

MANITOBA'S NEW CONTAMINATED SITES REMEDIATION ACT

by Scott Kidd

Contaminated land and water provide an all too painful example of the damage that can be caused when those who have control over environmentally hazardous substances allow such substances to be indiscriminately introduced into the environment. Unfortunately, not only do these contaminated sites pose a threat to the health of the environment and humans today, if they are not properly remediated they will become part of the sad environmental legacy that we are passing on to future generations. In an attempt to deal with the issue of contaminated sites, the Manitoba Government recently passed *The Contaminated Sites Remediation Act* (CSRA).

Manitoba Environment's *Guide to The Contaminated Sites Remediation Act* states that the purpose of the CSRA is to "provide regulatory authority to designate and manage sites that have been exposed to environmental contaminants". The provisions of the CSRA are also rooted in the principle that it is the polluter who should pay for the costs of cleaning up a contaminated site. The principle of "polluter pays" was established by the Canadian Council of Ministers of the Environment. This principle signifies a marked departure from the former remediation regime under Manitoba's *Dangerous Goods Handling and Transportation Act*, which allowed the government to hold those with the deepest pockets, rather than those chiefly responsible for the contamination, liable for the costs of remediation.

HOW THE CSRA WORKS

The following is a brief overview of the CSRA: To begin, after a site is investigated to determine whether it is contaminated, the Director appointed under the CSRA must make a determination that

the property is contaminated. (The Director for Winnipeg is Dave Wotton, Assistant Deputy Minister for the Environment). Once the property is designated as a contaminated site, the Director will send a notice of the designation to the registered owner of the site. The Director will then conduct an investigation to identify all of the "potentially responsible persons" ("PRPs") for the contamination.

The CSRA lists a number of persons who can be held potentially responsible for the remediation of a contaminated site including the present and previous owners of the site. Once the Director has identified a PRP, he or she will notify that person of the designation and inform them of their rights and responsibilities under the CSRA.

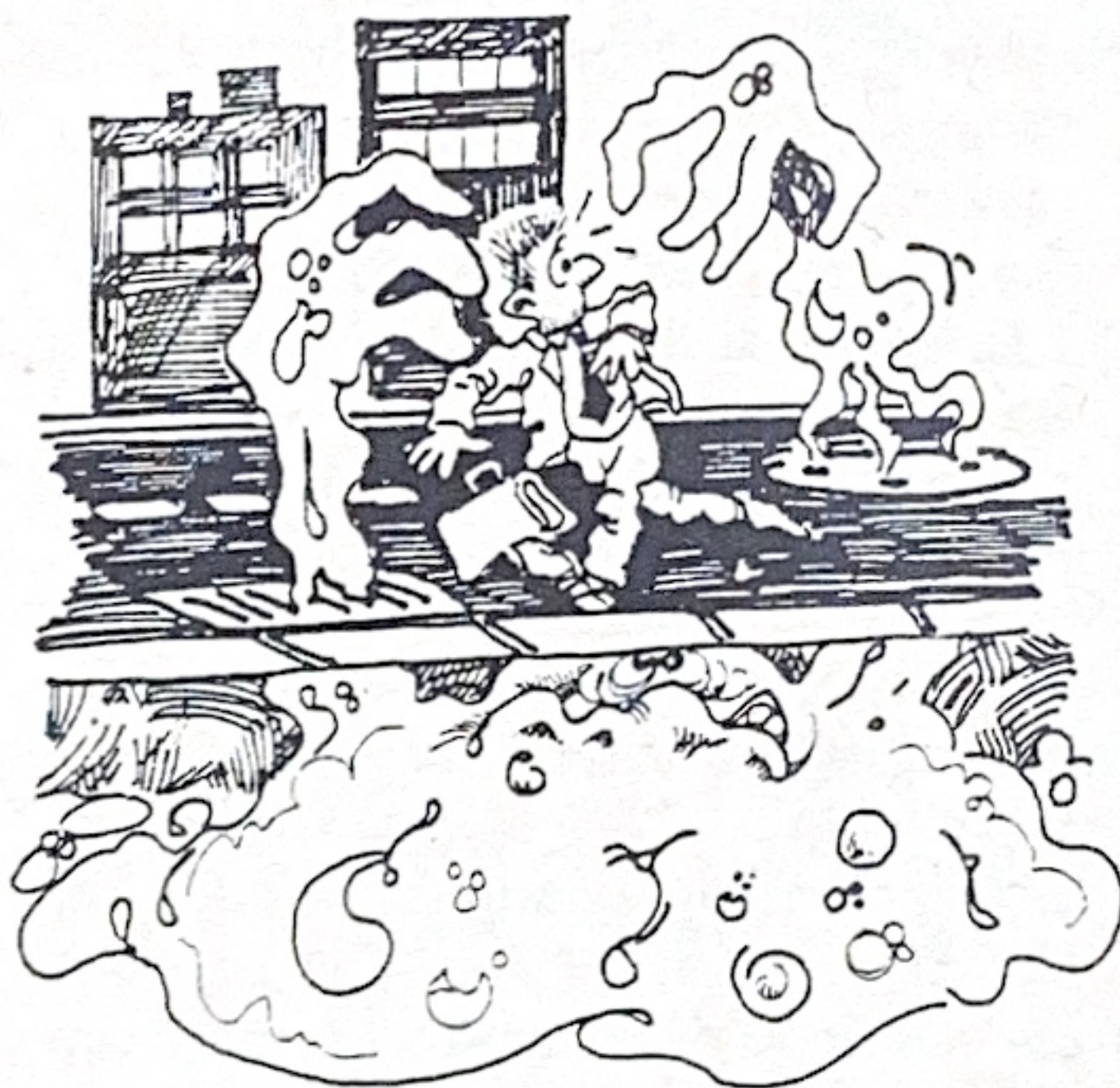
A person designated as a PRP may request the Director to revoke the designation or ask the Director to name another person as a PRP. If a person disagrees with being designated as a PRP by the Director, then that person may appeal the designation to the Clean Environment Commission and a hearing will be held to determine whether

that person should be designated a PRP.

Once the Director believes all of the PRPs have been identified, he or she will request that one or more of them prepare a remediation plan for the site. Once the plan is completed, the Director may issue a Remediation Order to all of the PRPs. The contents of the Remediation Order can include: what means are to be taken to remediate the site, the manner and time frame in which the remediation is to be completed, and what the costs of the remediation are to be.

The CSRA allows the PRPs to enter into an "apportionment agreement" whereby they collectively determine the proportionate liability of each party. The agreement is then approved or rejected by the Director. If the apportionment agreement is rejected, or no agreement can be reached by the PRPs, then the apportionment of liability will be determined by the Clean Environment Commission. In doing so, the Commission is to apply the factors for liability set out in section 21 of the CSRA. As well, before determining the liability of the PRPs, the Commission will hold a hearing to receive evidence from each PRP in regard to its contribution to the contamination of the site.

