Canadian Council of Ministers of the Environment

Two-Year Review of
Canada-Wide Accord on Environmental Harmonization

June, 2000

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Executive Summary

The Canada-Wide Accord on Environmental Harmonization and three Sub-Agreements were signed in January 1998, except by Québec. Recognizing that environmental management is an area of shared constitutional authority, the goal of the Harmonization Accord is to find better and more efficient ways of co-operating in fulfilling governments' role as environmental stewards. The intent is to achieve concrete environmental results through effective co-operation and collaboration in which the actions of all governments would be complementary, and appropriate to their respective jurisdictions.

Among the administrative provisions of the Accord is a commitment for a review after two years. Accordingly, this review was conducted to assist the Council of Ministers to evaluate the Accord's effectiveness and determine its future. Given the short time since the Accord was signed, the review is a directional progress report in anticipation of a comprehensive review after five years. The review involved assembling information on progress in implementation of initiatives undertaken pursuant to the Accord and on their impacts to date, and consultations with stakeholders and Aboriginal groups.

The review documents progress on the following initiatives:

- Adoption of the Annex to the Accord to further define accountability and stakeholder participation commitments.
- Initiation of joint action with Aboriginal groups towards development of a protocol on Aboriginal involvement in CCME activities.
- Completion of a Sub-Agreement on Environmental Assessment and negotiation and implementation of bilateral agreements between a number of the jurisdictions.
- Adoption of the Canada-Wide Standards Sub-Agreement and the development of standards on particulate matter and ground level ozone, benzene, mercury, petroleum hydrocarbons, and dioxins and furans.
- Development of proposed sub-agreements on environmental inspections and enforcement, and a statement of principles on environmental monitoring and reporting.

The Harmonization Accord is having a positive impact on environmental management in Canada. At this stage, achievements are principally process related and the effects are mainly apparent within and among the government agencies involved. More substantial impacts are imminent, as further bilateral agreements on environmental assessment are concluded, and with the anticipated signing and implementation of Canada-wide standards beginning this year.
Government officials regard the Accord as having a positive influence on the relationship between the jurisdictions in environmental matters and in the way they do business together. The processes and activities that the Accord has set in train have engendered a cooperative working environment which is having effects not only in the areas specifically addressed in the Accord but in the wider ranging relationships among the parties.

Comments from stakeholders and Aboriginal groups addressed both the merits of the Harmonization Accord and aspects of the consultation processes underway over the past two years. Concern was expressed about the pace and complexity of the work underway on Canada-

Wide Standards and the need for best practices in both analytical and consultative processes. In general, there was support for the efforts to engage stakeholders and with the progress to date. Additional efforts are seen to be needed to engage Aboriginal groups.

In consideration of the activities undertaken to date, the views expressed by participating government officials and the comments received from stakeholders and Aboriginals, successful implementation of a cooperative approach to environmental management will include:

a) emphasis on realizing environmental results under the existing framework prior to the development of more framework agreements;
b) continuing efforts to increase the effectiveness of stakeholder and Aboriginal involvement in harmonization activities of interest, and the availability to the public of key reports and other deliverables;
c) an appropriate level of integration and efficiency in the development and implementation of CWSs; and
d) a better focus of priorities and resources to ensure significant progress, while safeguarding against overtaxing the capacity of governments, stakeholders and Aboriginals to achieve results within realistic timelines.

In preparation for a more comprehensive review of the Accord five years after signing, governments should hold the strategic goal of environmental quality as a reference point and measuring stick for activity under the Accord. The scope and criteria for the review should reflect commitments set out in the sub-agreements and implementation agreements, as well as consideration of the effectiveness of the commitments and their implementation.

1.0 Introduction

The Canadian Council of Ministers of the Environment (CCME) is a unique intergovernmental council whose members are the 14 ministers of the environment for the federal, provincial and territorial governments in Canada. The objectives of CCME are:

- to establish and maintain an intergovernmental forum for discussion and joint action on environmental issues of national, international and global concern;
- to harmonize environmental legislation, policies, procedures and programs; and
- to develop nationally consistent environmental objectives, standards and scientific databases and complementary strategies, accords and agreements.

Environmental management is an area of shared constitutional authority. The goal of the CCME harmonization initiative is to find better and more efficient ways of co-operating in fulfilling governments' role as environmental stewards. The intent is to achieve concrete environmental results through effective co-operation and collaboration in which the actions of all governments would be complementary, and appropriate to their respective jurisdictions.

1.1 *The Harmonization Accord*

In January 1998, the members of the Canadian Council of Ministers of the Environment (CCME), with the exception of Quebec, approved the *Canada-Wide Accord on Environmental Harmonization* along with three sub-agreements on inspections, standards and environmental assessment.[1]

The Canada-wide Accord on Environmental Harmonization is the framework agreement that establishes the common vision, objectives and principles designed to govern the partnership among jurisdictions, and the development and implementation of sub-agreements. The Accord envisages governments working in partnership to achieve the highest level of environmental quality for all Canadians.

The objectives of the Harmonization Accord are to:

- enhance environmental protection
- promote sustainable development
- achieve greater effectiveness, efficiency, accountability, predictability and clarity of environmental management for issues of Canada-wide interest.

[1] The CCME communiqué of January 29, 1998 announcing approval of the Accord and sub-agreements noted the position of the Government of Quebec as follows: "Quebec indicated that it still requires certain conditions to be met before it signs the accord and sub-agreements. Among them, Quebec would like to see Parliament adopt amendments to federal legislation that recognize the need to reduce overlap and duplication between jurisdictions." The Accord and the sub-agreements remain unsigned by Quebec.

The Accord defines the partnership established to address issues of Canada-wide interest. It sets out a number of fundamental principles, including the polluter pays principle, the precautionary principle and a recognition that pollution prevention is the preferred approach to environmental protection. All governments retain their legislative authorities; the Accord does not change the jurisdiction of the governments nor does it delegate authority.

The sub-agreements to the Accord set out enabling frameworks which guide cooperation on a bilateral or multilateral basis on specific issues or areas of joint activity. The features of sub-agreements include: a one-window approach; the notion of roles being assumed by the government best situated to take them on; accountability through regular public reporting of measurable obligations and results; and a commitment to develop alternative plans if obligations are not met.

Most importantly, the Accord reflects the willingness of governments to come together as partners, and their commitment to meet their legal obligations for environmental protection. Governments are free to introduce more stringent environmental measures if circumstances call for them; if a consensus is not achieved in any given area, governments are free to act within their existing authorities. In this way, the Accord seeks to achieve a useful balance, as governments take advantage of the potential for co-operation, efficiency and consistency without affecting their legitimate authority to protect and manage the environment.

The Accord also contains a number of administrative clauses, including provision for a government to withdraw on six months' notice, and for the Accord to be reviewed after two years.

1.2 *Two-Year Review Objectives*

In keeping with the requirements of the Accord, this review was conducted to assist the Council of Ministers to evaluate the Accord's effectiveness and determine its future. Given the relatively short period of time the Accord has been in effect, the review is a limited report on progress, in expectation of a more comprehensive review after three additional years. The review objectives are:

- Document progress to date on the Harmonization initiative;
- Outline Harmonization's impact to date on Canada's environmental management system and its contribution to intergovernmental co-operation;
- To the extent possible, report on the effectiveness of the Accord and the sub-agreements in terms of government accountability and the openness and transparency of the Harmonization process; and
- Provide information to assist Ministers in reviewing the Accord and in considering its future implementation and review.

