

Excerpts from the Standing Committee Hearings

Kathryn Harrison #1, October 97

Dr. Kathryn Harrison, Chair of the Environment Studies Program at UBC is that correct? We welcome you. We will start. Also there is a threat of a vote, but we cannot wait until that happens because it could take place anywhere between now and 6.00 p.m. We know that you have a flight out and we're very anxious to hear you. By all means please proceed.

Dr. Kathryn Harrison (Chair; Environment Studies Program, University of British Columbia): Thank you. Good afternoon everyone. As our Chair has said my name is Kathryn Harrison. I'm an associate professor of political science and also Chair of the environmental studies program at the University of British Columbia.

I've been studying federal provincial relations and the environment for several years now. I've written a book on the subject and a number of articles as well. I have with me copies of one of the articles I think may have been distributed. It's particularly about CCMEs harmonization process should any of the members wish to take a look at it. As I'm sure the members of this committee are keenly aware federal and provincial governments alike face great challenges in pursuing sustainable development in the late 1990s.

Public attention to environmental issues has declined since the early 1990s. Though there is certainly still a deep well of latent public concern for the environment. Also federal and provincial governments efforts to curb their deficits have led to significant cuts to environment budgets by both orders of government. In that context it's admirable that federal and provincial governments are seeking ways to work together to make the most of their increasingly scarce resources.

However having said that I do have some serious reservations about the particular approach in the Canada wide accord on environmental harmonization and the subagreements that have been negotiated today.

First I'd like to offer an observation and that's we've seen it all or at least something very much like this before. The events leading to the Canada wide accord closely parallel developments two decades ago. In the mid 1970s the federal government signed bilateral harmonization agreements with seven provinces, all but Quebec, Newfoundland and British Columbia. Although they were bilateral agreements they were virtually identical in each province. Like the new Canada wide accord the bilateral accords of the mid 1970s sought to clarify federal and provincial rules in order to reduce overlap and duplication. The federal government agreed to take the lead role in setting national standards in consultation with the provinces. The provinces in turn agreed to adhere to national standards in issuing permits or regulations for individual sources, and to enforce both their own and the federal governments standards.

The federal government then agreed to leave enforcement to the provinces unless they failed to uphold national standards. This brings me to my first point. To put it bluntly neither the federal nor provincial governments lived up to their ends of that bargain. The signatory provinces did

not always incorporate national standards in their permits, nor did they effectively enforce federal, or for that matter their own provincial standards. Despite wide spread non-compliance with national standards the federal government only rarely stepped in.

The experience with the first generation of accords indicates to me that single window administration is by no means a panacea. This is particularly relevant as we embark on a second generation accord which will renew our efforts to achieve single window administration. I have no doubt that all signatories to the original accords had good intentions. However with declining public demand for environmental protection they simply did not have the political or budgetary resources to meet their obligations under those accords. This can be especially problematic for a government that is withdrawing from an area of overlap.

Having delegated key responsibilities to the provinces in the 1970s Environment Canada simply did not have the resources to resume those responsibilities when the provinces failed to enforce national

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an area of overlap. Having delegated key responsibilities to the provinces in the 1970s, Environment Canada simply did not have the resources to resume those responsibilities when the provinces failed to enforce national standards.

I believe it is important to acknowledge just how similar our current circumstances are to that period in the mid to late 1970s including waning public attention to the environment, the larger federal-provincial context and declining environment budgets. It is encouraging that the new Canada-wide accord and the associated sub-agreements do pay considerably more attention to accountability both between governments and to the public that did the original accords. However, if anything the new Canada-wide accord makes it more difficult for the federal government to step in if a province fails to fulfil its obligations or for a province to do so if the federal government fails.

The problem is that the responsibility for developing an alternative action plan is assigned collectively to the concerned governments, which is not defined, rather than to the one other government which may have clear Constitutional jurisdiction.

My next two points concern the standard sub-agreement in particular, which in some important respects, goes well beyond the original bilateral accords in the 1970s. As I've already indicated, the first generation accord stated that the federal government was primarily responsible for developing national standards in consultation with the provincial governments. Under the new accord, Canada-wide standards are to be developed by consensus among federal, provincial and in some cases, territorial governments. Sections 6.8 and 6.9 of the standards sub-agreement indicate that it will normally be the responsibility of the provinces to implement those consensual Canada-wide standards.

