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FILE NO.:

CAN1753

REPLY TO:

L.B. Huestis

DIRECT LINE:

MEMORANDUM

FROM: LYNNE B. HUESTIS

DATE: JULY 6, 1990

RE: CBA - SUSTAINABLE DEVELOPMENT ACTION PLAN

We are now finalizing the publication of the report of the SDAP. Your paper appears in Part III as one of a series of issue papers or chapters dealing with key environmental law reform issues.

I have written an introductory chapter describing to readers what they can expect to find in Part III. Enclosed is my summary of your paper.

Would you kindly take a quick look at the attached and comment on whether it is an accurate (but admittedly brief) description of your paper.

I require your faxed response by 5:00 p.m. (local time) Monday, July 9th.

Thank you.

- 14 -

Environmental legislation both in the United States and Canada has evolved in a piece-meal, fragmented fashion responding to the individual concerns of air pollution, water pollution, and more recently, the degradation of land-based resources. At the federal level, some 30 federal statutes and 24 departments have responsibility over different aspects of toxic and hazardous substance control. The chapter goes on to argue that regulatory agencies should be encouraged to take multi-media approach to the control of toxic substances, and recommends the use of the *Canadian Environmental Protection Act*, and the system of federal approvals under various federal statutes as the key mechanisms to implement multi-media and zero discharge goals.

Similar to earlier chapters, it is also recommended that federal government programs be modified and expanded to provide financial incentives for industries to pursue toxic use reduction goals.

The Need for Pesticide Regulation

During the past few decades, there has been growing concern over the environment and human health effects posed by the widespread use of pesticides for food and fibre production. The environmental threat by the overuse of chemical pesticides was recognized by the Brundtland Commission:

Using chemicals to control insects, pests, weeds, and fungi enhances productivity, but overuse threatens the health of humans and the lives of other species.

The Report of the Commission goes on to make the shocking disclosure that approximately 10,000 people per year died in developing countries from pesticide poisoning and about 400,000 suffer acutely.

The Brundtland Report recommends that alternatives to chemicals must be encouraged and that pest control must be based on the use of natural methods. Picking up on this, the chapter entitled *Federal Pesticide Regulations* looks at the legislative and policy reforms necessary to minimize the risk of harm to human health and the environment from pesticides, and to reduce pesticide use over time. The chapter recommends amendments to the existing federal *Pest Control Products Act* and the creation of a new administration

¹⁹ *Supra*, note 1, at 126.

- 15 -

to actively promote the development of ecologically acceptable pest management strategies.

The proposed legislative changes focus on the need to enhance public participation in the pesticides regulation process, improve public access to health and safety information, and to change the manner in which federal decision-making about pesticides is made. Recognizing that the provinces also play an important role in the regulation of pesticides, the chapter argues for the establishment of minimum national standards with opportunity for public input for matters of national interest, such as suggested action levels for pesticides in groundwater and drinking water.

The Global Commons

Traditional forms of national sovereignty are now being challenged by the realities of ecological and economic interdependence. This is particularly true in shared ecosystems and in "the global commons", that is, those parts of the planet that fall outside national jurisdictions. Sustainable development is critically dependant, as the Brundtland Report points out,²⁰ on international cooperation and on agreed regimes for surveillance, development and management in the common interest.

(i) Protecting the Atmosphere

Numerous scientists and environmentalists have called "global warming" the single greatest threat to the continued existence of life upon planet earth. The United Nations has recently found global warming to be a scientific reality. While the exact extent of global warming is still subject to scientific debate, it is clear that the global warming is still subject to scientific debate, it is clear that the global temperature has risen by about 0.5° since the start of the century.

The burning of fossil fuels and a variety of man-made and natural gases all threaten to deplete the planet's protective ozone shield. The resultant "greenhouse effect" appears to be the major cause of global warming, and threatens, by the next century, to cause major dislocations and disruptions to world populations and economies. In August of 1989, the CBA adopted the following resolution:

²⁰ *Supra*, note 1, at 262.