Duke Energy Corporation. Ontario has taken this action to ensure the court hears Ontario’s and the other plaintiff’s views that six coal-fired plants must install modern pollution control equipment. The six plants, commissioned between 1949 and 1979, are among the largest emitters of air pollution in the U.S.

"Air pollution knows no boundaries and I am pleased that Ontario has joined us in the fight for clean air in this crucial case," said New York Attorney General Eliot Spitzer.

Cinergy has asked the Court of Appeals to reverse the trial court and apply a lenient hourly emissions test, rather than the more protective annual emissions test required by the trial court. The annual test is critical to determine whether six coal-fired plants must install modern pollution control equipment. These plants are among the largest emitters of air pollution in the U.S.

“In this filing, Ontario joins a large group of states using legal tools to fight for cleaner air in an effort to uphold a more stringent emissions test,” said Bryant. “The appeal will be an important legal precedent in determining whether enforcement actions under the Clean Air Act can require old plants to install modern pollution controls.”

More than half of the air pollution in Ontario is from U.S. sources. Transboundary air pollution is responsible for over 2,700 premature deaths, almost 14,000 emergency room visits and more than \$5.2 billion in health and environmental damages each year. In 2005, Ontario had its worst year on record for smog advisories: 15 smog alerts covering 53 days.

This is the second action Ontario has taken in 2006 on air emissions in the United States. In February, Ontario filed comments with the United States Environmental Protection Agency (EPA) detailing concerns with the agency's plans to change its New Source Review program, which would allow coal-burning power plants to operate for longer hours and pollute more per year.

"I am proud to join our American friends who are working to improve the quality of air we all breathe, and to ask leaders on both sides of the border to join me at this year's Shared Air Summit on June 26," added Broten.

Shared Air Summit 2006 will bring together environmental, health, government and corporate leaders from around the world to build a strategy on how to reduce the impacts of air pollution through innovation, in our own jurisdictions and across borders. For more information on this year's event, please visit www.sharedair.ca.

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