Consensus is, of course, difficult to achieve. Imagine that the House of Commons had to make all of its decisions by consensus. I suspect that you would get a lot less done. Similarly, my

concern is that fewer Canada-wide standards will emerge from a consensual decision-making process and that those standards that do emerge will be weaker by virtue of the fact that every province and the federal government, including those seeking the weakest standards will have a veto over the outcome.

It is laudable that the Canada-wide accord expresses a commitment to the highest level of environmental quality for all Canadians however, the decision making process established by the accord seems to me unlikely to deliver on that promise. An aside here is that the Australian inter-governmental agreement on the environment, which in some important respects was a model for CCME's harmonization agreement, does not require decision making by consensus. I believe the decision rule is two-thirds in most cases there.

Implementation of consensual intergovernmental standards may also be problematic. Adherence to agreed-upon standards will depend on the good will of each jurisdiction, each province in most cases. At the risk of sounding mistrustful, I think it is important to reiterate that this approach didn't work last time. The province's good intentions to enforce national standards apparently evaporated with public attention to the environment and their Ministry of Environment budgets.

This leads me to my third and final concern, which is that we are likely to see a patchwork of approaches and discharge standards. The standards sub-agreement guarantees to each jurisdiction flexibility to adopt whatever approach it considers most appropriate to achieve an environmental quality goal, so a pulp mill in one province may face an enforceable regulation or permit while an identical mill in another province may face only an unenforceable guideline or code of conduct.

Moreover, it is by no means clear that the discharge limits contained in those regulations or guidelines will be the same. The primary focus of the standards sub-agreement is on developing uniform, Canada-wide standards for ambient environmental quality rather than uniform discharge or product standards. This distinction is not entirely semantic. Consistent environmental quality standards will inevitably lead to inconsistent industrial discharge standards, given very different environmental conditions in different provinces.

This emphasis on uniform environmental quality standards represents a significant departure from federal and provincial governments' historical emphasis on the need to harmonize industrial discharge standards to preclude forum shopping and so-called pollution havens. While I certainly would not expect any Canadian

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departure from federal and provincial governments' historical emphasis on the need to harmonize industrial discharge standards to preclude foreign shopping and so-called pollution havens.

While I certainly would not expect any Canadian province to court investment at any cost to the environment as the pollution haven term implies, I do believe that in the absence of minimum

national discharge standards it will be that much harder for individual jurisdictions to impose stringent standards unilaterally.

This point has been made by provincial ministers themselves on various occasions over the years so I find the inattention to discharge standards in the subagreement both surprising and problematic.

To summarize then I'm troubled by three aspects of the Canada-wide accord. First, experience with the first generation accords suggest that the move to one-window administration is not a panacea. Reporting to governments and to the public will be absolutely critical and will require that the federal government set aside resources, both for monitoring of provincial adherence and potential intervention should a province fail.

Second, should the consensual approach to setting Canada wide standards inherent in the new accord raises concerns about the relative influence of the least aggressive provinces and about voluntary compliance by signatory governments.

Finally, I'm troubled by the focus on ambient as opposed to discharge standards which, I believe, will further undermine the emergence of Canada-wide standards.

Thank you for providing me with this opportunity to testify and I'm certainly very happy to respond to any questions that you might have.

The Chairman: Thank you, Dr. Harrison. You put the issue in an historical context and that is extremely helpful to us and, not only that, but you have done an analysis which will provide the members of this committee with some food for thought and I wonder whether Mr. Casson would like to be the first questioner.

Mr. Rick Casson (Lethbridge, Ref.): Yes, thank you, Mr. Chairman. In the last couple of days this week we've heard some concern that the whole point of harmonization was to deal with overlap and duplication. Now, I know you don't mention it here and maybe you don't have the background on that, but you see any plus to the federal and provincial governments trying to work together on a streamlined process?

Dr. Kathryn Harrison: Yes. I think resources are limited and in some areas, I think, it may be possible to work together more easily and with fewer restrictions on each decision-making authority. I think that inspection and enforcement when CCME gets to that would be promising candidates and inspection is certainly one of the candidates that is indicated here.

