

## BRIEF FOR THE HOUSE OF COMMONS STANDING COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT'S STUDY ON FRESH WATER

Prepared by

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### Introduction

The Canadian Environmental Law Association (CELA) works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making and by advocating for improvements to laws and policies to prevent problems in the first place. Since 1970, CELA has used legal tools, conducted public legal education, undertaken ground-breaking research, and advocated for increased environmental protection and to safeguard communities. As a specialty clinic funded by Legal Aid Ontario, our primary focus is on assisting and empowering low-income, disproportionately impacted, and vulnerable communities to further access to environmental justice.

CELA provides these general and specific comments in response to the House of Commons Standing Committee on Environment and Sustainable Development's study on fresh water. The House of Commons ordered the Standing Committee to undertake a comprehensive study of federal policies and legislation relating to fresh water.

Protecting and managing fresh water, at the international, national, provincial, regional, and local levels has been at the forefront of CELA's work for many decades. CELA has been actively involved in advocating to alleviate environmental concerns which pose a risk and are highly hazardous to living organisms in fresh water, such as plants and fish. Key undertakings in this regard include advocating for: addressing plastic pollution, particularly plastic microbeads in consumer products, eliminating use of chemicals such as triclosan and triclocarban, and public safety and environmental protection from radionuclides. CELA has also been instrumental in advocating for redress to disproportionate health impacts experienced by low-income, disadvantaged, and vulnerable communities, as they pertain to fresh water. A focus for CELA is ensuring water justice, as it becomes an increasingly pressing issue in times of amplified water-based inequalities and discrimination, such as evidenced by the COVID-19 pandemic. Water justice begins by ensuring access to safe drinking water for all, which historically has not been the case in Ontario, as communities struggle with lead contamination and Indigenous communities continue to suffer under long-term boil water advisories. Low income and vulnerable populations are disproportionately impacted by the negative impacts of climate change and thus protecting and managing fresh water would help alleviate impacts and better service the communities.

One of CELA's significant undertakings is the Healthy Great Lakes program, the goal of which is to protect freshwater health throughout the Great Lakes-St. Lawrence River Basin. The program was created to enhance the capacity of organizations working to influence freshwater policy in Ontario and has worked to

engage a broad network of individuals and organizations in understanding, shaping, effectively implementing, and making use of policies that promote freshwater health. Under this program, for example, CELA has done considerable work in advocating for zero discharge and virtual elimination of the “forever chemicals” - the group of per- and polyfluoroalkyl substances (PFAS).

CELA has several successes within the Healthy Great Lakes program. In 2019-2020 CELA was able to respond to 14 government consultations that proposed to roll back environmental protections in Ontario, initiated nine proactive policy submissions to improve water protections, and hosted more than a dozen webinars that reached over 1,600 water supporters. CELA has also supported implementation of freshwater policy in the Great Lakes-St Lawrence River Basin by bringing additional resources to support organizations and individuals with an interest in water. This was done to improve understanding of the evolving policy framework and opportunities for public participation. CELA is looking forward to continuing to cultivate a diverse Great Lakes community and seek robust, well-implemented public policy by monitoring and responding to government proposals, and growing public engagement through our drinking water, toxics, and integrated watershed management priorities.

## Interactions and Collaborations

Because of our extensive work in environmental law, CELA interacts many federal departments on freshwater issues, including:

- Environment and Climate Change
- Health Canada
- Fisheries and Oceans Canada
- Indigenous Services Canada
- Natural Resources Canada
- Agriculture and Agri-Food Canada

The specific freshwater issues targeted by CELA fit within the mandates of the federal departments identified above, to the extent that those departments have freshwater responsibilities. More specifically, CELA has collaborated with: Environment and Climate Change and Health Canada on the *Guidelines for Canadian Drinking Water Quality*; with Fisheries and Oceans Canada on wastewater management; and with Natural Resources Canada on their work with radionuclides. More broadly, one of CELA’s overarching priorities in interacting with these federal departments is to advocate for drinking water security for everyone and to raise a collective voice for social justice and equality with respect to public health and safety because of environmental concerns. Through these notable interactions, and countless others, CELA has encountered many successes in engaging with federal departments on a vast number of freshwater issues. Of recent note is CELA’s work, in partnership with Environmental Defence, to engage the negotiators of the *Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health*, where the federal and provincial governments responded directly to several of CELA’s recommendations.

