

June 26, 2006

2005 SHARED AIR SUMMIT COMMITMENTS STATUS UPDATE

On June 20, 2005, Ontario Premier Dalton McGuinty hosted the inaugural Shared Air Summit in Toronto and announced ten next steps to tackle the problem of transboundary pollution. One year later, the current status of the ten commitments is as follows:

Commitment #1: Form a Shared Air Roundtable of Canadian and U.S. experts to advise the government of Ontario on ways to clean up our airshed.

- An Executive Committee on Transboundary Air Pollution (ECOTAP) has been established with representation from prominent Canadian and American leaders from the business, legal, scientific and environmental communities with a mandate to provide advice to the Minister of the Environment on regional transboundary air and climate change issues.
- An Advisory Committee on Transboundary Science (ACTS) has been established as a multidisciplinary expert committee with representation from leading Canadian and American scientific and technical experts to provide the Ministry of the Environment with ongoing credible and independent scientific advice on the best science that will achieve the greatest gains for the health and environment of Ontarians.

Commitment #2: Assess what Ontario can do to support those U.S. states that are in legal battles with Washington on cleaner air.

- On February 17, 2006, Attorney General Michael Bryant and Environment Minister Laurel Broten filed comments with the United States Environmental Protection Agency detailing the Ontario government's concerns with the U.S. government agency's plans to make changes to the New Source Review that could allow higher emissions from coal-burning power plants. Ontario's NSR comments were broadly endorsed by the Ontario Medical Association and over 20 non-governmental organizations, municipalities and Northeastern States.
- Further to this action, on May 9, 2006, Ontario filed an *amicus curiae* (friend of the court) brief at the request of New York Attorney General Eliot Spitzer, in the case of *United States v. Cinergy Corporation* currently before the United States Court of Appeals. The case is important for the province because the six plants in the lawsuit are older facilities that emit significant air pollution to the shared airshed. Of equal importance, the decision in this case will be a precedent for the interpretation of the requirements of New Source Review moving forward.
- Ontario is currently reviewing opportunities to assist U.S. states and non-governmental organizations that are in legal battles for cleaner air.

Commitment #3: Request that air quality be added to the agenda of the next meeting of the Council of Great Lakes Governors.

- Premier McGuinty attended the Council of Great Lakes Governor's Leadership Summit on December 12-13, 2005 and raised the need to discuss regional air quality issues.
- All Great Lakes Governors were invited to attend and/or participate at the Shared Air Summit 2006.

Commitment #4: Work toward a clean air cooperation agreement with Ohio.

- Ontario's Ministry of the Environment has engaged Ohio in discussions to work together on regional clean air initiatives, including the possibility of a scientific and technical information exchange visit.

Commitment #5: Review and update Ontario's existing intergovernmental clean air cooperation agreements with New York, Michigan, Minnesota and Quebec.

- The province has rejuvenated working relationships with the States of New York and Michigan.
- Ontario is working towards renewed clean air agreements with both states and has proposed the signing of letters of intent to confirm this commitment.

Commitment #6: Establish agreements with other Northeast States.

- Ontario has established a working relationship with the Northeast States for Coordinated Air Use Management (NESCAUM) and will participate at the next Board of Directors Meeting scheduled for June 28-30, 2006.
- Northeast Governors were invited to attend and/or participate at the Shared Air Summit 2006.

Commitment #7: Create a transboundary air unit within the Ministry of the Environment to ensure all scientific resources are brought to bear on the issue of transboundary air pollution.

- The Ministry of the Environment created the Transboundary Air Unit to coordinate the government's transborder air activities and focus ministry resources on this challenge.

Commitment #8: Meet with the Canadian and U.S. Co-Chairs of the International Joint Commission to discuss air quality in the northeast airshed.

- The Ontario Government met with the Canadian and U.S. Co-Chairs of the International Joint Commission and engaged them in a discussion on binational air quality issues.
- The Minister of the Environment invited the Co-Chairs to attend the Shared Air Summit 2006.

Commitment #9: Work cooperatively with Québec in cleaning up our air.

- Ontario has ongoing discussions with Québec to work together to clean up our shared airshed.
- Ontario and Québec signed the “*Agreement Concerning Transboundary Environmental Impacts*” at the 2006 Shared Air Summit. This agreement is part of a larger *Protocol for Cooperation between the Government of Ontario and the Government of Québec* signed by Premier McGuinty and Québec Premier Jean Charest on June 2, 2006.

Commitment #10: Write to the Prime Minister of Canada and discuss with the Canadian Ambassador in Washington about actions to move the transboundary air pollution issue forward.

- On May 9-10, 2006 Minister Broten discussed the issue of transboundary air with Canadian Ambassador Wilson in Washington. As well, the Minister met with several prominent federal administration officials, Senators, Congresspersons, elected state representatives and environmental non-governmental organizations.

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Contacts:

Anne O’Hagan
Minister’s Office
(416) 325-5809

John Steele
Ministry of the Environment
(416) 314-6666

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