See **Limited Opportunity** page 8



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ECO-NETWORK UPDATE

by Anne Lindsey

Here it is. The long-awaited Fall edition of **Eco-Journal**. I hope you enjoyed the special insert in the June issue, and thanks to all members and subscribers for your patience in waiting for this one! Much has transpired since June. The office was without regular staff for much of the summer, though the Resource Centre remained open with the help of RCM staff people. Thanks to a new contract with Health Canada and Environment Canada, the Steering Committee decided to rehire both Jan and myself, with similar hours to previously. The office is now open all weekdays from 9 till 4:30. Our contract is to implement the 3rd phase of the Community Animation Project in Manitoba. This project has focussed on making the connections between health and the environment at the community level.

This year's goal is to expand the mandate to a broad consideration of "sustainability". Our first piece of work is organizing a conference on community sustainability.

Other items in our workplan for the year include our regular office functions, such as information and referrals, resource centre management, a limited volunteer program, and getting **Eco-Journal** back on track. We'll also be undertaking work on an Organic Foods handbook (in conjunction with the Organic Producers Association of Manitoba) with support from the Samuel and Saidye Bronfman Family Foundation, and hopefully getting some initial work started on an educational campaign on endocrine disrupting chemicals. It promises to be another busy year. Stay with us. **Eco**

A CONFERENCE ON SUSTAINABILITY

On November 26, the Eco-Network will be hosting a conference on sustainability as part of our work on the Community Animation Project. Our hope is to bring together people from diverse sectors of the community, particularly those involved in the health, environment and economic areas, to find out just what we mean when we talk about "sustainability".

You might be asking why we need an event of this kind. After all, haven't we done this before? Isn't everyone talking about "sustainable development"? Well, yes. And not just talking. There are many initiatives underway all over the province which are attempting in one way or another to answer the challenges of sustainable development. But as the consultations last year on the government's proposed Sustainable Development Act so painfully demonstrated, not everyone is singing out of the same hymnbook as far as sustainability is concerned.

Working in facilitated small groups, this conference will aim to find out where there is agreement about what sustainability means,

and thus where there is disagreement. Engaging a dialogue on the areas of disagreement will be challenging and revealing of how our society (in microcosm) might need to approach some of the truly controversial issues which confront us on a daily basis.

In addition, we want to start identifying and exploring what enables and what blocks sustainability in Manitoba communities, learning from the experiences of some local experiments in community sustainability.

Who should attend? Anyone who finds themselves getting involved in community-building/sustainability-developing activities, and wants an opportunity to engage in dialogue and discussion with the people you usually encounter "across the table".

As **Eco-Journal** goes to press, we are still working on the details of the event, including arranging for a keynote speaker to address a public meeting on the evening of Tuesday, Nov. 25. Pre-registration for this conference will be necessary. Please call the Eco-Network office (947-6511) for more information. **Eco**

1997-1998 Eco-Network Steering Committee

Lyle Barkman - Organic Producers Association of Manitoba
Dennis Bayonni - Winnipeg Vegetarian Association
Ray Burns - Manitoba Naturalists Society
Lindy Clubb - Western Canada Wilderness Committee
Val Klassen - Concerned Citizens of Manitoba
Harry Mesman - Manitoba Federation of Labour
Alexandra Morrison, Resource Conservation Manitoba
Steve Rauh - Harvest Collective
Karen Turner - Sierra Club, Agassiz Group

Logging Bridge a Danger to Canoeists

By Dave Nickarz, Earth First! Citizen's Watch Campaign

The Pine Falls Paper Company has built several bridges that have no authorization from the Canadian Coast Guard and may pose a hazard to canoeists. The first bridge was discovered in Nopiming Park on the Manigotagan River. It is a temporary bridge to access logging areas between Garner and Gem Lakes until the year 2000.

The bridge was built only a few feet off the water on a set of rapids. During the time you would be able to shoot the rapids, the clearance is less than a foot. I phoned the Canadian Coast Guard and they had no record of this bridge. Under the Navigable Waters Protection Act (N-22) and the National Transportation Act (N-20) the company must apply for authorization for any construction over Navigable Waters.

The Pine Falls Paper Company neglected to apply for authorization under these acts. This means that there is no record of this bridge on publicly available maps—only forestry maps. At one time there was a large yellow warning sign upstream from the bridge. When we last visited the site, the sign had been destroyed. This bridge is dangerous to anyone travelling down this river.

How you can be involved:

The Coast Guard does not take action on these issues unless there is a complaint. This means that each letter written obligates them to take action. If you write a letter it will be taken seriously. This is one of the rare times the public has the power to affect these issues. The Coast Guard is responsible for the safety of all citizens on all navigable waters in Canada. They have the power to charge the Pine Falls Paper Company under the Act. They also have the power to make them raise the bridge or even remove it.

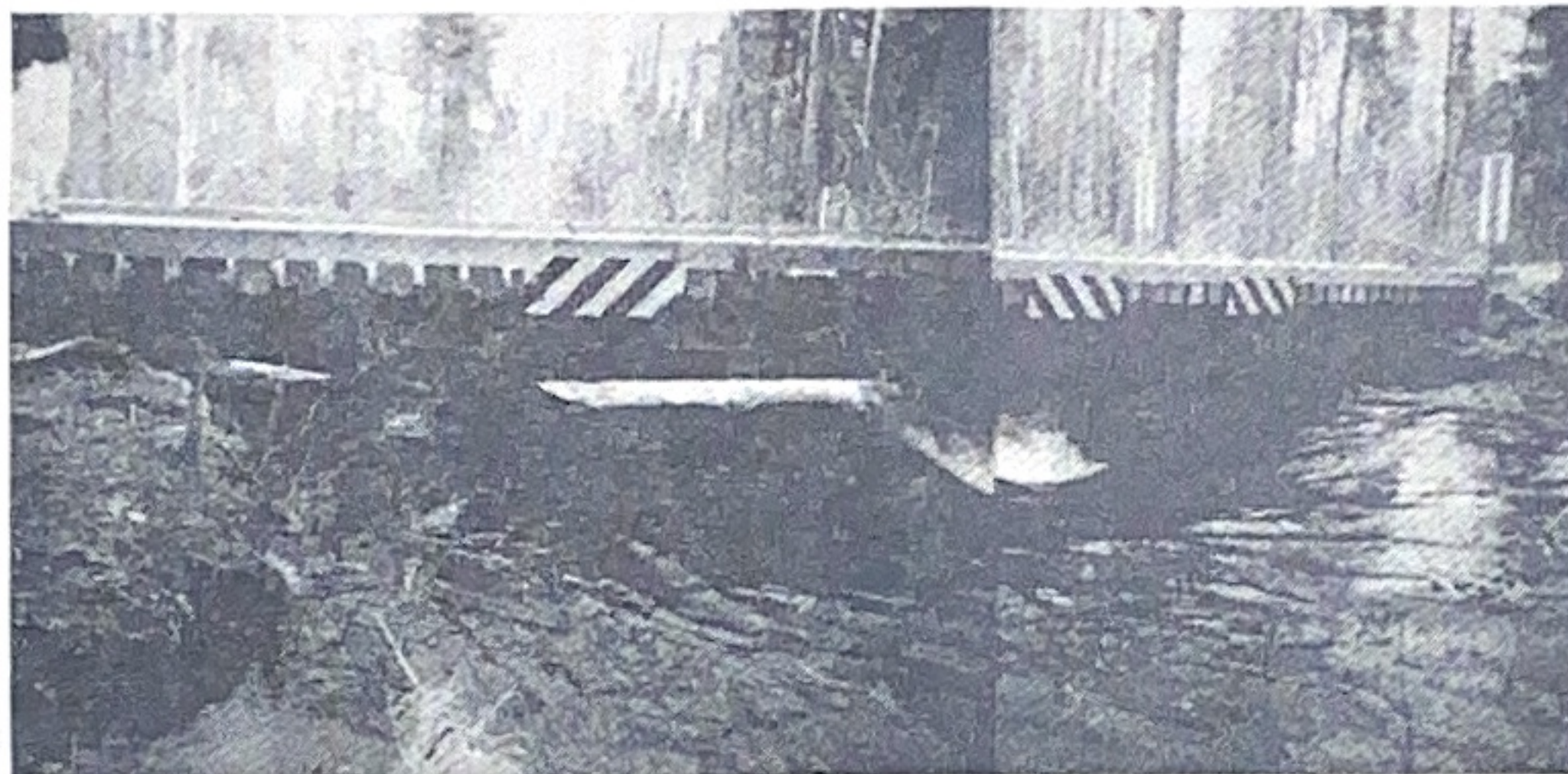
Please write to:

