

**Community & Neighbourhood Services**  
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April 29, 2003

Mr. Jeffrey Holmstead  
Assistant Administrator for Air and Radiation  
US Environmental Protection Agency  
EPA West (Air Docket)  
1200 Pennsylvania Avenue, NW  
Room: B108, Mail code: 6102T  
Washington, DC 20460

Dear Mr. Holmstead:

**Re: Comments on air quality and proposed changes to the New Source Review provisions of the US Clean Air Act (Docket ID No. A-2002-04)**

As Medical Officer of Health for the City of Toronto, Ontario, Canada, I am writing to offer comments on the proposed changes to the regulations governing the New Source Review (NSR) programs mandated by the US Clean Air Act (Docket ID No. A-2002-04). Air quality is a transboundary issue. The proposed changes may allow older electric utilities and other industrial facilities to be exempt from modern emission control requirements over the long term. These proposed changes may negatively impact air quality, and therefore human health, in the north-eastern USA and eastern Canada, including Toronto.

In its recent report, the Commission for Environmental Cooperation of North America (CEC) identified electric utilities as the industrial sector with the greatest air pollution releases in Canada and the US in 2000 (Taking Stock, p. 66). It stated that 43 percent of the on-site air pollution in Canada and the US was emitted by electric utilities. It should be noted that both American power plants and Ontario Power Generation's Nanticoke Generating Station in Ontario were among the top air polluters.

Coal-fired power plants emit substantial quantities of sulphur oxides, nitrogen oxides and respirable particulate matter (PM<sub>2.5</sub>). These air pollutants are known to exacerbate asthma and other respiratory symptoms and cardiac problems, and they contribute to increased premature mortality. Vulnerable individuals are most at risk, namely the very young, the elderly, and those with pre-existing illnesses.

According to Ontario's Ministry of Environment, more than 50 percent of Ontario's smog-related pollution originates in the US. Given the need to improve air quality and protect health in Toronto and elsewhere, I expect and look forward to emission reductions from the most polluting facilities both north and south of the Canada-US border.

The NSR program, established in 1997, requires power plants and industrial facilities that emit air pollution to install the best available pollution control technology when they build a new facility or undertake a “major modification” that will increase emissions. Older plants are grandfathered, or exempt from the pollution-control requirements until that time. This provision was intended to balance the cost of upgrading pollution-control equipment with the necessity of protecting health by allowing facilities to perform routine maintenance. However it was not intended to permanently exempt these facilities from reducing their emissions if major modifications or expansions are performed. In recent years, the US EPA has charged approximately fifty power generating stations with violating the NSR provisions. These charges demonstrate the need for both a strong NSR provision, and effective enforcement if air quality improvements are to be realized.

The proposed rule under consideration aims to define the term “major modification”, since this is the term that triggers the need to install emission-control technology. However, the proposed rule recommends allowing facilities to complete major repairs, construction and upgrades at a facility, up to an unspecified cost threshold, without triggering the need to install pollution-control technology that is routinely required at more modern facilities. In order to protect air quality and public health, I recommend that a definition of “major modification” be adopted that will ensure that older industrial facilities and power generating stations are required to modernize their emission-control equipment when they modernize or substantially repair their facilities.

The NSR provisions have allowed some US emitters to temporarily defer the installation of modern emission-control technologies, but this special treatment cannot be allowed to last indefinitely. Thousands of people in the north-eastern US and eastern Canada will breathe more easily when the large emitters are required to make their fair contribution to reducing air pollution and protecting health. I recommend that the NSR provisions be implemented and enforced as originally intended to aggressively reduce emissions of contaminants that impact health.

Sincerely,

*Original signed by Dr. Sheela V. Basrur*

Dr. Sheela V. Basrur  
Medical Officer of Health

cc: Honourable David Anderson, Federal Minister of Environment  
Honourable Chris Stockwell, Ontario Minister of Environment  
Dr. John Wellner, Director, Environmental Program, Ontario Medical Association