

February 8, 2024

## **Brief for the House of Commons Standing Committee on Environment and Sustainable Development's Study on Freshwater**

Prepared by: Michelle Woodhouse, Program Manager, Freshwater, Environmental Defence and Cassie Barker, Senior Program Manager, Toxics

Sent by email to [ENVI@parl.gc.ca](mailto:ENVI@parl.gc.ca)

### **INTRODUCTION**

Environmental Defence's (EDC) Freshwater Program strives to safeguard Canada's freshwater, with a regional focus on the Great Lakes, and our Toxics Program works to advance precautionary decision making that prioritizes human and environmental health.

While Canada's waters face numerous threats, EDC's recent work has centred around a few of the greatest, including: the Line 5 fossil fuel pipeline, which runs through the Great Lakes basin, and crosses directly through the lakes at the Straits of Mackinac; nutrient pollution in Lake Erie and its contribution to persistent recurring harmful algal blooms; and per- and polyfluorinated substances (PFAS), aka "forever chemicals", which contaminate our waters and bodies, and are present in more than 200 product categories.

This submission includes recommendations for federal actions to address these threats. It also calls for an effective and well-resourced Canada Water Agency (CWA) and ongoing, enhanced funding for the CWA, as well as freshwater protection and restoration across the nation.

### **PROTECT THE GREAT LAKES FROM A CATASTROPHIC OIL SPILL: CLOSE ENBRIDGE'S LINE 5 PIPELINE**

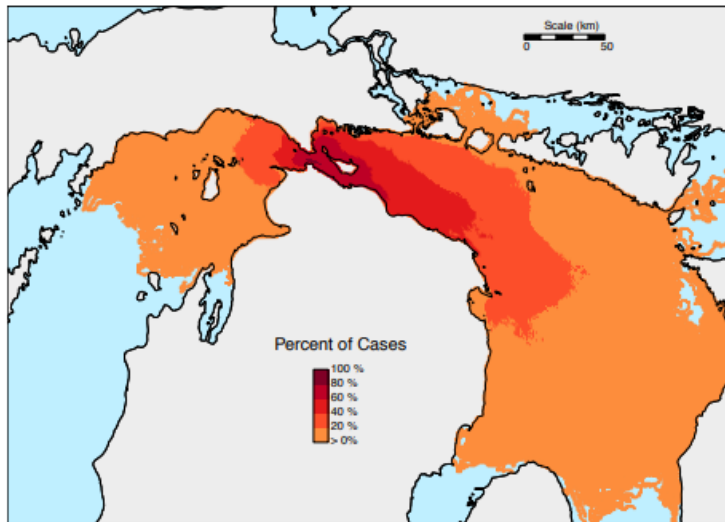
Line 5 is a 70 year old deteriorating crude oil pipeline. It crosses directly through the heart of the Great Lakes, putting 84 per cent of North America's freshwater at risk. Expert analysis has shown that a spill at the ecologically sensitive and treacherous Straits of Mackinac, would quickly "affect a significant amount of shoreline and open water in Lake Michigan and/or Lake Huron,"<sup>1</sup> (Figure 1). A large enough spill would have damaging impacts even further downstream. Due to the upstream location of the Straits of Mackinac in the Great Lakes as well as the strength and changing directions of the currents in this area, experts have said the pipeline lies in "the worst possible place for an oil spill to occur."<sup>2</sup>

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<sup>1</sup> Schwab, David, "Statistical Analysis of Straits of Mackinac Line 5: Worst Case Spill Scenarios," University of Michigan, March 2016, Retrieved from: <https://graham.umich.edu/media/pubs/Mackinac-Line-5-Worst-Case-Spill-Scenarios.pdf>

<sup>2</sup> *Ibid.*

Figure 1. Lake Michigan and Lake Huron map - Line 5 spill modeling; % of cases in which oil is present after a Line 5 spill (Source: University of Michigan)



