

SARAH'S CROMBIE SUBMISSION

I am speaking today on behalf of CELA, the Waterfront Remedial Action Plan (WRAP) Committee, and Great Lakes United. As your Royal Commission approaches the last year of its deliberations, there are many issues it will be crucial for you to resolve. Foremost among those is how to reform environmental decision-making so that it is ecosystemic. I feel that the key to doing this effectively, is to involve the public beyond mere consultation. The public should be made partners in the true sense when formulating policy, in regulatory reform, and in the implementation of remedial programs. There has been a crisis of confidence in government's ability to address complex environmental problems. Governments are still making decisions influenced by short-term gain, rather than achieving longer-term, or permanent solutions. (The public has and will to advocate ecosystem solutions. [manuscript unclear]) I would like to talk today largely about this need for reform that is being manifested in the Remedial Action Plans.

I have been a stakeholder in the Hamilton Remedial Action Planning process for over three years and am chair of the WRAP Committee which preceded the Federal Provincial RAP. As a Canadian Director of Great Lakes United, I was involved in planning a recent RAP Revival Workshop which brought together public participants from 31 of the 42 RAP processes, to discuss common goals and concerns. What I found most disturbing about this meeting is that , even

though the public has been invited into the RAP process and working hard for years on the RAPs, there is a consensus that the RAP process may be failing us. When that process began, citizens throughout the basin endorsed it enthusiastically as their only hope to effectively clean up the areas of concern and to set out long-term goals that would lead to the permanent restoration of their ecosystem. As many of the RAPs approach the finalization of their preferred remedial options, many barriers to RAP success have to be overcome. RAPs as the one long-term clean-up plans have to gain ascendancy over other government initiatives, and if we are to truly going to accomplish ecosystem planning, all government initiatives will have to conform to RAP goals.

While there are a huge number of issues to be addressed in the RAPs, I have decided to limit myself today to what I feel is the one over-riding public concern in the Great Lakes Basin, namely the issue of ecosystem health and to review the adequacy of RAPs to address these concerns. However, the WRAP Committee has many specific concerns about the Toronto Draft Remedial Options Report, which they would willingly discuss in detail with your staff.

The public clearly sees the pollution of the Great Lakes as a public health issue. The bio?? fish and wildlife in and around the Great Lakes are manifesting health, reproductive, immune system, and intergeneration disturbances, due to their chronic exposure to the chemical soup the lakes have become. Great Lakes Legacy galvanized ??? The public has taken this evidence to heart and

demonstrated wide concern in a survey done last summer by Decima for Pollution Probe and the Lake Ontario Organizing Network. Over 95 per cent of citizens living around Lake Ontario felt lake pollution affected their personal health and at the same time they supported the attainment of zero discharge within 10 years. The virtual elimination of persistent toxic chemicals called for in the GLUCA?? is a moral imperative for ????? of the Basin and currently there is a new zero discharge coalition ????? the Basin. The enormity of this public concern is largely missed by the RAP plans, even though I think this will be the focus of much act?? in the next 20 years in the GLS.

In most RAP areas citizens have addressed their concerns about ecosystem health by endorsing fundamental goals and principles which were to form the rationale for the selection of remedial options. Almost uniformly these goals and principles focus on the virtual elimination of persistent toxic chemicals by reducing pollution at the source, and a stress on ecosystem principles so that no area solves their problems at the expense of another and that all sources are addressed. If these fundamental guidelines were built into each remedial option, we would find RAPs mandating fundamental social change by shifting our emphasis from pollution control to pollution prevention. What has happened is that, because agencies in charge of RAP process are still dedicated to programs of pollution control, they have resisted integrating ????? pollution prevention options into the RAPs' Preferred Option Report. Public members of RAP committees have struggled to change

this, but the agencies control the writing of the documents, agendas of RAP meetings, and the resources and budgets available to direct RAP research. Many agency representatives on RAPs are resistant to change because the nature of their jobs would be changed.

There are other indications that the RAP process in Canada is being diminished. Recently, the Canada, Ontario Steering Committee released a document entitled Principles for De-listing areas of concern. The International Joint Commission has its own listing of delisting criteria for the Great Lakes, so it is puzzling why we would need another one. If the Great Lakes are indeed an ecosystem, should we not be remediating all areas of concern to the same standards? Apparently not.

There are some very disturbing suggestions in this document that change the whole intent of the Remedial Action Planning Process. For instance, the suggestion that the impairment is not strictly local but is typical of lakewide conditions.

When I read the Toronto RAP Report, I was very confused by its presentation. Nowhere is there comprehensive description of all of the impaired uses. The public will need to know what those impairments are and what contribution each source makes to the problem, to the options????? As it is structured now, the problems are lost in a confusing array of options.

