

February 28, 2003

Secretary, Canadian Section
International Joint Commission
234 Laurier Avenue, West, 22nd Floor
Ottawa, Ontario K1P 6K6
Fax: (613) 993-5583 Email: Commission@ottawa.ijc.org

Secretary, United States Section,
International Joint Commission
1250 23rd Street, N.W., Suite 100,
Washington, DC 20440
Fax: (202) 467-0746 Email: Commission@washington.ijc.org

Dear Hon. Gentlemen,

We are pleased to provide comments to the International Joint Commission on the 2002 Progress Report on activities under the 1991 Canada - United States Air Quality Agreement.

In summary even though we are encouraged by the various initiatives and reduction of some pollutants we recognize as your report does more has to be done to protect the health and quality of life of millions of our citizens in both countries as well as to protect and restore our environment.

We are very happy this important Air Quality Agreement was made in 1991 between our two countries. One can see the progress but for millions of people that progress can only be measured by being able to breathe clean air without the heavy smog levels and health advisories as too common especially in the summer.

We ask that the International Joint Commission who oversees this agreement continue to facilitate this important work to make our air cleaner and safe to breathe. Millions of people depend on this important agreement to help us reach that objective.

Thank you for the opportunity to provide comments on the 2002 Progress Report.

Sincerely,

Gordon Dalzell, Chairperson
Saint John Citizens Coalition For Clean Air
32 Dorothea Drive
Saint John, N.B. E2J 3J1

**COMMENTS ON THE
CANADA / UNITED STATES AIR QUALITY AGREEMENT
2002 PROGRESS REPORT**

From: Gordon Dalzell, Chairperson
Saint John Citizens Coalition For Clean Air
Saint John, N.B.

Date: February 28, 2003

INTRODUCTORY COMMENTS

We are pleased to see that this 2002 Progress Report under the 1991 Canada - U.S. Air Quality Agreement is the first to address new requirements under the Ozone Annex signed by Canada and the United States in Dec. 2000. This reflected our environmental organization's recommendation made in previous year's comments on earlier progress reports. We are very happy to see both countries expand the agreement with the Ozone Annex (Annex III) to cover ground level ozone and acid rain.

We acknowledge that this Progress Report highlights actions undertaken by Canada and the United States in the last two years to address the transboundary air pollution issue. Southern New Brunswick and the Maritime region generally is one of the "hot spots" for ground level ozone. These measures are very much needed in Atlantic Canada which is subject to long range transport of pollution from northeast U.S. as well as Ontario.

Further we are pleased to see the specifics of joint efforts on transboundary particulate matter analysis and further we see it is the first to provide ambient air quality data for ozone, NOX and hydrocarbons for all sites within 500 kilometres of the U.S. Canada border.

We see in its second five year comprehensive reviews of the Air Quality Agreement, aimed at assessing its effectiveness, this report concludes that the US and Canada continue to work on initiatives to address this problem to reduce those precursors to ground level ozone/smog. This is most welcomed.

We note in this Progress Report that actions to address acid rain in the last two years have been significant both in the United States and Canada.

We are also very pleased to see that this 2002 report is the first to address new requirements and reporting of air quality data under the Ozone Annex to the Agreement signed by both governments successfully fulfill the obligations of the agreement but that work remains to be done.

I am glad this point is recognized as we fully concur with the conclusion that more work remains to be done. We would add the qualifier "a great deal" of work remains to be done especially after this report reviews the Effects of Air Pollution both from a health and environmental perspective.

In respect to sulphur dioxide emissions from all affected utility units in 2001 achieved about a 32 percent reduction from 1990 emissions levels and a five percent reduction from 2000 levels. These reductions are not good enough to protect our health and our environment. We are pleased to see reductions but considering the adverse impact they have we are not satisfied with these reduction levels.

In respect to Nitrogen oxide emissions from all utilities in 2001 also continues to show a downward trend achieving a 30 percent decline from 1990 emissions levels and an eight percent reduction from 2000 emissions. There needs to be greater effort at all levels to reduce NOX emissions considering the role they play along with VOC and the sun/heat in the formation of ozone/smog.

In respect to the section referred to as "Other Cooperative Air Quality Efforts" we would offer the following comments.

