

TORONTO STAFF REPORT

August 11, 2003

To: Board of Health

From: Dr. Sheela V. Basrur, Medical Officer of Health

Subject: Environmental Assessments at Lester B. Pearson International Airport

Purpose:

This report provides information on the applicability of the Canadian Environmental Assessment Act (CEAA) to future activities at Lester B. Pearson International Airport.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended that the Board of Health receive this report for information.

Background:

At the April 9, 2002 meeting of the Board of Health, the Medical Officer of Health was requested to report on "information on environmental assessments currently in place regulating activities at the Toronto Lester B. Pearson International Airport." Staff reviewed information on the applicability of the *Canadian Environmental Assessment Act (CEAA)* and the *Ontario Environmental Assessment Act* to future activities at Lester B. Pearson International Airport.

Comments:

Under the *Canadian Environmental Assessment Act (CEAA)*, federal departments and agencies must undertake an environmental assessment before they carry out a project if they meet one or more of the following criteria: if they provide financial assistance to enable a project to be carried out; if they sell, lease or otherwise transfer control or administration of land to enable a project to be undertaken; or if they issue an authorization to enable a project to go forward.

Prior to the inception of the Greater Toronto Airport Authority (GTAA) in 1996, *CEAA* applied to undertakings at Lester B. Pearson International Airport because Transport Canada operated the airport. For example, an environmental assessment (EA) for a runway expansion was completed in 1991. An EA was also undertaken for the ground lease that transferred the management, operation, and maintenance operations of the airport from Transport Canada to the GTAA in 1996.

One change made by this lease agreement was the removal of the automatic applicability of *CEAA* to federal environmental assessment procedures for qualifying projects. This does not mean *CEAA* no longer applies to Lester B. Pearson Airport. Projects may qualify under *CEAA*'s Law List. The Law List (a regulation under *CEAA*) is a schedule listing the federal Acts that trigger the application of the *CEAA*. If a project requires compliance with an Act listed on the "Law List", then *CEAA* will apply to the project. An environmental assessment is also still required under *CEAA* when a federal authority issues a permit or licence, grants an approval, or takes any other action for the purpose of enabling a project to be carried out at the airport. GTAA projects that have physical impacts outside the airport property (e.g. bridges and roads) may be subject to the provincial environmental assessment process. Municipal and other provincial laws may also be applicable for GTAA-initiated undertakings.

The GTAA's Environmental Policy requires that airport operations shall continue to be subject to the "spirit" of *CEAA* as part of the decision-making process used to plan, design, construct, and operate the airport even if they are not subject to the *CEAA* triggers described above. One such "voluntary" environmental assessment was undertaken by the GTAA for the new terminal currently under construction. Environmental assessments conducted voluntarily by the GTAA are not recorded within the federal government's public registry system, which is normally required of environmental assessments under the Act, or formally reviewed and approved by the federal government. Public consultation and review of environmental assessments conducted under the GTAA Environmental Policy are not required; however, for certain projects the public may have the opportunity to submit comments and have access to environmental assessment documents.

The federal government has taken steps to amend *CEAA* in Bill C-9, which received Royal Assent on June 11, 2003, and is expected to be enacted in the fall of 2003. Using the new authority in Bill C-9, regulations are being developed to require EAs of projects on federal lands involving National Airport System Airport Authorities. Until these new regulations are made under the Act, the GTAA will be obliged to complete an environmental assessment under *CEAA* only when the *CEAA* triggers described above apply.

Given the potential air quality impacts from operations at Pearson Airport, TPH will continue to monitor air quality issues through participation in the project advisory committee for the Air Quality Study being done by GTAA.

Conclusions:

Under the new Bill C-9, which will amend the *CEAA*, the GTAA will still not be required to conduct federal environmental assessments unless the Law List applies or a federal authority

issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out. Using the authority in Bill C-9, the Canadian Environmental Assessment Agency is developing new regulations to require EAs of projects on federal lands involving National Airport System Airport Authorities. However, for the foreseeable future, the GTAA will continue to apply the “spirit” of *CEAA*, and undertake environmental assessments without formalized government review of the final assessment report. Depending on the project, the GTAA may provide the opportunity for the public to submit comments and have access to environmental assessment documents prepared under the Environmental Policy.

TPH will continue to monitor potential air quality issues from airport operations through participation in the project advisory committee for the Air Quality Study being done by the GTAA.

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