Ken Brant
Regional Director, Canadian Coast Guard
Department of Fisheries and Oceans
201 North Front Street
Sarnia, Ontario N7T 8B1
Phone: (519) 383-1862
Fax: (519) 383-1991

and ask him for a written response. You may wish to include the following points in your letter:

- the bridge is a hazard to canoeists because it is so low on a set of rapids. You could be canoeing down the river and get seriously hurt by this bridge.
- your experience with canoeing the Manigotagan River. If you haven't canoed on the Manigotagan River then tell him you intend to, and consider this bridge a hazard to your trip.

Thanks to Daniel McKay, who has volunteered his skills and services in the layout of this issue.



Gem Lake Road - Manigotagan River Bridge, May 1997
Photo By Dave Nickarz

- this bridge is not on any publicly available maps—only forestry maps that are not readily available to the public. This means there is no way that you could have known about this bridge until you hit it!

- this bridge should be removed. If the bridge was raised the resulting construction would damage the surrounding environment.

The company can apply for late authorization under the Act but they must advertise the project in the paper. The public has 30 days to comment on the plan and the plan will be subject to review under the Canadian Environmental Assessment Act.

The Coast Guard contacted the Pine Falls Paper Company and found there were several bridges that needed authorization. Each one of these bridges should be subject to an Environmental Assessment.

Without your letters there will be no action taken. The company must be forced to comply with federal regulations,

so please write to the Coast Guard today.

For more information please call 992-2319 or visit our web site at: http://www.winnipeg.freenet.mb.ca/~afw247/ef_man.html **Eco**

ANTI-PESTICIDE ACTION!!

Ian Greaves is interested in setting up a new group in the City to deal with pesticide issues. This area is long overdue for some more action. If you are someone concerned about the excessive use of pesticides and herbicides in Winnipeg, and would like to join others in doing something about it, please call the Eco-Network office to find out when a meeting is planned this fall. No previous experience necessary!!

If you are in a rural area, and your concern relates to agricultural pesticide use, the group to contact is Problem Pesticides Manitoba, through Barbara Shewchuk at Lowe Farm (204)746-8566. **Eco**

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WHAT'S HAPPENING...

Saturday, November 1, 6 pm: The Committee for Church in Society is holding a POTLUCK DINNER FOR REFUGEES, HOSTS AND INTERESTED MEMBERS OF THE COMMUNITY at Christ Lutheran Church, 815 Inkster Blvd. Wpg. Call Howard at 253-0419 for more information.

Sunday, November 2 - Tuesday, November 4: Manitoba Federation of Labour co-hosts the CANADIAN LABOUR CONGRESS POLLUTION PREVENTION CONFERENCE. Educating and Organizing for Pollution Prevention, Hotel Fort Garry - 222 Broadway, Wpg. Call 942-8251 for more information.

Monday, November 3, 8 pm: An evening with David Suzuki reading from THE SACRED BALANCE: REDISCOVERING OUR PLACE IN NATURE at Prairie Theatre Exchange. Book signing to follow. Tickets are \$5 available in advance at McNally Robinson locations.

Wednesday, November 5: Fort Whyte Centre offers STAR RIDERS, an opportunity to study stars, constellations, comets and more. Look through Manitoba's largest (16") telescope. Register by calling 989-8355.

Thursday, November 6 - Wednesday, November 12: Project Peacemakers is hosting PEACE FACTORY for those who are wondering how to make a difference in a violent world. Canadian Mennonite Bible College, 600 Shaftsbury Blvd. Wpg. Call Karen at 775-8178 for more information.

Friday, November 7 - Saturday, November 8: The Canadian Association of the Non-Employed uses their Fourth Annual Conference to ask, HOW DO YOU CREATE A JOB??? A forum for people interested in social change and social action at Crossways-in-Common, Broadway and Furby, Wpg. Costs: non-employed - free, employed - by donation. Call C.A.N.E. at 772-2952 to register.

Sunday, November 9: Fort Whyte Centre suggests you learn the basics of fire and shelter building, clothing selection, treatment of hypothermia, edible and wilds through their SURVIVAL BASICS COURSE. Call 989-8355 for times and cost.

Monday, November 10, 7:30 pm: Crossroads Resource Group features a workshop at #2 - 70 Albert St. with Dr. Bill Goddard to launch the GREENHOUSE GAS REDUCTION PROJECT. Discover how you can become a sponsor.

Saturday, November 22, 9 to 4: The Organic Producers Association of Manitoba presents, MARKETING SKILLS AND OPPORTUNITIES FOR ORGANIC FOOD AND HERB GROWERS/PROCESSORS at Brandon Ag. Centre, 1129 Queens Avenue, Brandon. Registration fee (includes lunch and refreshments), \$20. Booth display rentals available. Call OPAM office at 1-204-748-1315 for more information.

Saturday, November 16, 11:30 - 4:30: Project Peacemakers present, the TENTH ANNUAL PEACEFUL PLAY FESTIVAL - BUILDING PEACE THROUGH PLAY. Children's entertainment, crafts, toy and book displays and violent toy exchange. Admission is free at Robert Steen Community Centre, 980 Palmerston Ave., Wpg.

Tuesday, November 25, 7:00 pm: Opening plenary of the Conference on Sustainable Communities (public welcome). Keynote address by Dr. Mark Roseland of the Community Economic Development Centre at Simon Fraser University. Location to be confirmed. Call 947-6511 for info.

Wednesday, November 26: Manitoba Eco-Network, Environment Canada and Health Canada join to host a CONFERENCE ON SUSTAINABLE COMMUNITIES in Winnipeg - an opportunity to explore what enables and what blocks sustainability in Manitoba communities. Pre-registration is required by calling MEN at 947-6511.

