



Eastern Canada Chapter
Section régionale de l'est du Canada

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

February 13, 2003

Comments Regarding the Canada-United States Air Quality Agreement 2002 Progress Report

Dear Secretary,

The IJC has specifically asked for answers to three general questions regarding the Air Quality Agreement and the Progress Report.

1) Has the agreement been successful?

The agreement has been successful in providing a mechanism for addressing and dealing with transboundary air pollution problems. There have also been successes achieved in reducing the flow of some pollutants. The signature achievement of the agreement has been in the area of SO₂ emissions reductions. I wish to emphasize that this has been a partial and not a complete victory. The required reductions have been achieved, but we are left with an unsolved acidification problem that the public is largely unaware of. Canada's Environment Minister, David Anderson has made frequent mention of this reality, as has the State of New York.

The Ozone Annex holds great promise for addressing the public health crisis of transboundary smog. As yet, however, that promise is unfulfilled. The 27 smog emergency days that Toronto experienced during the summer of 2002 are proof that much more needs to be done before victory over smog can be declared..

2) Other transboundary air quality issues that should be addressed.

As the report states, particulates will soon be addressed in the context of the agreement. The failure of both Canada and the US to take action to reduce mercury emissions from fossil fueled generators is a glaring gap. Another logical addition to the agreement would be an annex dealing with greenhouse gases. The air quality benefits to be achieved through greenhouse gas reductions are numerous and inescapable.

24 Mercer St., Suite 102, Toronto, ON M5V 1H3
ph: 416-960-9606 fax: 416-960-0020
eastern.canada.chapter@sierraclub.org
<http://eastern.sierraclub.ca>

3) Are the reports useful?

The short answer is yes. The longer answer is that the 2002 Progress Report is a political document that tends to avoid mention of problem areas.

This shortcoming is particularly evident in the context of Ontario achieving compliance with its electricity sector obligations under the Ozone Annex. At present, it is clear that Ontario's current program for addressing power plant NOx emissions falls well short of the mandated limits contained in the Ozone Annex. Jack Gibbons of the Ontario Clean Air Alliance has clearly established this gap in his comments to Chairman Gray and I will refrain from repeating Mr. Gibbons' specific points.

The Progress Report's attempt to pretend that all is well in attaining Ozone Annex compliance is particularly unfortunate given the existence of several media reports to the contrary. Mr. Gibbons focuses in on the failure of Ontario's emission reduction credits plan in the context of Ozone Annex compliance. He is joined in this criticism by numerous sources ranging from Minister Anderson to the USEPA. On more than one occasion I have publicly referred to the Ontario plan as "A shell game with a lump of coal under every shell".

Minister Anderson's comments have been particularly scathing. The Minister has, on several occasions, identified Ontario's failure to commit to achieving the Ozone Annex requirements. Minister Anderson has publicly threatened to use his CEPA powers to bring Ontario into compliance. This is an extraordinary comment from a federal environment minister. If Minister Anderson follows through with this threat, it would establish a historical precedent. It strains credibility for the 2002 Progress Report to ignore this very public controversy regarding Ozone Annex compliance.

The failure to address these very public concerns regarding the Ozone Annex is the most glaring omission of the 2002 Progress Report. The reporting of the success in reducing sulphate levels is, at best, incomplete. "Acid deposition is seen as a success story as sulphate levels fall in most of the sensitive areas", is an accurate but woefully incomplete statement. It is now clear that the reductions achieved to date have not been sufficient to protect or rehabilitate many sensitive areas.

"The Air Quality Committee may be interested in mercury-related analyses as it relates to emissions from power plant generation and multipollutant efforts in both countries to address emissions from this sector". Could this sentence be any more vague? In point of fact there is no active program to reduce power plant mercury emissions in either country. This failing flies in the face of the Great Lakes Water Quality Agreement goal of virtual elimination of mercury.

The one exception to the otherwise upbeat tone of the Progress Report is contained in the twice printed statement, "However, the United States continues to be concerned that prevention of the deterioration of air quality and the protection of visibility are required programs in the United States while Canada does not have comparable requirements". The informed reader will note that the Government of Canada is, at best, a junior partner in

regulating power plant emissions. The Canada-wide Standards program effectively requires a consensus of the ten provincial governments, the three territorial governments and the federal government to establish standards. To date, there is no evidence that the CWS process has played any role in reducing power plant emissions. If Minister Anderson does follow through on his threat to mandate Ontario compliance with the Ozone Annex terms, it will be the first time that the Government of Canada has acted directly to reduce power plant emissions.

In summary, the Air Quality Agreement 2002 Progress Report presents useful information related to the Air Quality Agreement. Unfortunately, the Report's authors are so zealous in their efforts to avoid political controversy that they risk being accused of deceiving the public. No where is this failing more clear than in the reporting of the Ozone Annex "progress".

Sincerely,

A handwritten signature in cursive script that reads "Dan McDermott".

Dan McDermott, Director
Sierra Club Eastern Canada Chapter