

**Compliance Options for the Regulatory Framework for
Industrial Air Emissions**

**REPORT ON THE 2007 CROSS-CUTTING
CONSULTATIONS**

Montreal *May 31 – June 1, 2007*

Vancouver *June 4 – June 5, 2007*

Thank you for your interest in the consultations on compliance options included in the Regulatory Framework for Industrial Air Emissions.

This package includes the following documentation:

- The “2007 Cross-Cutting Consultations Report,” including a summary of key issues raised during the consultation sessions and the attendees list from each session. Note that the attendee list is based on the sign-in charts from each consultation session and thus some names may have been omitted.
- The power point presentations that were used during the consultation sessions. These documents have been distributed in separate files.

We are now assessing the input received and look forward to receiving further input through the written submissions sent to cleanair-airpur@ec.gc.ca.

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**Cross-Cutting Issues Consultations 2007 (Montreal & Vancouver) –
Summary of Issues Raised by Participants**

The following list summarizes the key areas of interest and concern that were raised during the consultations. The list is not intended to encompass all comments and views expressed, nor to indicate the level of support there may have been among conference attendees in each issue or proposal. In addition there are no attributions for these comments.

GHG Emissions Trading

1. There will not be adequate liquidity in the market. Emitters will not trade away surplus credits in early years because the price of credits is expected to increase over time as the target is tightened. This increases the importance of the Offset System.
2. There should be minimal government involvement in the market.
3. The technology fund contribution rate is a price cap and a distortion of the emission trading market.
4. After the technology fund disappears there will not be a price safety valve for GHGs.
5. There were divergent views as to whether the government should assist with price discovery.
6. There were concerns about Canada's and Canadian firms' ability to use CERs after 2012 if Canada is not in compliance with Kyoto.
7. Concerns were raised about the potential for NAFTA challenges on the 10% limit on use of CERs.
8. What does 10% of firm's gap mean in the use of CERs?
9. The cap on CDM credit use should be eliminated and access to all types of CDM credits should be allowed.
10. When will the Minister decide which CERs will be acceptable? This decision is needed soon.
11. Concerns were raised about the focus on exploring linkages with systems currently under development (Regional Greenhouse Gas Initiative (RGGI), Western Regional Climate Action Initiative) instead of already existing systems.
12. Intensity targets may limit opportunities to link with other GHG trading systems.

NOx/SOx Emissions Trading

1. Restricting the use of credits based on ambient air quality/health reasons is inconsistent with the targets since the caps were created using a benchmarking approach and not an ambient air quality/health approach.
2. Access to NOx/SOx compliance units will be restricted in areas exceeding the ambient air quality standard, but these areas may be exceeding the air quality standard due to the impact of upwind sources beyond the control of the affected area and not as a result of the sources in the area.
3. A multi-stakeholder approach should be used to develop national air quality objectives.
4. One of the principles of the CWS is to “Keep clean areas clean”. This principle should be applied in this regulatory agenda.
5. Areas for air quality assessment should be geographically large due to long distance transport of some pollutants.
6. There should be unrestricted use of NOx and SOx credits and the management of ambient air quality could be left to the provinces.
7. There will be insufficient availability of NOx/SOx credits. The majority of credits will be banked and there is no ‘off-ramp’ (e.g., price cap) for regulated entities that cannot find a supply of compliance units.
8. The Government should either pursue linking with the US or pursue a NOx/SOx Offset System. A domestic NOx/SOx Offset System may preclude cross-border trading.

GHG Offset System

1. There will not be an adequate supply of GHG offset credits.
2. More detailed documentation on the Offset System should be made available in the near term.
3. Validation should be an optional step in the offset credit creation process.
4. The scope should be as broad as possible. The use of only Quantification Protocols would limit participation.
5. Will fixed process emissions be eligible for offset credits? There were divergent views.