CELA also interacts with federal departments on the following legislation and an international agreement related to fresh water:

- *Canadian Environmental Protection Act, 1999*, SC 1999, c33
- *Canadian Navigable Waters Act*, RSC 1985, c N-22
- *Canada Water Act*, RSC 1985, c-11

- *Fisheries Act*, RSC 1985, c F-14
- *International Boundary Waters Treaty Act*, RSC 1985, c I-17
- *Pest Control Products Act*, SC 2002, c 28
- 2012 Great Lakes Water Quality Agreement

Most notably, CELA has been heavily active in the process to reform the *Canadian Environmental Protection Act* (CEPA). Since the government began the mandated review of CEPA in 2016, CELA has proposed important revisions to strengthen Canada's main environmental law. CELA sought to advance environmental rights, strengthen obligations to protect vulnerable populations, including people on low income, women of child-bearing age, children, Indigenous communities and workers, add obligations for informed substitution to ensure safe alternatives to toxic substances, broaden the scope of CEPA to eliminate toxics by reviewing the evaluation and approvals process for new substances, improve action on endocrine disrupting substances, develop national air quality standards and improve enforcement and public engagement. CELA has also collaborated with other groups on outreach activities highlighting these CEPA reform priorities and the need for a stronger, more effective CEPA.

## Identifiable Gaps

### **Fragmented jurisdictional framework for water governance**

Settler law imposed a division of powers effectively distributing legislative jurisdiction between federal and provincial governments. In settler law, the environment is shared jurisdiction. The inexplicit assignment of water and the environment to either the federal or provincial government in the *Constitution Act, 1867* has resulted in a fragmented jurisdictional framework by which water is governed in Canada. As jurisdiction overlaps federal, provincial, territorial, and Indigenous governments, this lack of clarity and fragmentation has culminated in a reactive and crisis management mode to water governance and policy, revealing a lack of a coordinated federation-wide mechanism to guide water governance. The federal government is well positioned to take a leadership role in building a pan-Canadian approach to fresh water that shares responsibility with the provinces, territories and Indigenous governments. While Indigenous governments have historically been excluded from water management decisions, this collaborative approach may be instrumental towards a road of reconciliation and braiding knowledge and governance systems. This collaborative approach will also provide for more effective water governance in Canada by eliminating duplication, facilitating knowledge mobilization, and consolidating data on water. The federal governments leadership in integrating freshwater responsibilities across departmental freshwater programming will be instrumental for fish habitat, aquatic species at risk, water pollution and transboundary waters. A holistic management framework, with the addition of working to establish a Canada Water Agency, provides a unique opportunity to modernize Canadian freshwater management.

CELA submitted a response on the federal government's proposal to develop a Canada Water Agency (CWA). CELA's expectations with respect to the Agency were highlighted in the proposal as follows: in creating a CWA, the Government of Canada should prioritize actions that advance reconciliation with Indigenous peoples, enable the creation of a national water monitoring program and facilitate water governance at the watershed level by developing a pan-Canadian strategy to support watershed collaborations and protection, conservation and restoration of freshwater ecosystems. CELA is hopeful that

the CWA will reflect the excellent advice and priorities advanced by us and other organizations and we look forward to engaging with the CWA in an effective and beneficial manner once it is established.

Additionally, while the federal government has been instrumental in funding external thought leadership for important recommendations and action plans for freshwater issues, the fragmented jurisdictional framework for water governance contributes heavily to the lack of follow through and implementation. The federal government has an opportunity to play a larger role in ensuring implementation as decision makers cannot continue to suspend decision making, the time to act is now.

### **Federal government's approach to ensuring safe drinking water on First Nation Reserves**

The lack of recognition for a human right to water contributes to inequality in Canada, and more specifically in Ontario. CELA has long recognized, supported, and affirmed that the Indigenous peoples of Canada have a sacred relationship with water, recognizing that all life requires water. This sacred relationship is recognized in Article 25 of the United Nations Declaration on the Rights of Indigenous Peoples. Article 25 states that “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard”.<sup>1</sup> Additionally, UNDRIP provides that Indigenous peoples have the right to participate in the creation of institutions that may affect their rights.<sup>2</sup> The TRC Calls to Action 45-47 call for a restructuring of legal, governance and institutional structures in Canada to permit the participation of Indigenous peoples.<sup>3</sup>

The water-related challenges facing First Nations across Canada are abundant. The federal government has a responsibility for human health and ensuring that Canadians have access to safe drinking water and that human health is protected from water quality-related health threats.