1.3 *Review Form and Methodology*

The Environmental Planning and Protection Committee of CCME developed the review report with the assistance of a consultant. Information on progress in implementing the Harmonization Accord and its impacts to date was compiled, primarily from input from each of the jurisdictions and the officials leading the various harmonization initiatives. That information comprises Chapters 2 and 3 of this report.

That same information was the basis for a Consultation Paper through which the input of stakeholders and aboriginal groups was sought. The consultation process and the response are described in Chapter 4.

Finally, Chapter 5 outlines the findings of the review and identifies issues and concerns for possible follow-up action.

2.0 Progress in Implementing the Harmonization Accord

2.1 *Introduction*

Implementation of the Accord began immediately on approval in January 1998 with the coincident signing of the *Sub-agreement on Environmental Assessment, the Canada-Wide Environmental Standards Sub-agreement,* and the *Canada-Wide Environmental Inspections Sub-agreement*. In addition to implementing these sub-agreements, immediate focus was put on providing for Aboriginal involvement and on more fully characterizing accountability and stakeholder participation. New initiatives were subsequently developed on environmental enforcement, and environmental monitoring and reporting. Action on each of these measures is discussed below.

2.2 *Annex to the Accord on Environmental Harmonization*

Rationale

When Ministers approved the Accord in January 1998, they requested that further work be done to better define how Principle 5 of the Accord, regarding accountability and stakeholder participation, should be implemented.

Process of Development

Initiated following the January 1998 Council meeting, the Annex was approved by Ministers, except Quebec, at their September 1998 meeting. British Columbia, Canada, Nova Scotia, and Prince Edward Island led development of the Annex. A stakeholder workshop in July 1998 was a key opportunity to shape the stakeholder involvement provisions of the Annex. A report outlining stakeholder views was made to the September 1998 Council of Ministers meeting.

What's Covered

The Annex defines accountability and clarifies the commitments in the Accord and the sub-agreements in relation to the administrative and legal accountabilities of the governments and ministers within their respective jurisdictions. In addition, guidelines and principles are set out whereby jurisdictions will promote accountability through establishing public goals and targets, through meaningful participation of interested parties, and through regular public reporting.

The Annex notes that effective stakeholder participation processes should comprehend the full spectrum of stakeholder interests, and result in more informed and credible decision-making. It details principles for participation of interested parties in Harmonization initiatives, and suggests appropriate participation mechanisms.

Status

The Annex came into effect on approval by the Council of Ministers in September 1998.

2.3 *Aboriginal Involvement in Harmonization*

Rationale

When Ministers approved the Accord in January 1998, they asked officials to further elaborate on the involvement of Aboriginal peoples in Harmonization initiatives. A more formalized relationship between CCME and Aboriginal groups is appropriate, especially in light of the growing environmental management responsibilities of Aboriginal governments and the fundamental interest of national Aboriginal groups.

Process of Development

The Council of Ministers met in September 1998 with leaders of three national and two northern Aboriginal groups, and agreed to work with Aboriginal leaders to formulate principles for Aboriginal involvement in CCME activities. A ministerial committee subsequently met with Aboriginal leaders, and, following further discussions, agreed that the Assembly of First Nations would take the first step of drafting a proposed Protocol of Understanding for review by the other national Aboriginal organizations, and ultimately for consideration by the Council.

What's Covered

The proposed Protocol of Understanding between CCME and five national Aboriginal organizations is intended to outline areas of common interest in matters of environmental management, and principles that would govern the relationship between national Aboriginal organizations and CCME.

Status

National Aboriginal organizations continue to consider their approach to the proposed protocol.

2.4 *Environmental Assessment*

Rationale

The Sub-agreement on Environmental Assessment is aimed at realizing better environmental protection by promoting co-operation, achieving efficiency and greater certainty in environmental assessment processes, and establishing accountability in environmental assessments involving more than one jurisdiction.

Process of Development

Ministers of the Environment, except Quebec, approved the Sub-agreement on Environmental Assessment in January 1998. Development of the sub-agreement had included input from the public garnered through a variety of mechanisms: a discussion paper released in November 1996 on approaches to co-operative environmental assessment; meetings of a multistakeholder focus group formed to provide direct advice to CCME as the sub-agreement developed; and circulation of two drafts of the sub-agreement for public comment.

Consultations with stakeholders and Aboriginal groups have also been conducted with respect to the development of bilateral agreements under the sub-agreement. The consultation mechanisms employed have varied somewhat but include stakeholder workshops and forums, the use of Web sites to share information and garner input, and circulation of draft agreements for comment.

What's Covered

The sub-agreement applies where two or more governments are required by law to assess the same proposed project. It does not apply where environmental assessment processes are in place as a result of Aboriginal land claims or self-government agreements.

The sub-agreement outlines an approach that commits governments to undertake a single co-operative environmental assessment for each applicable project, designed to meet the legal environmental assessment requirements of both governments and to provide conclusions on the environmental effects of the proposed project to allow decision-making by those governments. The sub-agreement sets out a common framework under which bilateral agreements can be developed between the federal government and individual provinces and territories.

Status

Several bilateral agreements have been concluded or are in process as follows:

- Canada-British Columbia
  Canada and British Columbia have confirmed that the *Canada-British Columbia Agreement for Environmental Assessment Cooperation*, which had been signed in April 1997, meets the requirements of the Sub-agreement on Environmental Assessment.

- Canada-Alberta
  The *Canada-Alberta Agreement for Environmental Assessment Cooperation* was signed in June 1999. This bilateral agreement, negotiated to implement the provisions of the Sub-agreement on Environmental Assessment, replaced an agreement concluded in 1993.

- Canada-Saskatchewan
  The *Canada-Saskatchewan Agreement on Environmental Assessment Cooperation* was signed in November 1999. This is the first bilateral agreement on environmental assessment cooperation between the two governments.

- Canada-Manitoba
  A draft bilateral agreement has been concluded between Canada and Manitoba to replace an agreement signed in 1994.

- Canada-Ontario
  Negotiations are underway between Canada and Ontario. Development of the bilateral agreement will include consultations with stakeholders and Aboriginal groups. It is expected that an agreement can be finalized in 2000.

Experience with implementation of a bilateral agreement under the Sub-agreement on Environmental Assessment is strongest in British Columbia where nine cooperative project assessments have been completed and four project reviews are underway. The first project assessments under the Canada-Alberta agreement are in progress.

2.5 *Canada-wide Standards (CWSs)*

Rationale

The *Canada-Wide Environmental Standards Sub-Agreement* provides for the continual development, improvement, and attainment of priority environmental standards for environmental quality and human health across Canada, consistent with the vision and principles of the Harmonization Accord.

Process of Development

The Sub-agreement was signed by the Ministers, except Quebec, in January 1998 coincident with the approval of the Harmonization Accord itself.

In 1997, CCME had developed a list of candidates for consideration for future development of Canada-wide standards. Input on priorities from among the candidates on the list was sought through a mail-out to stakeholders and posting on the CCME Website. The six Canada-wide standards currently under development were selected as appropriate for national, co-operative treatment, and their development was initiated with signing of the sub-agreement in January 1998.

