

*I guess you can say immediately that there will be very few projects that will not have implications that transcend the boundaries of the province and therefore there will be virtually shared jurisdictional implications on every major project. That is my view.*⁹

Mr. MacLeod was echoed this time by the witness from the Assembly of First Nations:

*We have to recognize that some of the jurisdiction is the same jurisdiction that has to be exercised between or among us all. Environmental concerns are certainly of that nature. We can't pretend that we can build a dam in Quebec or in northern British Columbia that doesn't affect people of the Maritimes, the Prairies, the Northwest Territories, the United States or the world.*¹⁰

2.9 At a time when, at least in the opinion of some witnesses and other experts,¹¹ the federal government has been very cautious in the exercise of its authority, we were told that the opposite has been happening in the United States.

[W]ith the globalization of environmental concerns, transboundary pollution, the Canadian power to act to protect its environment is also the power to protect the United States environment, just as American actions affect your environment.

The United States is one of the most highly federalized environmental systems. We have had a creeping federalization of environmental law during the last 20 years.

*... [L]et me emphasize that before the 1960s, environmental protection was a matter of state law. There was very little federal administration or action in the environmental protection field. In fact there were doubts as to whether the Congress of the United States could act to regulate water quality or air quality. There were very limited enforcement standards.*¹²

2.10 However, this witness from the Environmental Law Institute in Washington, D.C. noted that "creeping federalization" had not inhibited action at state and local levels.

During the 1980s state environmental programs blossomed. State and local enforcement programs have become reality. ...

*State and local environmental law will be even more important in the 1990's.*¹³

2.11 It is clear to the Committee, as it seems to be to virtually all our witnesses, that practically every aspect of modern life has an environmental dimension, and the transfer and exchange mechanisms in the ecosystem may rapidly extend environmental effects beyond local, provincial or even national boundaries. A strong central authority therefore seems unarguable. As Mr. Futrell summarized it,

⁹ Issue 10, pp. 8, 9.

¹⁰ Issue 13, p. 16.

¹¹ See para. 2.3, footnote 3.

¹² Issue 9, p. 8.

¹³ Issue 9A, pp. 7, 8.