Friday November 28: BUY NOTHING DAY!

Friday December 5 - Sunday December 7: Choices, "DYNAMIC COMMUNITIES FIGHTING FOR OUR FUTURE, a conference for democratic municipal reform at Eckhardt-Gramatte Hall, University of Winnipeg. Call 944-9408 for more information.

Friday, December 12: United Nations Association in Canada presents a HUMAN RIGHTS DAY SEMINAR at the University of Winnipeg. Call 586-0173 for more information. **Eco**

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WINNIPEG'S YOUTH NETWORKING FOR A SECOND YEAR!

by Dan Hood

The Manitoba Eco-Network Youth Caucus (MENYC) is bursting with energy again this year. As we move into fall, and another year at school, we're finding many opportunities to plunge into action, raising environmental awareness among our communities, strengthening our skills on many different fronts, and getting youth to take part in positive change for our environment and society.

We had several successes in our first year of existence as a group last year, and what a year it was! Some of our members, linked up with other youth brought together by the 1996 North American Forest Forum (NAFF), coordinated quite an effective banner demonstration at the World Commission on Forests and Sustainable Development (WCFSD) sending a strong message to Premier Gary Filmon.

June of '97 marked the launch of MENYC's Living Soils Cookbook which has been doing very well - special thanks to Winnipeg Vegetarian Association for their support of it. June was also quite a busy month with Ecotopia, our region's youth activist camp, which was part of the CEN's Youth Sustainability Project. Ecotopia was a fabulous success which brought together youth from across our region, as well as two from Latin America. It was an exciting week of workshops and skills sharing resulting in, among other things, the inspiration of the Edmonton Youth Environment Caucus (EYE-C) and their continuation of our Clean Lawn Environmental Action (CLEAN) campaign against urban pesticide use.

With a diverse membership of youth and students, and such a wide range of interests among MENYC, this year should easily prove to be as exciting as the last. At our planning meeting in September, we highlighted many areas we wanted to focus on and have several projects and goals for the next few months. We plan to take a greater focus on action within our community, and to reach out and involve other youth in making change in the environment. We plan to organize presentations in schools to get the word out about what is going on environmentally, locally and regionally;

while linking the interests of various groups around the province. As well as networking and educating, we will be focusing on several other issues such as forestry, our water systems, waste management, government policy, the problems with multinational corporations, our food industry, group organization, and our responsibilities as consumers, and, of course, having fun!

We also want to expand our network to include more of our province. We've started out in Winnipeg, but we know there's so much going on outside of our city. It only makes sense, since that is where many of our precious ecosystems and resources are, as well as where so much of our food is produced. Networking includes sharing of information as a very powerful tool that MENYC wants to encourage and provide for groups and youth across our province. If you are a group or individual who is looking for ways to share what you are doing, wants to get more people involved with your issues, or wants to be part of our network across the province, get in touch with us!

Here are some of the dates of events we'll be focusing on this year:

November 26-27: NATIONAL FOREST STRATEGY MEETING. It wouldn't be like MENYC to keep quiet while a large group of Ministers determine the future of our precious forests.

November 28: BUY NOTHING DAY ... a worldwide moratorium on consumerism!

December 12-13: YOUTH QUAKE. A series of skill building workshops directed at youth which several MENYC members will be involved in organizing.

If you are interested in getting involved with MENYC, and you consider yourself a youth, come on out to our events or meetings. For details, please give us a shout and we'll let you know how to get involved.

Contact Dan Hood: 2-70 Albert St. Winnipeg, R3B 1E7

Voice: (204) 775-0849 Fax: (204) 947-6514

Email: umhood05@cc.umanitoba.ca

Eco



Living Soils Cookbook Order Form

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INDOOR ENVIRONMENT: THE AIR YOU BREATHE

by Colleen Pawlychka

The average Canadian spends more than 90% of their time INDOORS! The combination of cold weather in the winter, the "mosquito" in the summer, budget restraints & the energy crisis results in sealed up homes, workplaces and schools, locking in a wide range of toxins. Sources of these toxins include building products, furnishings, carpeting, chemical-based cleaning materials, personal care products including cosmetics, scented laundry detergent and anti-static sheets. We have created what is commonly referred to as the "chemical soup" in which we now live.

In addition to this, the American College of Allergists states "50% of all illnesses are either caused or aggravated by polluted INDOOR AIR". As a result, an increasing number of people are experiencing health difficulties and associating these difficulties with poor indoor air quality.

Asthma in kids due to dampness and moulds is as big a health concern as second-hand smoke and a lot bigger than radon.¹ It is estimated that 100,000 - 200,000 homes in Canada have mould problems. "Risk increases when colder weather arrives", explains Dr. Timothy Horgan, Cuyahoga County Health Commissioner, partially because, "heating systems can spread the fungal spores throughout the house."²

More and more researchers, scientists, physicians and health professionals are concerned about the indoor air we breathe and the consequent adverse health effects. In fact, the E.P.A. estimates that

indoor air pollution kills 11,400 people every year!

It is essential that indoor air be considered top priority.

Symptoms of poor indoor air may be mild, ranging from frequent cold and flu-like symptoms, headaches, eye and skin irritation (eg. eczema) to irritability, hyperactivity, lethargy/fatigue, to severe or life threatening illnesses including cancer, kidney failure, respiratory collapse (asthma), arthritis and multiple chemical sensitivities. The good news is that there are measures which may be taken to alleviate symptoms or to prevent symptoms from occurring.

Here are some recommendations on methods to improve your indoor air quality.

1. Remove all pesticides (insecticides, herbicides and fungicides) from the house. This includes the basement. NEVER use pesticides indoors. Practice integrated pest management techniques indoors as well as outdoors.

2. NEVER store chemicals in the house/basement or in an attached garage. Move all paints, varnishes, stains, solvents and gasoline from the house and the attached garage to a detached storage area.

3. Replace all chemical cleaners with non-toxic cleaners. 'Strong' cleaners often contain ammonia, formaldehyde, xylene and various other chemicals which can cause adverse health effects.

4. Eliminate sources of mould and mildew. Ensure prompt and proper cleanup of all flooded surfaces. Discard as much as possible. Clean flooded surfaces with a diluted bleach solution. Do not use chemicals to clean up moulds!

5. Dispose of ALL fragrances. Fragrances are found in perfumes, colognes, air fresheners, room and personal deodorizers, scented soaps, potpourri, etc. "According to the U.S. Food & Drug Administration fragrances cause 30% of all allergic reactions." Further, "When exposed to perfume more than 70% of asthmatics develop respiratory symptoms."³

6. Use only unscented laundry detergents and dispose of anti-static sheets and fabric softeners. Also, never keep freshly dry-cleaned clothing in the bedroom, nor freshly polished shoes.

7. NEVER run your car in an attached garage. To warm up your car, back it out of the garage so that the exhaust is dispersed outside.

