

MEDIA BACKGROUND

Chemical Valley – Sarnia, Ontario

November 1st, 2010

LIVING IN CANADA'S CHEMICAL VALLEY

- Chemical Valley near Sarnia Ontario is a heavily industrialized area with a concentration of petroleum refineries, petrochemical plants and other industry.
- The Applicants in the case, Ada Lockridge and Ron Plain, are members of Aamjiwnaang First Nation, which is a community located in the heart of Chemical Valley.
- Analysis conducted by Ecojustice in 2007 based on reporting to Canada's National Pollutant Release Inventory found that facilities in Chemical Valley are a significant source of toxics, criteria air contaminants, and greenhouse gases. In fact, industry in Chemical Valley releases more "toxic" air pollutants – substances associated with environmental contamination, cancer, and reproductive and development health effects – than industry in any other community in Ontario. Reported industrial emissions of these toxic pollutants from Chemical Valley alone exceeded total emissions reported by industry in Manitoba, New Brunswick, or Saskatchewan.
- Major pollutants of concern that are released in high concentrations in Chemical Valley include sulphur dioxide (SO₂), hydrogen sulphide (H₂S), oxides of nitrogen (NO_x), carbon monoxide (CO), particulate matter (PM) and benzene.
- Studies have shown evidence of health impacts in populations near Chemical Valley (e.g. skewed birth sex-ratio, elevated hospital admission rates, high rates of asthma, miscarriages, and other illnesses).
- Strong odours, fumes and particulate fallout have been experienced by the two Applicants in Aamjiwnaang. At times they are told to 'shelter in place' (in other words, to not go outdoors) to reduce their exposures to harmful substances released by industry.
- Due to accidents, spills, releases and tests at industrial sites in Chemical Valley, it is not uncommon for the applicants to hear explosive sounds, vibrations or alarms. This, combined with the sheer number of additional approvals to emit air pollution handed out by the government to industry in the area, causes the Applicants to be in a constant state of fear for their health.

FAILURE TO CONSIDER CUMULATIVE EFFECTS IN THE PERMITTING OF AIR POLLUTION EMISSIONS

- Exposure to combined pollution from multiple sources and exposure to a number of different pollutants (even at low levels) can have interactive and cumulative impacts on people's health.

- The Ontario Ministry of the Environment (MOE) issues permits to industry to discharge air pollutants without considering cumulative effects, even in areas like Chemical Valley.
- Each industrial facility's emissions are assessed as though the facility existed alone with no consideration of other sources of pollution.
- Chemical Valley already has the worst air quality in Ontario, and air sampling in Aamjiwnaang has found harmful substances at harmful concentrations.
- Ecojustice, on behalf of the Applicants, asked the MOE in January, 2009 to review and change the laws of Ontario to ensure that cumulative effects are taken into consideration, and people's health is protected where industrial facilities are issued permits to release pollutants in industrial 'hotspots', such as Chemical Valley.
- The MOE committed to assess the need for a cumulative effects analysis in April 2009 but no progress has been made to date on changing laws or policies to accomplish this. Despite the commitment, approvals to emit pollution in Chemical Valley continue to be issued.
- Reports by facilities in Chemical Valley on their sulphur dioxide emissions indicate that they individually emit this one pollutant, at times, close to the health based air quality standard. There are other similar examples for other pollutants. All of this heavy pollution can have a massive cumulative effect.

DELAY IN IMPLEMENTING KEY HEALTH BASED AIR QUALITY STANDARDS

- Many of the air pollution standards, such as sulphur dioxide, in Ontario are outdated and do not protect human health.
- Several new standards key to protecting the health of Ontarians, including the Applicants, were proposed by the MOE in July of 2009. These standards were part of a 2007 election commitment by the Ontario government. This process continues to be delayed.
- Some very serious pollutants, such as benzene – a known human carcinogen - continue to be unregulated in Chemical Valley. The process for regulating benzene has stalled following industry consultation.

THE ONGOING THREAT OF FLARING

- In the backdrop of all of these ongoing concerns in Chemical Valley that pose an unacceptable risk to the Applicants' health, there is an ongoing threat of very high local concentrations of pollutants due to flaring.
- The refineries and petrochemical plants in Chemical Valley burn off their waste gases at the top of a stack. This process is called flaring.
- Flaring is suppose to only be used during emergencies, but is done regularly by industry in Chemical Valley and can lead to significant additional pollutant emissions.
- Suncor is situated directly adjacent to Aamjiwnaang and only about 1.4 km from Ada Lockridge's house. Suncor's flares have contributed to significant pollutant emissions in Chemical Valley and likely will continue to do so.

- After months of flaring incidents by Suncor at its refinery in 2007 and 2008, MOE ordered Suncor to limit its operations. Suncor was subsequently charged and fined in 2009 for violations of air quality standards due to its flaring.
- In April 2010, the MOE's 2008 order was lifted, allowing Suncor to increase its refinery operations again. This will lead to increased pollution from regular operations and significant increases should Suncor start flaring again.
- MOE's approval of Suncor's increase in production was done without taking into consideration cumulative effects and threats to the health of local residents from increased pollution.