

and the accompanying financial costs. These irritants make it difficult for Canadian manufacturers to remain competitive when they are already burdened with high interest rates and new global economic challenges.¹⁸

2.16 The CMA, however, does not therefore argue for a greater degree of specificity in the division of powers to avoid overlap; instead it regards recent efforts to achieve federal-provincial harmonization of environmental action as encouraging concurrency.

The existing federal, provincial approach to environmental challenges does suggest support for the continuing concurrent operation of federal and provincial jurisdiction as it relates to the environment. . . . If the concurrent jurisdictional approach was reinforced to also recognize a federal responsibility for setting national minimum standards it would go a long way to addressing the major irritants outlined in this submission. . . .

The [National Environmental Quality Committee of the CMA] wants to emphasize that in proposing the redesign of Canada's traditional constitutional model, which now ensures the occurrence of legislative overlap, and duplication, in environmental matters, to one which promotes and facilitates broadly concurrent federal and provincial operation of legislative powers and policies for addressing environmental protection and sustainable development practices, it does not suggest formal constitutional amendment. It does suggest the need for immediate political direction, consultation and thereafter formal action.¹⁹

2.17 This recognition of the potential of concurrent powers is not universal. For example, the evidence submitted by the Mining Association of British Columbia recommends that

. . . the subject of the environment should be specifically referred to in the division of powers by assigning exclusive jurisdiction, to one or another government, [of] the various aspects that go to make up the sum total of the subject. This we call "the Segmentation of Constitutional Responsibilities".²⁰

For the reasons set out in para. 1.10, the Committee believes that attempts at segmentation, whether along the lines proposed by the Mining Association of British Columbia or on some other basis, would be inherently unsuccessful, and might well generate even more overlap and irritation than now exists.

2.18 What is the "model of concurrent operation of federal and provincial laws [that] is slowly emerging"?²¹ The CMA suggests that

The statute and regulations dealing with the transportation of dangerous goods and the workplace hazardous materials information system are examples of coordinated complementary federal, provincial responses.²²

¹⁸ Submission from the National Environmental Quality Committee of the Canadian Manufacturers' Association, pp. 3-4.

¹⁹ *Ibid.*, pp. 18-19.

²⁰ Disentangling the Environmental Regulation Labyrinth, brief submitted by the Mining Association of British Columbia, p. 11.

²¹ CMA submission, p. 11.

²² *Ibid.*, p. 11. See also Northey's comments on the transport of dangerous goods example, *op. cit.* at pp. 169-172.