6. How will other government incentives affect eligibility for offset credits? The incremental criterion should be clarified as soon as possible.
7. A specified procedures approach may be the most suitable verification requirement.
8. The value of temporary credits is very low and it is not anticipated that there will be a high demand for temporary credits.
9. Forest management should be included within the scope of the Offset System. The crediting period for forestry projects should be extended since afforestation and forest management projects take decades to realize their potential.
10. The advisory committee should be limited to a small expert group and the Offset System should provide other processes for interested parties to participate more broadly.
11. Project-level information should be published - most importantly the names of project proponents, a project description, the number of credits created by a project. Also, information about the credits regulated entities use to comply with their regulatory obligation should be made available.

NOx/SOx Offset System

1. There should be a NOx/SOx Offset System, and there should also be an Offset System for PM and VOCs.
2. Compliance may not be possible without NOx and SOx offset credits.
3. A NOx/SOx Offset System could limit Canada's ability to trade NOx/SOx with the US.
4. There were concerns about the ability to address leakage in a NOx/SOx Offset System.
5. NOx/SOx offsets should face the same restrictions on use as other NOx/SOx credits.

Credit for Early Action

1. 15 Mt of credit for early action is inadequate.
2. Switching to a 1990 baseline for GHG targets would be a suitable recognition of early action.
3. Early action credits should be bankable and tradable.

4. Can the 5 Mt/year use restriction be removed to contribute to the liquidity of the system?
5. There should be transparency about who received CEA, what volume, and for what action; this will allow applicants to assess fairness and consistency of treatment and also to ensure the environmental integrity of the credits.
6. There should be credit for early action for air pollutants.
7. Records from 1992 are not likely to be as credible as current records, so the incremental criterion for credit for early action should not be the same as that for the Offset System.
8. Verifiers would likely not be able to provide a reasonable level of assurance for actions taken so far in the past, and instead a 'specified procedures' verification would be more suitable.
9. There are divergent views on the appropriate stringency of the eligibility criteria. If we only reward leaders we will add a lot of complexity and the definition of a leader will inevitably be arbitrary. However, the use of more stringent eligibility criteria would ensure the best performers are those that receive the reward.

Technology Fund

1. The mechanism is too complex, with too many constraints.
2. There is concern that technology fund does not offer cost certainty or a 'safety valve' for the regulatory framework.
3. Linking technology development and compliance is poor policy.
4. There is support for the notion of a multi-stakeholder, arm's length administration, with fair representation of all stakeholders, including industry and NGOs.
5. A flexible funding structure is required to accommodate future technologies.
6. There is a potential conflict of interest if firms on the board benefit from fund investment.
7. How will intellectual property rights be addressed?
8. There is support for recognizing other funds as equivalent, but concern that equivalency may be difficult to establish.
9. The phase-out is too rapid for long-term investment or to address liquidity concerns.

10. The phase-out should be more rapid and contribution rate should be raised to reflect the anticipated cost of reductions.
11. Technology credits should not be tradable or bankable, and firms should not be allowed to purchase more than they need for compliance.
12. Will funds only go to projects in regulated sectors? Will there be overlap with offsets?
13. It is important to ensure inter-sectoral equity when disbursing funds.
14. Investments should be based on potential for delivering reductions and not constrained by wealth transfer concerns.
15. In some sectors, e.g. electricity, distributors and end-users, rather than regulated entities will pay for compliance.
16. How will industries that operate in multiple regions and sectors be affected by efforts to limit inter-regional wealth transfer?
17. Would there be a link between the fund and existing government programs?
18. Subsidizing common infrastructure investments could distort the energy market.
19. There were mixed views on pre-certified investments. Some considered it an efficient investment model while others said it would be difficult to assess additionality of project beyond a firm's normal investment activities.
20. Who bears the liability if reductions are not achieved?
21. How will reductions associated with common infrastructure projects be attributed and accounted for?
22. R&D investment is very unlikely to result in a 1:1 ratio of emissions reductions, leading to problems for accountability.
23. Deployment projects offering reductions at the contribution rate are very limited and repayment principle will make project proponents risk averse.
24. The fund should focus more on R&D and less on deployment, where it competes with firms for cost-effective emissions reduction investments.
25. There is a need to ensure against double counting.