8. DO NOT SMOKE INDOORS and DO NOT EVER ALLOW SMOKING in your home. There are over 4000 chemical compounds in cigarette smoke, which will be absorbed into your body and those of your family. As well, the toxins are absorbed into your carpet, upholstery, draperies, clothing etc., and will later be released back into the air (and, consequently, into your body). Smoking will mask ALL other toxins and will defeat other efforts to improve indoor air. Indoor air problems cannot be completely resolved so long as smoking indoors is continued.

9. Pets should never be permitted in bedrooms. All shampoos used on pets should be fragrance-free and flea-collars which may contain pesticides should not be worn indoors.

10. Undertake renovation projects only when ventilation can be maximized and use only non-toxic materials. In addition to ordinary paints, wallpapers, stains and varnishes, particle boards and chipboards will 'off gas' toxic chemicals for years.

11. Remove all carpet and rubber backed rugs from the house. Carpet has two lives: Initially carpet gives off vari-

Continued...

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ous toxic gases including: formaldehyde, 4PC, xylene and other toxic chemicals. Carpet also acts as a 'sink' for all other toxins, as well as dust mites and mould. Canada Mortgage and Housing Corporation advises as to acceptability of types of flooring (acceptability referring to air quality). Carpet is the least acceptable type of flooring; and it further advises that the rule of thumb is "inertness can be gauged by hardness." Ceramic tile is the most acceptable, followed by hardwood strips.

12. Ensure proper maintenance of vents and ductwork. Ducts should be cleaned annually using non-toxic cleaners. A Heat Recovery Ventilation Unit (HRV) will provide continuous fresh air intake.

The most important strategy for ensuring a healthy indoor environment is to eliminate the source of pollutants. Remove all pollutants. Secondly, seal all pollutants which are impossible to remove. Thirdly, ventilate, ventilate and ventilate some more. This should be used in combination with the first two strategies, i.e. ventilation alone is not a long term solution to indoor air problems, though ventilation will dilute the pollutant level.

Finally, remember that good health is contingent upon healthy air. Of course other factors are important in order to both obtain and maintain optimum health, including: clean food, clean water and genetic predisposition. However the health advantages of healthy indoor air has been understated, overlooked and unaddressed.

For further information contact:
The Allergy & Environmental Health Association of Manitoba
77 Meadowcrest Bay, Winnipeg, Manitoba R2V 4G9
or telephone (204) 339-1609. **Eco**

Colleen Pawlychka is the Prairie provinces representative of The Allergy & Environmental Health Association of Canada and President of the Manitoba Branch, AEHA Manitoba.

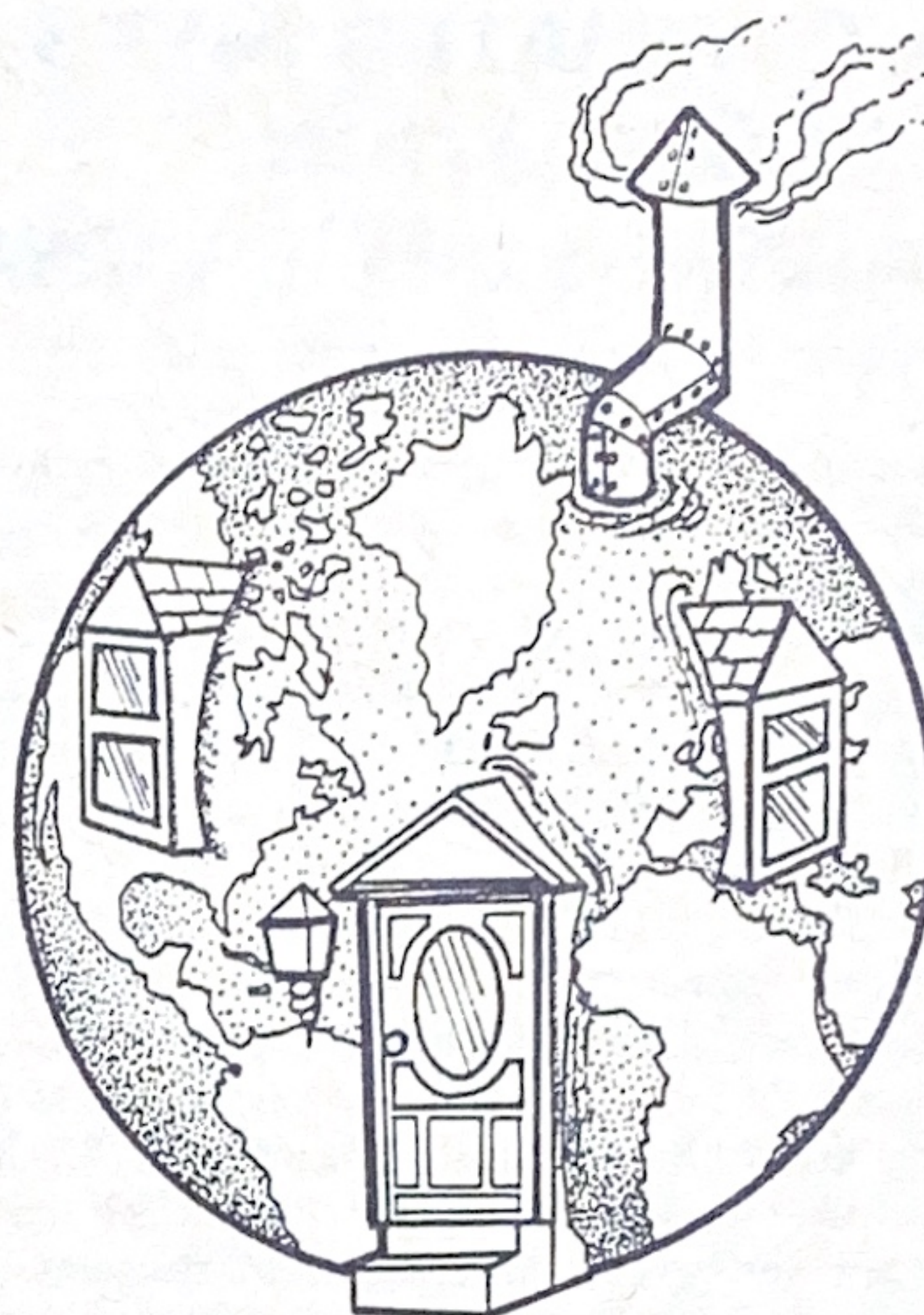
Colleen is the mother of two children with environmental sensitivities. She is past Health Representative of Manitoba Association of Parent Councils. One of her current objectives is the improvement of indoor air quality in Manitoba Schools.

Resources:

1. Indoor Air Quality Seminar Booklet, Canada Mortgage and Housing Corporation, 1997
2. "Fungus Named in Deaths of Babies", The Plain Dealer, Sept. 12, 1995, (CMHC Indoor Air Quality Seminar Booklet)
3. The Healthy School Handbook, Norma L. Miller, ED., D., 1995

Suggested Reading:

1. Is This Your Child's World? Dr. Doris J. Rapp, MD. 1996
2. The Healthy School Handbook Norma L. Miller, ED.D., 1995
- Allergies: Disease in Disguise, Dr. Carolee Bateson-Koch DC ND, 1994



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CONTAMINATED SITES LEGISLATION: A STAKEHOLDER'S VIEW

by Gordon Collis, the Alliance of Manufacturers and Exporters

Anne asked me to share some impressions from the perspective of a participant in the multistakeholder process that led to the recently enacted contaminated sites legislation.