I think in the area of environmental assessment, having federal and provincial governments work together in the form of joint assessments has been quite satisfactory in the past and has also resulted in, I think, probably improved results from those environmental assessments.

I think sharing information is always a good idea and there's certainly been a lot of emphasis on that within CCME for the last decade. I think this harmonization accord does go a step beyond

anything we've seen before in the redefinition of Canada-wide standards and that's the aspect that's most troubling to me.

Mr. Rick Casson: You're suggesting here then that you believe that the federal government should still have the ultimate control. Is that what you're saying? They should set aside resources for the monitoring and they ultimately can run the show?

Dr. Kathryn Harrison: I think there is still a role to be played by the federal government in setting Canada-wide standards within its own jurisdiction.

Obviously it can't do anything that it's not constitutionally allowed to do, but I think that the federal government doesn't have to operate by consensus and I think that can be a very important distinction in some cases in trying to establish discharge standards where the mills or factories in one province are a lot dirtier than in another province and they're likely to have to spend a lot more money to comply with the more stringent standards. I would expect in many cases that province to be more reluctant and to argue for a more reasonable national standard and in a consensual decision-making process they're likely to exert a lot more influence or at least they have the potential to exert a lot more influence.

Mr. Rick Casson: Thank you, Mr. Chairman.

1600 [English]

argue for a more reasonable national standard and in a consensual decision-making process they're likely to exert a lot more influence or at least they have the potential to exert a lot more influence.

Mr. Rick Casson: Thank you, Mr. Chairman.

The Chairman (Mr. Charles Caccia): Who would be next? Mr. Jordan, please.

Mr. Joe Jordan (Leeds-Grenville, Lib.): Dr. Harrison, I'm just a little bit curious and I realize that I may be asking you sort of hypothetical questions, but you know more about this than I do and I'm sort of thinking about it, so if you could help me. I'm just thinking about where we go with the process, because I think that on paper and other witnesses we've heard, I don't have any problem with the rationale from industry that they want to know the rules, they want the rules to be clear and really we can't argue with that.

I guess the problem or the flag goes up when we take it from the flip chart and try to put it into practise and I concur with the chairman that your historical perspective here is very useful because it's certainly a track record that can help us predict the future, but in terms of national standards what do you see the criteria for those being and I'm new at this. Is that an economic decision, how bad will it hurt if we do this. Is that the dialogue that's going on with the provinces.

Dr. Kathryn Harrison: I think that's part of it. I don't believe these are entirely economic decisions because if they were we wouldn't have any federal regulations. I do think it's true that in the long run environmental sustainability and a healthy industry are compatible and in fact require each other but in the short run there can be some pretty significant costs that have to be imposed on existing facilities and so in the short run there can be very big and I'm sure politically-troubling costs. So I don't think it's just about that, but in one case where I've looked at the federal-provincial negotiations concerning the setting of Canada-wide standards more closely and that's regulation for pulp and paper mills. There was a rough correspondence between the kinds of arguments jurisdictions made and the position of the industry within their jurisdiction.

In some respects a province might make very bold promises and once they got down to the detailed negotiation they would be looking for concessions here and concessions there because there's a particular mill in wherever that just can't afford to make the kinds of changes that are required.

Mr. Joe Jordan: I'm just wondering, because to me I think the enforcement and inspection issues if they're given the proper attention could be resolved, but I think the key to the success of this thing is the standards then.

Would it be fair to say that perhaps there be some kind of identification that there's going to be inequities in terms of economic impact, depending on how high we set the bar for the certain provinces, recognize those and put resources in to try and minimize or make the impact of those equal. Would that get us away from a lot of the...because it's almost like economic discussions veiled in environmental discussions. I don't think that helps.

Dr. Kathryn Harrison: I'm certainly not an expert on NAFTA but I suspect there could be real problems under NAFTA if you adopted Canada-wide environmental regulations and then subsidized facilities in some locations.

It might not be so easy to get agreement either in the sense that the reason some facilities in some jurisdictions don't have to spend as much is that those jurisdictions have already taken stronger steps and if I was a facility in one of those jurisdictions I'd be very resentful of the fact that comparable facilities next door are going to be subsidized whether directly or indirectly and so it might not get you the consensus that it would at first appear.

