

HOUSE OF COMMONS

Thursday, June 8, 1972

The House met at 2 p.m.

ROUTINE PROCEEDINGS

PUBLIC ACCOUNTS

Second report of Standing Committee on Public Accounts—Mr. Hales.

[*Editor's Note: For text of above report, see today's Votes and Proceedings.*]

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POLLUTION

STATEMENT ON CHERRY POINT OIL SPILL AND REPRESENTATIONS TO UNITED STATES GOVERNMENT ARISING THEREFROM

Hon. Mitchell Sharp (Secretary of State for External Affairs): Mr. Speaker, on Sunday, June 4, the tanker *World Bond* discharged approximately 12,000 gallons of crude oil into the sea while engaged in unloading operations at the Atlantic Richfield Refinery at Cherry Point, which is just south of the Canada-United States boundary in the State of Washington. Some of this oil quickly spread into Canadian waters.

The incident at Cherry Point is a stark reminder of what we have stated on many occasions: that far more serious spills will inevitably take place on other occasions if oil is moved by tanker through the Strait of Juan de Fuca. It demonstrates that in the event of a spill on the United States side, damage will almost certainly be suffered in Canada, and this damage could be severe. Even the small quantity of oil which escaped on this occasion moved rapidly northward across the boundary and collected on some five miles of one of the finest beaches of the area.

We have, of course, registered with the United States Canada's grave concern about this ominous incident. On instructions, our embassy yesterday emphasized to the State Department that the incident confirmed our anxieties over the threat to the ecology and resources of this inland marine area from oil tankers. The embassy made clear that the Canadian government expects full and prompt compensation for all damages suffered in Canada, as well as full clean-up costs, to be paid by those responsible. The embassy restated our broader concerns about the hazards which will arise from the movement by tanker of large quantities of oil into the Cherry Point refineries. We have made repeated representations to the United States government about the proposed increase in oil tanker traffic into this area, and indeed we raised this

matter with President Nixon when he visited Canada in mid-April.

We proposed to President Nixon that the International Joint Commission should be requested by the two governments to conduct a thorough investigation of the hazards of marine transport of oil into this area. We have since made specific proposals for this investigation, and in the light of this recent incident our ambassador in Washington is pressing for an early and positive response from the United States government.

• (1410)

We appreciate that this particular spill was small in comparison with the magnitude of predicted spills, and that the refinery and authorities concerned on both sides took prompt action to contain the spill and minimize the damage. Consequently, the damage to Canadian waters and shoreline was less than might have otherwise resulted. We appreciate also that Atlantic Richfield Corporation has apparently recognized its obligation to meet the cost of the clean-up operations. However, the government wishes to obtain firm assurances that full compensation for all damages, as well as the cost of clean-up operations, will be paid by those legally responsible. The government is reserving all its rights in this matter and is examining all the legal options which may be available to protect Canadian interests.

We are especially concerned to ensure observance of the principle established in the 1938 Trail smelter arbitration between Canada and the United States. This has established that one country may not permit the use of its territory in such a manner as to cause injury to the territory of another and shall be responsible to pay compensation for any injury so suffered. Canada accepted this responsibility in the Trail smelter case and we would expect that the same principle would be implemented in the present situation. Indeed, this principle has already received acceptance by a considerable number of states and hopefully it will be adopted at the Stockholm conference as a fundamental rule of international environmental law.

However, even the best compensation arrangements cannot be a substitute for effective preventive measures. We shall, therefore, continue to press vigorously for measures in respect of the Juan de Fuca Strait and Puget Sound areas which will avoid the danger of spills of oil that would cause damage to Canada's waters and shoreline.

Hon. Robert L. Stanfield (Leader of the Opposition): Mr. Speaker, it is somewhat reassuring, I suppose, to find that the Secretary of State for External Affairs has awoken several days after the incident at Cherry Point and has at least made the government of the United States aware of the views and concern of the government of Canada in