

*Canadian Environmental Protection Act*

Environmental groups that were consulted stressed very strongly that they wanted an opportunity for the public to be involved in the enforcement of environmental law. The current provisions for private prosecution are too cumbersome and inadequate, and focus entirely on commercial considerations. They wanted to see rights to participation in environmental decision-making. The Bill gives the Minister enormous rights and responsibilities, as well as discretionary powers. According to the process that is set up, the Minister can evade certain parts of this protection process and environmental groups do not have the right to take the Minister to court to require that he enforce and administer the law as set out.

The preamble talks about the obligation of the Minister to set these guidelines, but they are permissive and have no force in law. We know that enforcement of environmental law has been very slack under previous Liberal Governments as well as the present Government, so we do not have confidence that the Government will vigorously enforce these laws.

The groups that came before the Minister for consultation on March 23, 1987 released a statement which I think is worth considering. They said that the proposed federal Environmental Protection Act is simply not acceptable as it is currently drafted. They go on to state:

Canadians want a real Environmental Protection Act. The content of the proposed Act does not merit the title Environmental Protection Act. The federal Government must assert its responsibility to protect the environment for its own sake.

A real Environmental Protection Act should include an Environmental Bill of Rights to establish Canadians right to a clean and healthy environment and the right to go to court to protect it. This environmental right should include government funding for public interest participants in environmental decision making.

Environmental groups call for improvements to the Environmental Contaminants Act to be passed immediately in order to achieve these objectives.

This statement is endorsed by a large number of organizations, such as the Canadian Environmental Law Association, the Conservation Council of New Brunswick, native studies groups, the Nova Scotia Coalition for Alternatives to Pesticides, Pollution Probe, Energy Probe, and the Yukon Conservation Society, to name a few. The major groups are united in their criticism of the Bill we have before us today. Very few of the recommendations of these groups have been incorporated in the new Bill, so their concerns remain the same today.

The Bill amalgamates previous environmental measures to a certain extent, but only the ones that previously were under the jurisdiction of the federal Department of the Environment. There are 24 departments which have environmental responsibilities and 57 laws dealing with environmental questions. There will be 55 laws as a result of this Bill, so we cannot consider this a very thorough amalgamation. Other Departments, such as the Department of Agriculture, the Department of Fisheries and Oceans and National Defence—which is a complete exception—will still deal with environmental problems.

• (1130)

What is wrong with having other Departments involved? The Department of Agriculture and the Department of Fisheries and Oceans are most oriented to people whose livelihood immediately depends upon prices. They do not have an economic interest in what is going to happen in the long-term. They are interested in their immediate survival. We know agriculture and the fisheries have survival problems so we have to be sympathetic to those concerns. My point would simply be that we also have to think of the long-term and the future jobs of fishermen, fisherwomen and farmers.

We need to have a Department of the Environment that is strong enough to stand up for the environment for future generations, one which will not be too much under pressure because of what the immediate prices are this year. It should be able to speak strongly for the environment. This Bill does not do that. It is a housekeeping measure of the Department of the Environment itself. It is amalgamating things which previously were in a number of different Acts, bringing them together in one Act.

Another major criticism of this Bill is that there is a certain tendency to deregulation. There are certain areas in which there is a strengthening, but there are also areas which could be looked at as showing a trend to deregulation and devolution to provincial jurisdiction.

Many organizations have raised objections to Bill C-74 saying it is a step backward. Admittedly, this is a complicated matter. The British North America Act back in 1867 did not state whether the environment was a federal or provincial matter. At that time the environment could be taken for granted. They were not worried about chemical substances or about nuclear waste disposal. This subject was not awarded to Section 91 or Section 92 of the British North America Act. After that there was a tendency to treat the environment as a provincial matter because resources are provincial and commerce is provincial.

The point is that we cannot think of resources as being purely commercial commodities. It is hard to think of an environmental question that can be dealt with solely at the provincial level. Provinces should certainly have the right to set stringent standards. If they have, for their own provincial requirements, the need to have a particularly high standard, they should certainly have that right and we should applaud it. No one would want to interfere with their right to protect their particular interests.

However, it is necessary to have strong national standards because the problem of pollution is national—indeed, it is international. I think, for example, of the St. Clair River, the Great Lakes, and most of the major river systems which cross provincial and territorial boundaries. Of course, the Great Lakes are very much an international question. We need a very strong federal presence in the area of the environment because of the nature of the problem itself.