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CANADA/UNITED STATES TALKS ON TRANSBOUNDARY AIR QUALITY

The Secretary of State for External Affairs, Flora MacDonalld, today released a Joint Statement on transboundary air quality, which has been agreed to by the Governments of Canada and the United States. The statement was simultaneously released by the United States Government.

The Joint Statement announces the intention of both governments to move their discussions beyond the informal stage to develop a co-operative agreement on air quality, and lists some principles to be addressed in developing such an agreement.

The Joint Statement also outlines the basis of existing co-operation between the two countries, notes recent informal discussions on transboundary air quality and concludes that a basis exists for development of a co-operative bilateral agreement on air quality.

In releasing the Joint Statement, the two governments expressed satisfaction at this step forward in the efforts that both countries have been making to deal with transboundary air pollution. However, because of the complexity of the economic, scientific and technical aspects of the problem and differences in the two countries' legislative structures, the negotiation of a mutually acceptable agreement is an important undertaking which will take time to accomplish. Both governments will be actively pursuing discussions for this purpose, recognizing that both countries contribute to transboundary air pollution including the "acid rain" phenomenon which affects the environment of both Canada and the United States, and believing that this problem can be dealt with most effectively on a co-operative basis.

John Fraser, the Minister of the Environment, welcomed the Joint Statement as evidence of the positive approach of both countries in trying to solve a common problem. He noted that he would shortly be meeting Douglas Costle, Administrator of the Environmental Protection Agency in Washington, to discuss the range of shared Canada-United States environmental concerns.

JOINT STATEMENT
ON
TRANSBOUNDARY AIR QUALITY
BY THE
GOVERNMENT OF CANADA
AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA

Transboundary air quality has become a matter of increasing concern to people in both the United States and Canada. This issue has many dimensions, including the long range transport of air pollutants and the phenomenon of "acid rain". Both Governments have recognized the need for close and continuing cooperation to protect and enhance transboundary air quality.

Discussions on transboundary air quality were initiated through an Exchange of Notes of November 16 and 17, 1978, in which the United States Department of State proposed that "representatives of the two Governments meet at an early date to discuss informally (a) the negotiation of a cooperative agreement on preserving and enhancing air quality, and (b) other steps which might be taken to reduce or eliminate the undesirable impacts on the two countries resulting from air pollution."

In reply, the Canadian Government indicated that it shared United States concern about the growing problem of transboundary air pollution. In particular, it noted the potential environmental impact, and the transboundary significance, of the long range transport of air pollutants. It therefore welcomed the opening of "informal discussions ... with a view to developing agreement on principles which recognize our shared responsibility not to cause transboundary environmental damage, and which might lead to cooperative measures to reduce or eliminate environmental damage caused by transboundary air pollution."

Bilateral discussions of an informal nature took place on December 15, 1978, and June 20, 1979, and both Governments have exchanged discussion papers on principles which they believe have relevance to transboundary air pollution. As a result of these discussions it has become clear that Canada and the United States share a growing concern about the actual and potential effects of transboundary air pollution and are prepared to initiate cooperative efforts to address transboundary air pollution problems.

There is already a substantial basis of obligation, commitment and cooperative practice in existing environmental relations between Canada and the United States on which to address problems in this area. Both Governments are mutually obligated through the Boundary Waters Treaty of 1909 to ensure that

"... boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property ..."
(Article IV)

Both Governments have also supported Principle 21 of the 1972 Stockholm Declaration on the Human Environment, which proclaims that

"... States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and 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."

A number of cooperative steps have been taken to deal with transboundary air pollution. In the 1978 Great Lakes Water Quality Agreement, both Governments committed themselves to develop and implement

" programs to identify pollutant sources and relative source contributions ... for those substances which may have significant adverse effects on environmental quality including indirect effects of impairment of tributary water quality through atmospheric deposition in drainage basins. In cases where significant contributions to Great Lakes pollution from atmospheric sources are identified, the Parties agree to consult on remedial measures."

Both Governments have sought to implement the principles of notification and consultation on activities and projects with potential transboundary impact, and to promote exchanges of scientific and technical information. In 1978 the two Governments established a Bilateral Research Consultation Group on the Long Range Transport of Air Pollutants to coordinate research efforts in both countries. Both Governments have also engaged the International Joint Commission in some aspects of transboundary air pollution. This has been done through References under the Boundary Waters Treaty establishing the Michigan/Ontario Air Pollution Board and the International Air Pollution Advisory Board and through the Great Lakes Water Quality Agreement of 1978.

Having regard to these and other relevant principles and practices recognized by them, both Canada and the United States share a common determination to reduce or prevent transboundary air pollution which injures health and property on the other side of the boundary. Recognizing the importance and urgency of the problem, and believing that a basis exists for the development of a cooperative bilateral agreement on air quality, the Government of the United States and the Government of Canada therefore intend to move their discussions beyond the informal stage to develop such an agreement. Both sides agree that the following further principles and practices should be addressed in the development of a bilateral agreement on transboundary air quality:

1. Prevention and reduction of transboundary air pollution which results in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems, and impair or interfere with amenities and other legitimate uses of the environment.
2. Control strategies aimed at preventing and reducing transboundary air pollution including the limitation of emissions by the use of control technologies for new, substantially modified, and as appropriate, existing facilities.
3. Expanded notification and consultation on matters involving a risk or potential risk of transboundary air pollution.
4. Expanded exchanges of scientific information and increased cooperation in research and development concerning transboundary air pollution processes, effects, and emission control technologies.
5. Expanded monitoring and evaluation efforts aimed at understanding of the full scope of the transboundary air pollution phenomenon.
6. Cooperative assessment of long-term environmental trends and of the implications of these trends for transboundary air pollution problems.
7. Consideration of such matters as institutional arrangements, equal access, non-discrimination, and liability and compensation, as relevant to an agreement.
8. Consideration of measures to implement an agreement.