What's Covered

The Standards Sub-Agreement sets out principles for collective action by the governments on priorities, and on development of standards and complementary workplans to achieve those standards based on the unique responsibilities and legislation of each government. The Sub-Agreement does not change the jurisdiction of governments nor does it delegate authority.

Once priorities for standards are established by Ministers, jurisdictions work together to develop the appropriate type of standard to address the designated environmental contaminant or issue. The emphasis is on developing strategies that utilize the types of controls appropriate to the situation and to the unique authorities of the various governments.

The Sub-Agreement recognizes that the way in which each standard is developed and the opportunities for public participation will be determined on a case-by-case basis. Nevertheless, common principles are used, some elements are common to all CWSs, and efforts are made to achieve consistency of process wherever possible. The proposed CWSs presented to Ministers include:

- a numeric limit (for example, ambient, discharge, or product standard);
- a timetable for attainment; and
- a framework for monitoring progress and reporting to the public.

CWSs are developed using a firm scientific foundation. Consideration of socio-economic factors and technical feasibility are also important in developing and implementing CWSs. Application of these techniques and procedures may differ among standards, based on available information and the type of standard proposed.

In implementing the CWSs, governments have the flexibility to determine who is best suited to act in a particular situation. The CWSs may assign general roles and responsibilities to different orders of government. The CWSs facilitate environmental results by encouraging joint development and execution of action plans. Each CCME member is responsible for implementing each CWS in its own jurisdiction, with the goal of effective, efficient, and harmonized implementation. Governments will report to the public on progress towards attaining the agreed-upon standard.

Status

The substances addressed to date, the approach taken in each case and the status of the initiative are discussed below.

2.5.1 Particulate Matter and Ground-Level Ozone CWSs

Rationale

Significant adverse effects on human health and the environment have been demonstrated for the air pollutants particulate matter (PM) and ground-level ozone. Establishment of Canada-wide standards for PM and ozone are an important step towards the long-term goal of minimizing the risks of these pollutants to human health and the environment. The standards represent a balance between achieving the best health and environmental protection possible, and the feasibility and costs of reducing emissions that contribute to PM and ground-level ozone in ambient air. Canada-wide standards for particulate matter (PM) and ozone were developed together because they share common sources and because they both contribute to smog.

Process of Development

The Canada-wide standards for particulate matter and ground-level ozone were accepted in principle by Ministers at their November 1999 meeting. A federal-provincial-territorial committee developed the standards, with Canada leading the process.

The process involved modelling, costing studies, and benefit analysis in support of standards development and for use during public consultations. Consultation activities at the national level included workshops, mailings to interested organizations, distribution of background studies and materials, posting material to the CCME website, and establishment of a Core Advisory Group of individuals from national stakeholder groups actively interested in this issue. Some individual jurisdictions conducted additional consultations with stakeholders (eg, Ontario, Saskatchewan, Alberta and British Columbia) and a joint federal/provincial consultation exercise was conducted in the Lower Fraser Valley area.

What's Covered

PM refers to microscopic solid and liquid particles that remain suspended in the air for some time. Ground-level ozone is a colourless gas that forms just above the earth's surface, and is produced by chemical reactions of two primary precursor pollutants: nitrogen oxides (NO_x) and volatile organic compounds (VOCs). Extensive scientific studies indicate that there are significant health and environmental effects associated with these pollutants.

The proposed CWS for PM is focused on the fine fraction, smaller than 2.5 microns or less in diameter, known as $PM_{2.5}$. The recommended ambient air quality standard for $PM_{2.5}$ is 30 $\mu g/m^3$ (micrograms per cubic meter) averaged over 24 hours, to be achieved by 2010. In addition, individual jurisdictions may continue to apply their existing air quality objectives or guidelines for the coarser fraction of PM to guide management actions. The recommended ambient air quality CWS for ground-level ozone is 65 ppb (parts per billion) averaged over 8 hours, to be achieved by 2015.

At their November 1999 meeting, Ministers also agreed to consider options for a standard that includes coarser particulate matter (PM_{10} - matter 10 microns or less in diameter) and shortening the time to meet the ozone target.

The standards recognize and take into account significant regional circumstances: that some areas of Canada are highly affected by transboundary air pollution from the United States; that high background levels of PM and ozone may occur naturally on occasion in some parts of the country; and that smog conditions vary considerably from region to region.

Status

Jurisdictions will begin initial actions to implement the Canada-wide Standards for PM and ground-level ozone once they are approved by the Council of Ministers in 2000. Jurisdictions will report to the public on progress to achieve the standards beginning in 2005.

2.5.2 Benzene CWSs

Rationale

In selecting benzene as a priority for development of Canada-wide standards (CWSs), Ministers recognized that, on the basis of available data, benzene is classified as carcinogenic to humans. That is, benzene is a non-threshold toxicant – a substance for which there is considered to be some probability of harm at any level of exposure. Implementation of Canada-wide standards for benzene will reduce Canadians' exposure to this known human carcinogen.

Process of Development

The Canada-wide Standard for Benzene – Phase 1 were accepted in principle by Ministers at their November 1999 meeting. A federal-provincial-territorial committee developed the standards, with Canada leading the process.

The development process has involved exposure studies and analysis of costs and human health benefits as input to development of the standards. Consultation activities included national workshops, mailings to interested organizations, distribution of background studies and materials, and posting material to the CCME Website.

What's Covered

A phased approach has been taken for this CWS, in recognition that there are definite benefits, in terms of exposure reduction, to be gained from a Canada-wide control strategy. The CWS for benzene - Phase 1 sets a national target of 30% reduction in total benzene emissions (from 1995 emission inventory levels) to be achieved by the end of year 2000. Phase 2 of the standard will include an element that seeks additional reductions in key sectors as co-benefits with other CWSs activities. Consultations on Phase 2 of the benzene CWS are underway, and the standard will come forward to ministers by the spring of 2001.

Status

The Canada-wide standard for benzene – Phase 1, once approved by the Council of Ministers, will be implemented by all jurisdictions by the end of 2000. Activities to prepare for implementation have been most prominent to date in areas where hydrocarbon production and processing are significant. The CWS will build on initiatives already underway in several jurisdictions, such as the Federal Government's initiative to lower the benzene content of gasoline and related measures, and work in several provinces on Stage 1 vapour recovery, vehicle inspection and maintenance, summer season gasoline volatility regulation, refinery leak detection and repair, and chemical sector reductions.

Jurisdictions will report to the public on progress to achieve the standards beginning in 2001.

2.5.3 Mercury CWSs

Rationale

Mercury is a naturally occurring, persistent element which transforms easily between liquid and gaseous forms. It is transformed through biological processes to methyl mercury, which bioconcentrates in the food chain, and is a neuro-toxin. It leads to reproductive and behavioural problems in wildlife. Elevated levels of mercury in the environment and concern for the toxic properties of mercury have led to commercial fisheries advisories and fish consumption restrictions in numerous locations in Canada. High quantities of contaminated fish in the diet of women of childbearing age can threaten the health of their newborns, since children undergoing neurological development are more sensitive to mercury than adults. In addition, mercury contamination has a heightened impact on Aboriginal people owing to their reliance on traditional country food.

Process of Development

Canada-wide Standards (CWSs) for mercury emissions from two key sectors, base metal smelting and waste incineration, were accepted in principle by Ministers at their November 1999 meeting. Additional standards for mercury-containing products and mercury emissions from the electric power generation sector are anticipated in spring 2000 and in 2002, respectively. A federal-provincial-territorial committee developed the standard, with Ontario leading the process.

