



Statements and Speeches

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ACID RAIN ONE OF THE MOST SERIOUS PROBLEMS IN CANADA-U.S. RELATIONS

An Address by the Honourable Mark MacGuigan, Secretary of State for External Affairs, to the Conference on Acid Rain, State University of New York, Buffalo, New York, May 2, 1981

...I do not intend to review in detail today the issues surrounding the dangers and control of acid rain. These have been examined exhaustively and expertly by the many specialists who have preceded me here. Rather, as the minister responsible for Canada's foreign affairs, I want to examine the political components of this phenomenon — a phenomenon which for Canadians is a question demanding answers in the present, and for both our countries is an issue which goes to the heart of our relationship.

Most of you here today are familiar with the basic structure of Canada-U.S. relations. The relationship is one which spans much of our history and it has — for the most part — served us well. The unparalleled prosperity of both countries attests to that. And, despite our differences in population, and despite the different courses on which our national institutions have evolved, Canadians have learned to live alongside their neighbours in understanding and, frequently, with sympathy.

But beyond that, Canadians and Americans share a moral responsibility. Our prosperity and influence have not been solely the product of hard work or economic wisdom. From the very dawning of North American history, it was evident throughout the world that Canadians and Americans were the inheritors of one of the world's richest land masses. Over a span of more than 200 years the riches of America — as it was known in the old world — were little short of legendary. It was the promise of these resources that brought to this continent the millions of people who sought to fashion it into strong and influential economic and political entities.

How well our people have succeeded in achieving that is a matter of history. If our living standards over the years are a criterion, they have indeed succeeded in achieving their goals. But I want to suggest to you today that there is another dimension to that inheritance, namely our responsibility towards each other to ensure — through the rule of law — that what was given to us is not left ravaged and extinct because we lacked the foresight or the will to protect it for future generations of North Americans.

Your deliberations here over the past two days have focused on the need to prevent such a disaster. There are those, of course, who do not necessarily share our ominous view about the essentially tragic effects of unchecked acid rain. There are others who are pessimistic about the prospects for action to effectively control those emissions which have resulted in acid rain and the profound damage it is causing to much of our environment. There are others whose approach fails to take account of the true nature

of all the costs and benefits involved. Let me briefly address a comment to each of these views.

To those who doubt the seriousness of acid rain, I extend an invitation to come to our country and see for themselves. There they will find signs of the depredations of several million tons of sulphur dioxide and oxides of nitrogen — at least half of which is of U.S. origin — which are transformed chemically in the atmosphere and fall in our country each year in the form of acid rain. Many of our lakes have reached levels of acidity which make it impossible to support fish and related forms of life. In Nova Scotia to date, no less than nine rivers no longer support the salmon population. And elsewhere, the leaching of calcium and magnesium from the soil is threatening our boreal forest — a resource that provides employment to 10 per cent of our labour force in Canada.

**Canadian
efforts to
reduce emissions**

Those who are pessimistic about the prospects for halting the high level of emissions have perhaps ignored our own experience in Canada. I suggest they look at what we in Canada have been able to bring about in this effort. The best example is the huge smelting operation of the International Nickel Company at Sudbury, Ontario — the largest single producer of acid-causing emissions in our country. Had no controls been imposed, that smelter would today be producing some 7,200 tons of sulphur dioxide daily. However, for several years, it has been operated at 50 per cent control or below. New regulations in 1980 have reduced the legal limit from 3,600 tons a day to 2,500 tons. In 1983, it will drop to 1,950 tons and we are examining ways to reduce emissions to the lowest possible level.

That is one major example; but there are others. Sulphur containment at a new copper smelter in Timmins, Ontario, will reach 97 per cent. And Ontario's thermal power stations have been required to reduce total sulphur dioxide emissions by 43 per cent during the 1980s — even though, like the United States, we are anticipating considerable growth in demand for electricity.

I cite these examples not to patriotically parade our accomplishments, but to illustrate what can be accomplished through the joint efforts of scientists, industry and government, where there is a determination to make an impact on a situation which can only get worse if left unchecked.

To that third group — those who propound the view that economic and energy considerations make significant controls unfeasible — I would submit that significant emission reductions, if wisely applied, need not detract from economic and energy goals. Nor should the legitimate costs of production be passed off to another party — in this case another country. This is spurious in economic terms and irresponsible in the spirit of international legal considerations.

With respect to coal conversion, there is considerable economic benefit to be derived from a switch to coal from imported oil. In effect, this benefit is sufficiently attractive that we can more than afford the cost of ensuring that resulting damage to the environment be minimized to the extent possible.

Further inaction
disastrous

It will be obvious in this that we are dealing with a phenomenon that will not evaporate or otherwise disappear. The realities of energy supply and demand make it inevitable that even at present emission levels the situation will deteriorate even further than it has. With the growth in both our countries of coal-burning, energy generation, further inaction will prove to be disastrous. Yet even the fact that we possess the technology which can permit us to live with a higher level of coal consumption at much lower emission levels will not save us unless we are convinced of the need to apply the rule of law in order to eliminate the problem arising from the inequity in the present distribution of the costs of acid rain, as well as to combat the damage acid rain inflicts on both our countries.

