



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.



Environment
Hamilton

July 19, 2023

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Delivered via E-mail & Regular Mail

Dear Premier Ford:

Re: Concerns about Poor Air Quality in Hamilton

We are writing on behalf of Canadian Environmental Law Association (CELA) and Environment Hamilton. As a public interest legal aid clinic, CELA has been working with communities in Hamilton on air quality issues. Environment Hamilton is a community-focused non-profit working on improving Hamilton's environment, including its air quality. Both CELA and Environment Hamilton share your concerns regarding the cancer-causing air pollutants detected in Hamilton, Ontario.¹ These concerns arose due to a recent study which found that Hamilton's concentrations of benzo(a)pyrene, a carcinogen, that is also listed as a toxic substance under the *Canadian Environmental Protection Act*, exceed Ontario's provincial air standards. Air quality monitors observed exceedances of this substance not only near industrial facilities where it is emitted but throughout the city of Hamilton. The likely prevalence of this chemical in Hamilton's low-income communities nearest the industrial facilities emitting it, raises questions of equity as to whether they are being disproportionately impacted by the implementation of Ontario's environmental laws and policies.

Hamilton's steelmakers are reported to be among the highest emitting benzo(a)pyrene emitters in Canada according to data on the National Pollutant Release Inventory. Such facilities in Hamilton have been operating for years under the provincial Ministry of Environment, Conservation and Parks (MECP) "site-specific standards" pursuant to O. Reg 419/05 and many of those standards expired on June 30th, 2023. One of these facilities were permitted to emit at about 1100 times the provincial air standard for benzo(a)pyrene.² In addition to site-specific

¹ <https://toronto.ctvnews.ca/ford-to-consult-with-minister-of-environment-after-cancer-causing-chemicals-detected-in-hamilton-s-air-1.6478020>

² Ministry of the Environment, Conservation and Parks, "ArcelorMittal Dofasco G.P.: Approval of a site-specific air standard (ERO number 019-2297)" (14 January 2021), online: *Environmental Registry of Ontario* <<https://ero.ontario.ca/notice/019-2297>>.

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standards, several facilities operate under technical standards where emission levels are not clearly traceable.

As you are aware, a company operating under a site-specific standard approved by MECP is, by definition, not in compliance with the standard for a chemical set out in the regulation itself. The standard in the regulation is designed to protect human health. A site-specific standard is approved as a deviation from the standard in the regulation and is designed to bring the company into compliance with the standard in the regulation over time. In the interim, a site-specific standard will not be as protective of human health as the standard in the regulation itself. That appears to be the case for the site-specific standard regarding benzo(a)pyrene among other chemicals emitted by certain Hamilton facilities. Moreover, as noted above, many of the current site-specific standards for these facilities have expired at the end of last month without having achieved the objective of bringing companies back into compliance with the provincial air standard in the regulation.

CELA has been investigating air quality regulation of a variety of facilities in Ontario. We are concerned that there is currently no clear process for public consultation and input specifically with respect to renewals of site-specific standards; particularly where the community is concerned about high air pollution levels and its impact on their health.

In the interests of bringing this matter directly to your attention, CELA and Environment Hamilton request a meeting with your office to discuss our concerns with Ontario's regulation of air quality and our suggestions for improvement of air quality for Ontarians in Hamilton and elsewhere.

We would be pleased to discuss this matter with you and members of your staff at your convenience. Please do not hesitate to contact Theresa McClenaghan by phone at (416) 960-2284 ext. 7219 or via email at theresa@cela.ca.

Yours truly,

**CANADIAN ENVIRONMENTAL
LAW ASSOCIATION**



Theresa McClenaghan
Executive Director and Counsel

ENVIRONMENT HAMILTON



Ian Borsuk
Interim Executive Director

Cc: David Piccini, Minister of Environment, Conservation and Parks
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