



October 19<sup>th</sup>, 2004

Cathy Grant  
Standards Development Branch  
Ontario Ministry of the Environment  
135 St. Clair Avenue, 4<sup>th</sup> Floor  
Toronto, ON, M4V 1P5

Dear Ms. Grant,

I am writing on behalf of Pollution Probe in response to the proposed update of Ontario's regulatory framework for local air quality, as follows:

- "Guideline for the Implementation of Air Standards (GIASO)", a risk-based decision-making process to deal with implementation barriers associated with the introduction of new/updated/revised air standards and proposed new models;
- An "Air Dispersion Model Guideline for Ontario" (ADMGO), which introduces guidance for dispersion modeling in Ontario using United States Environmental Protection Agency (US EPA) models;
- A position paper on "Updating Ontario's Regulatory Framework for Local Air Quality", which outlined proposed regulatory amendments; and
- Proposals for new or updated standards for 29 pollutants.

As you are aware, Pollution Probe participated in the risk-based pilot project upon which many of the proposed changes in the regulatory framework were based. Most of our concerns were expressed during the pilot process, and many of them have been addressed in the proposed changes. Our comments are on public record, since we were invited to give presentations at two public sessions. Participation in the pilot project and the public sessions was not an endorsement of all of the proposed changes, but we believe that they represent a significant improvement to the current approach to implementing new air standards.

Pollution Probe believes that the existing framework used in Ontario to protect human health from the local impacts associated with air emissions from point sources is inadequate. In general, we support the Ministry of the Environment's proposal to introduce a risk-based health effects approach to implementing new and updated air standards, as well as the use of new air dispersion models that will replace the existing 30 year old models, which have been demonstrated to be out-of-date. A more standardized

and transparent process will also ensure greater fairness in how new and updated standards will be applied.

There are still three main issues of concern to us:

- First, we note that the risk-based approach does not consider cumulative impacts of multiple pollutants and emissions sources on human health and the environment. The Ministry of the Environment needs to develop additional policy and regulatory safeguards in this area, encompassing both point-source and mobile-source emissions.
- Second, we are concerned about the capacity of health-based organizations and environmental groups to comment in detail on the proposed standards for 29 pollutants, as well as the capacity to understand and respond to the risk-based approach in practice. In particular, Medical Officers of Health and their staff should be fully engaged in the risk-based approach and in the subsequent communication of health risk information to the public. To do this effectively, these groups will require resource support to hire expert staff and to participate actively in the new approach. This capacity issue should be addressed by the Government of Ontario in parallel with the implementation of the new approach.
- Third, we are concerned about the capacity of the Ministry of the Environment to effectively evaluate best available control technologies and monitor progress in the action plans developed by companies seeking extensions to the phase-in period. The successful implementation of the proposed changes may also be contingent upon greater financial resources being directed to the Standards Branch of the Ministry of the Environment.

Pollution Probe respectfully submits these comments and we note our willingness to continue to work with the Ministry of the Environment to protect human and ecosystem health in Ontario.

Sincerely,



Dr. Quentin Chiotti  
Air Programme Director and Senior Scientist