On arriving at the table, the importance of the issue was underlined by the Minister of Environment's welcoming comments, which included a reminder that cabinet had recently proclaimed legislation that gave the department broad powers based on the traditional USA joint and several liability model.

We soon learned that the banks were adamant that whatever was passed could not be allowed to create unforeseen "unlimited love canal" liabilities for lenders that would threaten the basis on which all private and commercial loans are made. No one wanted to create forms of "risk" for lenders that would collapse commerce in Manitoba.

We also learned that all stakeholders had something in common. Each person was unhappy with the USA EPA Superfund system and wanted something better for Manitoba. That common interest was the foundation on which Manitoba's contaminated sites legislation was built.

The Manitoba process also differed in one very important way from legislative initiatives in other provinces. We started by defining problems we wanted to solve, then moved to devising processes that would accommodate the many problems and concerns. We even drew process flow charts so each person could see whether or not an issue on the table today could interfere with other issues later in the process.

This created a completely different atmosphere and thinking process than could have developed if we had simply taken legislation from some other jurisdiction and attempted to get consensus on numerous amendments.

The support team led by Dick Stephens deserves enormous credit for their facilitative skills. Many times the participants were unable to articulate their thoughts beyond defining areas of agreement and disagreement on issues and concerns that separated stakeholders...but the staff was somehow able to take these tangled thoughts and spin them into wording that accommodated the needs. An impressive performance.

The process was not easy and took an investment by all participants of many months of effort spread over several years before the act and until the regulations were complete.

Lastly, the fears I had as a business person going into the process did not come to pass. All parties listened carefully, and were willing to learn from each other. It was not uncommon for a person to articulate another person's opposing position, even when the other party was absent from the table. From a foundation of respect, fairness, and goodwill, all parties searched for compromises that they could live with and were able to create legislation their constituencies could support.

I believe the willingness of stakeholders in Manitoba to find ways to work together has created a new benchmark in contaminated sites legislation that other jurisdictions in USA and Canada are working to move towards. **Eco**

Gord Collis, the Plant Administrator at Simplot in Brandon also chairs the Environment Committee of the Alliance of Manufacturers and Exporters of Canada, and often represents the Alliance at multi-stakeholder meetings. His goals are to help the "pollution prevention" culture spread throughout small business and for Manitoba to have "smarter, more effective legislation" than competitors in the US.

Limited Opportunity For Public Participation *Continued From Page 1*

It is during the apportionment of liability stage that the principle of "polluter pays" comes into effect. Again, one of the guiding principles of the CSRA is that responsibility for the remediation of a contaminated site should lie with the person or persons who caused the contamination. However, the factors for liability set out in section 21 of the CSRA may be used to lessen the liability of a party responsible for the contamination of a site.

Factors which can be taken into account by the Commission to determine the liability of a PRP include:

(a) whether the person took reasonable steps to prevent the contamination of the site,

(b) where the person handled the contaminant, whether he or she followed the commonly accepted industry standards and practices at the time of the release of the contaminant, and

(c) whether the person complied with all applicable environmental laws, orders, licences or permits in respect of the site.

Finally, if a Remediation Order is not carried out by a PRP, the government can remediate the site itself, the costs of which will be a debt owed to the government by the PRP.

PUBLIC PARTICIPATION

The Guide to the Contaminated Sites Remediation Act also states that public participation in site remediation is another key principle upon which the CSRA is based. This participation can obviously first begin when a member of the public alerts the Department of Environment to a potential contaminated site. As well, regulations passed pursuant to the CSRA state that the Director shall file in the public registries any order designating a site as being contaminated. In addition, the Director is required to file in the registries a copy of any agreement, record or report he or she receives under any provision of the CSRA. At present, these registries are the same as for public notices required under *The Environment Act*.

However, despite the government's stated good intentions, the CSRA provides little opportunity for the public to play a meaningful role in the remediation of contaminated sites. In fact, the only time at which public hearings are to be held is during the formation of a remediation plan for the site, and even then it is within the Director's discretion whether to hold such a hearing.

Highlighting this paucity of public involvement in the management of contaminated sites is the fact that few Manitobans are aware that there are already five properties which have been listed in the contaminated sites registry, those being:

Domtar's wood preserving site in Winnipeg,
Centra Gas' Sutherland property in Winnipeg,
the IKO property in Winnipeg,
Cypress Agri-Service's property in Carberry, and
Canadian Occidental Petroleum's property in Brandon.

OTHER CONTROVERSIAL ASPECTS OF THE CSRA

One worrisome aspect of the CSRA is how involved those who pollute are in the entire process of the remediation of a contaminated site. This involvement begins with their first preparing an environmental assessment of the site and continues through to their implementation of the remediation plan. Many business leaders argue that the most effective way to clean up contaminated sites is to have the polluters and government work together. While in theory this may be true, how much confidence is the public to have that a site has been properly remediated when it is those who have contaminated the

CANADIAN ENVIRONMENTAL NETWORK CELEBRATES 20 YEARS

A Report on the Annual General Assembly
By Dr. Bill Goddard, Crossroads Resource Group

The theme of the AGA was "Traditional Knowledge: Is It Science?"

We started with the Celebration evening, a celebration of 20 years of environmental networking which was an opportunity to greet familiar faces and meet new ones, too. The evening concluded with an inspiring address by Dr. David Suzuki. He called for a new economic paradigm that would lead to an ecologically sustainable society.

The meeting took place on the ancestral lands of the Burrard Band. At the first plenary session, Chief Leonard George of the Sliel-Waututh Band gave a brief history of his people. He said the real gift to each person should be "becoming the best possible human being," rather than economic measures of their value in society. His people want to apply the wisdom of elders to rebuild the community. He ended on encouraging notes of the Power and Strength that is possible if all of us work together.

Chief Leonard George's presentation was followed by a brief history of CEN, which was presented by Henri Jacob and Pat Moss. An invited presentation by Normand Lauzon of the United Nations was given on Human Development. Lauzon cited poverty as the major problem, emphasizing that environmental issues cannot be separated from development. The main environmental issues are water, salinization of land, deforestation, desertification, ocean levels, and ozone depletion effects in 47 countries. A formal report is available from the UN Development Programme. Specifically, the Energy Report

shows that 1.5-2 billion people have no access to electrical energy.

In the second plenary, Sulian Stone Eagle Herney, of the First Nations Environmental Network made a presentation on Traditional Knowledge. He emphasized fear of loss of this knowledge, need for acceptance of cultures by each other, need for humour, the role of ceremonies and the matriarchal nature of his society, the loss of men's roles in present aboriginal societies, and the focus of First Nations' People on Spirituality rather than on being environmentalists. Ceremonies include the sacred use of tobacco.

