

LETTER FROM OTTAWA



Toward a new water quality law

**Canada's Water Bill
has teeth, but enforcing
it would present problems**

by Fred Poland

As in the United States, conservation and health concerns are pushing the Canadian Government to deal strongly with growing water pollution by industries and municipalities. The result has been half a dozen bills related in one way or another to water or water quality, all of them struggling through various committee stages in Parliament.

If there is one measure that sets the tone of the Government's approach to the pollution problem it is the Canada Water Bill, introduced for the Government by Federal Resources Minister J. J. Greene. It will provide the basic framework for the final legislation expected to emerge this year. What it would do, essentially, is set up a number of administrative agencies to mediate between the financial interests of the polluters and the clean-water demands of the citizens. On paper, these agencies appear to have enough teeth to force cleanup. But critics suggest that they may be subject to legal attack and foot dragging by both provincial governments and polluters.

The administrative mechanism would consist of agencies established in each major interprovincial water basin. The agencies would be joint creatures of the Federal Government and the provinces involved. Theoretically, they would be empowered to set water-quality standards and enforce them. But these agencies might prove to be vulnerable targets to industrial resistance.

The case of the St. Lawrence River illustrates how the system is supposed to work. The National Government in Ottawa would approach the Quebec and Ontario provincial governments and negotiate an agreement to designate the St. Lawrence, and some or all of its tributaries, as a water-quality management area. Then the management agency, responsible to all three governments, would be established. The agency would decide, for example, how thoroughly the city of Montreal, with a population of two million, must treat its sewage and what wastes the chemical plants at Cornwall, Ont., should be allowed to dump into the river.

There would be a double approach to enforcement and cleanup: Municipalities and industries would face criminal charges and fines of up to \$5,000 a day—\$10,000 in the case of a ship—for failing to meet agency standards. But they could pay effluent fees based on actual amounts of pollution, an approach that has been proposed in the United States in a bill introduced by

Sen. William Proxmire (D-Wis.) (SN: 12/6, p. 522). Paying the fee would be in lieu of cleaning up effluents and would preclude the criminal sanctions. The agency would use the money from the fees to build treatment facilities. Such an approach, for example, could enable the agency to build larger sewage-treatment plants for small towns that might not be able to afford individual plants. Balancing penalty with incentive, a polluter would get a handsome refund of his fees for progressively reducing the waste level in his effluents.

Greene is counting on public clamor, which has been less than deafening to date, to force provincial governments to cooperate with the Federal initiative. If this fails, the bill provides for total Federal takeover of jurisdiction from that provinces.

But Federal authorities admit that this provision can be challenged on constitutional and other grounds. Conceivably the provinces themselves would initiate the challenge, oriented as they often are to economic development; certainly industries would do so if the provinces did not.

There is a question, too, about financing. The bill in a general way authorizes Federal expenditures. But Greene believes that much of the financing could come from the fee system.

National water-quality standards are not provided for in the bill. There is a specific reference to thermal pollution as a form of waste. The Resources Minister under the bill could designate any substance as a waste and would even be allowed to ban its manufacture.

Waste is defined as "any substance that, if added to the waters, would degrade or alter the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man."

But standards themselves would be formulated in each of the watersheds, and one opposition member protests there could be a "pollution war" in which water basins vied against each other to set the lowest standards so they could attract industry. He argued for national standards.

This is just one of the many complex questions arising over the Canada Water Bill and other bills. Suggestions that the Government combine all the bills in one seem impractical because of the existence of a number of specific problems that probably have to be attacked individually. A fisheries bill, for example, involves complex international considerations.