



November 4, 2024

Response to ERO No. 019-9084 - Algoma Steel Inc.'s request for an Environmental Compliance Approval

Legal Advocates for Nature's Defence (LAND), supported by nearly 300 concerned individuals and directly impacted members of the public,¹ provide these comments to the Ministry of the Environment, Conservation and Parks (MECP) in response to Algoma Steel's request for an [Environmental Compliance Approval](#) (ECA) for emissions at its iron and steel manufacturing plant in Sault Ste Marie, Ontario.

LAND is a non-profit based in Northern Ontario that works to advance access to justice, in order to protect nature and Indigenous rights. Our comments, below, suggest a way forward justified by what we have heard from directly impacted community members and experts, including medical doctors working in Sault Ste Marie. As legal experts with a track record in public interest and environmental law, our recommendations are aimed at safeguarding our air and health from toxic air pollutants and preventing environmental injustices so that regardless of socio-economic status, job or locale, no individual bears the health and environmental cost caused by heavy industry.

1 – The MECP must prioritize restoration over continued environmental degradation

The Algoma Steel Mill is located beside the St Marys River – a 100+ km passageway, connecting Lake Superior to Lake Huron. The river has been recognized for its high biodiversity potential, unique riparian environment and cultural significance. Whitefish Island, part of Batchewana First Nation and located near the steel mill, is both a sacred and designated historic site.

Unfortunately, after more than a century of navigational and industrial activities, the St Marys River has endured significant toxic loading from discharges of coal, tar, and highly toxic compounds such as ammonia, cyanide, oil and phenols.

¹ From October 30 – November 4, 2024, LAND hosted a [take action alert](#) inviting concerned citizens to send a letter to the MECP requesting Algoma Steel's ECA request be denied. Nearly 300 letters were sent in the five-day timeframe.

We are deeply concerned that the current request by Algoma Steel that would allow it to continue discharging toxic contaminants to air would perpetuate this legacy of harm to the river and the adjacent lands and air.

We submit the province, in making a decision on Algoma Steel's ECA, must prioritize lessening environmental impacts and degradation. This is keeping with our international obligations under the *Kunming-Montreal Global Biodiversity Framework* which sets out in Target 2, that by 2030 30% of degraded areas be under effective restoration in order to enhance biodiversity and ecosystem functions. This approach is also supported by the Framework's 'mainstreaming' approach to biodiversity protection, that seeks to ensure goals of protecting and restoring biodiversity are appropriately and adequately integrated into all government policies and practices.

2 – The MECP has a duty to safeguard clean air and reduce exposure to toxic air pollutants

Sault Ste Marie has a serious pollution problem, as evidenced by having one of the highest cancer rates in the province of Ontario and the area around the Algoma steel plant, having one of the highest rates of acute myeloid leukemia in Canada.²

While Ontario has prescribed air emission standards under O Reg 419/05 Air Pollution - Local Air Quality pursuant to the *Environmental Protection Act*, unfortunately not all polluters conform to these emission standards. We oppose any continuation of approvals by the Ministry that would allow Algoma Steel to be exempt or allowed to operate above provincial air quality standards. Specifically, we oppose Algoma Steel's request for the following 'alternate' standard:

- Benzene: Algoma Steel's most recent Site-Specific Standard (expired) was 2.2 µg/m³ annually. They now seek a Site-Specific Standard of 3.98 ug/m³ annually. The provincial standard is 0.45 µg/m³ annually. Algoma Steel's request is 884% of the provincial standard.
- Benzo(a)pyrene: Algoma Steel's most recent Site-Specific Standard (expired) was 0.004 µg/m³ annually. They now seek Site-Specific Standard of 0.0053 ug/m³ annually. The provincial standard is 0.00001 µg/m³ annually. Algoma Steel's request is 53000% of the provincial standard.

² Ghazawi, F.M., Le, M., Cyr, J., Netchiporouk, E., Rahme, E., Alakel, A., Zubarev, A., Powell, M., Moreau, L., Roshdy, O., Glassman, S.J., Sasseville, D., Popradi, G. and Litvinov, I.V. (2019), Analysis of acute myeloid leukemia incidence and geographic distribution in Canada from 1992 to 2010 reveals disease clusters in Sarnia and other industrial US border cities in Ontario. *Cancer*, 125: 1886-1897. <https://doi.org/10.1002/cncr.32034>;

- Particulate Matter: Algoma Steel's most recent Site-Specific Standard (expired) was 127 µg/m³ per 24 hours. They now seek a Site-Specific Standard of 135 ug/m³ per 24 hours. The provincial standard is 120 µg/m³ per 24 hours. Algoma Steel's request is 112.5% of the provincial standard.
- Sulphur Dioxide: Algoma Steel's seeks a Site-Specific Standard of 615 ug/m³ per 1 hour. The provincial standard is 100 µg/m³ per 1 hour. Algoma Steel's request is 615% of the provincial standard. Algoma Steel also seeks a Site-Specific Standard of 34 ug/m³ annually. The provincial standard is 10 µg/m³ annually. Algoma Steel's request is 340% of the provincial standard.

We are strongly opposed to the granting of Algoma Steel's ECA and submit these air emissions levels cannot be justified – under any circumstance – given their known toxicity and carcinogenic effects and the already heightened health burden borne by community members in Sault Ste Marie.

3 – The MECP must prevent ongoing environmental injustices, increase public awareness and commit to meaningful public engagement

It is absolutely critical if we are to close the gap on industrial air pollution and its regulation, that members of the public and the affected community have a full and fair opportunity to provide their views, concerns and comments to the Ministry. Unfortunately, the MECP has not publicly disclosed information allowing the public to understand the proposed air emissions and what air quality monitoring and mitigation parameters will be in place to protect and improve the air, environment and public health.

The province is legally required to consider public comments per the *Environmental Bill of Rights* when making its decision and yet the abatement action plan, proposed site-specific standard and any documentation setting out how Algoma Steel will achieve conformance with provincial air quality standards are lacking from the public domain. There is a high degree of interest and concern – evidenced by the nearly 300 individuals who sent letters to the MECP in just a short timeframe of 5 days.³

The Environmental Registry posting for Algoma Steel's requested ECA contains very limited disclosure of information, which in turn dissuades public engagement. Given the significant adverse and repercussive health and environmental impacts posed by Algoma Steel's requested ECA, this matter ought to attract the highest degree of community participation, awareness and

³ See footnote 1, above.

involvement. For this reason, we urge the MECP to keep the consultation period open and commit to meaningfully engage the citizens in Sault Ste Marie.

The environmental justice movement has gained significant public traction with the recent passage of the *National Strategy Respecting Environmental Racism and Environmental Justice Act* and the inclusion of the Right to a Healthy Environment under the *Canadian Environmental Protection Act*. With this in mind, MECP has an opportunity to make a decision that is aligned with environmental justice principles and will not perpetuate environmental health inequities and exclusion from decision-making.

Requested Action

The promise of one day meeting provincial air quality standards does not remedy the ongoing environmental injustice in Sault Ste Marie. No person, city or town is less deserving of the protection our laws ought to provide, to safeguard our health and air.

We ask that the province deny Algoma Steel's request for the ECA and instead, require conformance with provincial air quality standards.



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cc Ross Romano, MPP
Tyler Schulz, Office of the Auditor General