It can be argued, of course, that legislators will respond only to the expressed concerns of their constituents, and that, while there is a very high level of concern and sensitivity in Canada about acid rain, there is a relatively low level of concern in the United States. But this point of view overlooks some present-day realities and ignores the nature of our historical relationship.

For one thing, media reports and conferences such as this clearly demonstrate accelerating interest in the United States. I understand this reflects a growing awareness of the potential for extensive environmental damage in such areas of the United States as New England, the North Central region, parts of the Rocky Mountain region and the Appalachian area. And so, while the acid rain phenomenon has not yet had as profound a recognition generally in the United States as it has had in Canada, alert and far-sighted Americans appear to be heeding the warning signs.

I believe, also, that legislators in the United States are unlikely to fly in the face of our historical methods of resolving problems common to our two countries. Canada and the United States have developed a long tradition over the years of solving their environmental problems effectively, fairly and with careful attention to international law and responsibility. The Great Lakes Water Quality Agreement is a particularly fine example of how our countries have co-operated to deal effectively with a large-scale pollution problem.

Legislative
action

But acid rain is a serious bilateral issue because Canadians perceive that further delay in tackling the burgeoning threat of acid rain can result in further incalculable damage. Such delays would be particularly repugnant to Canadians if they were the result solely of narrow vested interests. But it is clear that legislative action is now vital if further damage is to be averted. It was in recognition of this that the Canadian House of Commons and the Senate recently voted unanimously to provide the authority — through amendments to the Clean Air Act — to meet our obligations towards the United States *vis-à-vis* transboundary air pollution.

In light of this legislative action, and the actions taken to begin controlling Canadian pollutant sources, Canadians now expect the United States to demonstrate the same degree of concern to address the problem. In short, we in Canada are convinced that we cannot resolve acid rain ourselves. We urgently need the co-operation of the United States.

The importance of acid rain in Canada-U.S. relations is also demonstrated by the attention it received during the visit of President Reagan to Ottawa in March. It was among the major bilateral issues discussed. I can assure you that Canada was pleased to receive the President's assurances that negotiation of an agreement to deal with the problem would proceed as planned, and that the United States wants to work co-operatively with Canada to understand and control air as well as water pollution. We regard this as an important commitment by the United States government.

The United States' commitment to commence negotiations in June in accordance with a Memorandum of Intent was reiterated just last week by a senior State Department official. In short, we intend to press on.

Aims of Memorandum of Intent

Our ultimate hope, of course, is in the successful conclusion of a bilateral air quality agreement. In that connection, our two countries signed a Memorandum of Intent in August of last year which enunciated three quite specific objectives.

The first is to commit our countries to begin negotiations on such an air quality agreement in June 1981 — only a month from now.

Secondly, the Memorandum of Intent provided for the establishment of five joint Canada-United States working groups, charged with developing a common information base. The first reports of these groups — although interim and preliminary — show clearly that our concerns about acid rain were not misplaced, that it is a genuine and serious problem.

Thirdly, the Memorandum of Intent calls on both Canada and the United States to undertake interim measures of control to reduce transboundary air pollution, pending the conclusion of a bilateral agreement. As I elaborated earlier, Canada has already implemented a number of such control measures and is anticipating some palpable reciprocation by the United States.

It has been said that acid rain constitutes a test of the rule of law in the relationship between Canada and the United States. The legal principles involved are clear. Both our governments support Principle 21 of the 1972 Stockholm Declaration which provides that states have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction".

With regard to boundary waters, this principle has been embodied in our bilateral treaty obligations for more than 70 years. The Boundary Waters Treaty of 1909 prohibits the pollution of waters on either side of the boundary "to the injury of health or property on the other". This was the basic principle applied in the Great Lakes Water Quality Agreement of 1972 — an agreement which must inevitably be of particular significance to both Americans in this region and to Canadians in the "Golden Horseshoe" on the Canadian side of Lake Ontario.

Obligations are mutual

It was an international arbitration in the 1930s between Canada and the United States that provided what is still the clearest statement of the international law relating to

air pollution. At the conclusion of the Trail Smelter Arbitration, in which Canada had previously accepted liability for damage caused in the State of Washington by fumes from a smelter in British Columbia, the Arbitral Tribunal stated that "no state has the right to permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties of persons therein...".

I am certain that all responsible Americans accept that the rule of law should guide their relations with other countries as well as their internal activities. I am also certain that responsible Americans recognize that our mutual obligations must be met by dealing with the causes of acid rain to prevent further damage rather than concentrating on remedies for damage after it has occurred.

For our part, we accept the fact that there will have to be a more focused concentration on the problem of acid rain in both countries, necessitating heightened awareness and sensitivity to the damage associated with it.

One such mechanism is conferences such as this, in which skilled and informed specialists, legislators and others can elucidate our difficulties and focus on avenues for problem resolution. In that connection, I want to again express my thanks to the organizers of this conference for making it possible for the participants here to develop a perspective which is vital to comprehension of this very complex problem and to developing the kind of thrust which is essential to moving towards concrete action. It is an action that is in the finest tradition of our two countries and one that offers to Canadians the ray of hope we need to press on with our neighbours in overcoming one of the most serious environmental problems we share on this continent.

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