The committee has conducted cost studies and benefits analysis in support of development of the standards. The development process has included consultation activities involving national workshops, mailings to interested stakeholders, distribution of background studies and materials, posting material to the CCME website, and establishment of four Mercury Advisory Groups, with membership representing national environmental, health, Aboriginal and industry groups interested in this issue. Consultations undertaken by individual jurisdictions have concentrated on ensuring that users and emitters of mercury are informed and prepared for application of the CWSs. In Ontario, for example, input has been sought specifically from hospitals and the hospital association, in addition to consultations with stakeholders in general under the Environmental Bill of Rights electronic registry.

What's Covered

The control strategy adopted was to establish standards that reduced emissions from the major emitting uses and sectors. Initially this meant a focus on three industrial sectors and three products. For the largest emission sector, base metal smelting, the proposed Canada-wide standard requires existing facilities to use the best available pollution prevention and control techniques economically achievable to attain an environmental source performance (atmospheric emission) guideline of 2 grams of mercury per tonne of total production of finished metals, by 2008. New and expanding facilities will be required to achieve an emission limit ranging from 0.2 – 1 gram of mercury per tonne of finished metals produced. Since 1988, Canada's major zinc, copper and lead smelters have made many changes, reducing emissions by 94 per cent (25 tonnes). Implementation of these CWSs will reduce mercury emissions a further 800 kilograms per year by 2008.

Another major sector is the incineration of sludge and medical, hazardous and municipal waste. The proposed standards establish the allowable concentration of mercury between 20 and 70 $\mu g/m^3$ (micrograms per cubic metre), depending on the type of incinerator, and are among the most stringent limits anywhere. Their use will reduce present emissions, now at 1200 kg/yr, by more than 70 per cent by 2006.

Discussions continue for the remaining sectors – electric power generation and the use of mercury in products. For the electric power sector, a workplan is being established to guide a technical and consultative standards development process that must address information being developed in the United States, along with the necessity for this sector to address other major environmental issues. For products, a life-cycle management framework is being developed that will outline objectives or procedures to minimize mercury releases through the wise use and disposal of specific mercury-containing materials.

Status

The Canada-wide standard for mercury emissions, once approved by the Council of Ministers, will be implemented by all jurisdictions between 2000 and 2008. Jurisdictions will report to the public on progress to achieve the standards beginning in 2004.

In Atlantic Canada application of the mercury CWS will build on the Mercury Action Plan implemented under the auspices of the New England Governors and Atlantic Canada Premiers. These and other jurisdictions are engaged in preparatory activities similar to that of Saskatchewan where discussions have been initiated with SaskPower to identify early actions and partnerships for study and mercury reduction.

CWSs on life cycle management of dental amalgam and fluorescent light tubes will be delivered to Ministers in Spring, 2000.

2.5.4 Petroleum Hydrocarbons CWSs

Rationale

About 60% of Canada's contaminated sites involve petroleum hydrocarbon (PHC) contamination that, left unaddressed, impairs the quality and uses of both land and water. Presently, management of these sites across Canada varies considerably and generally lacks an adequate scientific basis – resulting in over- and under-management. Where over-management occurs, land sale transactions and real estate redevelopment are limited by remediation costs. Under-managed sites continue to pose risks to human and environmental health. The PHC Canada-wide standard will provide a consistent approach to managing PHC-contaminated sites across the country.

Process of Development

The Petroleum Hydrocarbon CWS Development Committee has been leading the development of the PHC CWS since 1997. The process has been subsumed under the Canada-Wide Standards Sub-agreement. Four multi-stakeholder advisory groups have been established to provide recommendations to CCME on analytical methods, ecotoxicology, human health/environmental fate and transport, and socio-economic analysis. A working group of industry and Development Committee members has also been formed to recommend ways to harmonize the CCME and Atlantic PIRI protocols for human health protection. The first national multistakeholder meeting was held in October 1997 and a second took place in April 1999. Information about the development of the standard has been disseminated via newsletters, presentations at conferences and meetings, and the CCME website. Finalization of the CWSs will include both scientific peer and stakeholder review.

What's Covered

The Petroleum Hydrocarbons CWS will be a remedial standard; that is, it will apply where site remediation is required. The CWS will consist of numerical values, a timeframe for implementation of the standard, a reporting protocol and an agreement on implementation actions. The numerical values will be guidelines for four different land uses - agricultural, residential, commercial and industrial. The standard will outline a three-tiered process for contaminated site management: Tier 1 being the application of the guideline values; Tier 2 being site-specific adjustments to the guidelines; and Tier 3 being site-specific risk assessment and management.

The reporting protocol developed as part of the CWS will track progress on implementation of the standard. Implementation will involve considerable flexibility to allow jurisdictions to adapt the standard to their specific management needs while still working towards a common result.

Status

The standard will be delivered to the Council of Ministers at the spring 2000 meeting.

2.5.5 Dioxins and Furans CWSs

Rationale

Dioxins and furans are:

- toxic, persistent, bioaccumulative and predominantly result from human activity;
- carcinogenic and endocrine disrupters;
- evident at elevated levels in the Great Lakes and Arctic regions, and in human breast milk;
- a threat to aquatic biota and wildlife.

Dioxins and furans have been designated as Track 1 substances and slated for virtual elimination under the Canadian Environmental Protection Act and the CCME Toxic Substances Management Policy. The Canada-wide standards for dioxins and furans will contribute to the goal of virtual elimination.

Process of Development

In January 1999, a Development Committee composed of representatives from each jurisdiction was formed to develop the standards. The committee is proceeding to develop standards for six priority sectors identified through analysis of the Dioxins and Furans and Hexachlorobenzene Inventory of Releases, prepared in January 1999 by a CEPA-FPAC Task Force. A multistakeholder Core Advisory Group (CAG) advises the Development Committee on stakeholder involvement in the development of the standard. Sectoral multistakeholder advisory groups have been established on municipal incineration and the burning of salt-laden wood, to advise the Development Committee on the targets, timelines, reporting requirements and means of achieving the standards. The Development Committee is coordinating activities for the residential wood burning sector with the Particulate Matter CWS. Standards for the steel manufacturing and iron sintering sectors are being developed through Environment Canada's Strategic Options Process. The first national multistakeholder meeting, compiling information from all the sectors, was held in November 1999. A second workshop documenting progress was held in March 2000.

What's Covered

The Dioxins and Furans CWS will set targets, timeframes, a reporting protocol and initial sets of actions for each jurisdiction. The CWS package to be delivered in spring 2000 will address atmospheric emissions from two of six priority sectors. The initial two sectors, representing approximately 25% of national atmospheric releases, are incineration, and coastal British Columbia pulp and paper boilers burning salt laden wood. Work is continuing on the remaining four priority sectors - conical waste burners, steel manufacturing, iron sintering, and residential wood combustion. A strategy for addressing the remaining sources of atmospheric releases, and

releases to soil, is being developed. As outlined in the Canada-wide standards sub-agreement, the CWS will be based on sound science and will recognize socio-economic considerations.

The reporting protocol developed as part of the CWS will track progress on implementation of the standard.

Status

Standards for incineration and coastal pulp and paper boilers burning salt laden wood will be delivered to the Council of Ministers at the spring 2000 meeting.

