



The Secretary of State for External Affairs
Canada

Ottawa, September 23, 1966.

Dear Mr. Chance,

As a result of expanding industrial and other activities along the international boundary of the United States and Canada, the Governments of both countries have been increasingly aware of the problem of air pollution affecting citizens and property interests on either side of the boundary. In particular, Governments have received representations that citizens and property in the vicinities of Detroit-Windsor and Port Huron-Sarnia are being subjected to detrimental quantities of air pollutants crossing the boundary.

The problem of air pollution in the vicinity of the cities of Windsor and Detroit was the subject of a Joint Reference to the Commission dated January 12, 1949. The Commission was requested to report whether the air over, or in the vicinity of, Detroit and Windsor was being polluted by smoke, soot, fly ash or other impurities in quantities detrimental to the public health, safety or general welfare of citizens or property on either side of the boundary. In the event of an affirmative answer, the Commission was asked to indicate the extent to which vessels plying the waters of the Detroit River were contributing to this pollution and what other major factors were responsible and to what extent.

The Commission, in its final report to Governments of May 1960, replied in the affirmative to the first question and listed various industrial, domestic and transportation activities on land as being largely responsible. In accordance with the terms of the said Reference, however, the Commission did not formulate any recommendations with regard to these major factors, its recommendations being limited to vessels plying the Detroit River.

In view of the seriousness of the problem of air pollution in the vicinity of Port Huron-Sarnia and Detroit-Windsor, both Governments have agreed to refer this matter to the International Joint Commission, pursuant to Article IX of the Boundary Waters Treaty of 1909. The Commission is therefore requested to inquire into and report to the two Governments upon the following questions:

- (1) Is the air over and in the vicinity of Port Huron-Sarnia and Detroit-Windsor being polluted on either side of the international boundary by quantities of air contaminants that are detrimental to the public health, safety or general welfare of citizens or property on the other side of the international boundary?

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.... 2

- (2) If the foregoing question or any part thereof is answered in the affirmative, what sources are contributing to this pollution and to what extent?
- (3)(a) If the Commission should find that any sources on either side of the boundary in the vicinity of Port Huron-Sarnia and Detroit-Windsor contribute to air pollution on the other side of the boundary to an extent detrimental to the public health, safety or general welfare of citizens or property, what preventive or remedial measures would be most practical from economic, sanitary and other points of view?
- (b) The Commission should give an indication of the probable total cost of implementing the measures recommended.

In the light of the findings contained in the Commission's report of May 1960, the Commission, in conducting its investigations under this Reference is requested to give initial attention to the Detroit-Windsor area and, to submit its report and recommendations on this problem to the two governments as soon as possible.

The Commission is also requested to take note of air pollution problems in boundary areas other than those referred to in Question 1 which may come to its attention from any source. If at any time the Commission considers it appropriate to do so, the Commission is invited to draw such problems to the attention of both Governments.

For the purpose of assisting the Commission in making the investigations and recommendations provided for in this Reference, the two Governments, upon request, will make available to the Commission the services of engineers and other specially qualified personnel of their respective Governments, and such information and technical data as may have been acquired by such Governments or as may be acquired by them during the course of investigation.

Yours sincerely,