As a local air quality advocacy group in an area that is subject to both local and regional air quality challenges particularly long range transport of pollution from Northeast U.S., we are very pleased to see the level of cooperation and commitment from the New England Governors and Eastern Canadian Premiers. Considering the highest level of political leadership within a region encompassing millions of people it is most encouraging to see these government leaders take the initiative to develop and work on action plans to address the air pollution challenges. What is more impressive are the specific emission reduction targets identified.

In 2001, the CONTINUE (See marked off section)

Additionally we recognize and welcome the NEG / ECP is increasing its emphasis on the health effects of acidifying emissions. Having that conference in Quebec in May 2002 that brought together scientists to discuss the links between health and our pollution was very timely and appropriate considering the link between adverse health impacts and air pollution. Question is how much more research is required to take the necessary actions to substantially reduce these harmful emissions. We believe the precautionary principle found in the preamble of the Canadian Environmental Protection Act and NB's Clean Air Act should be the principle that triggers significant action to reduce these emissions.

Considering the health impact air pollution has for millions of people along our borders it is important to move the agenda of reduced emissions that contribute to smog and high ground level ozone levels. The high number of health alerts and advisories due to bad air quality conditions serve as a reminder of how important and essential it is for Canada and the U.S. to build on past achievements and efforts by being even more proactive and determined to protect the citizens of both countries.

We are of the view that the NEG/ ECP cooperative model should serve as an example to other regions of North America where we believe regional cooperative efforts needs to improve. I am referring the Mid West U.S. states and those regions of Canada within the greater regional border area coping with long range transport of air pollution. Whenever you have Premiers of Provinces and U.S. Governors sitting down under their Environment and Energy Committees, society pays attention and things get done like as we have seen with the NEP / ECP work over the last several years. They

are to be commended for their leadership and attention to this most important public health issue.

Health effects including chronic bronchitis, asthma and premature death are a fact of life for many people with air pollution levels often triggering a health crisis.

The 2002 Progress Report of Canada / United States Air Quality Agreement acknowledges a very powerful fact on page 20.

"M 2.5 has been recognized to have the potential for the greatest health impact on a larger segment of the general population".

I would question however the word potential based on the science research completed on CWS's for particulate matter and ozone which we conclude to be more actual and real than potential.

We note that Canada has made significant process on acid rain but the levels of SO₂ reduction has not been sufficient to restore the lakes and rivers to levels pre acid rain damage levels. According to the Acid Rain Strategy 1985 Reports there has to be a 75% reduction in sulphur dioxide levels to restore and prevent damage to our rivers, lakes and forests. Therefore the progress note is insufficient to do the job. Both countries have to do so much more.

In respect to the U.S. side of the equation under Emerging Country Issues, we are concerned to learn that the U.S. is in process of relaxing some of their air pollution rules under the U.S. Clean Act. We are concerned that the source rules for U.S. Power plants will be relaxed so that older plants won't have to install new modern emission control technologies being exempted under recent changes approved in Dec. 2002. We have serious concerns and worries that the current U.S. Administration may weaken their present rules and regulations under the U.S. Clean Air Act a very strong law that is enforceable. Canada has no such Federal Clean Air legislation. We realize air quality issues are delegated to the Provincial level such as New Brunswick's Clean Air Act which in our view is a very good piece of legislation which we are happy to have been supportive.

We note the Clean Skies Initiative which would significantly reduce power plant emissions of three of the worst air pollutants SO₂, NO_X, and mercury.

We are encouraged by this initiative that would establish national enforceable emission caps on all the pollutants and reduce emissions of all three pollutants by approximately 70%. We note the report states, "if passed by Congress, the Clean Skies Initiative would provide the following reductions (1) cut in SO₂ emissions of 73%, from current emissions of 11 millions tonnes to a cap of 4.5 million tonnes in 2020 and 3 million tonnes in 2018. We sincerely hope the U.S. Congress passes this initiative.

EMERGING COUNTRY ISSUES

As an environmental non governmental organization who have been advocating for improved air quality we couldn't agree more with the statement "air pollution continues to be a serious threat to Canada's health and environment, despite improvements to air quality". We completely concur that "it is clear that human health is a key factor in reducing air pollution". We are pleased to see this report make the statements "to further improve air quality and human health, there is a need to reduce emissions of particulate matter, sulphur and nitrogen dioxide, mercury and persistent organic pollutants".

From our perspective any progress made in reducing air pollution levels are still not sufficient to ensure protection of our health restoration of our environment. As this report acknowledges "health science has shown that particulate matter and ozone are linked to serious health outcomes for millions of citizens on both sides of the border.

