

April 1, 2025

DELIVERED VIA ONLINE FORM

Client Services and Permissions Branch

135 St. Clair Ave W
1st Floor
Toronto, ON M4V 1P5

To Whom It May Concern,

RE: Hubbert's Processing and Sales Inc. – ERO #: 025-0518

Please accept this submission on behalf of AEL Advocacy in response to the proposal for an Environmental Compliance Approval ("ECA") with Limited Operational Flexibility (Air) for Hubbert's Processing and Sales Inc., a meat processing facility located in the City of Brampton, Ontario (the "proposal").¹

A. About AEL Advocacy

Animal Environmental Legal Advocacy ("AEL Advocacy") is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.

B. Access to Justice and the Right to Participate in Environmental Decision-Making

The proposal was posted on the Environmental Registry of Ontario on March 11th, 2025, with a public comment period scheduled to end on April 25th, 2025. However,

¹ <https://ero.ontario.ca/notice/025-0158>

we encountered significant barriers to accessing the materials associated with the proposal. The posting stated that the materials could only be viewed in person, and when we reached out to the listed contact person, we were informed that access was restricted or deemed confidential. We were advised to submit a Freedom of Information (“FOI”) request, which could take several months to process.

This situation presents a serious access to justice issue. The *Environmental Bill of Rights* (EBR) guarantees the public's right to participate in environmental decision-making, including access to relevant materials and the opportunity to provide meaningful feedback. Without timely access to the necessary documents, our ability to engage in this process was severely undermined. The failure to provide adequate access to materials within the comment period effectively prevented us from exercising our environmental rights and compromised the transparency and accountability of the decision-making process.

This is particularly troubling given that the animal agriculture industry is already subject to minimal environmental oversight.² Unlike other industrial sectors, animal agriculture facilities often benefit from regulatory exemptions and weak enforcement mechanisms, allowing them to operate with limited transparency and accountability. In Ontario, many large-scale meat processing and livestock facilities contribute significantly to environmental degradation but face far less scrutiny than other polluting industries. Given this broader context, restricting access to information about potential increases in emissions from an animal processing facility further exacerbates the lack of regulatory oversight and public accountability.

As the proposed ECA is a Class II Instrument under *Ontario Regulation 681/94: Classification of Proposals for Instruments*, the Ministry has specific obligations to enhance public participation. Under the EBR, the Ministry is required to consider allowing more than thirty days for public comment on Class II proposals, taking into account factors outlined in subsection 8(6) and ensuring opportunities for more informed public consultation. Furthermore, the Ministry must consider enhancing public participation by providing opportunities for oral representations, public meetings, mediation, or other processes that support informed engagement.

² https://www.aeladvocacy.ca/files/ugd/c883e8_c00a8a7d5ca44b8394c3b6f1c08e48dd.pdf

RECOMMENDATION NO. 1: We urge the Ministry to immediately make all relevant materials publicly available and extend the public comment period to allow for meaningful participation.

C. Concerns Regarding ECA with Limited Operational Flexibility (Air) vs. Current ECAs

We understand that Hubbert's Processing and Sales Inc. is applying for an Environmental Compliance Approval (ECA) with Limited Operational Flexibility (Air) to replace all existing Air ECAs at the facility and to add new or previously unapproved emission sources. This raises serious concerns about potential emission increases and reduced regulatory oversight.

An ECA with Limited Operational Flexibility allows facilities to modify operations without obtaining a new approval, provided they remain within established performance limits. While this can improve operational efficiency, it also risks weakened oversight and transparency. Without strict monitoring and public reporting, there is a risk of emissions creeping upward, negatively impacting air quality and public health.

Although these ECAs do not permit modifications that exceed approved emission limits, enforcement is key. Without independent oversight and clear compliance mechanisms, there is a risk that emissions could rise over time without adequate regulatory scrutiny.

RECOMMENDATION NO. 2: The Ministry should require strict oversight, mandatory reporting, and independent review to ensure that this ECA does not lead to increased emissions or weakened environmental protections.