General Comments

1. Comments should be attributed and the meeting should be recorded with a transcript made available.
2. How will stakeholders be engaged in the months to come? How can stakeholders develop a better understanding of the complete package?
3. The target-setting approach for GHGs is disappointing; caps should be absolute instead of intensity-based.
4. A 2006 baseline should not be used, in part because it punishes early action.
5. How will air quality areas be defined? These definitions should be science-based and the use of a national airshed is likely inappropriate.
6. When will stakeholders have a forum to discuss other cross-cutting issues such as new entrants, growth/facility expansion, overlay of multiple regulatory systems, and the clean fuel standard?
7. The compliance system for GHGs is too complex and the system is providing flexibility at the cost of the environmental outcomes.
8. There is concern about the integrity of surplus credits given that regulatees' reported emissions will not be verified.
9. There were mixed views on the 5-year review process. It is seen as a safety valve by some, as perpetuating uncertainty by others.

Attendee List

Location:	Montreal	May 31 - June 1, 2007
Last Name	First Name	Company Name
Akkerman	Erika	CN
Allard	Jean-Luc	RÉSEAU environnement
Argue	David	Ontario Ministry of the Environment
Arts	Ed	Teleflex Ecotrans Technologies, L.P.
Baker	Bliss	Greenfield Ethanol Inc.
Beauchamp	Emile	Industry Canada
Beaudry	Dominique	QIT-fer et Titane Inc.
Belle-Isle	Jean-Claude	Association minière du Québec
Belletrutti	Jack	Canadian Petroleum Products Institute
Bellissimo	Vittoria	Ontario Power Authority
Bennett	Gilbert	Newfoundland and Labrador Hydro
Benoit	Jean-Yves	Ministère du Développement durable, de l'Environnement et des Parcs
Bernstein	Jonah	Energy Markets & Climate Change, Nova Scotia Dept. of Energy
Bertrand	Jean-Louis	Stablis Inc.
Bettle	Mark	J.D. Irving Ld.
Beynon	Eric	Suncor
Blais	Myriam	Ministère du développement économique
Boucher	Pierre	Canadian Cement Association
Brown	Paul	INVISTA (Canada) Company
Burijson	Viviani	Manitoba Hydro
Butler	Marc	Xstrata Nickel
Campbell	Scott	The Canadian Chamber of commerce
Campbell	Graham	Natural Resources Canada
Carpentier	Jean	Pétromont inc.
Cassaday	Mike	Petro-Canada
Charest	Bruno	Chimi Parachem
Chort	Valerie	Deloitte & Touche
Christie	Victoria	Canadian Electricity Sector
Clark	Jody	Iron Ore Company of Canada
Clark	Karen L.	Ontario Government
Clarke	Peter	ICF International
Clarkson	Steve	Health Canada

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Cloghesy	Michael	Conseil patronal de l'environnement du Québec
Coates	T. David	Ontario Power Generation
Collins	Robert (Bob)	Government of Yukon, Department of Energy, Mines and Resources
Cormack	Jim	TransCanada Pipelines
Couture	Gilles	Québec Cartier Mining
Creede	Melissa	The Delphi Group
Crete	Philippe	ECO Ressources Consultants
Curran	Patrick R.	Automotive Parts Manufacturers' Association
Daoust	Daniel	Xstrata
Davidovsky	Stephanie	Oxycair Technologies Inc.
DeMarco	Elisabeth (Lisa)	Macleod Dixon LLP
Denman	Keith	Alberta Environment
Desgagné	Pierre-Luc	Hydro Québec
Desjardins	Julie	Canadian Institute of Chartered Accountants
Deveau	Paul	Xstrata Zinc Canada
Dillon	John	Canadian Council of Chief Executives
Dionne	Gabriel	Kronos Canada, Inc
Donahue	Bill	Macleod Dixon LLP
Dottori	Paul	Tembec
Dumontier	Marie	Fraser Papers Inc.
Dunlop	Paula	Canadian Gas Association
Elkhal	M. Elie	Montreal Exchange
Elms	Robert E.	North American Carbon Inc.
Fairbank	Martin	Abitibi-Consolidated Company of Canada
Francoeur	Suzanne	Pétromont inc.
Fraser	K.T.	PEI Department of Environment, Energy and Forestry
Gates	Chris	Enbridge Gas Distribution
Gélinas	Johanne	Deloitte & Touche
Gelineault	Caroline	Hydro Quebec
Gerbis	Mike	The Delphi Group
Ghannoum	Jean	Ivaco Rolling Mills
Gilchrist	Steve	Canadian Hydrogen Energy Company
Glinel	Jean Paul	Chimi Parachem/Petrochemi
Gobeil	Alexandre	Ministère des Ressources naturelles et de la Faune du Québec

