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May 31, 2005

Ms. Cathy Grant, Engineering Specialist – Air Pollution Control  
Standards Development Branch  
Ontario Ministry of the Environment  
40 St. Clair Avenue West, 7th Floor  
Toronto, Ontario, M4V 1P5

Dear Ms. Grant:

**Re: EBR Registry RA05E0008 – Regulation to Revoke and Replace Ontario Regulation 346 – General Air Pollution & Amendment to Ontario Regulation 681/94.**

I am writing to you on behalf of the Ontario Public Health Association (OPHA). Founded in 1949, the OPHA is a volunteer, non-profit, charitable organization established to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario. The OPHA represents over 3000 individuals and constituent societies from various sectors and disciplines working in public and community health throughout Ontario. Public health includes health promotion, disease prevention, health protection and population health strategies aimed at improving the determinants of health for individuals and communities.

We are pleased to respond to the Notice of Proposal for Regulation respecting the Local Air Quality Framework that was posted on the EBR Registry on May 5, 2005. Our comments are in reference to the following documents:

- Draft Ontario Regulation made under the Environmental Protection Act – General – Air Pollution;
- Draft Guideline for the Implementation of Air Standards in Ontario;
- Air Dispersion Modeling Guideline for Ontario; and
- Procedure for Preparing an Emission Summary and Dispersion Modeling Report.

The OPHA submitted comments on the three policy position papers released by the Ministry of the Environment on this issue in October 2004. Several of our members and our Environmental Health Manager have participated in meetings convened by the Ministry to

address concerns expressed at that time by the public health sector. At this time, the OPHA would like to express its support for the overall direction of the proposed Regulation, Guidelines and Procedure.

We are pleased that the Ministry of the Environment is proposing a framework that will:

- Separate the health assessment process from risk management considerations;
- Allow the development and use of effects-based air standards that reflect health and environmental impacts rather than technical and economic feasibility;
- Allow the Ministry to adopt new dispersion models that are more accurate and capable of estimating concentrations over various averaging time periods;
- Provide the Ministry, public health units and the community with more comprehensive information respecting air emissions from point sources in local communities;
- Encourage continuous improvements that are driven by health-based air standards among facilities across the province;
- Encourage consideration of clean production and pollution prevention strategies as well as end-of-pipe control technologies through a technology benchmarking process;
- Bring greater transparency and consistency to the risk-management process in which extensions are granted to facilities because of technical and/or economic constraints; and
- Provide public health units, municipalities and citizens with the opportunity to participate in the risk-management decision-making process for facilities that can impact on their communities.

We believe that this new regulatory framework will provide greater protection of public health and the environment, clearer information about air pollution sources in local communities, and more opportunities for community involvement in the risk management process.

In closing, we would like to thank you for providing the OPHA with the opportunity to comment on the Ministry's proposal for local air quality. We are very pleased that the Ministry is taking steps to improve local air quality in Ontario by improving the regulatory framework that applies to point sources of smog precursors and air toxics in our communities. We look forward to working with the Ministry on the development of educational materials, communication tools and protocols that can be used to support the implementation of this new Regulation and its Guidelines. If you have any questions respecting our views, I would invite you to call Kim Perrotta, our Environmental Health Manager at 905-628-9437.

Sincerely,

Dr. Garry Aslanyan  
President, Ontario Public Health Association

cc. Leona Dombrowsky, Minister of the Environment  
George Smitherman, Minister of Health and Long-Term Care  
Sheela Basrur, Chief Medical Officer of Health  
Kim Perrotta, OPHA Environmental Health Manager