However, there is a severe gap in historical federal management of safe drinking water on First Nation reserves across Ontario, which is the jurisdiction of the federal government. Specific gaps exist in funding water-efficient infrastructure to ensure safe delivery of drinking water, construction of advanced water and wastewater treatment and source water protection and building capacity within First Nation communities. Additionally, Indigenous peoples have historically been excluded from water management decisions at the federal, provincial, and territorial levels, highlighting a real gap in meaningful consultation and accommodation where Indigenous peoples use of water is affected.

CELA submits that this study on fresh water provides an opportunity to remedy the historical injustices from the governments' failure to include Indigenous peoples in water related decision making. It provides an excellent opportunity to re-examine how federal departments, legislation, policies, regulations and/or initiatives can be renegotiated or recreated in a manner that meaningfully engages Indigenous peoples on

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<sup>1</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* (13 September 2007), art 25, online: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf) [UNDRIP].

<sup>2</sup> UNDRIP, *supra* note 9, arts 18-19.

<sup>3</sup> Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action* (2015), arts 45-47, online: [http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf)

important freshwater issues. This should be done with the spirit of advancing reconciliation with Indigenous peoples across Canada always at the forefront. Environment and Climate Change Canada is hearing what CELA and others are emphasizing and stated recently that “the Government of Canada is committed to reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government and Inuit-Crown relationship based on recognition of rights, respect, co-operation and partnership as the foundation for transformative change”.<sup>4</sup>

Further, the Government of Canada has indicated its commitment to reconciliation with Indigenous peoples through the implementation of UNDRIP. As the federal government undertakes this comprehensive study of federal policies and legislation relating to fresh water, adherence to UNDRIP should be a guiding principle, with a particular focus on ensuring Indigenous peoples have the right to participate in decision-making in matters which would affect their rights (Article 18) and that Indigenous peoples have granted their free, prior, and informed consent before decisions are made that affect them (Article 19). Additionally, CELA submits that a two-eyed seeing approach to water governance should be applied. The concept of “two-eyed seeing” refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing, and to use both these eyes together, for the benefit of all.<sup>5</sup> As fresh waters undergo growing stress from pollution, invasive species and intense use due to activities such as aquaculture, urban development and climate change, using a two-eyed seeing approach to water governance and management of ecosystems may lead to blooming ecosystem health, thriving human communities and sustainable and productive use of water resources which would accrue economic benefits to Canadians.

### **Chemical and toxins policy reform**

CELA submits that there is a gap in federal policy as it relates to PFAS chemicals and triclosan and triclocarban chemicals which are harmful to Canada’s freshwater systems. While the federal government has implemented some measures to limit their use, there is an opportunity to go further and play a bigger role to implement measures for their virtual elimination. As stressed in The Great Lakes and St. Lawrence Collaborative action plan to protect the Great Lakes and St. Lawrence 2020-2030, elimination should be undertaken to reduce human and environmental exposure to toxics and other harmful chemicals.<sup>6</sup>

PFAS chemicals are highly persistent and commonly bioaccumulative, meaning they build up in organisms in the environment. These chemicals have been produced since the 1940’s in products as diverse as stain-repellent coatings, nonstick cookware, and firefighting foam. The class of PFAS is comprised of over 4,700 fluorinated chemicals that are toxic for the environment and bio-organisms even at low levels. Studies in people have documented a range of impacts, including increased risks of testicular and kidney cancers,

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<sup>4</sup> Toward the Creation of a Canada Water Agency, Stakeholder and Public Engagement, What we heard, *Environment and Climate Change Canada* (2021), online:

[http://publications.gc.ca/collections/collection\\_2021/eccc/En4-433-2021-eng.pdf](http://publications.gc.ca/collections/collection_2021/eccc/En4-433-2021-eng.pdf)

<sup>5</sup> Cheryl Bartlett, Murdena Marshall & Albert Marshall, “Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing” (2012) 2 J Environ Stud Sci, 331 at 335.

