

Enclosure 2 – Federal Authority Advice Record – Designation Request under the IAA – Baldwin East Aerodrome Project

Response due by **March 3, 2023**

Department/Agency	Health Canada
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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part? Specify as appropriate.

[Not Applicable](#)

2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, please specify that power, duty or function and its legislative source.

[Not Applicable](#)

3. If your department or agency will exercise a power or perform a duty or function (including financial assistance) under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

If yes, please specify when and how public and Indigenous consultation would be undertaken.

[Not Applicable](#)

4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse **effects in area of federal jurisdiction**, including direct or incidental effects, stemming from the Project, as defined in the section 2 of the IAA?

Specify as appropriate.

[As a federal authority, Health Canada will provide specialist or expert information and knowledge in the Department's possession \(expertise\) to support the assessment of impacts on human health, including Indigenous health, from projects considered individually or cumulatively under the *Impact Assessment Act* \(IAA\). It should also be noted that expertise related to assessing human health that is relevant to impact](#)

assessment (IA) may be held by other federal, provincial, and municipal partners, reflecting the shared jurisdiction for environmental and human health within Canada. For example, the Public Health Agency of Canada (PHAC) has expertise in the social determinants of health approach and health equity, and may provide that expertise through Health Canada, upon request from the reviewing body(ies). How the expertise provided by Health Canada and PHAC will be used in a potential IA process will ultimately be determined by the reviewing body(ies).

Health Canada can provide human health expertise, including related to the health of Indigenous peoples, in the following areas:

- Air quality;
 - Recreational and drinking water quality;
 - Country foods;
 - Noise;
 - Methodological expertise in human health risk assessment;
 - Methodological expertise in conducting health impact assessment;
 - Electromagnetic fields;
 - Radiological emissions; and
 - Public health emergency management of toxic exposure events.
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5. Has your department or agency had previous contact or involvement with the Proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

No

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of the IAA?

Based on the information available in the Designation Request Letter, the Proponent's Final Summary Report and the summary of concerns listed in question 7, Health Canada understands that project-related changes to the biophysical environment (e.g., potential changes to water quality, air quality, noise, and soil quality) as well as social and cultural conditions (e.g., potential changes to traditional hunting, trapping and fishing practices) may have adverse impacts on Indigenous health. Additionally, the information available does not provide an assessment of potential adverse health effects or indicate the presence of sensitive human receptors (e.g., daycares, schools, community health centres) that may experience such adverse health effects. Although it is mentioned that the noise assessment will consider "[n]oise sensitive land uses include residential, schools, day care centres, nursing homes and hospital", the noise assessment has not yet been conducted and therefore was not provided for review. Finally, information on how the project would differentially impact diverse groups of people, is lacking.

- Could any of those effects be managed through legislative or regulatory mechanisms, or programs administered by your department or agency?

No. Health Canada does not have a legislative or regulatory capacity with respect to the proposed project and does not currently have any programs that may address these effects.

- If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Not applicable

- Based on the information provided by the Proponent, are the proposed mitigation measures appropriate to address the potential adverse effects?

With respect to effects that may impact Indigenous health, there are mitigation measures proposed for some of the effects which seem appropriate. For example, the Proponent indicates water quality

impacts may be reduced/prevented through the use of “fuel/oil spills will be managed through oil/grit separators to be installed inline with the stormwater collection system” and concerns around fill quality may be addressed by ensuring fill brought to site meets provincial regulation 406/19.

Specific mitigation measures to protect Indigenous health from changes to other biophysical environmental (e.g., air and noise) and socio-economic conditions have not been provided for Health Canada’s review, although the proponent indicates they plan to further assess these potential effects. Therefore, Health Canada does not have sufficient information to confirm whether potential adverse effects to Indigenous health will be addressed/mitigated.

- Are there norms that the Proponent would be reasonably expected to follow to manage effects (such as standard design features and mitigation, and existing guidance documents)?

Please see guidance documents provided in response to question 9.

- If you have a permit, license or authorization that is applicable to the Project, indicate how the Duty to Consult, as set out in section 35 of the *Constitution Act, 1982*, would be implemented. [When responding to these questions, please keep in mind the relevant factors listed in the Operational Guide: [Designating a Project under the Impact Assessment Act – Canada.ca](#)]

Health Canada does not issue permits or licenses with respect to Impact Assessments.

7. Does your department or agency have an oversight mechanism, policy, guidance, program or additional authority (or know of any) that may be relevant and could serve as a means to address the concerns expressed about the Project?

