

Key Failings of DRIC Environmental Assessment Process
and Key Concerns about the Windsor-Essex Parkway

1. DRIC is predicting pollution levels next to the Windsor-Essex Parkway that are more than double Ontario's air quality standards.

Levels of PM10 next to the Parkway are predicted to be as high as 114 ug/m3, more than double the provincial air quality standard of 50 ug/m3 (TEPA Air Quality Impact Assessment, Dec. 2008, Table 4.14).

2. People who live, work and play next to the Parkway will see their air quality steadily deteriorate due to emissions, until the point that air quality fails to meet Ontario's standards for up to 2/3 of the year by 2035.

(TEPA Air Quality Impact Assessment, Dec. 2008, Table 4.14, PM10 levels of 114 ug/m3 against a standard of 50 ug/m3 for up to 234 days of the year).

3. *Real* tunnels, such as those proposed in GreenLink Windsor, would ensure that Windsor's air quality meets Ontario's standards for those who live next to the access road - *even* in 2035.

4. DRIC's review of the science on air pollution tells us that increases of PM10 such as those predicted in Windsor if the Parkway is built will increase the death rates, the number of hospital admissions and asthma attacks.

(TEPA Health Risk Impact Assessment, December 2008, pg. 29-33)

5. DRIC has not evaluated the health impacts of the Parkway's PM10 levels for anyone—not for residents living, working or going to school next to the Parkway, and not for Windsor residents who might use the Parkway's trails or "green space".
6. The Parkway creates parks and green spaces so polluted that they would be unhealthy for babies, toddlers, children and grandparents to play in. *Real* tunnels, as proposed in GreenLink Windsor, would ensure air quality meets provincial air quality standards, even inside the green space.

Levels of PM2.5 as high as 71 ug/m3, or more than double the permissible air quality standard of 30 ug/m3, are predicted for the Parkway's "green space" (TEPA Air Quality Impact Assessment, Dec. 2008, Table 4.23).

7. The Parkway creates recreational trails so polluted that even healthy adults should not use them to exercise (it would be like jogging on the shoulder of Highway 401!). DRIC has not evaluated the health risks of these pollutant levels to the Parkway's "green space" users.

Levels of PM10 as high as 484 ug/m3 are predicted within the Parkway's "green

space”, more than nine times the provincial air quality standard of 50 ug/m³ (TEPA Air Quality Impact Assessment, Dec. 2008, Table 4.23).

8. DRIC’s “Health Impact Assessment” conveniently ignored all pollution modelling where the Parkway got a failing grade. The health impacts of any Parkway results that failed to meet provincial air quality standards were simply not assessed—PM10, pollution inside the Parkway’s “green space”, etc.

It’s like your child delivering a report card and asking you to please disregard all the Cs, Ds, Es and Fs.

9. DRIC’s “Health Impact Assessment” did not assess the impacts of the Parkway’s predicted air pollution levels on “sensitive” populations. “Sensitive” means anyone who is not a healthy adult—for example, grandparents, toddlers, a pregnant woman, a child with asthma, an adult with a heart condition, and so on.
10. DRIC refused to evaluate GreenLink as an alternative, even though GreenLink would have mitigated, or prevented, the significant negative impacts of the Parkway on health, air quality, and adjacent communities.
11. DRIC failed to fairly evaluate Alternative 3, the full tunnel. The significant measured protective benefit of Alternative 3 is apparent in DRIC’s underlying studies but is completely ignored in the conclusions drawn and in the EA Report.
12. DRIC unfairly biased its studies in favour of the Parkway by providing mitigation to just one alternative—the Parkway—before measuring impacts. The Parkway’s right of way was unfairly “buffered” with green space so that the air quality impacts would be measured much further away from the Parkway than from other alternatives. This sort of biased and uneven treatment of alternatives is not permitted by the *EA Act*.
13. DRIC’s cost estimates ignore all of the negative costs of the Parkway to the province of Ontario – from the homes that will be displaced to provide the Parkway’s green buffer and will have to be expropriated, to the economic costs of air quality that fails to meet provincial standards (emergency room visits, hospital admissions, doctor’s consultations, lost productivity of sick workers, etc.).
14. Ontario’s *Environmental Assessment Act* requires DRIC to describe the environment that will be affected by the project, the effects that will be caused, and the actions necessary to prevent or mitigate those effects (s. 6.1(2):

- (i) the **environment that will be affected** or that might reasonably be expected to be affected, directly or indirectly,
- (ii) the **effects that will be caused** or that might reasonably be expected to be caused to the environment, and
- (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, **mitigate or remedy** the effects upon or the effects that might reasonably be expected upon the environment,

by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking.

15. Illustration of the DRIC's Statutory Failings:

- a. An EA that ignores negative air quality impacts has not described the "effects that will be caused" by the project.
- b. An EA that ignores the impacts of particulate pollution on neighbouring residential communities has not considered the "environment that will be affected".
- c. A project that creates unusable, polluted green space where toddlers cannot play and grandparents should not exercise or even relax on a bench has not measured the effects of the project.
- d. An EA that ignores the ability of real tunnels to prevent these negative air quality and health impacts has not examined actions necessary to prevent or mitigate the negative impacts of the project.

16. DRIC was required to provide, in the EAR, an evaluation of the advantages and disadvantages of the Parkway vs. other alternatives. By failing to fairly account for the advantages of the full tunnel, and refusing to even study GreenLink as an alternative, DRIC has failed to carry out the required cost-benefit analysis.

"(d) an evaluation of the **advantages and disadvantages** to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking;..."

17. DRIC was required to describe consultations carried out and the results of those consultations. By refusing to treat GreenLink as an alternative, DRIC has attempted to hide the fact that 90% of residents consulted about the access road preferred GreenLink over the Parkway. DRIC has also failed to mention that it ignored more than 18,000 written comments provided by Windsor residents during DRIC's "consultation".

"6.1(2) (e) a description of any consultation about the undertaking by the proponent and the results of the consultation. 1996, c. 27, s. 3."

18. The Terms of Reference (TOR) for the project required DRIC to carry out its analysis of all alternatives, then go to the public for feedback, and THEN choose the preferred alternative. This is the US model and the one DRIC was required to follow. DRIC ignored the TOR, picked its preferred alternative, THEN studied, THEN advised Windsor residents of its decision. The TOR have not been satisfied.

19. DRIC is engaging in sleight of hand by comparing the Parkway to the "No Build" (or "Do Nothing" option). The Parkway and No Build are essentially the same alternative, because the Parkway does not include real tunnels—it proposes landscaped overpasses, which will not prevent pollutants from reaching vulnerable neighbourhoods. The REAL difference is between the Parkway and TUNNELING.

20. The tunnelling proposed by GreenLink Windsor will ensure air quality meets provincial standards in sensitive neighbourhoods, will not require people to be displaced to create an artificial green buffer, and will create healthy, quiet and usable green space where everyone can play safely—kids, grandparents and even children with asthma.