<sup>6</sup> Action Plan to Protect the Great Lakes and St. Lawrence 2020-2030, *The Great Lakes and St. Lawrence Collaborative* (2020), online:

<http://www.glfc.org/pubs/pdfs/2020%20Great%20Lakes%20and%20St.%20Lawrence%20Collaborative-ENG-Web.pdf>

immune system impacts, and impacts on cholesterol levels. Studies in wildlife have shown that certain PFAS can interfere with reproduction, such as reducing hatching success in tree swallows.<sup>7</sup>

In 2016, two individual PFAS compounds: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), and one category: long-chain perfluoroalkyl carboxylic acids were designated as Chemicals of Mutual Concern under Annex 3 of the 2012 Great Lakes Water Quality Agreement (GLWQA). While this is a move in the right direction, they only represent a fraction of the over 4,700 PFAS that may have historically been used. Given the large number of potential PFAS, tackling this problem on a chemical-by-chemical basis will be costly, ineffective and time consuming. A more efficient and precautionary, rather than reactionary approach to tackling PFAS would be promoting management and regulation of PFAS as a class, with the objective of working towards zero discharge and virtual elimination.

Another gap with PFAS is the lack of development of a binational strategy for designated PFAS chemicals. Once a substance is designated by the Canadian and U.S. Governments as a CMC, the governments must develop a joint binational Great Lakes strategy under the GLWQA. This strategy is to include research, monitoring, surveillance, and management actions (such as preventive measures and pollution control actions) specific to the Great Lakes. Because the strategy is developed under the GLWQA, it is required to be guided by the Agreement's goals of zero discharge and virtual elimination. Despite the simple process laid out in Annex 3 of the GLWQA and the clear value in coordination between the United States and Canada, a binational strategy does not exist.

The Canadian government has an opportunity to address the significant threats from PFAS in the Great Lakes Basin in a more effective way by committing to develop a joint, binational strategy to address PFAS in the Great Lakes, based on CMC designation and to develop a clear commitment in the binational strategy for aggressive policy and management actions to be taken to protect fish, wildlife, and human health, in particular more vulnerable communities.

Triclosan and triclocarban chemicals are widespread in people's daily lives, that despite some phase-outs, continue to be used as antimicrobial agents many consumer and personal care product, including toothpaste and mouthwash. They pose a big problem to both human health and the environment. In addition to being reproductive toxicants and endocrine disruptors, both chemicals are highly hazardous to living organisms in the aquatic environment. Considering that a vast majority of triclosan and triclocarban are flushed down the drain, aquatic health of lakes and streams is a major concern. Similar to PFAS, Triclosan is known to be persistent and bioaccumulative in the aquatic environment and other organisms, effectively breaking down into toxic by-products once released into the environment.

In October 2020, the Government of Canada's *Notice requiring the preparation and implementation of pollution prevention plans with respect to triclosan in certain products* came into effect. It requires companies who use more than 100kg of triclosan a year to develop and implement plans to reduce the amount of this compound by at least 30%, effectively shifting the responsibility to industry itself.

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<sup>7</sup> PFAS and the Great Lakes: The Need for Binational Action, *Canadian Environmental Law Association* (2021), online: <https://cela.ca/guest-blog-pfas-and-the-great-lakes-the-need-for-binational-action/>

This outcome was disappointing. The federal government could have gone much further by implementing regulatory targets to eliminate triclosan, following such actions by states such as Minnesota, New York, and New Jersey. The federal government has an opportunity to play a greater role in stimulating change in how consumer products are manufactured if regulatory triggers are in place to ban the chemicals. As the action plan above stressed, there is a call on the federal government to provide greater support “for the development, use and promotion of toxics substitution in products as a means to prevent toxics and harmful pollutants from entering waterways through products like personal care products, cleaning products, and pharmaceuticals, among others”.<sup>8</sup> Without aggressive targets set by decision makers, water bodies will continue to be significantly impacted by triclosan and triclocarban chemicals as users, manufacturers and importers will not be incentivized to move towards safer alternatives.

In conclusion, the federal government has an opportunity to assume a bigger role in dealing with the ongoing threat of toxins and chemicals in the Great Lakes-St. Lawrence River Basin. The Action Plan mentioned above calls on the Federal Government to establish a targeted environmental and human health effects biomonitoring and proactive surveillance program that provides early detection of impacts on people and species and engages affected communities in the monitoring and response to exposure<sup>9</sup>. There should be ongoing communications and guidelines disseminated to affected communities, especially to Indigenous communities affected by historical or industrial pollution.

