

March 12, 2026

Ministry of Environment, Conservation and Parks  
Client Services and Permissions Branch  
135 St Clair Ave West  
1st Floor  
Toronto, ON  
M4V 1P5

**Re: ERO #026-0039 -- ArcelorMittal Canada MP Inc. and ArcelorMittal Canada Inc., operating as ArcelorMittal Dofasco G.P. Environmental Compliance Approval (air and noise)**

The Canadian Environmental Law Association (“CELA”) has reviewed ArcelorMittal Dofasco’s (“AMD”) application for a renewal of its Environmental Compliance Approval (“ECA”). The application should not be granted. Local residents have long been concerned about air pollution from the site and other nearby facilities, and their concerns remain unaddressed. AMD’s proposed transition to cleaner technologies has not materialized and there is no clear timetable for its completion. In the circumstances, an open-ended “abatement plan”, which has never been posted for public comment and review, and which is not requiring AMD to improve air emissions and meet provincial standards, is not an appropriate means to demonstrate compliance with *O. Reg 419/05: Air Pollution – Local Air Quality* (“O. Reg 419/05”).

**A. Insufficient Evidentiary Disclosure Hinders Environmental Justice**

The Environmental Registry of Ontario Posting #026-0039 does not include any detail about the proposed renewal application for the ECA for air and noise for the AMD facility in Hamilton or a draft Environmental Compliance Approval. On January 23, 2026, CELA requested that the supporting documentation for AMD’s application be disclosed including a draft ECA and posted on the Environmental Registry, along with an extension of time to comment of 45 days after the supporting documentation was disclosed and posted.

Some supporting documentation was provided to CELA on February 6, 2026, however it was not posted to the Environmental Registry of Ontario. No draft Environmental Compliance Approval language has been provided.

For the *Environmental Bill of Rights* to serve its intended purpose to provide a means for the public to influence and meaningfully participate in significant environmental decision-making, documentary disclosure must be provided prior to the comment deadline. CELA reiterates its request to re-post AMD’s proposal with a deadline to comment only after all of the requested supporting documentation has been disclosed. The 45-day comment should only begin after the key documents have been posted to the registry.

The (former) Environmental Appeal Board has recognized the importance of disclosure of relevant information about proposals in the consultation process under the EBR, particularly as it relates to the subsequent leave to appeal process:

. . . the process followed in this case also reveals problems in the interpretation of the EBR. There appears to be a problem, for example, when the Ministry's Director withholds much of the relevant information about an approval process from the public because she perceives it to require confidentiality, but the Ministry's Access to Information and Privacy Co-ordinator considers most of the concealed information not to be confidential. **There is a problem when leave applicants must make their applications to this Board based on information that is incomplete and out-of-date, because they have not been provided with relevant information.**<sup>1</sup> [emphasis added]

Likewise, in PO-1688, the Information and Privacy Commissioner ("IPC") ordered disclosure of air pollution modelling relating to an application to the Ministry for a Certificate of Approval (now Environmental Compliance Approval).<sup>2</sup> The IPC stated that there is a compelling public interest in (1) the public being able to evaluate whether the Ministry conducted a full and fair assessment of the proposal before deciding whether to grant approval, (2) the public has an interest in knowing the extent to which the proposal will impact the environment, and (3) the role of the public in protecting the environment and participating in environmental decision-making is enshrined in the EBR:

The public has an interest, from the perspective of protecting the natural environment and protecting public health and safety, in seeing that the Ministry conducts a full and fair assessment before deciding whether or not to grant the appellant a certificate of approval to discharge air emissions into the natural environment. **This necessarily entails disclosure of the relevant data contained in the record. In addition, the public has an interest in knowing the extent to which the appellant's proposal to change its operations, if implemented, will impact the environment.**

My finding is consistent with one of the fundamental, public interest purposes of the EBR which, as the ECO has stated, is the protection of the environment, in part by providing mechanisms to ensure that government ministries act in the public interest when making decisions about the environment. **I agree with the ECO's submission that disclosure of relevant information is crucial if these mechanisms are to work effectively and that, therefore, disclosure of a record regarding the environmental impacts of proposed air emissions, such as the record in this case, would be in the public interest.**<sup>3</sup> [emphasis added]

As confirmed in *Greenpeace Canada (2471256 Canada Inc.) v. Ontario (Minister of the Environment, Conservation and Parks)*, 2021 ONSC 4521 (CanLII), the EBR intends to promote

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<sup>1</sup> Residents Against Company Pollution Inc. v. Ontario (Ministry of Environment and Energy), [1996] O.E.A.B. No. 29, at para 351.