Priscilla Settee, of the Canadian Aboriginal Science and Technology Society described the world wide plight of indigenous peoples. Eighty percent of wars are currently on indigenous peoples' lands, and 200 environmental hot spots are also on these lands. She cited issues in the Pacific islands, such as the Solomon Islands, and their loss of forest to big forest interests. She presented a vision of good governance.

The International Affairs Caucus has not been active. The revival of this caucus was discussed and the need for a coordinating caucus for dealing with Globalization, WTO, and the recent threat of the Multilateral Agreement on Investment (MAI) was agreed upon. Detailed presentations were made on WTO and MAI, and their anticipated impacts on our ability to solve environmental problems. A report on these topics is available from the Common Front on the

See CEN page 12

environment, often through carelessness or in the name of profit, who are the ones charged with the responsibility of assessing and restoring it? This is clearly one area in which more public scrutiny would be beneficial.

Another troublesome point is the question of who is to bear the costs of remediating a site when the 'contaminating' party no longer exists. At present, the costs of remediating such a site would be termed an "orphan share", the costs of which are to be born by the taxpayers of Manitoba. Orphan shares could also theoretically be created if the Clean Environment Commission held, after considering the factors set out in section 21 of the CSRA, that a PRP is not to be liable for the full costs of remediating a site.

There are both proponents and opponents to the idea of orphan shares. Opponents of orphan shares believe that any shortfall in paying for the remediation of a site should come from a fund established by industry. Some of those in favour of orphan shares see them as an expensive public awareness tool. They feel that by hitting taxpayers where it hurts, in their wallets, that the public will in turn pressure their elected officials to take steps to prevent future costly environmental contamination.

Perhaps what is most alarming about that the CSRA is that not all land or water that is contaminated will be designated as a contaminated site. Under the CSRA, a site is contaminated only if, "having

regard to any current, permitted or foreseeable use of a site, that the site is contaminated at a level which poses or may pose a threat to human health or safety or to the environment". While such a definition is expedient economically, it also suggests that it is acceptable to contaminate the environment, as long as we do not contaminate it too much. Unfortunately, what is too much? What was acceptable 50 or even 20 years ago has become today's contaminated site. By not striving to keep the environment in a pristine condition, we may be passing the environmental and economic costs of our activities on to future generations.

Finally, while the CSRA will aid in the clean-up of sites already contaminated, the question remains whether it will help prevent the creation of new contaminated sites. Despite assurances to the contrary, many people know that it is very difficult to return a site to its natural state through remediation. Given this, perhaps it would be wise of the powers that be to pass a *Contaminated Sites Prevention Act*.

Scott Kidd has degrees in law and ecology. He hopes to develop a legal practice specializing in environmental law.

Eco

POTENTIAL ELM LOSS CATASTROPHIC

by Judy Werier, Coalition to Save the Elms
(originally printed as a letter to the editor in the Winnipeg Free Press)

I would like to elaborate on the story in the Winnipeg Free Press on September 10, 1997 on the grave threat facing Winnipeg's elm trees. Unlike most other cities on the North American continent, Winnipeg has retained its treasured elm canopy - a result of long term commitment to the preservation of the trees.

But protection of this great asset is being seriously weakened by reduced funding from the Province and the City and inadequate management of the Dutch Elm Disease (DED) problem.

Last year, over 4,500 elms were stricken with this deadly disease. This year we will surpass last year's figures. Traditionally, about 2,000 elms or less are lost each year to Dutch Elm Disease.

In a cost-benefit analysis by Natural Resources in 1990, the importance of adequate funding of the DED program was clearly stated: "If the DED program was discontinued or partially reduced to allow even a doubling of the annual elm loss rate, the result would be catastrophic." The report also warns: "During the next decade Manitobans would be faced with a \$25 million tree removal bill, a \$28 million bill for replacement trees, a significant decline in real estate values and near complete loss of the urban forests in many towns and cities."

Manitoba Natural Resources is responsible for maintaining a buffer or protective zone around Winnipeg to prevent the disease spreading into the city. This includes surveillance and prompt

removal of diseased trees. But this has not been done.

Since funding cutbacks to the provincial DED management program in 1990, this buffer zone has virtually been left unattended. Natural Resources' own figures reveal that about 5,000 diseased trees have been left standing outside the city limits. The department reports that these trees could not be removed because of high snow levels in winter and flooding in spring. However, in 1996 the City of Winnipeg was able to remove close to 10,000 diseased and hazardous elms within its limits. These buffer zone trees were not removed because the provincial DED program is underfunded.

The City also must shoulder responsibility for the escalation of DED. Over the past three years, the DED budget has been shaved by close to \$1/2 million (out of a total \$2.1 million which includes a \$700,000 grant from the Province). The 1998 budget calls for another \$140,000 in cuts. Six forestry positions have not been filled because of the City's policy of not filling vacant positions. There has been no replacement for the cost-shared Job Development Program which last trained and employed 64 welfare recipients in DED control in 1992. No attempt has been made by the City to access other training or funding programs.

In the wake of last year's dramatic increase in DED, the City's forestry branch put forward a thoughtful Action Plan calling for a reinstatement of funding to the DED program and some options to deal with the growing threat to the elms. This proposal has been buried without further discussion.

In this worsening situation, homeowners, too, can make a difference. By taking care of their elms (over 80% of the incidence of DED occurs on private property), pruning away dead wood attractive to the elm bark beetle which transmits the disease, not storing elm firewood, and learning how to detect the early signs of DED, homeowners can save more elms. This in turn will result in savings to the City.

The Coalition to Save the Elms provides tree workshops and information to the public on tree care and DED. We know that people care deeply about the thousands of stately elms which make Winnipeg such a lovely, inviting city. But the time to take action is now, not when the trees are dead. We urge the City and the Province to work together to restore adequate levels of funding to the DED program.

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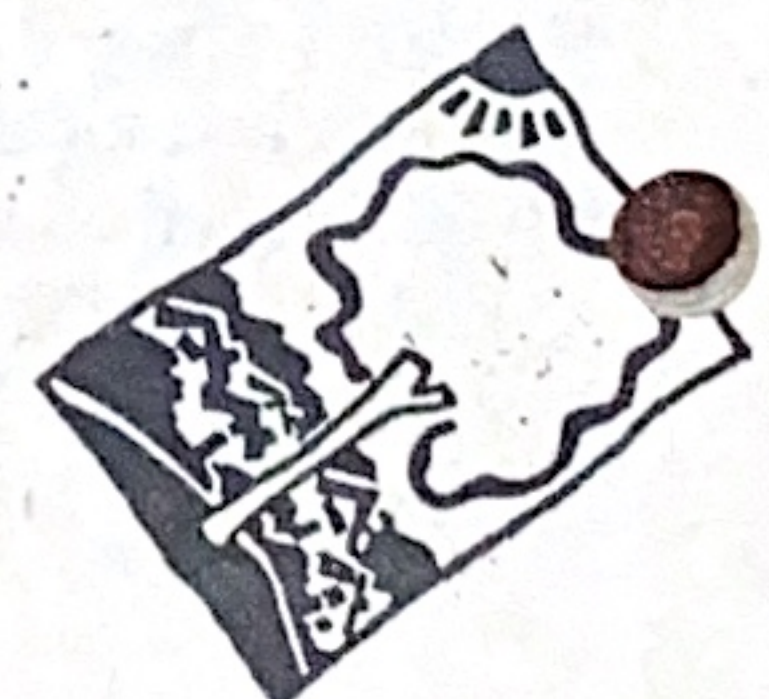


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NOWHERE TO HIDE

A Constitution for the Corporations

by Maude Barlow, Council of Canadians

As we go about our daily struggle, fighting the erosions of our rights in every facet of our lives, out of sight of the world's public, two powerful processes are underway to remove most remaining barriers to, and controls on, the global mobility of capital. Most Canadians know nothing about these treaty proposals which will entrench rules of global investment in favour of transnational corporations and grant investors the unrestricted right to buy, sell, and move their businesses at their discretion.