2.6 *Environmental Inspections and Enforcement*

Rationale

The federal, provincial and territorial governments each promote compliance with environmental protection laws through inspections and enforcement. Harmonizing those activities among governments is a logical approach to maximizing the efficient use of limited resources, while promoting consistent compliance with legal requirements across all jurisdictions.

Process of Development

In January 1998, the Council of Ministers, except Quebec, signed the Canada-wide Environmental Inspections Sub-agreement. Jurisdictions subsequently recognised that since inspections and enforcement are closely linked, it was advisable to await development of the proposed sub-agreement on enforcement before entering into bilateral arrangements on inspections. Subsequently it was decided to subsume the sub-agreement on inspections in an updated sub-agreement addressing both inspections and enforcement.

Prior to beginning drafting work on the new sub-agreement, jurisdictions carried out a scoping exercise that included soliciting the views of a broad range of interested groups and individuals including aboriginal groups, the regulated community and non-governmental groups, through a mail-out and through posting on the CCME website. A draft sub-agreement on inspections and enforcement developed by the federal-provincial-territorial Development Committee, led by Canada and Manitoba, was also distributed for input and reviewed by stakeholders at a workshop in November 1999.

What's Covered

The sub-agreement applies to inspection and enforcement activities undertaken for the purpose of achieving compliance with environmental protection laws. The intent of the sub-agreement is to achieve a consistent and high level of compliance with environmental protection laws across Canada. It is also expected to provide a framework to promote a cooperative approach to inspection and enforcement activities that is fair, consistent, and predictable across the country.

Status

Jurisdictions are working with the input received from consultations to finalize a draft sub-agreement for consideration by Ministers at their spring 2000 meeting. Canada and Manitoba have conducted an inventory of federal and provincial regulations to determine where complementary regulations could benefit from a bilateral agreement. Canada and Manitoba have also negotiated a draft bilateral agreement that can be used as a model and a discussion document. Over and above these activities, multilateral work has been done on training and information exchange.

2.7 *Environmental Monitoring and Reporting*

Rationale

An agreement on environmental monitoring and reporting could provide governments with a framework for working co-operatively to deliver monitoring and reporting as effectively and efficiently as possible, and for joint identification of priority areas for more specific monitoring and reporting agreements that address particular roles and responsibilities in those circumstances. The goal is better informed environmental decision-making through more coordinated, effective, and efficient monitoring and reporting systems.

Process of Development

In August 1999, CCME released for public comment a discussion document outlining a possible approach to a sub-agreement on harmonized environmental monitoring and reporting. Following receipt of stakeholder comments and further internal discussion, CCME is developing a statement of principles for monitoring and reporting that would guide multilateral and bilateral implementation agreements on specific monitoring and reporting networks.

What's Covered

Environmental monitoring provides the information base that is a key element in predicting environmental change and its impact on Canadians, by serving as an early warning system to identify emerging issues, and allowing for evaluation of the effectiveness of environmental protection measures. Reporting is performed for the purposes of public accountability (measuring success in meeting clearly defined objectives), informing the public of existing and emerging issues, and communicating information to stakeholders and decision makers.

Status

Given the involvement of other government agencies and industry in environmental monitoring, the more inclusive approach of developing a CCME Statement of Principles will be initiated, for presentation to Ministers in fall 2000.

3.0 Environmental Management Impacts

3.1 *Overview*

The Harmonization Accord is having an impact on environmental management in Canada. The effects are principally apparent within and among the federal, provincial and territorial government agencies involved in its implementation and those effects are described in this chapter. Some impact is apparent to external groups in terms of enhanced stakeholder participation. However, the process of implementing the Accord is not sufficiently advanced to expect to be able to demonstrate concrete impacts in terms of environmental protection.

Implementation of the Accord is on track. At this stage, achievements are principally process related. More substantial impacts are imminent, as further bilateral agreements on environmental assessment are concluded, and with the anticipated approval and implementation of Canada-wide standards beginning this year.

Government officials regard the Accord as having a very positive impact on the relationship between the jurisdictions in environmental matters and in the way they do business together. The processes and activities that the Accord has set in train have engendered a cooperative working environment which is having effects not only in the areas specifically addressed in the Accord but in the wider ranging relationships between the parties. The Accord is having broad effects on policy development and program management and this is especially evident at the Federal level, where the Accord principles and processes are affecting the management of toxic substances, and monitoring and reporting.

Impacts of the individual Accord initiatives are discussed below.

3.2 *Accountability and Stakeholder Participation*

All the Accord initiatives have included provision for participation by stakeholders and Aboriginal groups, in keeping with the requirements of the Accord and the Annex. They have heightened awareness in government agencies about stakeholder participation needs and requirements, and are promoting increased participation by stakeholders and Aboriginal groups.

The Annex to the Accord, in particular, is reported to have influenced the design and conduct of consultation activities and the identification of appropriate reporting mechanisms for Harmonization initiatives, such as the development of Canada-wide standards. CCME consultation policy has also been adjusted to expand the support provided to environmental non-governmental participants in the Canada-wide standards initiatives.

It is still too early to be able to demonstrate improved accountability arising from implementation of the Accord. However, measures taken to date, especially the Canada-Wide Standards, demonstrate a clear commitment to increased levels of reporting. It is anticipated that improved reporting will enhance government accountability to the public.

3.3 *Environmental Assessment*

The Sub-agreement on Environmental Assessment is one of the more advanced initiatives under the Harmonization Accord. The bilateral agreements build on and succeed agreements that pre-date the Accord in some jurisdictions. Even in jurisdictions where no general bilateral agreements have existed, some individual projects have been subjected to cooperative federal-provincial/territorial environmental assessments. Nevertheless, the number of cooperative assessments is limited and it is still too early to be able to assess the impact of the Accord on environmental assessment in concrete terms.

Experience to date with environmental assessment under this Sub-agreement, however, does indicate that the Accord is accelerating growth in the number of projects subject to cooperative assessment. That, in turn, would suggest more efficient and effective use of resources by governments and project proponents.

At the moment there are four cooperative environmental assessments being conducted by British Columbia and the Federal Government. They include the Garibaldi at Squamish Ski Resort project and the Cascade Power Plant project. Canada and Alberta are co-operating in the assessment of two projects, the proposed Dunvegan Hydro and Spray Resort developments.

In Manitoba, the provincial and federal environmental assessment regimes have been harmonized, and in 1999 information was shared for approximately 83 proposed projects. Of these projects, 14 were subjected to cooperative environmental assessments consistent with the model described in the draft Canada-Manitoba Agreement.

The recently signed Canada-Saskatchewan agreement formalized the cooperative relationship that has evolved since 1995. In 1999, descriptive information on 19 projects was shared between the province and federal authorities. Cooperative environmental assessments were initiated for three of these projects.

More widespread and longer experience with cooperative environmental assessments will be necessary before the effectiveness of the Sub-agreement on Environmental Assessment in promoting better environmental protection can be evaluated.

3.4 *Canada-Wide Standards*

It is in the area of standards that some of the most concrete effects of the Accord to date are being felt. Although none of the proposed Canada-Wide Standards has yet been formally adopted, the development process has involved acquiring new information that has positive benefits in itself. Also, the openness and transparency of the process is helping to raise awareness and to increase the priority placed on addressing issues associated with specific substances in several jurisdictions.

