

August 19, 2005

Toronto submits case to U.S. court on health impact of cross-border smog; Medical Officer of Health calls on Premier McGuinty to take action

The City of Toronto filed a legal brief today with a U.S. court in support of a lawsuit against the American Electric Power Corporation for violation of the U.S. Clean Air Act.

In the brief, Dr. David McKeown, Toronto's Medical Officer of Health, highlights the adverse health impact on Toronto residents of transboundary smog from U.S. coal-fired power plants.

"We are taking this action to ensure the court is aware that the pollution from U.S. power plants is causing harm to people in Toronto," said Dr. McKeown. "When an air-polluting American company violates U.S. law, the courts should take account of the cross-border health impacts."

Dr. McKeown also called on the Ontario government to take legal action in the fight against transboundary smog. "The Premier has said the government is considering its options. Given the record number of smog alerts this summer, it's time to step up the pressure."

There have been 41 smog alerts issued for Toronto in 2005. Research shows about half the city's air pollution comes from U.S. sources such as coal-fired power plants.

The United States Justice Department, eight state governments and a number of environmental organizations have joined in a lawsuit against nine coal-fired power plants operated by the AEP Corporation. The plaintiffs argue that AEP has increased pollutant emissions as a result of modifications to its plants that did not meet emission control standards required by U.S. law.

In 2000, Toronto City Council authorized the City Solicitor and the Medical Officer of Health to apply to become a Friend of the Court (*Amicus Curiae*) in the case against AEP. This application was accepted and the case has now advanced to trial stage in an Ohio District Court.

Toronto Public Health has estimated that every year about 1,700 premature deaths and 6,000 hospitalizations of Toronto residents can be attributed to air pollution. A recent Ontario government study estimated that U.S. transboundary pollution accounts for some 2,750 premature deaths and \$5 billion in health and environmental damages annually in the province.

For more information and the legal brief, visit our web site at www.toronto.ca/health

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