

The CMA also believes that the provisions for the regulation of toxic substances in the Canadian Environmental Protection Act include “modest recognition of concurrent rather than exclusive constitutional spheres.”²³

2.19 Other witnesses, notably the Minister of the Environment, have suggested that the focus for concurrent federal-provincial jurisdiction on environmental issues may increasingly be the Canadian Council of Ministers of the Environment (CCME).

Through the CCME, we are developing national standards that will provide a level playing field of regulatory requirements for industry and to help fulfil our international environmental obligations. . .

It's a different structure from the one we usually find in federal-provincial fora, where all governments are there, they meet once a year, and there's a provincial government and federal government that chair. In the council, all governments are equal. . .

*Secondly, the council is structured in such a way that it has a secretariat that employs approximately 40 people. They produce policy, they produce studies, and there is a lot of interjurisdictional co-operation. From the little experience I have, it is unique in federal-provincial relations.*²⁴

2.20 Similar enthusiasm for CCME was expressed by the Nova Scotia Minister of Environment, Mr. Leefe:

The Canadian Council of Ministers of the Environment. . . as a priority, is focusing on the harmonization of provincial/territorial legislation and the cooperative administration of programs such as environmental impact assessment. There are also a wide array of international environmental issues that require international commitments which can only be achieved through local or provincial action.

The need for federal/provincial cooperation and coordination in the area of environment was never more clear, but we believe this cannot be achieved through constitutional change in the division of powers. To attempt to do this would be inconsistent with one of the fundamental principles of sustainable development, that being the integration of environmental concerns into all of our decision-making processes. Environment is not a line department function. . .

To achieve this goal will require a lot of agreement with a lot of partners. Governments have a duty to provide protection of our natural environment, but we also have a duty to do so in a way that respects the importance of certainty and predictability to our economic sectors and in the most efficient and cost-effective manner.

²³ Ibid., p. 15.

²⁴ Issue 15, pp. 8, 15-16. The Minister also noted (p. 8) that federal-provincial cooperation on the environment had already generated 400 multilateral and bilateral agreements.