In particular, consider ways to address any of the following issues that have been raised by the requestor, that fall within your mandate:

- Potential impacts to fish and fish habitat (e.g., surface water contamination from runoff into Lake Simcoe via the Burnie Creek);
- Potential impacts to species at risk and/or their habitat (e.g., from changes to, or loss of, critical habitat);
- Potential impacts to migratory birds and/or their habitat (e.g., from changes to, or loss of, habitat);
- Potential impacts to wetlands and wetland function;
- Potential impacts to surface water and/or groundwater quality, including drinking water;
- Potential impacts from the use of contaminated soil fill, including on human health;
- Potential impacts on air quality, including on human health; and
- Potential impacts on Indigenous peoples on the following:
 - health, social or economic conditions;
 - current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping, gathering); and
 - any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

If yes, please specify the oversight mechanism, policy, guidance, program or authority and how it could be applied to the Project.

Although Health Canada does not have such oversight mechanisms, programs or authorities, the guidance documents provided in response to question 9 may be useful when addressing human health issues raised above.

Specifically:

- Health Canada’s guidance on Water Quality may be consulted to address the issue described in bullet five above, “Potential impacts to surface water and/or groundwater quality, including drinking water”
- Health Canada’s guidance on Human Health Risk Assessment may be consulted to address the issue described in bullet six above “Potential impacts from the use of contaminated soil fill, including on human health”
- Health Canada’s guidance on Air Quality may be consulted to address the issue described in bullet seven above, “Potential impacts on air quality, including on human health”

- Any of Health Canada’s guidance may be consulted to address the issue described in bullet eight above, “Potential impacts on Indigenous peoples on the following: health”

Please see Annex I, for questions directed to your specific federal department.

8. Does your department or agency have information knowledge of any applicable oversight mechanism, policy, guidance, or programs for this Project administered by any other levels of government?

If yes, please specify.

No.

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9. If your department has guidance material that would be helpful to the Proponent or the Agency, please include these as attachments or hyperlinks in your response.

To date, Health Canada has published the following guidance documents for evaluating biophysical human health impacts:

Guidance for Evaluating Human Health Impacts in Environmental Assessment:

- Human Health Risk Assessment
- Air Quality
- Drinking and Recreational Water Quality
- Country Foods
- Noise
- Radiological Impacts

<https://publications.gc.ca/site/eng/search/search.html?st=1&e=0&f=0&ssti=on&ast=Guidance+for+Evaluating+Human+health+impacts+in+environmental+assessment&cnst=&adof=on>

Health Canada has also published guidance on environmental public health management of crude oil incidents that may provide guidance to addressing potential human health impacts from hazardous waste events: [Guidance for the Environmental Public Health Management of Crude Oil Incidents \(publications.gc.ca\)](#), as well as the methodological approach for conducting Health Impact Assessments of Designated Projects under the *Impact Assessment Act*¹.

Julie Boudreau

Name of departmental / agency responder

Impact Assessment Specialist

Title of responder

March 3, 2023

Date

¹Health Canada. Draft Interim Guidance Document for the Health Impact Assessment of Designated Projects under the *Impact Assessment Act*. Draft for review. June 30, 2022. Available upon request at ia-ei@hc-sc.gc.ca.

ANNEX I – ADDITIONAL FEDERAL AUTHORITY SPECIFIC QUESTIONS

Environment and Climate Change Canada:

- 1) The requester indicated (Enclosure 1) that there are federally listed species at risk. Please confirm the presence or absence of critical habitat for species at risk, and identify the specific species at risk of concern. Discuss the specific actions, or policies and guidance administered by your department, if any, pursuant to the *Species at Risk Act* to address any potential effects of the Project to federal species at risk.
- 2) The requester indicated (Enclosure 1) that there are federally listed migratory birds. Please confirm the presence or absence of migration routes and/or habitat for migratory birds, and identify the specific migratory birds of concern. Discuss the specific actions, or policies and guidance administered by your department, if any, pursuant to the *Migratory Birds Convention Act, 1994 or the Migratory Bird Regulations, 2022* to address any potential effects of the Project to migratory birds.

Fisheries and Oceans Canada:

- 1) Based on the proponent's information², clarify any concerns with any potential impacts to fish and fish habitat in waterbodies on the Proponent's project site and surrounding water bodies.

Transport Canada:

- 1) The Agency understands that the Proponent's revised summary report dated May 2022 (Version 3), underwent Transport Canada's regulatory review and the report was determined to be compliant with applicable requirements of the Canadian Aviation Regulations 307 on July 6, 2022. Please reconfirm this statement? Please indicate if there are any additional requirements under Transport Canada's mandate that the Proponent must follow?
- 2) Discuss any role that Transport Canada would have during the life of the Project, including in addressing any comments or concerns by members of the Public or Indigenous communities.

² Information regarding the Proponent's final summary report submitted to Transport Canada can be found at the following link:
<https://www.newaerodromeontario2021.ca/>