D. Environmental and Human Health Impacts of Nitrogen Oxides

The facility's emissions include nitrogen oxides (NO_x), well-documented pollutants with severe environmental and human health consequences. In the context of animal agriculture and meat processing, NO_x emissions are of particular concern due to their contributions to:

- **Human Health Risks:** NO_x has several documented adverse impacts on human health. At the lowest levels of exposure, NO_x can cause irritation in the

eyes, nose and airways leading to coughing, shortness of breath, fatigue and nausea as well as fluid build-up in the lungs. High exposure can cause serious burns, burning spasms, swelling of throat tissues, reduced oxygenation and possible death.³ Exposure may also increase a person's susceptibility to respiratory infections and asthma and may lead to chronic lung disease.⁴ This is a particular concern for individuals living in proximity to the facility, as well as for vulnerable populations such as children, the elderly, and those with pre-existing respiratory conditions.⁵

- **Ground-Level Ozone Formation:** NO_x contributes to the formation of ground-level ozone, a major component of smog.⁶ Smog not only poses health risks to humans but can also harm plants, reducing agricultural productivity and impairing ecosystems.⁷
- **Acid Rain:** NO_x reacts with atmospheric water vapour to form nitric acid, contributing to acid rain, which can damage soil, waterways, and forests, harming both natural ecosystems and the agriculture that depends on healthy soil.⁸

Notably, Hubbert's facility is located just one block from a residential area with multiple parks. The concentration of animal agriculture operations in Ontario already presents significant air quality concerns. The Ministry must assess the cumulative impact of multiple facilities to fully understand the environmental and public health risks posed by this proposal.

RECOMMENDATION NO. 3: The Ministry should ensure that Hubbert's facility remains strictly within enforceable NO_x limits under Ontario Regulation 419/05⁹ and other applicable laws, with clear reporting requirements and independent oversight to prevent emissions creep over time.

RECOMMENDATION NO. 4: The Ministry should impose strict NO_x emissions limits and consider cumulative air pollution impacts from multiple facilities in the region.

E. Recommendations on Emission Limits and Cumulative Impacts

³ <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69>

⁴ <https://www.epa.gov/no2-pollution/basic-information-about-no2>

⁵ <https://www.epa.gov/no2-pollution/basic-information-about-no2>

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<https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#:~:text=Ozone%20at%20ground%20level%20is,the%20environmental%20effects%20of%20ozone?>

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<https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#:~:text=Ozone%20at%20ground%20level%20is,the%20environmental%20effects%20of%20ozone?>

⁸ <https://www.epa.gov/no2-pollution/basic-information-about-no2>

⁹ <https://www.ontario.ca/laws/regulation/050419>

Given the serious risks posed by NOx emissions, we strongly recommend:

- **Stronger NOx Limits per Facility:** The Ministry should impose limits that are stricter than the minimum requirements under Ontario Regulation 419/05, considering the facility's proximity to residential areas, sensitive ecosystems, and existing air quality conditions.
- **Cumulative Impact Assessments:** The Ministry must evaluate the combined emissions from multiple meat processing and animal agriculture operations in the region. Overlooking cumulative effects risks underestimating the true environmental and public health burden.

RECOMMENDATION NO. 5: The Ministry should impose emissions limits that are stricter than the minimum requirements under Ontario Regulation 419/05.

RECOMMENDATION NO. 6: The Ministry should assess the cumulative effects of all animal agriculture operations in the region.

F. Conclusion

AEL Advocacy strongly urges the Ministry to prioritize transparency, environmental integrity, and public health in its decision-making process regarding this proposal.

The lack of public access to key materials and barriers to meaningful participation must be addressed immediately. Additionally, stricter NOx emissions limits and a thorough assessment of cumulative pollution impacts are critical to ensuring air quality protections remain robust.

Our recommendations are as follows:

RECOMMENDATION NO. 1: We urge the Ministry to immediately make all relevant materials publicly available and extend the public comment period to allow for meaningful participation.

RECOMMENDATION NO. 2: The Ministry should require strict oversight, mandatory reporting, and independent review to ensure that this ECA does not lead to increased emissions or weakened environmental protections.

RECOMMENDATION NO. 3: The Ministry should ensure that Hubbert's facility remains strictly within enforceable NOx limits under Ontario Regulation

419/05¹⁰ and other applicable laws, with clear reporting requirements and independent oversight to prevent emissions creep over time.

RECOMMENDATION NO. 4: The Ministry should impose strict NOx emissions limits and consider cumulative air pollution impacts from multiple facilities in the region.

RECOMMENDATION NO. 5: The Ministry should impose emissions limits that are stricter than the minimum requirements under Ontario Regulation 419/05.

RECOMMENDATION NO. 6: The Ministry should assess the cumulative effects of all animal agriculture operations in the region.

Thank you for considering our comments. We look forward to continued engagement on this important issue.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



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Co-Director & Counsel



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¹⁰ <https://www.ontario.ca/laws/regulation/050419>