Mr. Joe Jordan: Do you think we can get what we want through consensus though? I guess that's what I'm asking, without some other kind of intervention.

Dr. Kathryn Harrison: I'm doubtful.

Mr. Joe Jordan: Thank you.

Dr. Kathryn Harrison: I think it will vary from issue to issue.

The Chairman (Mr. Charles Caccia): Thank you.

Madam Kraft Sloan.

Mrs. Karen Kraft Sloan (York North, Lib.): Thank you. I want to compliment you on the chapter from your book and I want to get the title of your book because I'd like to take a look at that as well. We were given chapter 9 and I thought it was extremely useful in setting a historical context of those past couple of decades but also your testimony today has brought a few other new things to light as well.

You had in your brief talked about the problems with one government stepping in when the other government wasn't doing its job.

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you might as well.

In your brief you talked about the problems with one government stepping in when the other government wasn't doing its job. I am wondering if in that initial agreement that was established if there was an mechanism requiring that the federal government step in if the provinces weren't doing what they were supposed to do. Other than a statement saying that one level would step in if the other wasn't doing what they were supposed to do, was there anything that indicated a mechanism?

Dr. Kathryn Harrison: Not that I recall. I haven't read those accords again in the last little while. My recollection is that they were pretty general and there were statements that the federal government will not play a role in enforcement as long as the province is doing the job. There weren't specific dispute resolution mechanisms. I don't even believe there were deadlines as there are in this case where an alternative plan will be drawn up within six months in the event of failure. There certainly weren't the same kind of detailed reporting mechanisms between signatory jurisdictions as there are....

Mrs. Karen Kraft Sloan: What about the issue outlined in some of the subagreements where it says that if there is one level of government involved the other level of government shall not be involved with that kind of language respected in these other accords?

Dr. Kathryn Harrison: I can't remember the exact language, but that was the overall intent of the accords to try to rationalize federal and provincial roles. The idea was when one is taking the lead the other will not play a role.

Mrs. Karen Kraft Sloan: Do you have any ideas why discharge standards would be left out of the subagreements ## used in the accords?

Dr. Kathryn Harrison: I certainly don't have any knowledge of why. I was quite surprised. I do think there was a previous attempt at this a couple of years ago in the form of the Environment Management Framework Agreement which was a much more ambitious document. There were 10 schedules. They were much more detailed and the idea was also different in that it was a one size fits all approach. This document does allow for asymmetrical arrangements, so in in one

province the federal government might take the lead in one area. In other it might be the province. So there is at least the door left open for that.

In the EMFA that was not the case. I think that CCME has talked about harmonization of standards for a number of years and they haven't had a whole lot of success with it despite the emphasis they've put on it. So perhaps I think the other way this is different from the EMFA as it's a more pragmatic document. Let's take things one step at a time and try it out, which I think is also a good idea. But maybe that pragmatism led the parties to say let's just not be too ambitious. That would be my guess.

Mrs. Karen Kraft Sloan: In here you have suggested that the federal government might, if for example, the provincial governments in the field-whatever the field was-that the federal government may have to in order to make all of this work have monitoring systems in place of the provinces. Is this a reduction in costs for the federal government, an increase in costs in relationship to the current system that we have right now?

Dr. Kathryn Harrison: I think there's at least a potential for a reduction of cost. Let's say the province is doing monitoring of individual sources and then preparing a summary report that they pass on to Environment Canada's regional office every six months or more often...whatever. In theory that could be less resource intensive on the part of the federal government to look at one report that already summarizes reports from individual sources...whether that happens in practice. In practice you may only have one person in a regional office doing it now and you might still need the same person in the future, so it may not make that big a difference.

Mrs. Karen Kraft Sloan: Where you involved in a consultation process around the development of the most recent accord?

Dr. Kathryn Harrison: I was not on CCME's national harmonization advisory group. I did participate in consultations that Environment Canada called itself. There was an Environment Canada's own advisory group, and I participated in some of those. I had a baby in the middle so I was kind of an intermittent participant.

Mrs. Karen Kraft Sloan: How did you find out about the most recent harmonization?

Dr. Kathryn Harrison: This is an issue I'd been studying for a number of years, so I tend to keep up on it. The particular consultations, I was invited

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Mrs. Karen Kraft Sloan: How did you find out about the most recent harmonization?

