

Board of Health

Meeting No. 11
Meeting Date Monday, January 21, 2008
Start Time 1:00 PM
Location Committee Room 1, City Hall

Contact Candy Davidovits, Committee Administrator
Phone 416-392-8032
E-mail boh@toronto.ca

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HL11.5	NO AMENDMENT			
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US Court Decision on Transboundary Air Pollution

City Council Decision

City Council on January 29 and 30, 2008, adopted the following motions:

1. City Council commend the United States Environmental Protection Agency (U.S. EPA) and the State Attorneys General of Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont, for their commitment to reducing air pollution through U.S. Power plant litigation, and, in particular, their intervention in the case against American Electric Power Corporation, Inc., the result of which will lead to improvements in Toronto's air quality, diminish the frequency and severity of smog episodes and reduce the health impact of air pollution in Toronto.
2. City Council thank the following organizations for their championship of the case against American Electric Power Corporation, Inc., Ohio Citizen Action, Citizens Action Coalition of Indiana, Hoosier Environmental Council, Valley Watch, Ohio Valley Environmental Coalition, West Virginia Environmental Council, Clean Air Council, Izaak Walton League of America, United States Public Interest Research Group, National Wildlife Federation, Indiana Wildlife Federation, League of Ohio Sportsmen, Sierra Club and Natural Resources Defence Council.

(December 18, 2007) Report from Medical Officer of Health

Committee Recommendations

The Board of Health recommends that:

1. City Council commend the United States Environmental Protection Agency (U.S. EPA) and the State Attorneys General of Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, for their commitment to reducing air pollution through U.S. Power plant litigation, and in particular, their intervention in the case against American Electric Power Corporation, Inc., the result of which will lead to improvements in Toronto's air quality, diminish the frequency and severity of smog episodes, and reduce the health impact of air pollution in Toronto.
2. City Council thank the following organizations for their championship of the case against American Electric Power Corporation, Inc., Ohio Citizen Action, Citizens Action Coalition of Indiana, Hoosier Environmental Council, Valley Watch, Ohio Valley Environmental Coalition, West Virginia Environmental Council, Clean Air Council, Izaak Walton League of America, United States Public Interest Research Group, National Wildlife Federation, Indiana Wildlife Federation, League of Ohio Sportsmen, Sierra Club and Natural Resources Defence Council.

Decision Advice and Other Information

The Board of Health:

1. requested the Medical Officer of Health to write to the Ontario Minister of Energy urging a ban on non-emergency exports of coal-fired power to the United States.
2. commended the Medical Officer of Health, the City Solicitor and City Council for taking action in this case and for their accomplishments which will lead to improvements in Toronto's air quality and the health of Torontonians.

Financial Impact

There are no financial implications arising from the adoption of this report.

Summary

In 2000, City Council authorized the City Solicitor to seek status as a Friend of the Court (Amicus Curiae) in a civil lawsuit against American Electric Power (AEP). The City submitted information on the impact of transboundary air pollution from U.S. coal-fired electric plants on Toronto's population. Up to fifty percent of the air pollution that affects Toronto, especially during smog episodes, comes from the United States.

In 2001, the American court granted Friend of the Court status to Toronto. The City Solicitor and the Medical Officer of Health prepared a legal brief in support of the legal arguments advanced by the plaintiffs.

A settlement was announced in the lawsuit on October 9, 2007. The settlement requires AEP to reduce air emissions from its sixteen coal-fired power plants. These reductions will translate into better air quality in Toronto and will bring about improved health for people living here. If related lawsuits which are ongoing in the United States have a similar positive outcome, the

health benefits to Toronto will increase as transboundary air pollution decreases. The State Attorneys General of the eight states, as well as the twelve NGOs that participated in the litigation, should be recognized for their leadership in addressing air pollution from coal-fired power plants.

Background Information

US Court Decision on Transboundary Air Pollution

<http://www.toronto.ca/legdocs/mmis/2008/hl/bgrd/backgroundfile-9849.pdf>

Communications

(January 21, 2008) Submission from Jack Gibbons, Ontario Clean Air Alliance (HL.New.HL11.5.1)

(January 21, 2008) Submission from Toronto Public Health (HL.New.HL11.5.2)

Speakers

Jack Gibbons, Ontario Clean Air Alliance (Submission Filed)

Submitted Monday, January 21, 2008

Councillor John Filion, Chair, Board of Health