Finally, CELA has engaged in detailed research and advocacy related to public safety and environmental protection by seeking improvements to nuclear emergency preparedness. As radioactive substances are not part of the substance list, CELA has continued to advocate for the inclusion of radionuclides on the National Pollutant Release Inventory (NPRI) substance list especially given the threat radionuclides pose to human health, the environment and fresh water. The federal government has the opportunity to play a greater role in this initiative.

### **Watershed protection in Canada**

While much of the responsibility lies with the provincial government in Ontario, there is an opportunity for the federal government to play a greater role in watershed protection both within Ontario and across Canada. CELA recommends developing a pan-Canadian strategy to facilitate water governance at the watershed level. A challenge with managing water on a watershed basis is that watersheds do not follow political boundaries. Thus, it is commonplace in Canada for one watershed to be managed by more than one provincial framework, as well as by American states. This cross-jurisdictional situation strongly supports a pan-Canadian strategy. Federal leadership is necessary in this regard to create consistency across all provinces and territories, and support watershed level collaborations amongst provinces, territories, and Indigenous governments, that are coordinated with municipalities and relevant agencies and deeply engage the public. Furthermore, a strong federal role in protecting watersheds would be necessary to establish safety objectives and standards, classify risk levels, and establish best management practices for Canada wide sectors and cross-border Canadian water resources. A more effective federal government role in protecting watersheds in Canada could result in the reduction of duplication efforts in management of water and wastewater, and increased support in protecting, conserving and restoring freshwater ecosystems. The

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<sup>8</sup> *Ibid* at 12.

<sup>9</sup> *Ibid* at 12.

National Expert Panel Report on Canada's Challenges and Opportunities to Address Contaminants in Wastewater<sup>10</sup> highlighted that a blueprint for federal action should be to embed wastewater management within an integrated watershed approach to water management and governance, whenever possible, to address and reduce risks to local communities and the environment. In a time of climate, biodiversity and water crises, taking this initiative to protect watersheds and waters would allow the federal government to act proactively in anticipation and prevention of environmental problems at the local level before they developed into international concerns.

### **Federal collection of information and data on water**

Due to Canada's fragmented approach to water governance, there exist severe gaps in knowledge which are not only hindering the ability to effectively understand impacts of current decision-making on water, but are essential to keeping fresh water safe, clean and well-managed. The health and security of waters in Canada cannot be ensured unless there is a strong understanding of their status, how they are being impacted, and how they could continue to change in a climate-impacted future. It is CELA's position that a CWA can play a key role in creating and mobilizing the knowledge – both Western science and Indigenous knowledge – needed to predict and respond to water problems. The need to establish a coordinated and meaningful national system of collecting, assessing, and sharing data was emphasised in the National Expert Panel Report of contaminants in municipal wastewater mentioned above. In the report, experts recommended that the federal government consider re-establishing something similar to the Municipal Water and Wastewater Survey, with Indigenous peoples' input, as well as a nationally accessible database.<sup>11</sup> The report also stressed the importance of effective collaborations between provinces, territories, Indigenous and federal governments in order to build an effective and mutually beneficial database. As per Western science, the federal government should provide the scientific foundation for decision making, as basic decisions are currently being made without recourse to adequate information. Further, the Expert Panel Report stressed the importance of a coordinated effort in investments in science and Indigenous knowledge-based research and technology transfer, spearheaded by federal and Indigenous governments to improve the understanding of risks and recognize meaningful co-benefits.<sup>12</sup>

Along with providing enhanced funding and other supports, the federal government has an opportunity to play a greater role in supporting freshwater-related academic research and R&D by coordinating scientific efforts and more rigorous collection of freshwater information and data across governments, academic and non-governmental organizations. To ensure transparency, the federal government should also make sure that access to high quality freshwater data and information is accessible. As Canada is home to the largest freshwater body on earth, the federal government must demonstrate leadership in research and monitoring programs, appropriate management and conservation of fresh water and exportation of its knowledge and expertise internationally to aid in finding solutions to challenges of global freshwater security.

More specifically, within our work addressing the federal regulation of pesticides, CELA has long advocated for a comprehensive, national water-monitoring program. Such a pesticide-specific, dedicated

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<sup>10</sup> Canada's Challenges and Opportunities to Address Contaminants in Wastewater, National Expert Panel, *Canada Water Network* (2018), online: <https://cwn-rce.ca/wp-content/uploads/2018/08/CWN-2018-Expert-Panel-Report-on-Contaminants-in-Wastewater.pdf>

<sup>11</sup> *Ibid* at 10.

