



**Canadian Environmental Law Association  
L'Association canadienne du droit de l'environnement**

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**Submission to the House of Commons Standing Committee  
on Fisheries and Forestry  
Concerning Environment Canada's  
Cutbacks on Funding for Wildlife  
Toxicology Monitoring Program**

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## I. Introduction

The Canadian Environmental Law Association (CELA), founded in 1970, is a legal aid clinic specializing in environmental law. Since 1980, CELA has focused both its casework and law reform efforts in the area of toxic chemicals, hazardous wastes and pesticides.

During the past few years CELA has: represented Operation Clean-Niagara and Pollution Probe in the Hyde Park Landfill Case; prosecuted Cyanamid Canada for emitting substances deleterious to fish in the Welland River; and represented two families in Tiny Township near Midland, Ontario whose wells were contaminated by toxic pollutants from a nearby waste disposal site. It has been our perception that the manufacture, use and disposal of toxic chemicals will continue to be a major area of environmental concern in the future.

We were therefore shocked and dismayed by the federal government's recent decision to abolish key environmental programs dealing with toxic chemicals in the environment as part of its budget cuts.

The cuts have resulted in the dismantling of the Wildlife Toxicology Monitoring Program of Environment Canada; the National Research Council's Environmental Secretariat; and the Canadian Centre for Toxicology.

Environment Canada's Wildlife Toxicology Monitoring Program is essential to our understanding of the presence of toxic contaminants in the environment. The monitoring of birds and fish for toxic substances serves as a biological indicator of the amount of these substances in the environment. For example, it was the monitoring of herring gull eggs by the Wildlife

Toxicology Monitoring Program that confirmed the presence of dioxin and mirex in the Great Lakes and helped link the source of these contaminants to the leaky landfills on the U.S. side of the Niagara River. It has served Canadians living by the Great Lakes as an early warning device on the condition of the water we drink and the fish we eat. This program also helped meet our international commitment to monitor toxic contaminants under the 1978 Great Lakes Water Quality Agreement.

Canadians want a clean and healthy environment and results of public opinion polls indicate they are willing to pay for it. The \$676,000 trimmed from Environment Canada's Wildlife toxicology monitoring program is a mere drop in the bucket when compared to inordinately high benefits the research provides to the health and well being of Canadians. Early detection information can be used to identify sources of contamination and develop control programs to reduce and eliminate future emissions.

A clean environment is also essential for economic well being. Great Lakes pollution especially in Lake Ontario has contributed to the destruction of the commercial fishing industry and threatens the commercial fishing industry in the remaining lakes. Good water quality is essential for the food processing industry which cities and towns in the Great Lakes Basin depend upon for jobs. Clean water also benefits boating and tourism which create employment.

## II. Federal Jurisdiction

One of the reasons given by the Minister of the Environment and her senior advisors for cutting the wildlife research is their

view that the Canadian Wildlife Service does not have the legal mandate to conduct wildlife research.

In our opinion this view is incorrect. Several statutes give Environment Canada the clear legal authority to conduct wildlife research. For example, section 3 of the Canada Wildlife Act specifically provides the authority for Environment Canada to undertake programs for wildlife research and to establish and maintain laboratories for that purpose. The Migratory Birds Convention Act also gives the Governor-in-Council the authority to issue regulations to protect "migratory game, migratory insectivorous and migratory non-game birds that inhabit Canada during the whole or any part of the year".

As well, the Environmental Contaminants Act gives the Minister authority to collect data and conduct investigations where the Minister suspects that a substance is entering or is likely to enter the environment that may constitute a significant danger to human health or the environment. Research on the effects of pesticides on wildlife provides information on which to base pesticide registration decisions under the Pest Control Products Act. The herring gull program, as previously mentioned, helps fulfil our international commitments under the Great Lakes Water Quality Agreement.

Finally, it should be noted that these cuts contradict recent statements made by the Minister of the Environment that toxic chemicals continue to be a priority area for her Department.

### III. Lack of Public Consultation

We are also concerned that the public and environmental organizations were not consulted prior to the cuts being made. If Canadians had the opportunity to express their views before the decision was made to cut Environment Canada's budget they would have overwhelmingly expressed a desire to retain the wildlife toxicology research program. An Environment Canada report, Study of Trends in Canadian Environmental and Water Issues Concerning Ontario and the Great Lakes Region substantiates the view that Canadians want a clean and liveable environment. For example,

- o A poll taken on October 13, 1982 revealed that 98% of Ontario residents felt it is important to clear the Great Lakes of pollution. Seventy-five per cent felt it was of critical importance, 63% of Western Canada and 49% of the Atlantic Provinces and Quebec supported this view.  
(pages 9 & 10)
- o A 1981 poll discovered that 75% of Canadians were willing to pay an extra \$10.00 a year to reduce water pollution.  
(page 22)

Monitoring of the environment is the first step towards maintaining the environmental quality Canadians are demanding.

The lack of public consultation also flies in the face of the steps taken in recent years by Environment Canada to open up the environmental decision-making process to the public.

#### IV. Conclusions and Recommendations

It now appears (see Globe and Mail, December 13, 1984) that the Minister of the Environment plans to reverse three budget cuts, two of which are part of the Wildlife Toxicology Monitoring Program. We commend the Minister for her decision.

However, we urge this Committee to make the following recommendations to ensure that any future cuts are not made in a similar fashion:

1. Environment Canada should reinstate all cuts in the area of toxic chemicals controls.
2. No future cuts should be made without public consultation.
3. Any future cuts that are within the ambit of this Committee should be subject to public hearings before the Committee.

All of which is respectfully submitted.