Smaller jurisdictions, in particular, report benefits from the sharing of resources for standards development that the Canada-wide standards process has involved. At the federal level, the Canada-Wide Standards process has led to greater cooperation and information sharing among key federal departments. In addition, the CWS Sub-agreement influenced the wording of CEPA 99, to provide enhanced requirements for consultations with provinces and territories.

The Canada-Wide Standards Sub-agreement, within the Accord model, is regarded as an advanced form of federal-provincial/territorial cooperation. The sub-agreement is leading to a closer working relationship between Environment Canada and the provinces and territories, and with other stakeholders, on the specific substances currently being addressed. On toxic substances in general, the Accord has facilitated more regular contacts and more open exchange of information between federal and provincial/territorial agencies, as well as non-governmental stakeholders.

3.5 *Inspections & Enforcement*

Although the proposed Sub-agreement on Inspections and Enforcement is not yet approved, its provisions are being taken into account in policy and program planning. For example, the provisions of the draft Sub-agreement helped guide negotiations for the 1999 updating of an agreement to co-ordinate investigation and monitoring of spills of hazardous materials in the Northwest Territories and Nunavut. The agreement involves the two territorial governments, four federal departments and one Aboriginal organization.

It is anticipated that the sub-agreement will lead to bilateral agreements designed to increase compliance for various sectors, achieve better environmental results through cooperation and more effective use of resources.

3.6 *Monitoring & Reporting*

The discussion paper released in August 1999 has established a common understanding of monitoring and reporting issues that has influenced other discussions, such as the reporting protocols on Canada-Wide Standards. The work to date has influenced Environment Canada to consult more with the provinces and territories on federal reporting programs such as the National Pollutant Release Inventory (NPRI), and on environmental effects monitoring under the Metals Mining Liquid Effluent Regulations.

4.0 Stakeholder & Aboriginal Group Comments

4.1 *The Consultation Process & Response*

Input to the two-year review was requested from stakeholders and Aboriginal groups via a Consultation Paper containing information on implementation of the Accord and its impacts (Sections 2.0 and 3.0). Interested groups and individuals were asked to respond using a questionnaire included with the Consultation Paper. The questionnaire was designed with the following in mind:

- To garner comment on individual harmonization initiatives as well as on the Accord process more broadly; and
- To facilitate input from stakeholders and Aboriginal groups who have been directly involved in one or more Accord initiatives, as well as those with a more general interest in harmonization issues.

The Consultation Paper was sent to more than 400 stakeholders and Aboriginal groups on the CCME mailing list of those who maintain an active interest in harmonization, and it was posted on the CCME Website. In addition, several stakeholders and Aboriginal groups were contacted directly to encourage and facilitate their input. Responses were requested by March 17th, allowing approximately 4 weeks from the time the Consultation Paper was distributed.

Twenty-three submissions were received, of which sixteen were from individuals or groups who have been directly involved in the development of one or more harmonization initiatives. The respondents are listed in Appendix A. They include representatives from:

- 2 Aboriginal groups,
- 6 environmental and other non-governmental organizations,
- 11 industry/business groups and companies,
- 2 academics institutions, and
- 2 other individuals.

Several of the individuals who were invited to provide feedback to this review are representatives of the Canadian Environmental Network (CEN) Harmonization Working Group. They declined to participate in the review, citing concerns about the scope of the review, a lack of funding to hire a person to document the concerns and input of the broader CEN membership, and the need for additional time to undertake this work.

Although limited in number, the submissions received from stakeholders and Aboriginal groups comprise views from across the major sectors of interest that CCME's harmonization lists represent. Collectively they address all major aspects of the Harmonization Accord and provide valuable input to help guide its further implementation and review. In the following sections, the major issues and concerns raised by stakeholders are reported. Where there was some commonality or degree of consensus among submissions it is noted, but given the limited number of submissions a quantitative analysis would not be valid.

The reporting of the comments received (ie, the bulleted text in the following sections) attempts to convey the full scope of the issues addressed by the respondents and the flavour of the their responses. Where appropriate, the accounts summarize the comments of a number of respondents; in other cases the accounts reflect comments from a single respondent.

4.2 *General Comments*

Comments pertaining generally to the Accord and the harmonization process were included in most of the submissions.

- The harmonization process is regarded as worthwhile and progress to date, while limited, is encouraging. Communication is needed to correct the misperception that the Accord has resulted in delegation of authorities.
- Harmonization is a means for pooling scarce resources among jurisdictions; the benefits have been immense.
- One respondent expressed the view that the Accord is without value.
- The harmonization process to date has been too concerned with process instead of concentrating on effectiveness in improving environmental quality.
- The parties to the Accord should strive to achieve "equivalent environmental regimes" rather than full legal and regulatory equivalency;
- Maintain the objective of developing a common set of environmental standards and a "one window" approach. Wording should be added to the Accord that specifically recognizes the need to avoid duplication.
- The objective of harmonization is clarity in environmental management. Stakeholders are still dealing with inconsistency between federal and provincial governments. In the changes to CEPA the federal government may be entering into areas that have been solely provincial in scope. The Ontario government's recently imposed emissions reporting requirements may be different from those of the NPRI.
- Develop and use risk management approaches that can be applied to the full spectrum of environmental issues. Take competitiveness into account (see also section 4.4).
- There is a need for harmonization between Canada and the United States. The proposed CWSs for particulate matter and ground-level ozone are more stringent than those recently adopted in the U.S.
- Opinion varies from initiative to initiative on whether the mechanisms used to achieve stakeholder participation were appropriate and effective. Guidelines for stakeholder participation should be put in place to promote a uniform approach across the various harmonization initiatives.
- Participating NGOs should be given additional support to permit them to acquire resources comparable to those possessed by industry groups.
- Additional effort will be necessary to bring Aboriginal participation to appropriate and effective levels and to give Aboriginal groups the capabilities to deal with the scientific and socio-economic complexities involved. (Note: this comment was received from NGO, industry and Aboriginal groups.)

- The approach taken by CCME to achieve Aboriginal involvement through the Aboriginal Protocol excludes groups not represented by the national Aboriginal organizations. Some of those groups are more advanced in the practice of environmental management of a governmental nature.
- Suggestions for further review of the Harmonization Accord:
  - More extensive experience with Accord implementation will be necessary before an in-depth review would be feasible.
  - Consider the extent to which the Accord has brought clarity to environmental management.
  - Questionnaires used should be able to be retrieved, completed and submitted by electronic means.

4.3 *Environmental Assessment*

Eight respondents commented on the Environmental Assessment Sub-agreement.

- The methods employed in development of the Sub-agreement were effective in achieving appropriate stakeholder participation. There are conflicting views on whether NGOs were over or under represented in consultations.
- The mechanisms incorporated in the initiative provide clear information to the public on the commitments in the initiative and its results**.**
- There is inadequate public information on environmental assessment in general.
- The appropriate priorities have been established and the anticipated results meet the objectives of the Sub-agreement and the Accord.
- Early results of implementation are encouraging, with improved co-ordination, clarity and timelines.
- Need to accelerate implementation of the Sub-agreement and move beyond the focus on process to establish common assessment methods and criteria.
- There was some comment concerning the Canadian Environmental Assessment Act (CEAA) 5-year review including questions about how the amended CEAA will relate to the sub-agreement. The review provides the opportunity to deal with the need for a level playing field

4.4 *Canada-Wide Standards Sub-Agreement*

The CWS Sub-agreement and the individual CWS initiatives collectively drew comment from the most respondents. Sixteen submissions included comment on one or more CWS initiatives.