<sup>2</sup> Ministry of the Environment (1999), PO-1688, online: <[PO-1688 - Information and Privacy Commissioner of Ontario](#)> at 14-16 [Order PO-1688].

<sup>3</sup> PO-1688, at 20-22

transparency and accountability by facilitating meaningful public participation.<sup>4</sup> A key principle of environmental justice is that local communities must be equipped with information about their local environment. Local residents need to be provided with the means to understand significant environmental decisions that may affect their health and well-being and be provided with the opportunity to meaningfully comment. The process to date has not met that standard.

## **B. Background on Air Pollution at ArcelorMittal Dofasco Facility in Hamilton**

### *i. Expired Site-Specific Standards and Provincial Air Standards*

Local residents have been raising concerns about local pollution caused by the AMD facility for many years. AMD has previously applied for and been granted site-specific standards for benzene, benzo(a)pyrene, manganese and manganese compounds, and total suspended particulate, allowing it to emit those pollutants well above the provincial standards for air pollution outlined in Schedule 3 of O. Reg 419/05. The four site-specific standards have all expired. The AMD facility has been contravening the provincial standards since that time.

#### (i) Benzene

Benzene is modelled to reach a maximum point of impingement concentration of  $4.91 \mu\text{g}/\text{m}^3$ .<sup>5</sup> The provincial standard is  $0.45 \mu\text{g}/\text{m}^3$ .<sup>6</sup> AMD proposed to emit benzene at levels that are 10.9 times the provincial limit.

AMD's site-specific standard for benzene, now expired, was  $10 \mu\text{g}/\text{m}^3$ .<sup>7</sup>

#### (ii) Benzo(a)pyrene

Benzo(a)pyrene is modelled to reach a maximum point of impingement concentration of  $0.0093 \mu\text{g}/\text{m}^3$  (annual).<sup>8</sup> The provincial standard is  $0.00001 \mu\text{g}/\text{m}^3$  (annual).<sup>9</sup> AMD proposes to emit benzo(a)pyrene at levels that are 930 times the provincial limit.

AMD's site-specific standard for benzo(a)pyrene, now expired, was  $0.011 \mu\text{g}/\text{m}^3$  (annual).<sup>10</sup>

#### (iii) Manganese and Manganese Compounds

Manganese and manganese compounds are modelled to reach a maximum point of impingement concentration of  $1.07 \mu\text{g}/\text{m}^3$  (24 hours). The provincial standard is  $0.4 \mu\text{g}/\text{m}^3$  (24 hours).<sup>11</sup> AMD

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<sup>4</sup> *Greenpeace Canada (2471256 Canada Inc.) v. Ontario (Minister of the Environment, Conservation and Parks)*, 2021 ONSC 4521 (CanLII). [Greenpeace]

<sup>5</sup> ArcelorMittal Dofasco, Executive Summary, p vii

<sup>6</sup> O. Reg 419/05: Air Pollution: Local Air Quality, Schedule 3

<sup>7</sup> Environmental Registry of Ontario, Approval of a Site-Specific Air Standard, ERO#019-2297, dated January 14, 2021. < [ArcelorMittal Dofasco G.P. - Approval of a site-specific air standard | Environmental Registry of Ontario](#)>

<sup>8</sup> ArcelorMittal Dofasco, Executive Summary, p vii

<sup>9</sup> O. Reg 419/05: Air Pollution: Local Air Quality, Schedule 3

<sup>10</sup> Environmental Registry of Ontario, "Approval of a Site-Specific Air Standard, ERO#019-3241, dated July 16, 2021. < [ArcelorMittal Dofasco G.P. - Approval of a site-specific air standard | Environmental Registry of Ontario](#)>

proposes to emit manganese and manganese compounds at levels that are 2.67 times the provincial limit.