COMMENTS ON SCIENTIFIC COOPERATION SECTION IV EMISSIONS INCENTIVES: VOLATILE ORGANIC COMPOUNDS:

We are very concerned about the primary contributor to VOC emissions in Canada in 1999 was the upstream oil and gas industry. Considering that there are 20 oil refineries in Canada within 20 communities, we want to see all emissions from these refineries significantly reduced. We understand initiatives are in progress to address ways to reduce air pollution from oil refineries.

We note the report predicts that emissions in Canada and U.S. are expected to decline by 40% from 1980 to 2010. There is no reference to how Canadian oil refineries are going to achieve these emission reductions. This report needs to acknowledge how such reduction predictions are to be achieved before making such reductions.

In the U.S. we can understand and be encouraged by their reductions of 40%, due to the control of VOC's through various maximum achievable control technology (MACT) standards. This prescriptive approach is just what is needed in Canada for the Oil Refinery industry as well as other industries. We are encouraged by the U.S. standards that use this MACT approach. We are of the view that Canadian oil refineries will have to follow suit.

AIR QUALITY INDEX

This section has some very critical information which we would like to comment on namely the review in Canada in a multi stakeholder review of the air quality index (AQI) system used in Canada. Our community group were happy to have been one of

the many stakeholders involved in this review. We completely concur that the primary objective has been to ensure that the index becomes more reflective of the health risk of air pollution and a better means of providing people with information they can use to protect their health. This is one of the most important services that Canadians and Americans need to help them take appropriate action to protect their health from those bad air days and health alerts which seem to be increasing not decreasing in both countries. These programs need to be enhanced and designed to give citizens reliable information they can use and understand to protect their health.

The two governments under which this Treaty was signed have to recognize that more has to be done to accelerate those steps to achieve some really substantial emission reductions. Government have a role to protect its citizens particularly those vulnerable ones such as children, seniors, those with heart and respiratory diseases.

In respect to the Air Quality Index we value the Smog Prediction Program which was first piloted here in Saint John in 1997 and has since expanded throughout NB and Atlantic Canada. The associated health messages play an important public education purpose that serves the public interest.

We look forward to a report containing recommendations for improvements on the air quality index and smog prediction programs.

We would like to stress how important it is for real time reporting of ambient air quality for all Canadians. We note that decisions on real time reporting (on line) remain at the provincial or local level. Lets not wait too long to get this important information to Canadians on line where it is unavailable. We have a right to know the status of the ambient air we breathe at any time. We should be able to access the quality of the ambient at any time we want.

We are totally unhappy with the undefined time line of the next step to reach this objective which is "to develop a mechanism that brings together decision makers and stakeholders for the ongoing coordination and implementation of changes to the AQI". We recommend this undefined process be given top priority by decision makers. The stakeholders are ready now for decisions.

COMMENT ON EFFECTS OF AIR POLLUTION

This section under Health Effects says it all especially the efforts by the Canadian research on the health effects of air pollution involving scientists from federal and provincial governments as well as university based researchers. The U.S. research references also clearly acknowledge the health impact pollution has on human health.

What else does society need to convince itself that more has to be done to reduce these emissions? The Precautionary Principle found in CEPA needs to be evoked to take the required actions to reduce air pollution levels in Canada.

In respect to the Forest Effects that are exposed to acid disposition (as sulphur and nitrogen) as well as to ground-level ozone in levels that are known to cause damage to sensitive components of eco-system, it is well understood that our Eastern forests are damaged.

How much more documenting and assessing has to be done to take corrective action. We see the North American Forestry Commission (NAFC: Mexico, U.S., Canada) has developed a proposal outlining research and field activity to carry out an integrated assessment of the effects of air pollution on forest eco-systems of North America. It is now time for significant action to reduce these pollutants that everyone knows is harming our lakes, rivers, forests.

In the 1985 Acid Rain Strategy Document (Multi Stakeholder Task Force) clearly stated that in order to restore the vegetation, forests we need to reduce Sulphur Dioxide emissions by 75%. This is where we have to implement action plans for reduction that restore our environments. Its no longer satisfactory just to work to protect the environment we must now work to restore the harm and damage done during those decades that we tried to protect the environment. We didn't do an adequate job, lets face it, so now we need to take necessary steps to restore the past damage. This Canada/U.S. Air Quality Agreement is an excellent structure to take corrective actions.

