
MEDIA RELEASE

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Canadian cities join fight against dirty US coal power

TORONTO – Canadian municipalities representing a population of over five million people today formally petitioned the United States Environmental Protection Agency (EPA) to reduce contaminant emissions from the 150 coal-fired power plants in seven Midwestern states. The petition focuses on emissions from the plants – among the oldest and dirtiest in the U.S. – that cause smog and climate change impacts in Canada.

Sierra Legal filed the petition on behalf of the cities of Toronto, Windsor, Laval, Halifax, Gatineau, Chateauguay, and Cornwall, the Regions of Peel and Durham, Essex County, and others. Originally filed last year on behalf of a coalition of environmental groups, the amended petition also includes new data on smog, acid rain, and climate change.

“Citizens on both sides of the border are harmed by toxic emissions from coal-fired power plants,” said Dr. David McKeown, Toronto’s Medical Officer of Health. “The City of Toronto has been fighting on many fronts to advocate on both sides of the border for cleaner air, and this is one more action. The voice of Canadians must be heard by American decision-makers.”

Ontario government data show that about half of the 5,000 premature deaths caused by smog in the province each year are attributable to transboundary pollution. In border cities such as Windsor up to 90% of air pollution is from the U.S. side. Impacts on the U.S. side are equally severe.

Under the U.S. *Clean Air Act*, the EPA must require emission reductions when there is evidence of harm to Canadians from American sources. The petition cites evidence from international reports documenting the flow of air pollution from the U.S. into Canada. The 150 power plants identified in the petition emit in total 4.5 million tonnes of sulphur dioxide (SO₂) and 1.6 million tonnes of nitrogen oxides (NO_x) annually --- more than all major Canadian industrial sources of these contaminants combined. Available pollution-control equipment can reduce power plant emissions of these contaminants by 90% or more.

“Since power plant pollution makes people sick and can cut lives short, we understand the Canadian concern,” said Peter M. Iwanowicz, Vice President for the American Lung Association of New York State. “Whether it’s a fight against Ontario coal-fired power plants or against Midwestern U.S. plants, this is a fight that unites citizens on both sides of the border against dirty power and the lack of action by politicians.”

The 150 plants also emit approximately the same amount of greenhouse gases as all of Canada --- including transportation, industry, and Alberta's tar sands --- combined. Climate change caused by accumulating greenhouse gases in the atmosphere is linked to severe weather events such as heat waves and violent storms.

“A rejection of the petition by the EPA gives parties to the petition the right to sue in U.S. courts,” said Albert Koehl, a lawyer with Sierra Legal. There is precedent for such a legal action. In the late 1980s the Province of Ontario sued the EPA after the agency failed to take action on acid rain. The suit ultimately failed on technical grounds but positive action on acid rain followed shortly thereafter.

Acid rain, for which NO_x and SO₂ are the major precursors, continues to be a major problem in Eastern Canada. International reports confirm the need for a further 75% reduction in contaminant emissions to bring lakes and rivers back to health. The States identified in the petition are Ohio, Michigan, Indiana, Illinois, West Virginia, Pennsylvania, and Kentucky.

-30-

To download a copy of the petition, please visit www.sierralegal.org. For more information, please contact:

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BACKGROUND INFORMATION

The Petitioners

The full list of petitioners includes: City of Toronto, City of Windsor, County of Essex, Ville de Gatineau, Halifax Regional Municipal Council, Region of Peel, Chatham-Kent Board of Health, City of Cornwall, Durham Region, Town of Ajax, Ville de Chateauguay, Ville de Laval, and the Town of Goderich.

The original petitioners include: Sierra Legal, Friends of the Earth, Toronto Environmental Alliance, STOP (Montreal), Ecology Action Centre (Halifax), Citizens Environment Alliance, Conservation Council of New Brunswick, and Centre for Environmentally Sustainable Development.

Emissions from coal-fired power plants

- The 150 U.S. Midwestern coal-fired power plants targeted by the petition emitted 725 Mt of GHGs in 2002. In the same year the combined GHG emissions for all of Canada were 719 Mt. (The most recent data for all Canadian GHG emissions was 758 Mt in 2004.)

Example for comparative purposes of coal-fired power production (based on 2003 data):

Coal-fired power plants	Ohio	Ontario
Quantity	24	5 (Lakeview has since been closed)
Emissions of NO _x :	355,000 tonnes	57,875 tonnes
Emissions of SO ₂	1,200,000 tonnes	153,750 tonnes
Emissions of CO ₂	133,000,000 tonnes (133 Mt)	26,468,394 tonnes (26.5 Mt - 2004 data)

- Total Canadian emissions from fossil fuel power plants (includes small number of oil and gas plants): NO_x: 261,000 tonnes, SO₂: 619,000 tonnes, CO₂: 128,000,000 tonnes (2002 data: Canadian totals based on Commission for Environmental Cooperation report, *North American Power Plant Air Emissions*)
- Many of the US power plants in question have little or no pollution-control equipment; some are more than 50 years old.
- About 50% of US electricity is generated from coal-fired power compared to about 20% in Canada.

The US Clean Air Act

- S. 115(a) of the US *Clean Air Act* says:

Whenever the Administrator, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country ... the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate. ["formal notification" makes reductions mandatory]

- The comparable section of the *Canadian Environmental Protection Act* (CEPA) is s. 166. In 2003, the NY Attorney General and about 50 other state and other groups (including Canadian groups) filed a petition to NAFTA's environmental watchdog, the Commission for Environmental Cooperation (CEC) about the downwind impacts on the U.S. of coal-fired power plant emissions from Ontario. The complaint relied partly on s. 166 of CEPA.
- In the late 1980s the Province of Ontario and other groups sued the EPA for failing to take action on acid rain under s. 115. The case was decided in August 1990. The court decided the EPA had not yet had a sufficient opportunity to determine the particular source of the pollutants in issue.