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Godin	Éloi	Compagnie Minière Québec Cartier
Govier	Michele	Environment Canada
Graham	Clyde	Fertilizer Institute
Hamlin	William (Bill)	Manitoba Hydro
Hornung	Robert	Canadian Wind Energy Association
Hughes	James	Imperial Oil Limited
Hyslop	Colleen	Agriculture and Agri-Food Canada
Irwin	Tony	IRM Consulting
Javor	Frank	CVRD Inco
Joshi	Robert	Canadian Gas Association
Kelly	Ann	Canadian Electricity Assoc.
Kenny	Margaret	Environment Canada
Kessal	Mustafa	Ciment Québec inc
Knutson	Gar	Borden Ladner Gervais LLP
Lachance	Claude-André	Dow Canada
Lamarre	Marie-Hélène	Oxycair Technologies Inc. Forest Products Association of Canada
Lansbergen	Paul	Ultramart Ltd.
Laroche	Martin	Mining Association of Canada
Laurie-Lean	Justyna	Lavery, de Billy
Lauzon	Helene	Fabricants de produits chimiques
Lauzon	Jules	MITTAL Canada INC
Lavoie	Jean	Irving Oil
Leduc	Jay	Ministère des Ressources naturelles et de Faune du Québec
Lesueur	Michel	CantorCO2e
Loots	Pierre	CHA/Hydropower
Lundahl	Pierre	ExxonMobil Canada
MacDonald	Greg	J. D. Irving, Limited
MacDonald	Chris	Canada Revenue Agency
MacInnes	Glenda	MacLeod Agronomics
MacLeod	Cedric	International Emissions Trading Assoc.
Marcu	Andrei	Ontario Ministry of Energy
Markowitz	Tom	Carmeuse Lime Canada Ltd.
Martin	Christopher	Cement Association of Canada
Masterson	Bob	Alcan Inc.
Maunger	Catherine	Soil Conservation Council Of Canada
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McLean	Susan	Highland Energy
McLennan	David	Nova Scotia Environment and Labour
McPherson	Johnny	

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Mundee	Dean	New Brunswick Government
		Canadian Vehicle Manufacturers'
Nantais	Mark	Association
Nolet	Jean	ÉcoRessources
Olivastri	Beatrice	Friends of the Earth Canada
O'Neill	Patrick	Canadian Forest Service
O'Toole	Anne	Environment Canada
Ouelette	Nancy	Aluminum Association of Canada
Ouellet	Jean Louis	Bell Canada
Ouyed	Mustapha	Gaz Métro
Page	Kate	EPCOR
Peart	James	Sherritt International Corporation
Pellerin	Normand	CN
Penn	Alan	Grand Council of the Crees
Perera	Chana	Canadian Electricity Assoc.
Perry	Rod	DuPont Canada
		Division des Activités pour la
Pham	Thao	Protection de l'Environnement-Québec
Pospisil	Shane	Ontario Energy Association
Quaiattini	Gordon	Wellington Strategy Group
Riendeau	Bruno	VIA Rail Canada Inc.
Robinson	Gregor	Ontario Energy Association
Robitaille	Luc	Ciment St. Laurent
Rocchi	Gerry	TSX Group
		Forest Products Association of
Rosser	Tom	Canada
Rotherham	Duncan	ICF International
Routliffe	Robert	INVISTA – Chemicals Mfg
Russel	Jacqueline	Fasken Martineau, LLP
Russell	Douglas	NatSource
Russell	Jacqueline	Canada Customs & Revenue Agency
Rutenberg	David	Queens University
		Centre for Sustainable Community
		Development, Federation of Canadian
Salloum	Doug	Municipalities
		Association de l'industrie électrique du
Samray	Jean-François	Québec
Schutzman	R. J. (Bob)	IPSCO Saskatchewan Inc.
Scullion	Dympna	Integrated Gas Recovery Services