<sup>12</sup> *Ibid* at 10.

program must deliver robust data, for both environmental and human exposure assessment, in support of pesticide regulatory decisions. The federal pesticide regulator, the Pest Management Regulatory Agency (PMRA), frequently lacks data on environmental concentrations of the pesticides it is responsible for evaluating and regulating. This gap is unacceptable. The PMRA has designed a pilot program that is ready to go and should be funded. Eventually this work could be incorporated in the mandate of the CWA.

The PMRA also lacks reliable data on pesticide use. Modern agricultural practices have created fundamental changes in pesticide use patterns that need to be reflected in pesticide exposure assessments. Systematic collection of pesticide use data would be complementary to water monitoring data collection and would allow the PMRA to perform trend analysis, effectively evaluate exposure assessments submitted by pesticide registrants, and better plan and target compliance and enforcement activities.

The PMRA has a long history of delays in meeting regulatory obligations and general public mistrust in its decision-making. CELA has closely followed and commented upon the PMRA's proposed new Integrated Approach to pesticide evaluation. A national water monitoring program for pesticides and related collection of pesticide use data, (delivered in collaboration with Environment and Climate Change Canada and Agriculture and Agri-Food Canada), are essential components of this new approach; it would be undermined without them.

As part of our work within the Green Budget Coalition (GBC), CELA has recommended these pesticide-specific federal investments in water monitoring for several years as a matter of ongoing urgency (see appended submission from the GBC containing excerpted recommendations for Budget 2022 regarding necessary investments for freshwater more generally including for pesticide monitoring).

## Conclusion

CELA's client communities are those who have been disproportionately exposed to impacts of environmental injustices, including climate change. Climate change is exacerbating existing water quality and quantity management challenges in addition to presenting new and deeply complex water management concerns. This exacerbation of Canada's water management systems will have a further pernicious effect on Indigenous and other vulnerable communities who currently experience water insecurity. The time to make effective changes is now, and the federal government is well positioned to fill the existing gaps, in order to protect Canada's fresh water for many generations to come.

CELA would be happy to meet to discuss any of our comments or recommendations.

June 11, 2021

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Standing Committee on Environment and Sustainable Development  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6

Dear Members of the Committee,

**Re: ENVI Committee study on freshwater**

In relation to your study of freshwater, I am pleased to share with you the Green Budget Coalition's preliminary recommendation for Budget 2022 investments to address "Freshwater Management for the 21st Century," and a related recommendation to address "Coordinated Data Collection to Support Regulatory Evaluation of Pesticides." These recommendations highlight the need to ensure adequate resources are provided to manage and steward Canada's freshwater environment.

The Green Budget Coalition (GBC), founded in 1999, brings together twenty-three leading Canadian environmental and conservation organizations. Each year, the Coalition prepares a consolidated set of recommendations to the federal government regarding strategic fiscal and budgetary opportunities.

We are currently inviting feedback on our preliminary recommendations for Budget 2022. I expect to be able to share with you our final recommendations report in the early fall.

Should you have any questions about the attached recommendation, please contact the lead authors listed at the bottom.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Van Iterson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Van Iterson  
Manager, Green Budget Coalition

## Green Budget Coalition Recommendations for Budget 2022 (Excerpts)

### Freshwater Management for the 21<sup>st</sup> Century

The management and stewardship of Canada's freshwater environments is one of the great challenges of our time. Pressures on freshwater environments are mounting and compounding due to growing populations, increasing demand for food and energy, expanded natural resource extraction, growing urban areas, and the changes in precipitation and temperature resulting from climate change. Effective stewardship and management of freshwater environments is critical to the health of fish and wildlife, the economy, and the people of Canada. Lake Whitefish and Sockeye Salmon, for example, are critical to Indigenous food security, culture and spirituality. Freshwater recreational and commercial fisheries generate over \$8 billion annually in economic activity and support rural communities.<sup>12</sup>

It is estimated that by mid-century most of the freshwater ecosystems in the world will be in significant trouble. In Canada, 56% of freshwater fish species or unique populations are at risk.<sup>3</sup> Unpredictability has become the new normal, particularly in water management. Extreme weather events — such as floods in Toronto and Calgary, and droughts in British Columbia — are becoming more common. The normal water cycles that wildlife and people expect or rely on are becoming disrupted. Climate change is altering the abundance, growth, and recruitment of several North American inland fish species due to changes in water temperature and flow, with particularly severe impacts on coldwater and migratory species. Habitat loss and alteration due to land conversion and resource extraction, such as agriculture, urbanization, and forestry, is having extensive impacts on freshwater ecosystems.

