

Toby
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The Secretary of State for External Affairs

Secrétaire d'Etat aux Affaires extérieures

Canada

Ottawa, Ontario
K1A 0G2

June 15, 1982

Dear Ms. Vigod,

I refer to your letter of May 6 concerning the Hyde Park Landfill case. I note that you believe the Hyde Park settlement agreement will not adequately protect the health of persons in Canada and the United States who draw their drinking water from the Niagara River and Lake Ontario.

As you know, Canadian authorities at both the federal and provincial levels were concerned with some aspects of the containment, monitoring and remedial measures required by the settlement agreement signed by Hooker and EPA. We indicated we would have preferred to see some further steps spelled out in the agreement. However, I note that the U.S. judge in handing down his decision commented in an encouraging fashion on the responsibility of Hooker Chemicals, pursuant to the settlement agreement, to undertake further studies and actions, including the possibility of excavation of the site should such a step be warranted by future circumstances.

For their part, U.S. authorities have made formal commitments to the Canadian Government that we will be kept fully informed of the implementation of the Hyde Park remedial programme. In addition, they have agreed that U.S. officials will meet with Canadian officials to discuss any questions we might have about the programme. We are following up these matters.

In your letter you referred to U.S. agencies using diplomatic channels to discredit and silence Dr. Douglas Hallett, an employee of Environment Canada, as a result of comments he

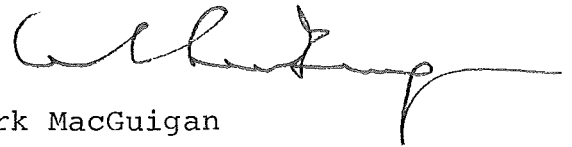
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Ms. Toby Vigod
Canadian Environmental Law Association
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made on a CBC radio programme dealing with the Hyde Park case. While I am not in a position to comment on any reported activities of U.S. agencies vis-a-vis the Toronto media, I can assure you that no formal representations concerning Dr. Hallett's conduct have been made to this Department. Moreover, Environment Canada has informed officials in my Department that Dr. Hallett is expected to respond to technical questions within his area of expertise and that this policy has not changed.

The Hyde Park case is but the first in a series of cases against Hooker Chemicals. This Department is fully conscious of the importance which these cases have for Canadian interests in the Niagara River area. Acting in cooperation with Environment Canada and the Ontario Ministry of the Environment we will continue to work to ensure that transboundary pollution problems will be addressed quickly and adequately.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Mark MacGuigan', with a long horizontal flourish extending to the right.

Mark MacGuigan