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Sebestyen	Andrew	Canadian Steel Producers Assoc.(CSPA)
Shariff	Nashina	Toxics Watch Society of Alberta
Silva	Adolfo	Canadian Petroleum Products Institute
Smith	Blake	Ford Motor Company of Canada
Snider	Andrew	Federal Government
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Strand	Wade R.	Canadian Natural Resources Limited
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Taylor	David	CVRD Inco.
Taylor	Gray E.	Bennett Jones LLP
Taylor	James	Nova Scotia Power Inc.
Tilman	Anne	STORM Coalition Ontario
Tobin	Patrick	Alcan Inc.
Tost	Michael	Hydro Quebec
Trattner	Alyson	Canada Customs & Revenue Agency
Tupper	Laura E.	Irving Oil Limited (Hill and Knowlton Canada)
Turmel	Andre	Fasken Martineau, LLP
Van Houtte	Christian L.	Aluminum Association of Canada
Venugopal	Srikanth	TransCanada
Vézina	Pierre	Conseil de l'industrie forestière du Québec
Vuillard	Henry	Bell Canada
Walker	Bruce	STOP
Watkins	Ron	Canadian Steel Producers Association
White	James	Ecology Action Center, NS
Whitmore	Johanne	Pembina Institute
Zariffa	Karim	Total E&P Canada Limited

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Location:	Vancouver	June 4 - 5, 2007
Last Name	First Name	Company Name
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Affonso	Amanda	Canadian Energy Pipeline Association (CEPA)
Andre	Shane	Government of Yukon, Department of Energy, Mines and Resources
Andrews	Robert	Baseline Emissions Management Inc.
Axmann	Stephanie	McCarthy Tetrault LLP
Barton	Murray	Direct Energy
Bell	Warren	Government of British Columbia
Bitton	M. Léon	Montreal Exchange
Boone	Corinne	Cantor C02e
Bos	Jonathan	BC Greenhouse Growers' Association
Bradley	Michael	Canfor Pulp Limited Partnership
Brotten	Delores	Reach for Unbleached, BC
Brown	James D.	Shell Canada Limited
Brundrett	Scott	Dynamotive Energy Systems Corp.
Cameron	Sandy	Enbridge (Nethruput)
Camirand	Eric	Electrigaz Technologies Inc
Campbell	Hugh	Total E&P Canada Ltd.
Campbell	Robert	Powerex Corporation
Carter	Ian	International Emissions Trading Assoc.
Chadbourne	Dayle	SemCAMS
Chamberland	Claude	Shell Canada Limited
Chiotti	Quentin	Pollution Probe, ON
Christie	Victoria	Canadian Electricity Sector
Cifuentes	Sol	Albian Sands
Clarkson	Steve	Health Canada
Clement	Chantal	CVRD INCO Ltd
Cole	Sheila	Environmental Health Association of Nova Scotia
Collins	Robert (Bob)	Government of Yukon, Department of Energy, Mines and Resources
Cooper	Lorne	Mosaic Potash
Danks	Anthony	Ministry of Environment, British Columbia
De Biasio	Derek	Crane Consulting
Dean	Edward	Saskatchewan Environment
Dilling	Kendall	Synenco Energy
Donnelly	Aldyen	Greenhouse Emissions Management