This progress report notes continued success being achieved in Canada and in the United States in reducing emissions of SO₂ and NO_x the major contributors of acid rain. It states that both countries continue to be on target for meeting reduction requirements for these pollutants but those targets are a long long way off in what is required to prevent further damage and restore the eco-system, lakes and forests to their original healthy state.

We were very pleased to see those bilateral negotiations to address ground level ozone result in the Canada US Ozone Annex to this agreement being signed in 2000. We were very happy to see commitment the Canadian government agreed to the Canada-Wide Standards (CWS) for ozone and particle quality, including the principles to "keep clean areas clean" and to "continuously improve air quality".

We need Canadian jurisdictions including New Brunswick, to identify their plans and programs to meet the Ozone and PM Canada - Wide Standards by 2110. These jurisdictions are expected to build in the measures to protect against deterioration to achieve the PM Canada Wide Standard. Where are these plans and strategies? Some jurisdictions are dragging their feet on developing these plans which is a concern considering how important these plans and methods are to the public.

COMMENT RE: SECTION VI, P. 41

Second Five Year Review and Assessment of the Canada United States Air Quality Agreement.

Thankfully we see the parties to this agreement agree that the role of nitrogen oxide emissions in both acidification and smog issues is important.

We note the progress report clearly states in this section the following point.
"To prevent acidification damage the extent of the reduction necessary from nitrogen oxide emissions may be greater than originally thought"

We are very pleased to see the "parties agree that the role of nitrogen oxide emissions in both acidification and smog issues is important and that revised ecological goals for acidification, such as nitrogen critical loads, should be developed as soon as possible to guide assessments of transboundary issues".

We would add not just on the assessment level but on the action plans for greater NOX reduction levels as well.

RE: ARTICLE V

There is reference to consultation provision of the Air Quality Agreement.

We note the parties agree to continue to meet the consultation commitment under the agreement using as guidance the informed guidelines established in 1998.

We have recognized that efforts are being made to provide opportunities for consultation including the public interest groups, health advocates and environmental groups. We have had an opportunity to be included in such multi stakeholder consultations over the last few years.

We would like to recommend the parties review their guidelines with the objective of expanding and enhancing more public participation and consultation to the broader community at large. There needs to be mechanisms and opportunities for even wider involvement. It is well recognized that public involvement and empowerment result in the air quality agenda being advanced. Here in Saint John, New Brunswick we see what can be done at all levels working together when you have an informed, active community at large working to improve air quality. We would refer you to the New Brunswick's Clean Air Act to see how these important values are enshrined in our provincial clean air legislation.

We believe more has to be done in this area. May we suggest the parties develop strategies and initiatives to further engage and bring together more citizens involvement on both sides of the border. Perhaps a series of conferences to bring citizens and communities leaders together from both countries could be organized. We think it would be valuable to engage, inform citizens so they can help move the air quality agenda along. They can be a strong ally as jurisdictions work at reducing these pollution levels.

RE: US COMMITMENT, p. 6

We are having difficulty reconciling these commitments being maintained when we read in the press that the U.S. administration passed new rules for power stations that many believe weaken the U.S. Air Quality Act in respect to electric power station sources. Could you explain these changes passed in Dec. 2002 and how they fit into this commitment as noted in the Progress Report?

NITROGEN OXIDE REDUCTIONS

The proposed On Road Vehicle and Engine Emission Regulations and Sulphur in Diesel Fuel Regulations in combination with current regulations, will result in a 60% reduction in NOX emissions from on road vehicles in the year 2010 compared with the year 2000.

This is positive and we are very pleased to see the government of Canada passed these legal regulations to reach these emission reductions. Thank you.

The "Thermal Power Generation Emissions National Guidelines for New Stationary Sources" of which our ENGO were invited to comment on and participate in a National Consultation Workshop. These guidelines are intended to provide national emission standards for application by the provinces to new coal, oil, gas fired steam electric power plants. This is another positive step in the right direction.

Unfortunately, refurbishment and expansion of existing power plants are included. We are concerned that this applies to new plants only and not refurbished ones.

Respectfully submitted,

Gordon Dalzell, Chairperson
Saint John Citizens Coalition For Clean Air
32 Dorothea Drive
Saint John, N.B. E2J 3J