I feel that at the point when you are choosing remedial options, costs should not be the determining factor. If the best preventative and restorative solutions are found, the public will support the spending for them. The RAP seems to be asking the public to base their decisions largely on costs and expediency. The Draft Discussion Paper on Remedial Options of the Metro Toronto Remedial Action Plan illustrates this. Why are we rounding up every program underway and have it considered by governments for yet another go-around? Many of them have already proven themselves useless. In short, what's new? Where are the comprehensive ecosystem programs and planning and permanent solutions? Where are we protecting human and restoring aquatic health? Where is a clear statement of the impaired uses in this report? They are obscured by the parade of technofixes most of them violating ecosystem ethics. There is an emphasis in this report on bacterial pollution and beach closures to the exclusion of other vital issues like contamination of the food chain. The public has insisted that no option should be termed remedial unless it results in actual reduction of pollution. The RAP Report ????? continues to present options to only move pollution from one media to another or from one localized problem area to the Lake. What influence have the principles and goals had on these options?

I think that, if we asked ourselves two simple questions of each remedial option in the Draft Toronto RAP Report - does this option protect human and aquatic health by eliminating pollution, and is it ecosystemic - then our options for an effective ????? would

quickly become clear. However, if only this document goes out for public review, the public will be overwhelmed by the technologies, the juridical confusion and competing costs without a good appreciation of integrity from the lack of priorities and principles that should be the basis of the RAP Options Report. It does not rank each option in light of its stakeholder principles and goals of zero discharge and ????? The stakeholders feel that if they are to gain the public support that will lead to the political will to implement the RAP they need to have a plan that is understandable and a compelling statement of the necessity of the clean-up. If they have this, they will take a leadership role in educating and promoting the plan with the public. This will lead to a public willingness to pay the costs of remediation and a public constituency to see that successive generations of politicians adhere to the RAPs. It is clear that the Ministries responsible for RAPs have to find communicators who can breathe life into these tedious technical reports and distil information to be user-friendly. There need to be simplified descriptions of relative source loadings, of impaired uses and options that will result in the largest reductions and the costs of those options.

One real concern in Ontario is that RAPs are being stymied from adequately addressing problems because the regulatory system of the provinces is in transition. We are being told to come up with solutions to problems before the regulatory framework is in place. For instance, in Hamilton and Toronto, we can say that our biggest polluters are the sewage treatment plants but those plants are now

in compliance because only conventional pollutants BODSS and ??? are regulated. The more toxic ??? that their discharges are visiting on the environment are being ignored now because we have to wait for the provinces MISA program. The same holds true for contaminated sediments. We are waiting for new sediment criteria, for air emissions to water. Regulation 308 is pending and for lakefilling new improved guidelines are coming, and for land use the EA process review is underway and political complications are that it is ????? This has put Ontario RAPs at a distinct disadvantage and at risk of being weakened as RAP plans may become obsolete as soon as a whole new range of problems is revealed by these new programs. The Ontario government has failed to inform the RAP groups of the development of these programs and their influence on their areas of concern.

I have been involved recently with an ad hoc group of Great Lakes activists who have met with the MOE Water Resources staff to plead with them to release vital information on dispute resolutions they are currently undergoing with industry on issues fundamental to the MISA process. I have enclosed a list of these issues so that you could see how crucial they are to the development of effective legislation. After several meetings we have convinced them to share these discussions with RAP groups who have been wrestling with these same questions in their endeavors to have visionary comprehensive plans. Senior Ministry staff seemed surprised that there already was an informed active and concerned RAP network out there that could evaluate these fundamental issues without causing

them huge delays in their MISA process. The separation of the MISA and RAP processes in the Ministry's functions is a real concern to those of us looking for ecosystem solutions and aggressive reduction targets. The only success stories we have had in the Great Lakes in significantly reducing problematic pollutants is when those chemicals have been banned. Future successes will depend on how aggressively we can eliminate the discharge of persistent toxic chemicals and convert industry to non-hazardous alternatives. The MISA program as it is being negotiated with industry does not go far enough to accomplish this fundamental shift in emphasis. The need to prove that chemicals in use or proposed for use are safe. Instead it allows the continued use of these chemicals, allows industry to design technical control mechanisms for them. The public is concerned that MISA regulations are being drafted for each industrial sector in terms of BAT affordability EA rather than with a public trust focus of health protection. Had the public been effectively involved in these negotiations, there would likely have been a much stronger preventative program to protect public health. One example from my RAP experience encapsulates many of the general problems I have highlighted above. In Hamilton, the Sewage Treatment Plant discharge is the single greatest source of pollution to the harbour. Because the harbour is enclosed, much of that pollution remains.

One option proposed by government agencies on the RAP was to remove the STP discharge into Lake Ontario to achieve compliance sooner.