The World Trade Organization set up a working committee at its December, 1996 meeting to study a Multilateral Investment Treaty - the MIA - when developing countries slowed the push by the US and Europe to fast-track the process. Although the group is mandated to report back at the next WTO meeting in two years, Director General Renato Ruggiero made it clear that, with time, the MAI will be the centrepiece of the WTO. "We are writing the constitution of a single global economy".

Meanwhile, the OECD is planning to ratify the Multilateral Agreement on Investment - the MAI - at its ministerial meeting in May of this year. The stated objective of the US is "to obtain a high-standard multilateral investment agreement that will protect US investors abroad". While there are some variations between the proposed treaties, the OECD process is designed to establish the ground rules and precedents that will then be incorporated into the larger venue of the WTO.

The purpose of both treaties is to reduce or eliminate the capacity of national and sub-national governments to limit the degree and

nature of foreign investment or to impose standards of behaviour on investors. They would sharply restrict the ability of governments everywhere to shape investment policy to promote social, economic or environmental goals.

The MAI minces no words. It wants to "outlaw" national practices that limit access of foreign capital to governments contracts and privatization programs, demand that foreign companies hire or purchase locally if they are allowed to operate inside the country, and protect key sectors of their economy, like transport, energy, real estate, or financial services.

Noting that "to conquer a market, one needs to be present as a producer" the MAI includes a "general commitment to grant the legal right for foreigners to operate and invest competitively in all sectors of the economy." It proposes free, unregulated access for global investors and investments, and national treatment rights for transnational corporations that would prevent any nation from favouring local industry, farmers, or resource companies.

The investment treaty would grant corporations the "freedom to make financial transfers," wipe out national merger control and anti-trust legislation, enforcement measures, and even address national "taxation, labour or environment policies." The MAI is calling for a "standstill commitment" so that countries could not introduce any new restrictions on foreign capital in the future, and a "roll-back" commitment to eliminate all current measures that "run counter to liberalisation."

Most distressingly, the MAI would confer on private investors the same rights and legal standing as national governments to enforce the terms of the treaty. Under this provision, MAI violations by governments could be challenged by private investors through a binding dispute resolution system using economic sanctions. As well, the MAI could prevent governments from distinguishing between foreign investors or foreign targets based on countries' human rights, labour or other records and pre-empt strategies for restricting corporate flight to low-wage havens.

This treaty would amount to nothing less than a global charter or rights and freedoms for transnational corporations in every nation of the world. Canadians have already had a taste of what this would mean, as these same rights exist for the corporations of our continent under the North American Free Trade Agreement. As many of us predicted, free trade has left Canadian industry, culture, and resources totally vulnerable to takeover by American business interests, and profoundly undermined our ability to maintain our own social, cultural and environmental laws.

Yet the Canadian government has moved to the front and centre as the world's leading cheerleader for economic globalization and is acting as a stalking horse for the US in its campaign to promote these investment treaties. That Canada is any part of this should bring shame to all Canadians. For the government of Jean Chretien, who ran against NAFTA and corporate domination, and promised to protect Canadian resources, social programs, and culture, it is an act of stunning hypocrisy.

Can you think of a more important issue?

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The second edition of **Nexus, A Journal About Health and the Environment**, was published by Meaghan Moon and Dave Kattenburg last May, as part of their work on the Community Animation Project. A collection of diverse articles on some of the many and varied connections between human and ecosystem health in Manitoba, this journal provides valuable and refreshing perspectives on what Manitobans are doing to empower themselves in these areas.

"Green City" - A Winnipeg Community Gardening Resource Manual, compiled by Sara Koch-Schulte. This is an overview of the state of community gardening in Winnipeg, including 5 stories from existing gardens, a section on resources, and a discussion of the benefits of urban gardening. Sara, along with the Winnipeg Community Gardening Network, is advocating that the City of Winnipeg begin to support a comprehensive community gardening program, and this manual is sure to bolster that case.

The Ecotopia Activist Kit, compiled by Manon Soleil and Sacha Kopelow, is the result of the work done on the Youth Sustainability Project, the Manitoba Eco-Network Youth Caucus' Action 21 project. This book is chock full of ideas and resources for empowering youth of all ages to get active and involved, and to take on the responsibility of becoming "global citizens".

A special issue of **Global Biodiversity**, the publication of the National Museum of Nature, on "Eco-forestry". This issue is filled with fabulous articles, both thought-provoking and practical, on many aspects of eco-forestry. Pieces by Herb Hammond, Stan Rowe, and Bill Pruitt, amongst others, address why eco-forestry is essential, how it is being practised, and what it means to biodiversity. There's also an overview on the re-emergence of non-wood fibres for paper production.

Video recordings of the Clean Environment Commission's Public Hearings respecting Tolko Manitoba Inc. (formerly Repap) Forest Management Plan 1997-2009. We have numerous copies available. Call the office if you would like one.

REMEMBER: Most of the materials in our collection (including the above) may be borrowed without charge for limited periods. You are also encouraged to come into the Resource Centre during office hours to peruse these, and the multitude of other materials available. **Eco**

CEN Meeting *Continued From Page 9*

World Trade Organisation. Janis Bogart, CEN office, may be contacted for current action on this issue (613) 728-9810 or e-mail: cen@web.net.

The meeting also included CEN's Youth Caucus, and members of this caucus conducted an environmental audit of the Camp as part of their summer experience.

I met several people who were interested in alternative economics. I also learned of the need for more environmental work on mining. A mining council was created in B.C. that has had significant successes. An abundance of literature was available. I discovered the Green Communities Initiative had just been launched in April (e-mail cmaynes@web.net, and web site <http://www.ptbo.igs.net/~gca/>). This was encouraging to my work on the Ecological Enterprise Network Project, which is being launched with the help of members of our Group. **Eco**

**The Manitoba Eco-Network, 2-70 Albert Street
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Group members are entitled to nominate representatives for a position on the Eco-Network Steering Committee. Group membership is open to any non-governmental, non-profit group which has as one of its objectives the enhancing or furthering of environmental quality, protecting the environment or environmental education.