



by Emma Lui

What Harper's 2012 Budget Bills Are Doing to Watersheds Today

Most Canadian lakes and rivers are now at risk of contamination as a result of the Harper government's gutting of key environmental legislation in recent omnibus budget bills.

Bills C-38 and C-45: they sound innocuous, but in reality these bills marked the onslaught of changes the Harper government made to environmental legislation in 2012. These omnibus bills – each more than 400 pages long – implemented sweeping changes to environmental laws and removed critical safeguards for water protection.

With the bills, the Harper government gutted the Fisheries Act, abdicated responsibility for 99 per cent of lakes and rivers by overhauling the Navigable Waters Protection Act, and threatened the safety of work-

ers handling noxious chemicals by eliminating the Hazardous Materials Information Review Commission. The Canadian Environmental Assessment Act was also replaced with a new act that eliminated 3,000 federal environmental assessments.

At a time when threats to water are intensifying and broadening, the Harper government is greasing the wheels for industry projects by clawing back needed safeguards for water sources. Fracking, the expansion of tar sands oil development, and other extreme energy projects threaten to pollute our water like never before.

Pipelines are expanding at an unprecedented rate.

At the same time, our water resources are dwindling. A 2010 Statistics Canada report shows that renewable water sources in southern Canada have dwindled by 8.5 per cent between 1971 and 2004, revealing a troubling trend in the availability of water.

We need environmental legislation that protects water as a commons, a human right and a public trust. These budget bills represented not only a troubling move to stifle democratic debate on environmental policy, but

also cast doubt on the government's ability to protect communities' lakes and rivers.

The crumbling of Canada's environmental legislation

An Access to Information request made by the *Globe and Mail* revealed that the 2012 budget bill changes made to the Fisheries Act were guided by the advice of industry associations.

On April 11, 2014, the Harper government dealt the final blow to the Fisheries Act, once one of Canada's strongest pieces of environmental legislation.

The old Fisheries Act clearly stated that no one could deposit a deleterious (poisonous or toxic) substance into waters inhabited by fish. Drafted behind closed doors and implemented without public consultation, the new rules strip the act of its teeth by allowing exemptions to this rule. The exemptions include the following broad categories of activities: pesticide use for fish farming, undefined "aquatic research," and activities supervised by other provincial or federal bodies.

The new rules allow the Minister of Fisheries and Oceans to authorize deposits of deleterious substances if the "whole of the deposit is not acutely lethal to fish." The regulation defines "acutely lethal" as a deposit that kills more than 50 per cent of fish at 100 per cent concentration over a 96-hour period. This threshold does not take into account that sometimes the most damaging pollution is slow and chronic.

Energy projects move forward without federal oversight

Since the 2012 omni-budget bills, energy projects are being given the green light without any federal scrutiny – some are not even flagged for review. One project review cancelled by Bill C-38 was for energy company Encana's request to withdraw 10,000,000 litres of water per day for fracking – roughly the same amount of water used by 30,000 people in a

day – from Fort Nelson River in north-eastern British Columbia. In 2012, the community protested Encana's water-takings by gathering more than 32,000 signatures calling on B.C. Premier Christy Clark to stop giving away the province's fresh water for fracking.

At the Munk School's 2014 Water and Hydraulic Fracturing in Canada conference, Rob Visser, Chief Negotiator for Fort Nelson First Nation, revealed that deals were being struck with oil and gas giant Apache Corporation and that all lakes, rivers, the Debolt aquifer, shallow aquifers and deep aquifers were "on the table."

The Council of Canadian Academies, which released its report Environmental Impacts of Shale Gas Extraction in Canada in May 2014, pointed out, "In Canada, shale gas development is occurring largely in the traditional territories of Aboriginal peoples who depend on the local environment for food and water and whose culture may be particularly affected." Because of Harper's 2012 budget bills, we now won't know the impacts of water-takings by Apache or other energy companies operating on Indigenous lands.

The environmental assessment for TransCanada's Keystone XL project to construct and operate a crude oil terminal and pipeline infrastructure near Hardisty, Alberta, was cancelled. There were two assessments in the queue related to Enbridge's plans to reverse the flow of Line 9 – one in Sarnia and one in Hamilton – that now have been approved by the National Energy Board without a proper environmental assessment.

Despite the Energy East pipeline being the largest proposed pipeline project in North America, it too will evade federal scrutiny. Energy East is expected to carry 1.1 million barrels of oil per day from Alberta to New Brunswick. However, changes made to the former Navigable Waters Protection Act exempted pipelines from the act. The responsibility for protect-

ing navigable waters was transferred to the National Energy Board (NEB). The NEB rarely rejects pipeline proposals, and a wide range of groups have criticized it for favouring industry interests over community and environmental concerns.

Fuel for our fire

While the budget bills decimated environmental protections, they also became rallying points. They were the spark that ignited the Idle No More movement's demand for free, prior and informed consent of communities. They also galvanized the scientific community – which was being muzzled by the Harper government – to highlight the important link between research and democracy. We can take inspiration in these movements to fuel our own fire to build a future that recognizes the sacredness of water, respects human rights, and puts communities before profit.

On World Water Day, the Council of Canadians sent a letter to federal party leaders Justin Trudeau and Thomas Mulcair asking if they would roll back the changes the Harper government has made to environmental legislation and re-commit funds needed for water research. Both parties made some commitments to roll back at least some of the changes.

We cannot allow the Harper government's budget bills to be the law that governs our watersheds, undoing years of hard work by environmental groups, communities and committed individuals to protect them.

Leading up to the 2015 federal election, we must urge political leaders and local candidates to commit not only to rolling back Harper's budget bills, but also to creating new legislation that recognizes the importance of our water – and protects it.

The future of our fresh water depends on it.

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