The CWS Sub-agreement and the general CWS process received comment from seven respondents.

- The consultations on candidate substances for CWSs did not lead to clear definition of the problem. The selection process should include realistic assessment of the relative significance of natural sources and the potential for meaningful exposure reduction.
- Consultations were extensive, but their scope was limited by restrictions imposed by some government representatives (see comments on the Particulate Matter and Ozone CWS process). Increase transparency of the assessment of costs and benefits.

- Stakeholders should be involved in the development of all options.
- Work on CWS development should be integrated, instead of addressing specific CWSs in isolation. The CWS process should be integrated with other processes such as the National Action Plan on Climate Change.
- The CWS consultative processes should not stop with the development of the standards but should continue to deal with implementation issues.
- There is a lack of progress in achieving a risk-based approach to CWS development, despite this having been identified as an early priority.
- While meaningful emission reductions will occur as a result of the standards, it is not clear whether measurable health and environmental outcomes will be achieved.
- CCME needs better planning and governments should commit more resources to better assess the options for emissions and exposure reductions, and related benefits. The defined socio-economic analysis process has not always been followed, and socio-economic analysis, especially competitiveness analysis, needs to be strengthened.
- Reconsider use of the "economically achievable" criterion. Technological feasibility and human health protection should be the predominant concerns.
- Health care costs should be factored into the economic analysis.
- Attention to knowledge gaps is inadequate and risk management may be misunderstood as an adequate means of overcoming the gaps.
- The development and implementation schedule is too aggressive; not sufficient time for full consultation and collaboration with stakeholders; insufficient funding and time for scientific, technical and socio-economic studies.
- A national mechanism to identify and address knowledge gap issues was recommended.
- Other measures recommended include:
  - the use of advisory groups;
  - the provision of formal periodic reviews incorporating an audit function;
  - development of a means to regularly communicate with the public on CWS issues, through an unbiased, credible source such as The Royal Society.

4.4.1 *Particulate Matter and Ground–Level Ozone CWSs*

The PM and Ozone CWS was addressed in 10 submissions, more than any other Accord initiative.

- The PM and Ozone CWS development process has set the standard to date.
- Issues raised with respect to stakeholder participation were:
  - A lack of action to level the playing field between government and industry groups on the one hand and NGOs on the other. Citizen groups lack the resources to participate as equals.
  - The proposed limits had already been decided before the consultations.
  - The process seemed rushed and industry and ENGO input was given less weight than that from health/medical interests.
  - There is confusion between national and provincial consultation processes.
  - The process was more emotional than scientific. Air quality/health links and causality were not convincingly determined.
  - The Ontario smog plan was developed in a more appropriate multi-stakeholder process.

- Aboriginal participation was inadequate. (Note: The responses came from NGO and industry groups.)
- Provisions for public reporting are inadequate. Because the initiative was rushed and lacks data and consensus, the public is not able to appreciate the issue. The PM and Ozone public focus group sessions demonstrate that the public does not understand this issue.
- There was considerable variation in opinion on whether the priorities established for the initiative are appropriate.
  - There's a lack of scientific evidence to support the limits set. The U.S. will devote resources to research before establishing new limits. The proposed Canadian limits are well below those in the U.S.
  - Lack of data was a deficiency. The true impact on health was not demonstrated and the benefits versus costs were overstated.
  - Priorities should be based on urban air quality, not emissions.
- There is consensus among most respondents that the current and anticipated results from the initiative will not meet the objectives of the initiative or the Accord.
  - The objectives are to clear the air. The initiative will not do that, even by 2015.
  - The results will not achieve the Accord objectives with respect to human health because of the emphasis on economic feasibility.
  - The proposed CWS does not meet all the principles of the Sub-Agreement and fails to meet the objectives of the Sub-Agreement and the Accord. By allowing regional differences the CWS fails to meet the equity principle.
  - A lack of resources necessitated shortcuts and assumptions in the assessment of the source/receptor relationship and the cost of compliance, which puts in doubt attainment in a sustainable fashion.
  - The evaluation of models used in developing the standards was compromised by the imposition of firm timelines for establishing the standards.

4.4.2 *Benzene CWS*

There were three responses on the Benzene CWS initiative.

- The methods employed to achieve stakeholder participation were not appropriate and effective. The process was dominated by industry; stakeholder representation was inadequate.
- The oil industry was not consulted on baseline inventory and had difficulty getting information on the process.
- The CWS doesn't address natural gas flaring.
- First Nations need assistance to ensure they understand the issues and can participate effectively.
- Public reporting provisions are inadequate. Even stakeholders had difficulty getting information.
- Concerns about the initiative's priorities:
  - Invoking the precautionary principle was inappropriate, and it short-circuited the full CWS development process.
  - The risk of exposure was not demonstrated.
  - Refining sector costs were not considered.
  - The goal should be virtual elimination.

- Levels should be as low as technologically feasible without regard to economics.
- The anticipated Phase 1 reduction of 30% fails to meet key principles of the Sub-Agreement (ie, based on sound science, risk, and technological and socio-economic factors).

4.4.3 *Mercury CWS*

The six responses on the Mercury CWS included two, one from an Aboriginal group representative and the other from an industry representative, with especially thorough comment and high level of commonality between them. The following comments are largely from those two submissions:

- The approach to development of priorities was rational by focusing on stationary sources. However, the benefits are not well quantified and implementation will do little to address the concern that led to selection of mercury in the first place, the levels in lakes and associated fish and mammals.
- The CWS process has not succeeded in situating the proposed standards in relation to larger biogeochemical issues associated with the presence of mercury in the environment.
- Aboriginal communities have a special interest in mercury because of their exposure to monomethyl mercury in fish muscle. The problem may be exacerbated by anthropogenic disturbance of the mercury cycle, and there is a known association between mercury and hydroelectric development, an association that the CWS does not address.
- The CWS process has not been defined in such a way as to be relevant to Aboriginal communities. It may even mislead people to believe that it will result in lower mercury levels in fish.
- CCME's mechanisms for communicating with Aboriginal groups are not effective. Urgent work is needed with Aboriginal communities on scientific, technical and cultural issues.
- The process was driven by policy preferences, not science, in that there was little attention to critical receptor/source links and natural emission data were used selectively. Nevertheless, the CWS will meet Canada's obligations.

4.4.4 *Petroleum Hydrocarbon CWS*

There were four submissions that commented on the PHC CWS.

- The Development Committee lacks guidance on the stakeholder participation process.
- The consultation process should be continuous, open, transparent and inclusive. Allow adequate time to develop consensus.
- The lack of funds impacted the work of the Technical Advisory Groups. Timelines and financial support were too limited.
- Provisions for public reporting are adequate. Communicating with the public on socio-economic analysis and on technical issues will be challenging.
- The initiative's priorities are appropriate.
- Steps necessary to complete the initiative were identified but not prioritized.
- The anticipated results will meet the objectives of the initiative and the Accord. The CWS objectives can be achieved provided that the most up-to-date information available is used, that needed information and knowledge are developed, and that socio-economic factors are evaluated.

- Canada is the first country to establish a risk-based approach for generic (Tier 1) guidance for PHC releases in the terrestrial environment.