The RAP's Ecosystem Committee and other stakeholders vehemently opposed this option because it would increase the pollution burden of Lake Ontario, and could cause other problems with nearby drinking water intakes. They asked that all other alternatives be pursued first. Most stakeholders preferred options that would reduce the loadings to the STP from storm and sanitary sewers. While there is a real inability at this time to quantify or qualify the pollution coming from industries in the area to the sewers of - the steel industries now discharge to the STP - it was determined that as much as a 21 per cent reduction in pollution could result from simple water demand management practices. These would reduce flow volumes into the plants. Imagine a 21 per cent reduction potential in the pollution of Hamilton Harbour for a story of tangible success. Household programs which mandate energy efficient showerheads and faucets, low flush toilets and more efficient lawn watering practices are exciting examples of low cost solutions in which the public can be made a partner and which can be implemented in the short term. Other storm water management practices hold great promise for large short-term gains, such as disconnecting of down spouts to storm sewers and the use of permeable rather than solid paved surfaces which allow rain to recharge groundwater. It was very discouraging for Hamilton stakeholders who repeatedly rejected the option of the moving of the STP discharge to the Lake to find that the Draft Preferred Options Report acknowledged their objectives in one sentence, but had no accompanying rationale or description of alternatives. The benefits of moving the outflow were described in great detail

instead. The public pursuit of permanent preventative solutions are too often being overridden by agency representatives dedicated first to the comfort of doing things the way they always have been done.

In Hamilton, the stakeholders have given a lot of thought to how RAP implementation can be accomplished. The current stakeholder process has differed greatly from the Toronto RAP when the PAC have been separate from the agency and technical committees. I regret that your provincial boundaries stopped at the Greater Toronto area down the middle ?????? ?????? out of the Harbour would have been at liberty to examine many issues Toronto and Hamilton have in common and the RAP solutions to these issues. Half of the stakeholders in Hamilton will have direct responsibilities for carrying out the implementation remedial options. I feel very strongly that at this point, once a RAP is approved, new structures for implementation agencies should not be allowed to have oversight over their own responsibilities. the federal, provincial, municipal and regional governments should get down to the tasks at hand. Part of the continuum of the RAPs has to include strong public watchdog committees who will work with implementers when they can but serve as watchdogs when they have to see things get done. Clearly in Canada deliberations will have to continue well beyond the acceptance of the RAPs by the IJC. The volume of pending regulations means RAPs will need to add recommendations regularly in order to keep pace with local projects impacting areas of concern and with regulatory developments. The pivotal point around

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which the public will support or reject the RAP process will, I think, be in the support of a strong role for the continuing involvement and expanded public committees for each RAP area. If this continuum and support is denied the public interest will wane and the RAPs will languish. The public has come this far in consensus building, having spent countless volunteer hours in RAPs. I could urge your Commission to recognize that we are no longer its adversary. The RAPs' priorities are the changes they've worked so hard to develop. I have introduced ?????

Huge amounts of funds spent on operational budgets - for instance have STPs operate at capacity - should not be portrayed as clean-up initiatives as they are in the RAP. The cost of doing business should be separated from the cost of clean up. The public, I am confident, would be willing to wait for a time when their beaches could be opened permanently if they could be confident programs and timetables were in place to reach that goal. They do not support costly symbolic gestures to engineer a few more days each summer of beach opening when no aggressive reduction targets are being pursued. The RAP has to clearly demonstrate how the public can get the maximum pollution reduction bang for their bucks. This equation ?? need to know the real cost of their inaction costs which no RAPs are attempting to quantify.

Your Commission's environmental audit of the Port Lands presents an opportunity to examine the huge environment debt which poor planning and environmental control has left as a legacy in one area

of our waterfront.

The costs of cleaning up areas like this to make them habitable for industry will be staggering, it is unrealistic to imagine that the funds that clean up for residential use of this area could ever be justified with so many other competing needs. [insert]

Phase II of your environmental audit could serve as a tool to weigh the real costs of restoration by examining the costs of clean-up and the costs of permanent solutions and preventative, non-polluting programs for that area. This would be the first demonstration of the true costs of environmental neglect and piecemeal planning for one geographical area. A study of this scope could serve as a powerful rationale for moving faster to achieve real environmental sustainability.

A motion at the Hamilton RAP to seek several legal opinions on how to "legitimize" RAPs within Canada's and Ontario's regulatory systems. In the U.S. the two completed RAPs for Green Bay, Wisconsin, and the Rouge River in Michigan, have been adapted under the Clean Water Act. This has given the RAPs the status they need as the overriding long-term clean-up plans, makes other government programs responsible to RAPs, formalizes budgets for RAP work, and makes governments accountable for carrying out RAP recommendations. I hope we can find a similar course for RAPs in Canada so that we can make this social experiment a real turn-around for our water resources.

I am submitting to you today as well GLU's RAP Revival workshop report which has many recommendations on the issues of RAP goals, public involvement, ecosystem approach, zero discharge, contaminated sediments, habitat restoration, land use, and RAP implementation.

As well, because I know you will be considering how to better integrate environmental concerns into land use issues, I am providing you with materials CELA feels are central to those considerations.