Dr. Kathryn Harrison: This is an issue I'd been studying for a number of years so I tend to keep up on it. The particular consultations I was invited to, in one case by CCME, to the national consultations on the EMFA and then by Environment Canada in the second round that produced the Canada-wide accord.

Mrs. Karen Kraft Sloan: Has it been easy for you to get information?

Dr. Kathryn Harrison: One never gets information on the actual horse trading that may take place when the wording is being negotiated, but to actually get copies of the documents, I didn't find it particularly problematic. In fact, it was a lot easier. It's a lot easier these days than it was a few years ago. CCME has a web page where all of the documents are posted as they become available.

Mrs. Karen Kraft Sloan: Thank you.

The Chairman: Thank you.

Mr. Knutson, Mr. Bigras and then the chair unless someone else wants to jump in first.

Mr. Knutson.

Mr. Gar Knutson (Elgin-Middlesex-London, Lib.): Thanks very much.

I apologize for being late.

On page 2, you make reference that earlier agreements didn't work. Signatory provinces did not always incorporate national standards in their permits nor did they effectively enforce federal or, for that matter, their own provincial standards and despite widespread non-compliance with national standards, the federal government only rarely stepped in.

Can you, Kate, state some more serious examples where it broke down?

Dr. Kathryn Harrison: Certainly. The one industry that I've looked at closely is the pulp and paper industry. In that case, the federal government established regulations in 1971; a couple of provinces had already moved before that. Other provinces moved independently after that.

I looked at levels of compliance in 1987 and the vast majority of mills across the country failed to comply with the federal government standards. I think it was about a third of the mills complied.

I also looked at the actual individual permits that provinces had issued to those mills as of 1987. I looked at 90%, slightly over 90% of the individual permits for some 121 mills. Some 60% of permits did not actually meet the conditions of the federal regulations.

Mr. Gar Knutson: I don't really understand the pulp and paper. How does a mill simply not comply?

Dr. Kathryn Harrison: There were criteria in the federal regulations of three forms, suspended solids, BOD, which is a measure of how much the pollutants use the oxygen that's present in the river.

Mr. Gar Knutson: My point is did they just decide not to do it?

Dr. Kathryn Harrison: Apparently. One of the criteria was a toxicity requirement and in order to meet the toxicity requirement, almost all mills would have to install something called secondary treatment. Most mills just didn't install it and nobody made them. Mills constructed before 1971 that had secondary treatment were actually pretty hard to find.

Mr. Gar Knutson: Then what happened-take us through the pulp and paper industry. I wasn't on the committee in 1993-1994, but didn't they clean up their act?

Dr. Kathryn Harrison: They did. The reason I stopped at 1987 was that everything changed after 1987 so to find a stable point, 1987 was a good point.

In 1987, there was a discovery that dioxins were present in the discharges from pulp mills using chlorine in their bleaching process. Both the federal government and most provincial governments undertook regulatory reform.

There was also tremendous consumer pressure brought to bear on the industry and so, in many respects, I think the industry-the industry had made voluntary commitments in that case to clean up its act in terms of dioxin discharges, even before the federal regulations were imposed. So there was a combination of federal pressure, provincial pressure, consumer pressure and there was also a very significant change of policy in terms of enforcement and compliance.

Mr. Gar Knutson: This was the federal government policy?

Dr. Kathryn Harrison: Both, although the change of policy in terms of the federal government was explicit in terms of CEPA. There's still no Fisheries Act enforcement and compliance policy.

The difference was that previously nobody really expected adherence with the law. The idea was if a mill doesn't comply, we'll negotiate with them. We'll try to set up a schedule. They would violate the

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difference was that previously nobody really expected adherence with the law. The idea was that if a mill doesn't comply we'll negotiate with them, we'll try to set out a schedule, they would violate the schedule, there would be a re-negotiation and the change in that they said you have to obey.

Mr. Gar Knutson: Right. What about the examples of where the federal government stepped in. I guess what I'm trying to get at is, did the provinces challenge that? Did we have to go to court to maintain our right to step in? Are there any clear-cut examples where...