AMD's site-specific standard, now expired, for manganese and manganese compounds was 1.5 µg/m<sup>3</sup>.<sup>12</sup>

(iv) Total Suspended Particulate Matter

Total suspended particulate matter is predicted to reach a maximum point of impingement concentration of 83.3 µg/m<sup>3</sup> (24 hour). The provincial standard for total suspended particulate is 120 µg/m<sup>3</sup> (24 hour)<sup>13</sup>. This provincial limit is not predicted to be exceeded. AMD's site-specific standard for suspended particulate matter, now expired, was 177 µg/m<sup>3</sup> (24 hour).<sup>14</sup>

*ii. AMD is Not Complying with the Ministry's Sulphur Dioxide Standard*

AMD is also out of compliance with the Ministry's sulphur dioxide standard. The Ministry strengthened its sulphur dioxide air pollution limit on July 1, 2023 to "better protect human health and the environment".<sup>15</sup> Schedule 3 of O. Reg 419/05 requires sulphur dioxide emissions not to exceed 100 µg/m<sup>3</sup> (one hour) or 10 µg/m<sup>3</sup> (annual).<sup>16</sup> AMD has not taken sufficient steps to meet the more stringent air pollution standard for sulphur dioxide and instead is now proposing to exceed that air pollution standard, as well.<sup>17</sup>

Sulphur dioxide is predicted to reach a maximum point of impingement concentration of 690 µg/m<sup>3</sup>. AMD proposes to emit sulphur dioxide at levels that are 6.9 times the provincial limit.

*iii. AMD's Abatement Plan*

An abatement plan was submitted to the Ministry on August 4, 2023.<sup>18</sup> The public was not provided with an opportunity to comment on the plan before it was accepted by the Ministry. The purported purpose of the abatement plan was to "bridge the gap" between the expiry of site-specific standards and the coming into force of the more stringent sulphur dioxide standard, and the availability of an industry-wide technical standard.<sup>19</sup> However, almost three years later, no technical standard has been released for public comment and AMD air emissions remain well above provincial limits.

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<sup>11</sup> O. Reg 419/05: Air Pollution: Local Air Quality, Schedule 3

<sup>12</sup> Environmental Registry of Ontario, "Approval of a Site-Specific Air Standard, ERO#019-3241, dated July 16, 2021 . < [ArcelorMittal Dofasco G.P. - Approval of a site-specific air standard | Environmental Registry of Ontario](#)>

<sup>13</sup> O. Reg 419/05: Air Pollution: Local Air Quality, Schedule 3

<sup>14</sup> Environmental Registry of Ontario, Approval of a Site-Specific Air Standard, ERO#019-2297, dated January 14, 2021. < [ArcelorMittal Dofasco G.P. - Approval of a site-specific air standard | Environmental Registry of Ontario](#)>

<sup>15</sup> Environmental Registry of Ontario, #013-0903 "Regulatory Amendments Related to Air Emissions of Sulphur Dioxide and Other Items" (March 20, 2018), online:< [Regulatory amendments related to air emissions of sulphur dioxide and other items | Environmental Registry of Ontario](#)>

<sup>16</sup> O. Reg 419/05: Air Pollution – Local Air Quality, Schedule 3

<sup>17</sup> ArcelorMittal Dofasco, Executive Summary, p v

<sup>18</sup> ArcelorMittal Dofasco, Executive Summary, p iv

<sup>19</sup> ArcelorMittal Dofasco, Abatement Plan, dated August 4, 2023, PDF p 2.

AMD stated in its abatement plan that it was committed to a decarbonization program, which would end the use of coal and eliminate coke oven gas from the site. The timeframe for this action was proposed to be 2023-2029.<sup>20</sup>

AMD committed in its abatement plan to “report on best practices” to reduce sulphur dioxide emissions by December 31, 2023, but predicted emissions of sulphur dioxide remain well above the provincial limit.<sup>21</sup>

An abatement plan is not a substitute for complying with the provincial air emissions standard for a facility pursuant to O. Reg 419/05. There are only three available means to set limits for air emissions for a facility: (1) compliance with the provincial standards in Schedule 3 of O. Reg 419/05, (2) a site-specific standard pursuant to O. Reg 419/05, and (3) registration pursuant to a technical standard. AMD is not currently meeting air emissions standards under any of these provisions of the regulation.<sup>22</sup>

Abatement plans are one of two methods the Ministry may use to bring a violating party into compliance with a regulation, the other method entailing enforcement measures. Abatement plans are undertaken to correct a violation or implement preventive measures.<sup>23</sup> Abatement plans, however, cannot be utilized as a substitute for a facility’s air emissions standards. Given that the site-specific standards have expired, the Ministry needs to clarify precisely what air standards apply for contaminants released by AMD and how air emissions will be improved to meet provincial standards.

