

Quite aside from the aesthetic viewpoint (who can enjoy a dirty-looking or foul-smelling water-course?), there are the questions of public health and the usefulness of the stream for others downstream. After all, every water-user on a stream (except one) is downstream from somebody else, and as the number of users on each stream increases, the problem increases for all.

We in Canada have, fortunately, not yet reached the condition described by President Johnson in a recent message to Congress when he said, "Every major river system is now polluted", but we are not far behind, and I think it would be safe to say that every major river system in the settled part of Canada is polluted to some extent.

SOLUTION COSTLY

Is there any solution? Our industries and cities must dispose of waste materials. There is no question about it. But must we accept polluted streams as a corollary? I think not. Our scientists and engineers can tell us how to clean up our streams, perhaps not to the state they were in 100 years ago, but at least to a state which would not impair our health or offend our senses. The physical solution is available. The problem that remains is an economic one, and perhaps an administrative one. It costs money to treat waste water before discharging it to a stream. On the other hand, if waste water is not treated, the next downstream user must often treat it before he can use it. In effect, money spent upstream reduces the cost downstream. Who should spend the money? The upstream user before discharge? The downstream user before use (and again before discharge)? You see what I mean when I say the problem is an economic and administrative one rather than merely physical.

...I am pleased to see an industry-wide discussion of the problem, and I would like to see an even broader discussion involving other industries as well. For, make no mistake about it, pollution is a problem which must be solved, and if those who pollute our streams do not take the initiative in tackling the problem, other authorities will take the initiative. If industry doesn't do something about pollution soon, the people of Canada, through their governments, will!

There is now less excuse for any industry to delay its anti-pollution programme. Not only is there the stimulus today of public awareness and national impatience, there is also the stimulus of tax relief. Largely at the instigation of the pulp and paper industry, I believe, the Government included in the last budget a provision of accelerated depreciation at the rate of 50 per cent on all capital expenditures related to the elimination of pollution. This should encourage installation of the best modern equipment. I should hope also that your industry would continue its research into improved methods of pollution control. In the last budget a deduction of 150 per cent of cost was made available for scientific research. It is my personal opinion that this 150 per cent deductibility available for research under the provisions of Sections 72 and 72A of the Income Tax Act would include research towards combating pollution....

FEDERAL JURISDICTION

What is the Federal Government's responsibility? The administration of water resources in Canada is basically a provincial matter, and the pollution of those resources is likewise primarily a provincial matter. I might just give you a picture of the federal responsibility, mainly to emphasize the non-federal or provincial responsibility.

The Boundary Waters Treaty of 1909, between Canada and the United States, requires that "boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other". Even here, the authority and responsibility for correcting such pollution rests with the province (or state) in which the pollution originates, but the International Joint Commission has been able to use its influence effectively in having remedial action taken where violations of the Treaty have been observed.

The Navigable Waters Protection Act restricts the discharge of materials into navigable waters or waters tributary to navigable waters. The type of material concerned here is that which would obstruct navigation channels, rather than offensive or otherwise injurious materials.

The Fisheries Act similarly prohibits discharge of certain materials into streams; in this case the concern is with those materials injurious to fish.

The Migratory Birds Convention Act prohibits the deposit or discharge of "oil, oil wastes, or deleterious substances in any water frequented by migratory wildfowl".

The Department of National Health and Welfare Act requires enforcement of any rules or regulations made by the International Joint Commission "so far as they relate to health".

The Department of Transport has regulations governing the discharge of wastes in public harbours, as does the National Harbours Board, based on the Canada Shipping Act.

These statutes represent about the limit of the federal jurisdiction, except for the Criminal Code of Canada which, in its definition of a "common nuisance" as an act which "endangers lives, safety, health, property, or comfort of the public", provides a possible means of dealing with pollution. It has not generally been considered a useful means of dealing with pollution, however, mainly because of legal difficulties in proving the cause and locating the source of a common nuisance involving wastes.

PROVINCIAL RESPONSIBILITY

So you see...the problem of water pollution is basically a provincial one. This is not to say that the Federal Government is not interested in or concerned with the problem. But it must act within its constitutional limits. That is to say, it must operate by assisting or encouraging the provinces to take the required action.

It has been my personal opinion for some time that the Federal Government must intervene to achieve provincial co-operation. We need a national resource policy. We need a co-ordinated policy for the development and management of our water, soil and air. We need national principles and concepts to guide us in

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