Effective stewardship and management of fresh water to sustain biodiversity and people into the future must address three interconnected dimensions – aquatic habitat, water quantity, and water quality. Pacific Salmon recovery, for example, will require action on all three fronts to restore the instream habitat that these species rely on and the watershed processes that sustain this habitat. Similarly, maintaining and expanding the recreational use of the Great Lakes coastal and offshore areas requires restoration of coastal habitat, management of water levels under a changing climate, and actions in the watershed to address water quality issues.

Due to shared jurisdiction and multiple overlapping interests, the management of freshwater environments requires a shared responsibility approach between all levels of government that sets out a holistic management framework. The federal government is well positioned to take a leadership role in building a pan-Canadian approach to freshwater that shares responsibility with the provinces, territories and Indigenous peoples and integrates across federal programs for fish habitat, aquatic species at risk, water pollution, and transboundary waters. The ongoing work to modernize the fish habitat protection program, update the *Canada Water Act*, and establish a Canada Water Agency is a unique opportunity to bring Canada's management of freshwater environments into the 21<sup>st</sup> century.

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<sup>1</sup> Fisheries and Oceans Canada, "Survey of Recreational Fishing in Canada 2015." <https://www.dfo-mpo.gc.ca/stats/rec/can/2015/index-eng.html#1-2>

<sup>2</sup> Fisheries and Oceans Canada, "Commercial Landings and Production by fishing activity, Canada, 2012-2016." <https://www.dfo-mpo.gc.ca/stats/cfs-spc/tab/xls/cfstab1-e.xls?>

<sup>3</sup> Steven J. Cooke, Nicolas W. R. Lapointe & John P. Smol, "Canada is failing its freshwater fish populations." <https://www.theglobeandmail.com/canada/article-canada-is-failing-its-freshwater-fish-populations/>

The Green Budget Coalition recommends investing in a Pan-Canadian Approach to Fresh Water with shared responsibility between federal departments and other levels of government, similar to Canada's Nature Legacy. The Pan-Canadian Approach should include the following investments:

- 1) Funding for ECCC and DFO to develop a **Pan-Canadian Approach to Fresh Water** to establish principles, goals, and targets for aquatic habitat, water quality and water quantity that are policy based and measurable.

**Recommended Investment: \$20 million over three years** [ECCC, DFO]

- 2) Ongoing funding to establish, enhance, and integrate a **monitoring and reporting system for the status of fish habitat and the state of freshwater**, building on the experience of the Freshwater Quality Monitoring and Surveillance program (FWQMS) and leveraging community-based monitoring programs. The purpose of this program would be to inform regulatory decision making, guide restoration and stewardship programs, and report on targets. This should include re-establishing and expanding the National Pesticides Monitoring and Surveillance Network.

**Recommended Investment: \$22 million annually on-going** [DFO, ECCC in collaboration with PMRA]

- \$5 million pesticides monitoring
- \$7 million fish habitat status and assessment
- \$10 million in addition to existing FWQMS allocation

*See also Coordinated Data Collection to Support Regulatory Evaluation of Pesticides, later in this document.*

- 3) Funding for DFO to work with the provinces, territories, Indigenous peoples, and stakeholders such as resource industries and fishing organizations to establish, as part of the Pan-Canadian Approach, a **Fish Habitat Strategy** that sets out the regional goals and management frameworks required to prioritize regulatory and non-regulatory actions to protect fish habitat and address cumulative effects on a regional basis in freshwater and estuarine environments.

**Recommended Investment: \$20 million over two years and \$2 million per year on-going** to continue to work with the provinces, territories, and Indigenous peoples to build and maintain the strategy to inform regulatory decisions and habitat restoration. [DFO]

- 4) Permanent funding for the **Canada Water Agency** to carry out its stated objective of ensuring federal policies and programs promote effective management and protection of freshwater resources and ecosystems in Canada for 21st century challenges and beyond—including adapting to climate change.

