

Press Release -- Wednesday, March 26, 1997

## Federal Government Giving Away Environmental Assessment to Provinces, Group Says

---

Agreement on “environmental harmonization” is about to be reached between the federal and provincial governments, and the result will be an abdication of federal responsibilities, environmentalists said today.

The harmonization accord proposes standards for governments to cooperate in environmental protection, but “environmental protection comes last” in the latest draft of a sub-agreement on environmental assessment (EA), said Martha Kostuch of Friends of the Oldman River. “We’ve been told that governments are trying to reach a compromise, but they’ve gone right off the road. It looks like the environment comes absolutely last after cost-cutting and federal abandonment of environmental responsibilities.”

“The federal government is ignoring its constitutional responsibilities”, said Rod Northey, a Toronto lawyer and board member of the Canadian Environmental Defence Fund. “What we have learned about EA in the last ten years shows the need for a strong federal presence”.

The Canadian Council of Ministers of the Environment’s (CCME) “harmonization” initiative has been underway since 1993. Its stated goal is to achieve the “highest” standards in environmental protection, by “harmonizing” Canada’s environmental laws, regulations and policies. The plan is to have the federal and provincial governments sign an umbrella accord, along with sub-agreements on harmonized standards, inspections and environmental assessment, before the federal election.

“One would think that these negotiations would place a priority on environmental protection, but that’s not the case”, said Paul Muldoon of the Canadian Environmental Law Association. “The harmonization really has more to do with the politics of federalism than with the environment. This is the third time governments have tried this, and each time, we’ve seen the environmental priorities plunge further from the top of the list.”

“The federal government should not abdicate its responsibility in this way. Agreements like this, of uncertain legal status and full of vague language, have been at the heart of the conflicts over the Oldman Dam, the Kemano project, the fixed link to PEI, and James Bay”, said Marie-Ann Bowden, a law professor and member of the Saskatchewan Environmental Society. “If governments sign it, history will repeat itself and the only way to ensure environmental protection will be through the courts”.

The Harmonization Working Group presented a statement to the federal government Monday, in which it reiterates the need for a strong federal role in Environmental Assessment. Over sixty environmental groups have supported the statement so far.

---

### BACKGROUND on Environmental Assessment

- federal constitutional responsibilities in EA include protection of fish habitat and navigable waters.

- The latest draft agreement proposes that the jurisdiction on whose lands a proposed project is located be the “lead Party” in EA. In virtually all cases the lead party would be a province. The lead party would use its EA process.

Also available (Contact Hugh Benevides, Canadian Environmental Network, 613-728-9810 ext. 24; or Fé de Leon, Canadian Environmental Law Association, 416-960-2284):

- Toward a Strong Federal Role in Environmental Assessment (March 1997 sign-on statement)
- Take the Harm out of Harmonization (November 1996 sign-on statement)

## CONTACTS

Bill Andrews, Vancouver, 604.924.0921

Dr. Martha Kostuch, Friends of the Oldman River, Rocky Mountain House, Alberta, 403-845-4667

Elizabeth Swanson, Environmental Law Centre, Edmonton, 403-424-5099

Marie-Ann Bowden, Saskatoon, 306-244-0249

Rod Northey, Toronto, 416-599-0992

Paul Muldoon, Canadian Environmental Law Association, Toronto, 416-960-2284

Franklin Gertler, Montréal, 519-849-2403

Shelley Bryant, Action Environment, St. John's, 709-753-3680

Andrew Nikiforuk is the author of “‘The Nasty Game’: The Failure of EA in Canada”. It is a 44-page litany of problems with EA in Canada, and is full of excellent quotes and sources. “The Nasty Game” can be downloaded from one of the following websites: ; ;

Or you can contact the Walter & Duncan Gordon Foundation at , telephone 416-601-4776, fax 416-601-1689.

“A Canada-Wide Accord on Environmental Harmonization” and the “Sub-Agreement on Environmental Assessment” (Third Draft Text) are available from the CCME in Winnipeg and at the CCME website.

Hugh Benevides, B.A., LL.B.

Coordinator, Environmental Planning & Assessment Caucus

Canadian Environmental Network

945 Wellington Street, Suite 300

Ottawa, Ontario

K1Y 2X5

Tel.:(613) 728-9810, Ext. 24

Fax: (613) 728-2963

E-mail: