

# Canada's environment act under attack...

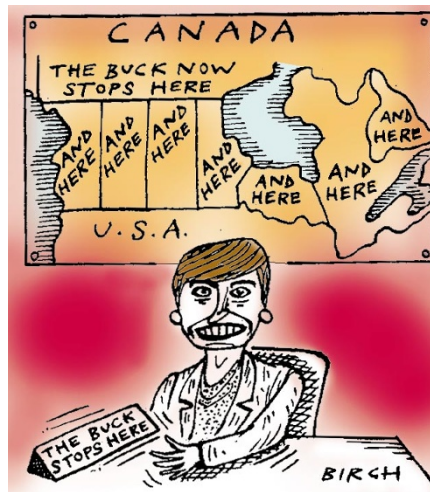
[MONTREAL] Canada's environment minister, Christine Stewart, last week tabled a revised Environmental Protection Act that she said would strengthen environmental protection in Canada — but that critics said would weaken it.

The legislation places emphasis on voluntary efforts by industry, and increased cooperation with the provinces. But environmentalists argue that such moves will undermine the federal environment department's traditional controls, and give the provinces a virtual power of veto over environmental protection measures.

One major innovation in the legislation is a National Accord on Environmental Harmonization, and three sub-agreements, each signed on 30 January by the environment minister and the provinces. These deal with environmental assessment, the establishment of national environmental standards and inspection activities under federal laws.

The federal agency Environment Canada hails the agreement as a significant advance. "Under the new legislation, the focus of environmental protection in Canada would shift from cleaning up after the damage is done to preventing pollution in the first place," Stewart said in a statement.

She says the legislation reflects some of the concerns that have recently been expressed, including the need for increased recognition of voluntary efforts by industry, and improved consultation with provinces and territories. "We have listened to all our partners and stakeholders, and this legislation represents a reasonable and balanced



approach to environmental protection in cooperation with all parties," says Stewart.

But critics are worried about central government ceding responsibility on environmental matters to the provinces. "The signing of the accord marks the end of any significant role for the federal government in the protection of the environment for the foreseeable future," says Shelly Bryant, executive director of Action: Environment.

Paul Muldoon, executive director of the Canadian Environmental Law Association, says the agreement "will make it virtually impossible to deal with the major environmental challenges facing Canada". He describes the implications for issues such as the implementation of the Kyoto protocol on global climate change as "simply horrendous". The association is asking the Federal

Court of Canada to overturn the agreement.

The act comes at a difficult time for both Environment Canada and the provincial environmental agencies. The federal body's budget has been cut by 34 per cent since 1994–95. The government's eventual goal is a 40 per cent reduction.

Besides its domestic pollution responsibilities, Environment Canada must participate in more than 20 international environmental agreements, including the Great Lakes Water Quality Agreement, the Basel Convention on Toxic Exports and the Agenda 21 pledge made at the United Nations Rio summit in 1992. Critics say its ability to do this has now been severely compromised.

Gary Gallon, president of the Canadian Institute for Business and Environment, which carries out economic analyses of the impact of environmental protection, says the cuts by federal and provincial governments are one reason the harmonization accord will not work.

In contrast to the Ontario environment ministry's official figures, he claims its operating budget has been reduced by 42 per cent between 1994–95 and 1997–98. He says Quebec's budget for environmental protection has dropped 64.9 per cent during the same period, Alberta's environment ministry budget has lost 31 per cent since 1992, and Newfoundland's has fallen 60 per cent since 1995.

Gallon claims the federal ministry and Ontario and Alberta provinces are committed to reducing their environmental regulations by up to 50 per cent. **David Spurgeon**

## ...as federal agency is accused of undermining pollution watchdog

[MONTREAL] Environment Canada is embroiled in a dispute that has seen critics accusing it of trying to interfere with the independence of the Commission for Environmental Cooperation (CEC), a body set up by Canada, the United States and Mexico under the North American Free Trade Agreement.

The commission had circulated a draft document listing prominent Canadian companies among North America's worst polluters. But François Laval, head of the pollutant release inventory of Canada's federal environment department, wrote to the CEC saying that Canada planned to take steps to ensure that the report was not released "unless Canadian concerns are addressed".

Laval warned that Christine Stewart, the environment minister, might refuse to endorse the report unless polluters were allowed first to review its findings. The dispute is said to be linked to the resignation last month of the CEC's executive director, Victor Lichtinger, a Mexican diplomat. He had just signed a three-

year contract, but left after firing the commission's senior US official, Greg Block.

Block was alleged to have leaked privileged information involving Canada to his country. The CEC said Lichtinger left voluntarily, but some critics claim that he was forced out because he had become too sympathetic to environmentalists' concerns.

"The Canadian government seems more interested in defending the image of polluters than in telling Canadians what they have a right to know," says Matthew Bramley of Greenpeace in Montreal. And Stewart Elgie, a lawyer who chairs a national committee of environmentalists and industry groups, warns of a "real risk" that the CEC could lose its political independence.

The government denies any political motivation, arguing that its main complaint was about the accuracy of the report and saying that the commission has agreed voluntarily to make amendments. In his letter to the CEC, Laval claimed the report was

misleading, unscientific and riddled with errors. But it was later learned that industry had provided erroneous figures to Environment Canada, which the agency simply passed on to the commission.

The contentious report, *Taking Stock*, is the second CEC document that has raised hackles. Last year the CEC identified Ontario, Canada's richest province, as the third-worst polluting jurisdiction in North America, behind Texas and Tennessee. Ontario's environment minister, Norman Sterling, rejected the commission's conclusions. He said Ontario ranks poorly because it is a large province with a large industrial base, and because its industries are more honest than those elsewhere in reporting discharges.

But an assessment by his own ministry, obtained by the Canadian Institute for Environmental Law and Policy under a Freedom of Information Act request, failed to uncover any errors in the report that would suggest Ontario was treated unfairly. **D.S.**