Another ecologically and culturally sensitive area along the Line 5 route is on the territory of the Bad River Band of the Lake Superior Chippewas, located within Wisconsin state. Here, Line 5 cuts through Mashkiiziibii/Medicine River (aka Bad River) at a bend in the river where natural erosion occurs, greatly increasing the risk of a pipeline rupture and oil spill. This endangers the health of the community, river, wildlife, wetlands and Lake Superior.<sup>3</sup>

In 2019, Mashkiiziibii Natural Resources Department discovered that a 49-foot section of the pipeline—40 feet of which was unsupported—was exposed due to erosion and continued water movement. More recently, in May 2023, heavy spring flooding brought the fast-moving river alarmingly close to one of the sections of the pipeline on Tribal territory. If the river had reached the pipeline, large debris could have hit it, and caused a rupture.

Climate change and heavy rainfall events in the Great Lakes region will only exacerbate the risk of a rupture in this area and others along the pipeline's route. We are one major flood event away from complete exposure of the pipeline to the river—an unacceptable threat to communities along the pipeline's route, and the Great Lakes region.

In order to address the looming threat and devastation that a Line 5 rupture would cause to the Great Lakes, we urge the federal government take the following actions:

- 1) Support the planned and swift shut down of Line 5 in a manner that allows consumers to continue to access reliable oil and gas supply, while society transitions off of fossil fuels.**

<sup>3</sup> Bad River Band of the Lake Superior Chippewas, "Enbridge Line 5 Issues Within the Bad River Reservation," February 2020, Retrieved from: [http://www.badriver-nsn.gov/wp-content/uploads/2020/02/202002\\_NRD\\_EnbridgeLine5\\_Brochure.pdf](http://www.badriver-nsn.gov/wp-content/uploads/2020/02/202002_NRD_EnbridgeLine5_Brochure.pdf)

Several analyses<sup>4,5</sup> have concluded that we can reliably and affordably meet crude oil and natural gas liquids (NGLs) demand in the region without Line 5. In a matter of months, markets would adapt, using existing infrastructure to accommodate the majority of the shortfall, including: existing capacity in Enbridge’s Line 78 pipeline (which is currently operating at only 78 per cent capacity); one additional suez tanker; and, existing rail capacity.<sup>6</sup> The remainder of the shortfall would require some additional months (up to 18) in order to enhance rail capacity for crude oil and NGLs. The immediate term price impacts of a Line 5 closure would be minimal, with gasoline, jet fuel, and diesel prices increasing by only about a half-cent per gallon in Michigan and Wisconsin, and around two cents per litre in Ontario.<sup>7</sup>

## **2) Withdraw support for the ongoing operation of Line 5, including withdrawing Canada’s use of the 1977 pipeline treaty.**

Enbridge is currently embroiled in legal battles regarding Line 5 with the State of Michigan, Tribes within Michigan state, and Bad River Band of the Lake Superior Chippewas, whose territory is within Wisconsin. All Twelve Federally Recognized Tribes within Michigan,<sup>8</sup> as well as Bad River Band,<sup>9</sup> have made it clear that they do not intend to allow Enbridge to continue operating through their territories and are advocating for the permanent closure of Line 5. The Anishinabek Nation, which represents 39 First Nations in Ontario, also supports the closure of Line 5 and publicly stated its solidarity with their Anishinabeg relatives across the border.<sup>10</sup>

In response, the Government of Canada has invoked a 1977 pipeline treaty as a means to keep Line 5 in operation indefinitely.