#### ***iv. No Accountability and Transparency for Decarbonization of Facilities***

In a joint announcement with the Government of Canada on July 30, 2021, AMD stated its intention to invest \$1.765 billion in decarbonizing its Hamilton facility.<sup>24</sup> The Government of Canada committed \$400 million toward the project, with additional provincial support.<sup>25</sup>

The stated purpose of the investment was to eliminate emissions and flaring from coke making and ironmaking operations to a Direct Reduced Iron (“DRI”) and Electric Arc Furnace (“EAF”) model. These new models were projected to reduce carbon emissions by approximately 60% (3 million tonnes) by 2028.<sup>26</sup>

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<sup>20</sup> ArcelorMittal Dofasco, Abatement Plan, dated August 4, 2023, PDF p 2

<sup>21</sup> ArcelorMittal Dofasco, Abatement Plan, dated August 4, 2023, PDF p 2

<sup>22</sup> O. Reg. 419/05, ss. 32, 38, Schedule 3

<sup>23</sup> Ministry of Environment, Conservation and Parks, “Compliance Policy Applying Abatement and Enforcement Tools” (2007), online: [Ontario’s Environmental Compliance Policy | ontario.ca](https://www.ontario.ca/environment/compliance-policy)

<sup>24</sup> ArcelorMittal Dofasco, “[ArcelorMittal and the Government of Canada announce investment of CAD\\$1.765 billion in decarbonisation technologies in Canada](#)”, July 2021.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

It is unclear, however, whether AMD remains committed to the decarbonization of its facilities within this timeline.<sup>27</sup> The public is unaware of any proposed amendments to the abatement plan to reflect this uncertainty.

#### *v. Cumulative Effects Must be Considered*

AMD contributes to the cumulative burden of air pollution in Hamilton. Pursuant to the decision of the Ontario Divisional Court in *Lafarge Canada Inc v Ontario (Environmental Review Tribunal)*, 2008 CanLII 30290 (ONDC), the Ministry Statement of Environmental Values requires the Minister to consider an ecosystem approach and an assessment of the cumulative effects of a proposed project on ecosystems.<sup>28</sup> We urge the Ministry to ensure that its decision-making considers cumulative effects and an ecosystem approach.

#### **C. Ministry Should Not Renew Site-Wide ECA with Exemptions from Provincial Air Standards**

The Ministry's approach to air emissions from this facility has not resulted in safe levels of air pollution for the local community, or even continuous improvement, and should not continue.

Residents living near AMD and other industrial facilities experience ongoing impacts that affect their daily quality of life. For instance, nearby residents have raised concerns about strong chemical odours in their neighbourhoods, often making it difficult to open windows or enjoy outdoor spaces on their own properties. Residents complain that they must check the wind direction before opening windows to avoid pollution from the industrial area entering into their homes.<sup>29</sup> One nearby resident complained that their porch, and snow, was covered with grey dust.<sup>30</sup>

Furthermore, residents have raised health concerns due to high exposure to pollutants like benzene and benzo[a]pyrene emissions, given their carcinogenic effects.<sup>31</sup>

The air pollution levels in Hamilton are both an environmental and public health concern. AMD is predicting exceedances of provincial standards for benzene, benzo(a)pyrene, manganese and manganese compounds, and sulphur dioxide. There is no certainty as to when a proposed transition to new technology will be completed, if ever.

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<sup>27</sup> Government of Canada, Grants and Contributions, Agreement No. 816105, viewed online March 11, 2026: [Grants and Contributions](#)

<sup>28</sup> *Lafarge Canada Inc v Ontario (Environmental Review Tribunal)*, 2008 CanLII 30290 (ONDC), paras 15, 51

<sup>29</sup> Environmental Registry of Ontario, Approval of a Site-Specific Air Standard, ERO#019-2674, Comment 50492, dated January 26, 2021. <[ArcelorMittal Dofasco G.P. – Environmental Compliance Approval \(air and noise\) | Environmental Registry of Ontario](#)>

<sup>30</sup> Environmental Registry of Ontario, Approval of a Site-Specific Air Standard, ERO#019-2674, Comment 50241, dated January 26, 2021. <[ArcelorMittal Dofasco G.P. – Environmental Compliance Approval \(air and noise\) | Environmental Registry of Ontario](#)>

<sup>31</sup> Environmental Registry of Ontario, Approval of a Site-Specific Air Standard, ERO#019-2674, Comment 50492, dated January 26, 2021. <[ArcelorMittal Dofasco G.P. – Environmental Compliance Approval \(air and noise\) | Environmental Registry of Ontario](#)>

Air pollution is a significant environmental concern, particularly because of its health impacts on local communities. The promise of a transition to cleaner technology, while welcome, does not mean that potential adverse air pollution impacts in the current and transitions periods can be ignored.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**



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