4.4.5 *Dioxins & Furans CWS*

Four submissions addressed the dioxins and furans CWS.

- Methods used to achieve stakeholder participation were effective.
- Public reporting provisions are adequate.
- Public expectations on this issue may be high and difficult to meet. For example, the CWS doesn't address the issue of emissions from wood burning appliances.
- The best-known and identified targets have been identified and targets are being set.
- Pleased that the CWS will contribute to virtual elimination and at the adoption of an accelerated schedule for application to municipal incineration, conical burners and the burning of salt laden wood.
- Anticipated results meet the objectives of the CWS. The coordinated approach adopted and regional flexibility are helpful.
- The special problems associated with the use of salt-laden wood in British Columbia and conical burners in Newfoundland & Labrador will be challenging.

4.5 *Inspections & Enforcement*

- Only three submissions addressed the proposed Sub-Agreement on Inspections & Enforcement. All expressed general agreement with the provisions of the initiative. The proposed sub-agreement effectively addresses deficiencies identified in the 1999 report of the Commissioner of the Environment & Sustainable Development.
- The benefits will only be achieved when bilateral agreements are concluded and implemented, and quick action on that is recommended.
- The initiative should also address administration of the Fisheries Act and Regulations.
- A Canada/Quebec bilateral agreement is recommended, even though Quebec is not party to the Accord.
- Enforcement and inspection activities fall short of public expectations.

4.6 *Monitoring & Reporting*

Response on the proposed Sub-Agreement on Monitoring & Reporting was limited to brief comments from two respondents.

- The process should involve harmonization of release inventories across the country.
- The NPRI be used as the basic process to monitor and report on progress under the CWS initiatives.

5.0 Findings and Path Forward

5.1 *Overview*

The information collected in the course of the review suggests that progress in implementation of the Accord and its effects are more or less as might be expected at this stage. The Accord and the processes it has set in train are regarded as valuable and potentially effective. The view of government officials that the Accord has engendered more effective interjurisdictional cooperation evidently receives a level of recognition among non-governmental interests. However, all those affected – government officials, stakeholders, and Aboriginal groups – are anxious to make progress beyond mere process, in terms of concrete environmental results.

Comments from stakeholders and Aboriginal groups about the harmonization initiative overall ranged from outright opposition to suggestions that the benefits are immense. Collectively, however, the responses suggest support for the principles on which the Accord is based and the priorities identified. Both government officials and stakeholders have suggested that, for the present, emphasis should be placed on implementing the existing agreements rather than negotiating new ones. This stems from a desire to see effective environmental co-operation and results, as well as recognition of the scale and pace of existing work.

It is to be recognized that the processes put in place to implement the Accord, particularly the development of Canada-Wide Standards, represent new and innovative ways of engaging jurisdictions and stakeholders. Although the parties to the Accord have engaged in similar exercises within their own jurisdictions, there are new challenges and complexities of implementing this approach on a Canada-wide level.

As a result, there has been considerable evolution and adaptation of process throughout the first two years of Accord implementation. For example, the dioxins and furans CWS process, which started somewhat later than other CWSs, benefited greatly from experience gained in developing standards for particulate matter/ozone and mercury. The formation of the Core Advisory Group to provide stakeholder guidance on dioxins and furans and the use of national multi-stakeholder workshops are good examples of techniques applied by earlier groups and adapted for use in the dioxins and furans CWS development process. This type of continuous adaptation and improvement must continue to be fostered.

5.2 *Issues and Concerns*

The review has succeeded in highlighting and delineating a number of key issues and concerns, and in identifying how they might be addressed in the further implementation of the Accord.

The development of Canada-Wide Standards has resulted in a demonstrable increase in the sharing of resources, knowledge and ideas among the jurisdictions. Some comments suggest a need for better integration and consistency of approach in CWS development. It is evident, however, that the CWS processes have been relatively consistent, and that the variances between

them reflect primarily differences arising from the individual substances addressed. Maximum effectiveness can and should be encouraged through adaptation of best practices.

Aboriginal participation in harmonization activities has been limited. Stakeholders from all sectors have noted that Aboriginal groups need improved resources and information to participate effectively, and that more work is needed on communication with Aboriginal communities on scientific, technical and cultural issues.

Public interest stakeholders, environmental non-governmental organizations (ENGOs) in particular, have indicated a need for improved resources to enable them participate in harmonization initiatives on a more equitable basis with industry and other groups that have independent resources.

Both governments and stakeholders have expressed concerns about the number of Harmonization initiatives underway and their timelines. Experience with the Canada-Wide Standards process has demonstrated the complexity of the science, issues and analysis that must be considered in developing a standard. The recent pace of the work has taxed the capacity of both officials and stakeholders, and has generated some of the concerns expressed about the process itself. Stakeholders in particular have complained that the pressure of meeting deadlines has sometimes meant that too little time was available to address technical issues and to fill knowledge gaps, and that the work of technical advisory groups is sometimes inhibited by inadequate resources.

There is general recognition that the two years since the Accord was signed have led to progress in agreements among jurisdictions, but little impact on the environment. A more comprehensive review within a reasonable period of time is seen as necessary to evaluate whether the implementation initiatives are meeting the principles and objectives of the Accord, and whether they are achieving the environmental results anticipated.

5.3 *Path Forward*

In consideration of the activities undertaken to date, the views expressed by participating government officials, and the comments received from stakeholders and Aboriginals, successful implementation of a cooperative approach to environmental management will include:

a) emphasis on realizing environmental results under the existing framework prior to the development of more framework agreements;
b) continuing efforts to increase the effectiveness of stakeholder and Aboriginal involvement in harmonization activities of interest, and the availability to the public of key reports and other deliverables;
c) an appropriate level of integration and efficiency in the development and implementation of CWSs; and
d) a better focus of priorities and resources to ensure significant progress, while safeguarding against overtaxing the capacity of governments, stakeholders and Aboriginals to achieve results within realistic timelines.

In preparation for a more comprehensive review of the Accord five years after signing, governments will hold the strategic goal of environmental quality as a reference point and measuring stick for activity under the Accord. The scope and criteria for the review should reflect commitments set out in the sub-agreements and implementation agreements, as well as consideration of the effectiveness of the commitments and their implementation.

Appendix A

List of Respondents

Aboriginal Groups

Alan Penn
Cree Regional Authority
Montreal, QC

Elizabeth Redsky
Grand Council, Treaty No. 3
Kenora, ON

Non-governmental Organizations

Fred Ruf
Canadian Public Health Association
Thornhill, ON

Dr. Trevor Hancock
Canadian Association of Physicians for the Environment
Ottawa, ON

Bruce Lourie
Pollution Probe
Toronto, ON

Gordon Dalzell
Saint John Citizens Coalition for Clean Air
Saint John, NB

Leo White
Salmonid Council of Newfoundland & Labrador
St. John's, NF

Marilyn Thomas
United Church Women Conference Alberta & Northwest
Alliance, AB

Appendix A

Industry Groups & Companies

Neil Shelly
Alberta Forest Products Association
Edmonton, AB

Michel Lalonde
Alcan
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Joint Submission

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Canadian Association of Petroleum Producers
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Kirsten Vice
Canadian Pulp & Paper Association
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Lynne Rey
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Centre patronal de l'environment du Québec
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Appendix A

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Other Individuals

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