Dr. Kathryn Harrison: The dynamics in the ## case were really interesting in that some provinces were promising provincial standards that were actually stricter than anything the federal

government was promising: B.C., Alberta, Ontario and Quebec. Other provinces were waiting for the federal government to see what the federal government did.

When negotiations then returned to the CCME ## what I found interesting was that even some of the provinces which had stuck their necks out and promised more stringent standards, were pressuring the federal government to back them up. They wanted to have uniform standards at the level that they had established so that they wouldn't be undercut by other jurisdictions.

Mr. Gar Knutson: I need some specifics though.

Dr. Kathryn Harrison: Alberta, B.C., I mean in B.C. the social credit government had promised an AOX ## which is a measure of the coronated compounds in the ## had promised an AOX standard of 1.5 kilograms per ton. They had pressed the federal government to back them up on that, the federal government took a position that it wasn't going to regulate AOX, cabinet agreed to the 1.5 and the premier vetoed it and set the standard at 2.5.

It wasn't until a couple of years later when there was a change of government and the New Democratic Party which had taken very strong positions on the issue in opposition changed that regulation. So that's one case where certainly the minister at the time, and officials that I've interviewed in that province felt that the fact that the federal government did not back up the provinces position in the form of a federal regulation hurt the provinces position.

Mr. Gar Knutson: Is there a link here to harmonization? Are we saying that the federal government didn't want to be leading the pack because they wanted to be in harmony with the provinces and therefore they didn't back up the lead province.

Dr. Kathryn Harrison: One of the federal government's negotiators said to me in so many words, I can't get the quote exactly, but that some provinces were pressing the federal government to go further and other provinces were pressing them not to go so far. He said "Well we have to harmonize" I said "We have to harmonize not all the provinces want those higher standards". What's striking to me is that they harmonized at the lower level rather than the higher level.

Mr. Gar Knutson: This was in what year?

Dr. Kathryn Harrison: Early nineties. Actually I have written up the details of the case and could make that available to you if you're interested.

Mr. Gar Knutson: If you could send it to the clerk.

Dr. Kathryn Harrison: To the clerk, certainly, I think I actually have a copy with me.

Mr. Gar Knutson: Any others where you can just...my sense is that behind all the words we have to see the examples. The wording of the harmonization agreement is wonderful. It talks about co-operation, it talks about harmony, it talks about working together, maximizing value and unless we can look at-I'm fairly simple-but unless I can see case by case examples of where it screws up it's difficult to...

Dr. Kathryn Harrison: It's very hard to find those examples because to even study what went on in one jurisdiction is difficult and very time consuming especially because so many of the negotiations are not made public.

I did extensive interviews in six provinces, so I don't have other examples. I would look to the climate change case though and find someone who's expert on the negotiations there, because that's certainly a case where different provinces have taken very different positions, and where it doesn't appear to me that the federal government has sided with those seeking the most restrictive measures.

Mr. Gar Knutson: Are you familiar with CEPA and Quebec Hydro?

Dr. Kathryn Harrison: The Supreme Court case?

Mr. Gar Knutson: Yes.

Dr. Kathryn Harrison: I read it. I'm not a lawyer.

Mr. Gar Knutson: I'm just wondering. Apparently that's a case where the federal government intervened, notwithstanding the objections of the provincial government and a provincial utility. I just wondered whether a clear case can be made if we sign this agreement those types of interventions will be far more difficult if possible at all.

Dr. Kathryn Harrison: I think also that the federal government...that's one case. Environmental assessment may offer other examples where federal intervention

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clear case can be made if we sign this agreement. Those types of interventions will be far more difficult if possible at all.

Dr. Kathryn Harrison: I think also that's one case. Environmental assessment may offer other examples where federal intervention in for instance the case of the ALPAC pulp mill, the testimony of environment department officials I think made a big difference in the way that mill was viewed and in changing the way the problem was framed from this is a clean mill to sure this is a relatively clean mill but it's one of five or however many on this Athabasca River which is not a very big river. I haven't followed through on the Oldman dam cases or the Rafferty-Alameda cases to see what the effect was in practice of having a second environmental assessment performed by the federal government. I assume that there would of been some positive impacts that emerged from those, also some negative ones.

Mr. Gar Knutson: Well the businesses would just tell us it just cost a whole bunch of money and delayed everything, and tied up capital and workers.