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Drexhage	John	CVRD INCO Ltd
Eddy	Jim	Teck Cominco
Edwards	Dr. Mark	Youth Environmental Network, NS
Erfan	Aftab	Teletrips
Fleming	Scott	Imperial Oil, Products and Chemicals Division
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Gaye	Mary-Margaret	Lehigh Northwest Cement Co.
Gibson	Tom	Canadian Fertilizers Limited
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Goodwin	Gary	TransAlta Energy Marketing Corp.
Gunsch	Kelly	Hudson Bay Mining and Smelting
Hair	Alan	Natural Resources Canada
Hallward	Peggy	Saskatchewan Soil Conservation Association
Hammermeister	Edgar	Climate Change Central
Haugen-Kozyra	Karen	Husky Energy
Hillier	Wayne	Orica Canada Inc
Hind	David	Chemical Lime Company
Hinds	Scott	The Fraser Institute
Holden	Heather	Canadian Association of Petroleum Producers
Hyndman	Rick	TransCanada
Imran	Hasan	Synchrude Canada Limited
Jetha	Nizar	Ocean Renewable Energy Group
Johnson	Jessica	Chemical Lime Company
Johnson	Mark R.	National Bank of Canada
Joyce	Jim R.	Industry Canada
Karlsson	Tim	Suncor Energy Inc.
Kaufman	Stephen	Canadian Lime Institute
Kenefick	Wayne	Catalyst Paper Corp
Kiisack	Graham	Canadian Natural Resources Limited
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Loseth	Howard	AgCert Canada
Love	Bruce	TransAlta Energy Marketing Corp.
Luciuk	Dean	West Fraser Timber Co. Ltd.
Macdonald	Cindy	Shell Oil
Makinen	Timo	Native Womens Association
Maloney	Cheryl	Greenpeace
Martin	Dave	Council of Forest Industries
Mauch	Anne	Regional District of Nanaimo
McIver	Carey	Soil Conservation Council of Canada
McKell	Doug	Natural Resources Canada
Melnyk	Micah	Agrium
Micek	Chris	Federation of Canadian Municipalities
Middelkoop	Mary Jane	EnCana Corporation
Mitchell	Jon	Alberta Environment (Alberta Government)
Mueller	Bettina	University of British Columbia
Nelson	Harry	Terasen Gas
Neville	Ian	Lehigh Northwest Cement Limited
Nixdorf	Joerg	INEOS Canada Partnership
Obst	Chuck	TransAlta Corp.
Page	Bob	Sask Agriculture and Food
Panchuk	Ken	International Institute for Sustainable Development
Parry	Jo-Ellen	Teleflex Ecotrans Technologies, L.P.
Paul	Doug	Sherritt International Corp.
Peart	James	Weyerhaeuser Company
Pillon	Lawrence	Bell Canada
Plamondon	Guillaume	Environment Canada
Porter	James	Sherritt International
Renkas	Blaine	Noble Carbon Credits Inc.
Reschke	David	Dynamotive Energy Systems Corp.
Richardson	Brian	Alberta Environment (Alberta Government)
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Robson	Wishart	Forest Products Association of Canada (FPAC)
Rosser	Tom	Alberta Environment (Alberta Government)
Savage	Robert	

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Schulz	Jason	TransCanada
Schwass	Dave	NOVA Chemicals
Scott	Jackie	Natural Resources Canada
Siarkowski	Liz	TransCanada
Silon	Kyle	EcoSecurities
Smith	Michael J.	EPCOR
Stoch	Henry	Deloitte
Strickland	Catherine	Spectra Energy
Sword	David	Union Gas
Telfer	Lindsay	Sierra Club
Titerle	Jim	McCarthy Tetrault LLP
Wilcoxon	Bruce	ConocoPhillips Canada
Williams	Richard	Eos Research & Consulting Ltd.
Willis	Errick	ICF International
Winkler	Wayne	Briquetting & Pelletizing Systems Saskatchewan Research Council (SRC)
Wismer	Monique	EVI Management Group
Wolf	Michael	Union of British Columbia Municipalities
Wright	Jared	Xstrata
Zuliani	Peter	SaskPower
Zulkoski	Tim	