

For Information

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DATE: October 13, 2009

REPORT TITLE: **ROLE OF THE MEDICAL OFFICER OF HEALTH IN COMMENTING ON APPLICATIONS FOR CERTIFICATE OF APPROVAL**

FROM: Janette Smith, Commissioner of Health Services  
Dr. David Mowat, MBChB, MPH, FRCPC, Medical Officer of Health

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**OBJECTIVE**

The purpose of this report is to respond to Regional Council's July 9<sup>th</sup>, 2009 request that the Medical Officer of Health report to a future General Committee meeting with information related to his role in providing comments on applications for Certificate of Approval.

**REPORT HIGHLIGHTS**

- Pursuant to the Ontario *Environmental Protection Act* the Ministry of the Environment issues Certificates of Approval for emissions from industrial facilities.
- Applications for Certificates of Approval are posted on the Ontario Environmental Bill of Rights for public comment.
- Public health units are not mandated to monitor, review or comment on Certificates of Approval under the Ontario Public Health Standards.
- Peel Public Health staff monitor the Environmental Bill of Rights and its federal counterpart, the Canada Gazette, for postings of significance to local public health. Examples of such postings include proposed air standards, applications for Certificates of Approval for large emitters in the Region of Peel, or new federal legislation. Peel Public Health will often work in partnership with other public health units to draft comments on the proposals.
- Peel Public Health is a member of the Regional Area Municipal Technical Review Committee which reviews applications for waste Certificates of Approval.

**DISCUSSION****1. Background**

The Environmental Assessment and Approvals Branch of the Ministry of the Environment issues Certificates of Approval under the *Environmental Protection Act (EPA)*.

Certificates of Approval are required under the *EPA* for facilities that release emissions into the natural environment other than into water. Section 9 of the *Environmental Protection Act* requires equipment, structures or processes that may discharge a contaminant to the atmosphere to be approved before construction, alteration, extension or replacement of the equipment. Approval is also required for the ongoing operation of any equipment that may discharge a contaminant into the atmosphere.

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The definition of a contaminant is very broad. The Ministry does not require that compounds have published criteria to be considered contaminants. Examples include particulate emissions from a process, solvent emissions from a painting line, nitrogen oxides from combustion sources, or sound and vibration from a metal stamping operation.

Part of the evaluation process for a Certificate of Approval includes an opportunity for public participation in the decision-making process through the Ontario Environmental Bill of Rights (EBR). The EBR allows the public to comment when any ministry proposes a new Act, regulation or policy, or approves an instrument that may significantly affect the environment. The gateway to these Acts, regulations, policies and instruments is an electronic bulletin board called the Environmental Registry. The Ministry of the Environment posts applications for Certificates of Approval on the EBR website.

Following public consultation, if the proposal meets the Ministry's standards and the public's environmental concerns are addressed appropriately, the evaluation process results in an approval, permit, licence or environmental assessment decision. Applicants will receive a legally binding instrument at this stage, which generally includes specific requirements to ensure that the ongoing operations from the proposal will not result in harmful impacts to human health or the natural environment.

### **2. The Role of the Medical Officer of Health**

Public health units are not mandated to monitor, review or comment on Certificates of Approval under the Ontario Public Health Standards. However, Peel Public Health staff monitor the Province of Ontario's Environmental Bill of Rights, and its federal counterpart, the Canada Gazette, on a weekly basis and respond to postings that have implications for local public health. Peel Public Health has worked in partnership with other Greater Toronto Area health units to comment on the postings of greatest public health concern.

Peel Public Health also monitors the Environmental Bill of Rights website for significant Certificate of Approval postings. An example of a significant posting could include a large new emitter or a significant change to an existing large emitter. Staff do not comment on every application in the region due to the volume of applications and limited staff resources.

### **3. Technical Review Committee and Certificates of Approval for Waste**

Peel Public Health staff also participate on the Regional Area Municipal Technical Review Committee. The committee reviews waste Certificates of Approval applications within Peel. The Ministry of the Environment notifies the Region of Peel upon notification of applications for a waste Certificate of Approval. The Technical Review Committee reviews the application and works with the Ministry of the Environment and the proponent to address issues of concern.

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**CONCLUSION**

Peel Public Health monitors and responds to Environmental Bill of Rights and Canada Gazette postings of significance to public health. Staff do not respond to every application for a Certificate of Approval due to the volume of applications.



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Commissioner of Health Services



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**Approved for Submission:**



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