Dr. Kathryn Harrison: I'm sure it cost a lot of money. It must of cost a lot of money to go to court so many times. I think apart from the details of those individual cases one would have to look at

what sort of demonstration effect they had on environmental assessments of dozens of other projects across the country. I think that provincial governments also started revising and updating their own environmental assessment processes in the wake of the litigation over Rafferty-Alameda and Oldman dam.

Mr. Gar Knutson: So you're saying we have a case where there's a lot of conflict of ##. Doesn't that result maybe to raise the standard of the assessments that come after?

Dr. Kathryn Harrison: Certainly I think that it would raise the level of vigilance both by provincial governments and by proponents of projects.

The Chairman: Thank you. Mr. Bigras.

[Français]

M. Bernard Bigras (Rosemont, BQ): Merci, monsieur le Président.

Tout d'abord j'aimerais remercier les témoins de nous faire bénéficier de leur expérience et de leur expertise dans ce domaine.

Ma question sera relativement courte. Vous nous avez parlé des coupures dans les budgets provinciaux dans le domaine de l'environnement. D'ailleurs, plusieurs groupes nous en ont fait part.

J'aimerais que vous nous disiez si vous vous êtes interrogés-le mot interrogés est mieux qu'évalués-sur l'impact de cet accord, compte tenu d'un non-transfert de budgets reliés aux contrôles, aux inspections et aux standards.

[English]

Dr. Kathryn Harrison: That's an interesting question. In the mid 1970s when there was a devolution of various federal responsibilities to the provinces there was no transfer of money. The Canada-Quebec Agreement on pulp mill regulation set a precedent there which I think is incorporated in the new agreement that in some cases the federal government will compensate a province if it is playing a role in monitoring compliance with and enforcing federal standards as well. That seems quite reasonable to me. The question is why there are economies of scale to be had by having one government do it. So perhaps the transfer is less than it would have to be if the federal government was completely doing the same role.

I really don't know in practice. I'm not aware of what the actual numbers of people are and how it would play out in the individual regions and individual provinces.

The Chairman: Thank you Mr. Knutson and Mr. Bigras. Before we start the second round a few questions from this end of the table. I'm very grateful for you for having drawn our attention at least it had escaped me the difference between ## and discharge standard and the importance that they have in this regard. You mentioned in your presentation today that provincial ministers

themselves on various occasion made that point. Can you expand a little bit on that aspect historically.

Dr. Kathryn Harrison: Around 1970 when we had the first wave of public attention to the environment both the federal minister and various provincial ministers were much more publicly outspoken about that. In fact there were committee hearings into the constitution in the early 1970s where I think Saskatchewan and perhaps Manitoba as well actually took stronger positions

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provincial ministers were much more publicly outspoken about that. In fact there were committee hearings into the constitution in the early 1970s where I think Saskatchewan and perhaps Manitoba as well actually took stronger positions in calling for explicit federal authority to set national environment standards than the federal government had proposed itself.

Since that time and then thereafter there was much less when the environment fell from grace, as it were, in the mid-1970s, there was much less talk about environmental standards of any sort, national or otherwise.

In the late 1980s there was again talk about the need to harmonize and provinces took different positions. Certainly the province of Quebec has taken a fairly consistent position throughout this period that there is a need to harmonize but that those standards should be set by consensus among the 10 or 11 jurisdictions involved. Other provinces have been more receptive to the federal government doing that.

Certainly in the pulp mill case that I was talking about, I was told of actual battles, that was how they were described, that took place within CCME meetings of ministers pressing the federal government for strict federal standards to back them up.

Those types of statements tend to be included in press releases, and so I do not have documentation or minutes, but that is certainly what people who attended the meetings have related to me.

The Chairman: Thank you. The infernal question that we are facing here is this accord going to harmonize ##, higher levels or lower levels? You have referred to that already. Do you see in the present accord as it is doctored right now, the terminology that is needed towards harmonizing towards higher levels?

Dr. Kathryn Harrison: No. I think the actual words that say "you harmonize towards the highest levels of environmental quality" sound very nice, but I do not see how anything in the procedures set in place in the accord itself are going to make that happen. I think consensus sounds very good. I mean we all like to agree with each other, but I am not sure that intergovernmental consensus is always consistent with the best interests of the environment.