**Recommended Investment: \$70 million in new funding annually, ongoing** [ECCC in collaboration with DFO]

- 5) **Fresh Water Legacy Fund** to improve water quality and restore fish habitat through watershed and in water actions, including invasive species control. The Fund would be guided by existing priorities and additional priorities and targets set through the Pan-Canadian Approach to Freshwater Management and the Fish Habitat Strategy. It could

be structured similar to the Nature Legacy Fund with programs for priority places, priority species, and priority threats. Components of the funding program should be administered and promoted by arm's length organizations similar to Wildlife Habitat Canada's role in the Nature Legacy Fund, the Pacific Salmon Foundation, the Atlantic Salmon Conservation Foundation, or the National Fish Habitat Partnership in the United States. The Fund would include renewed funding for the Freshwater Action Plan to improve water quality and restore habitat in the Great Lakes-St. Lawrence and Lake Winnipeg. It would also support actions in other priority places and for priority species to advance watershed restoration and the improvement of fish habitat in streams, rivers, lakes, and estuaries to help meet responsibilities under the *Fisheries Act* to restore fish populations and address cumulative effects to fish habitat.

**Recommended Investment: \$250 million over five years** with the following components:

- I. **\$100 million over five years** in renewed and expanded funding for the Freshwater Action Plan to address key biodiversity and ecosystem concerns for the Great Lakes, St. Lawrence, and Lake Winnipeg:
  - **\$30 million** in new investments in fish habitat restoration in the Great Lakes and St. Lawrence River to benefit commercial and recreational species and species at risk [DFO];
  - **\$30 million** in new investments to reduce nutrient loading from the Red River and South Saskatchewan River Basins to Lake Winnipeg [ECCC]; and,
  - **\$40 million** in new investments to strengthen aquatic invasive species control through control structure creation or renewal, expanded eradication programs, and research into prevention and control methods. This includes meeting Canada's treaty obligation to fund the Great Lakes Fishery Commission by increasing funding from \$9.5 to \$19.4 million. [DFO, GAC]
  
- II. **\$150 million over five years** to implement watershed and fish habitat restoration projects for priority watersheds and priority species. [DFO in collaboration with ECCC]

6) Funding for provincial, territorial, and Indigenous led **community-based monitoring (CBM)** to contribute data to the integrated monitoring and reporting system for the status of fish habitat and the state of freshwater described above. The program should support integration of CBM non-government groups into government monitoring programs and priorities, building on experience from past federal programs such as the Atlantic Coastal Action Program.

**Recommended Investment: \$25 million over five years** [ECCC, DFO]

7) Capacity for Indigenous peoples to engage in watershed planning, integrated planning for fish habitat, and water governance.

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## **Coordinated Data Collection to Support Regulatory Evaluation of Pesticides**

Canada needs a comprehensive, national water-monitoring program for pesticides that delivers robust data, for both environmental and human exposure assessment, in support of regulatory decisions. The federal pesticide regulator, the Pest Management Regulatory Agency (PMRA), frequently lacks data on environmental concentrations of the pesticides it is responsible for evaluating and regulating, and this is an unacceptable gap. The PMRA has designed a pilot program that is ready to go and should be funded. Eventually this work could be incorporated in the mandate of the Canada Water Agency.

The PMRA also lacks reliable data on pesticide use. Modern agricultural practices have created fundamental changes in pesticide use patterns that need to be reflected in pesticide exposure assessments. Systematic collection of pesticide use data would allow the PMRA to perform trend analysis, effectively evaluate exposure assessments submitted by pesticide registrants, and better plan and target compliance and enforcement activities.

The PMRA has proposed a new Integrated Approach to pesticide evaluation. The recommended federal investments in a national water monitoring program for pesticides and collection of pesticide use data, to be delivered in collaboration with ECCC and AAFC, are essential components of this new approach; it would be undermined without them.

### **Recommended Investment:**

**\$5 million in 2022** to deliver a water monitoring pilot [PMRA, in collaboration with ECCC]. The Green Budget Coalition is also recommending investments to re-establish and expand the National Pesticides Monitoring and Surveillance Network to carry on this work on an ongoing basis (\$5 million/year) - see *Freshwater Management for the 21st Century, earlier in this document*.

**\$5 million over five years** for pilot of pesticide use and annual data collection. [AAFC]

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