

POLICY PAPER ON WATER (Referred to in Resolution GEN 31A)

“DRAFT” Policy Paper on “Water”

The B.C. PSAC Regional Council recognizes water as Canada’s most valuable natural resource and essential to our lives as Canadians.

The Federal Government has considerable jurisdiction over water and its uses in Canada including Navigable Waters, Environmental Assessment, Fisheries Act, International waters and federal lands. It used to be that we could look to the federal government to protect fresh water for all Canadians with the establishment of institutions such as: The Inland Waters Directorate, Canada Centre for Inland Waters, Canada Water Act, Great Lakes Water Quality Agreement and in 1987 the Federal Water Policy.

Unfortunately this commitment towards ensuring a sustainable water resource for all Canadians has declined markedly in the past two decades. The Inland Water Directorate was disbanded in the 1990’s and almost nothing from the Federal Water Policy was ever implanted. In addition the current federal government has to all intents and purposes done away with the Navigable Waters Act, Environmental Assessment Act, Section 35 of the Fisheries Act and with the implementations of Bill C-45 we have gone from 2.5 million protected lakes and rivers in Canada to 159 lakes and rivers protected. Compounding this abrogation of responsibility by the Federal Government has been the hundreds of millions of dollar cuts to both Environment Canada and Fisheries and Oceans Canada.

“From groundwater protection on federal lands to enforcement of the Fisheries Act, these cuts will tie the hands of Environment Canada to protect the nation’s water heritage for future generations,” declared Randy Christensen, lawyer with Ecojustice. “Going Forward, our environment, our health and our prosperity will require that Canada manage water better and these cuts will cripple Canada’s ability to do that.”

A reinvigorated federal role in water sustainability begins with rebuilding and enhancing our country’s capacity to deal with our freshwater challenges. Federal inaction does not arise from a lack of mandate; it comes from a lack of political will.

The PSAC will support and promote:

- The UN Human Rights Council's resolution that places certain responsibilities upon governments to ensure that people can enjoy “[s]ufficient, safe, accessible and affordable water, without discrimination”
- That water is a public good, not a commodity and as such will oppose any bulk water exports of Canadian water. The need for a ban is pressing due to the pressure to send water to serve drought prone areas of the United States.
- The exclusion of water from NAFTA and all future trade agreements. Under NAFTA water is defined as a service and an investment. If a corporation is granted permission to export water anywhere in Canada, it becomes a tradable good under NAFTA, and other provinces will have to grant similar access to corporations seeking water export rights. Only a clear exclusion of water from NAFTA and other trade agreements will avert this threat.
- Including bottled water in the banning of bulk water exports from Canada. Water in 20 litre containers is not at the moment considered bulk water. The continuation of bottled water exports could set a precedent allowing for water to be treated as a commodity under NAFTA. The energy required to extract water from natural sources, manufacture water containers, bottle the water in a factory, transport the water by truck to ships before being loaded into more trucks producing enormous carbon emissions.
- PSAC will continue to promote the use of public tap water at all PSAC events and in our members' daily lives.
- The development of water conservation strategies that benefit the Canadian economy, communities and the environment.
- The establishment of national enforceable drinking water standards.

- The declaration of surface and ground water as a **public trust**. Under a public trust doctrine private water use would be subservient to the public interest. The public trust concept means water is a public resource owned by the people of Canada, with the government acting as a trustee responsible for taking care of the resource. The public trust doctrine is becoming increasingly common and established in modern water legislation and has been incorporated in the environmental legislation in the Yukon, Northwest Territories and Quebec.
- The creation of a national public water infrastructure fund. Decades of cuts in infrastructure funding, coupled with the downloading of programs and services to municipal governments, have resulted in a “municipal infrastructure deficit” conservatively estimated at \$123 billion by the Federation of Canadian communities.

A strategy to address water pollution concerns including:

(Although regulation water pollution falls mostly under provincial jurisdiction, the Federal Government is responsible for protecting fish-bearing waters through the Fisheries Act and controlling toxic substances under the Canadian Environmental Protection Act.)

- Standards for industry and agribusiness, which would include the enforcing of strict laws against industrial dumping, use of pesticides and discharge of toxins into waterways.
- A slowdown of tar sands production and increased monitoring by federal agencies on water usage and water pollution. Toxins connected to the tar sands have been found as far downstream as the Athabasca delta, one of the largest fresh water deltas in the world.
- Removal of Schedule 2 from the Fisheries Act. Lakes that would normally be protected as fish habitat by the Fisheries act are now being redefined as “tailing impoundment areas” in a 2002 schedule added to the Metal Mining Effluent Regulations of the Act Under this schedule, healthy freshwater lakes lose all protection and become dump-sites for mining waste. Canada is the only industrialized country to allow this practice.

- National enforceable standards for sewage treatment. Canada has no national standards for municipal sewage treatment and wastewater effluent quality. As a result, 200 billion litres of raw sewage are flushed into our waterways every year.
- The restoration of historical funding levels to both Environment Canada and Fisheries and Oceans Canada investing in the country's freshwater heritage-surely our greatest heritage – in a world running out of clean, accessible water.

BC PSAC Regional Council
Environment Committee