



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

ecojustice.ca
formerly Sierra Legal Defence Fund

March 3, 2011

Hon. Dalton McGuinty
Premier of Ontario
Legislative Bldg
Room 281
Queen's Park
Toronto, Ontario M7A 1A1

Dear Premier McGuinty,

Re: Offshore Wind Power Moratorium

We are writing on behalf of our respective organizations to express disapproval and concern regarding the moratorium on processing applications for off-shore wind power announced by the Ontario government on Friday February 11, 2011. With respect, we find the stated reasons for this decision – namely, “lack of science” and concerns about drinking water quality in the Great Lakes – unconvincing.

There is little serious or credible evidence that windmills in any way threaten drinking water supplies or pose a threat to human health. It is, however, clear that in addition to significant conservation initiatives and the use of transitional fuels, renewable energy is a necessary part of Ontario’s sustainable energy future.

The Canadian Environmental Law Association (“CELA”) and Ecojustice have serious concerns about the significant and real threats posed by other pollution sources. For instance, Ontario’s nuclear plants routinely release tritium – a radioactive carcinogen – into Lake Ontario and Lake Huron. As you are aware, the Ontario Drinking Water Advisory Committee has recommended that the tritium drinking water standard be lowered from the current level of 7,000 bq/L to 20 bq/L in order to protect the environment and human health.

Another source of pollution which poses far more serious water quality and human health risks than windmills is the millions of kilograms of toxic chemicals released to air by industrial facilities in the Great Lakes basin each year. In 2007 alone, 32 million kilograms of toxic chemicals were released by facilities reporting to the National Pollutant Release Inventory in areas of Ontario considered critical for protecting source water.

It is also worth noting that the biggest source of contamination in the Great Lakes is polluted stormwater that flows across industrial, commercial, and agricultural lands, flushing massive

amounts of pathogens, chemical contaminants, and other material into the lakes. This impacts both the quality of our source water and our ability to treat it. By focusing on diverting stormwater away from overloaded treatment plants, and by promoting the use of green infrastructure like stormwater ponds, green roofs, and restored wetlands, your government could make a real, tangible contribution to the quality of water in the Great Lakes watershed. Taking steps to curb the use of substances such as endocrine disruptors in pharmaceuticals, personal care products, and cosmetics would also go a long way in protecting the environment and health of Ontarians, given that these substances disrupt aquatic ecosystems and harm wildlife, and our treatment plants are not designed to intercept them.

CELA and Ecojustice, as well as other non-governmental organizations in Ontario, have been calling on your government to establish the Great Lakes Drinking Water Advisory Committee provided for in the *Clean Water Act* in order to institute science-based Great Lakes drinking water targets. Because this Committee still has not been established, we once again request that your government move with urgency to ensure it is put into place.

The precautionary principle is a fundamental tenet of Canadian and international law and governance. Rather than responding to situations where there is a “lack of science,” it counsels caution in the face of incomplete but credible scientific evidence of a significant threat to the environment and/or human health. Our organizations are not aware of any serious or credible evidence of risks to drinking water from off-shore wind turbines. Using the precautionary principle to justify shutting down progress on building clean offshore wind in this context undermines this vital legal principle.

Rather than reversing progress on renewable energy without credible evidence of risks to drinking water, we believe your government should be using the precautionary principle to avoid further harm to ecosystems and human health where there is real evidence that a serious threat exists, as in the examples above. Indeed, the health impacts of burning coal or releasing radioactive elements into our environment are known and documented, and should be actively avoided and mitigated.

Yours truly,



Theresa McClenaghan
Executive Director and Counsel
Canadian Environmental Law Association
CELA Publication No. 777



Kaitlyn Mitchell
Staff Lawyer
Ecojustice

Cc: Hon. John Wilkinson, Minister of the Environment
Hon. Brad Duguid, Minister of Energy
Hon. Linda Jeffrey, Minister of Natural Resources
Gordon Miller, Environmental Commissioner of Ontario