

Harmonization - They Just won't Quit

Report of the Harminization Working Group
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The Deputy Ministers of the Environment are a little like Energizer bunnies. They just keep going, regardless of the persistent opposition by environmental groups across the country. A National Accord on Environmental Harmonization has been approved in principle by the Ministers of the Environment in November 1996. The Ministers are scheduled to sign the current draft in May 1997.

The Accord still has many of the problems of the earlier versions. For example, while its vision is a commitment to the highest level of environmental quality for all Canadians, it is qualified by Principle 8 which places it in the context of sustainable development.

The Core of the Accord is a commitment to having a "one window" approach to the delivery of environmental services and explicitly bars the other level of government acting when one level of government is assigned a specific responsibility. This eliminates the possibility of backstopping by one level of government when the other fails to act.

Under the proposed Inspections Sub-Agreement inspection activities for the purposes of the enforcement of federal law applicable to industrial and municipal facilities and discharges are to be assigned to the provinces. Under this arrangement, the federal government would not be permitted to conduct inspections where a province fails to do so, even in cases of emergencies or potential for immediate harm to the environment and health.

Under the proposed Standards Sub-Agreement, standards will be arrived at through a consensus based decision making model. Under this model, the jurisdiction favouring the weakest standard will have veto power over any proposed Canada-wide standard. In addition, the proposed standards would in fact hardly be standards at all, given the flexibility allowed in their implementation.

The proposed Environmental Assessment Sub-Agreement is presently being negotiated. The first draft shows that the Deputy Ministers are not in full agreement that the federal government should give up their role in EA where a project triggers both provincial and federal processes. Two ideas are being considered: either to give the lead role in EA fully to the provinces or to allow the federal government to maintain important decision-making powers.

Giving the provincial government the lead role in EA where both levels' processes are triggered would mean that in New Brunswick, assessment of large projects such as the TCH would continue to be largely symbolic with the decision to grant approval being political. Further, New Brunswick could not in good conscience sign the Sub-Agreement since they would be required to hold independent public hearings, something that the NB EA process does not have.

In short, harmonization continues to mean a devolution of federal roles to the provinces and a weakening of the protection of the environment for New Brunswickers. The New Brunswick DOE has agreed to hold a public workshop on harmonization. Let's tell them what we think and take the Energizer out of the rabbit.