In an amicus brief filed by Earth Rights,<sup>11</sup> the *amici* assert that Canada is relying on a faulty interpretation of the treaty. Canada asserts that the treaty guarantees uninterrupted flow of oil and gas between the U.S. and Canada. However, this interpretation ignores other important text within the treaty. Article IV of the Pipeline Treaty clearly allows governmental authorities to make decisions about pipelines, and enforce laws that don’t unfairly impede the flow of oil. This includes upholding safety and environmental protections, as long as they do not unfairly block the flow of oil between the two countries. Line 5 is a clear and direct threat to the Great Lakes

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<sup>4</sup> PLG Consulting, “White Paper: Likely Market Responses to a Line 5 Shutdown,” October 2023, Retrieved from <https://plgconsulting.com/white-paper-likely-market-responses-to-a-line-5-shutdown/>

<sup>5</sup> Environmental Defence, “CLOSING ENBRIDGE’S LINE 5 PIPELINE: WHAT ARE THE OPTIONS AND ALTERNATIVES AVAILABLE?” February 2022, Retrieved from: <https://environmentaldefence.ca/report/closing-line-5/>

<sup>6</sup> PLG Consulting, “White Paper: Likely Market Responses to a Line 5 Shutdown,” October 2023, Retrieved from <https://plgconsulting.com/white-paper-likely-market-responses-to-a-line-5-shutdown/>

<sup>7</sup> Bad River Band of the Lake Superior Chippewas, “REPLY BRIEF IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR SUMMARY JUDGMENT ON DEFENDANTS’ COUNTERCLAIMS,” June 2022, Retrieved from: <https://environmentaldefence.ca/wp-content/uploads/2022/06/Brief-reply-by-Band-re-Band-summary-judgment-contra-Enbridge-filed-20220526.pdf>

<sup>8</sup> House, Kelly, “Michigan tribes to Biden: Enbridge Line 5 threatens our treaty rights,” Bridge Michigan, October 2021, Retrieved from: <https://www.bridgemi.com/michigan-environment-watch/michigan-tribes-biden-enbridge-line-5-threatens-our-treaty-rights>

<sup>9</sup> Kates, Margaret, “Bad River Band holds firm against Enbridge Line 5,” Progressive.org, September 2021, Retrieved from: <https://progressive.org/latest/bad-river-against-line-5-kates-farley-210923/>

<sup>10</sup> Anishinabek Nation Head Office, “Anishinabek Nation leadership supports shut down of Line 5 pipeline,” May 2021, Retrieved from: <https://www.anishinabek.ca/2021/05/06/anishinabek-nation-leadership-supports-shut-down-of-line-5-pipeline/>

<sup>11</sup> Macey Swanson LLP, “BRIEF OF AMICUS CURIAE HUMAN RIGHTS AND ENVIRONMENTAL ORGANIZATIONS IN SUPPORT OF PLAINTIFFS-APPELLEES/CROSS-APPELLANTS AND AFFIRMANCE OF PART AND REVERSAL OF PART,” October 2023, Retrieved from: <https://environmentaldefence.ca/wp-content/uploads/2023/10/Line-5-Amicus-Brief-docketed.pdf>

and its shutdown could be managed to avoid significant market impacts. Thus, calling for its shutdown is within the boundaries of interpretation of the 1977 pipeline treaty.

On April 28th, 2023, the United Nations Permanent Forum on Indigenous Issues (UNPFII) called on Canada to re-examine its support for Line 5 and recommended that Canada and the United States permanently decommission the pipeline.<sup>12</sup> Also in 2023, the UN Special Rapporteur on Indigenous Rights recommended that Canada cease construction or operation of the Line 5 pipeline, until the free, prior and informed consent of the Indigenous Peoples affected is secured. The report also stated that prolonging the operations of the Line 5 oil pipeline “is inconsistent with its international commitment to prevent and mitigate the effects of climate change by phasing out fossil fuels.”<sup>13</sup>

### **3) Withdraw support for Enbridge’s proposed tunnel under the Straits of Mackinac, and reroute around Bad River Band territory in Wisconsin.**

Enbridge has proposed building a tunnel through the ecologically and culturally sensitive Straits of Mackinac. The tunnel is an environmentally dangerous plan and does not address the threat posed by the entire Line 5 pipeline—as evidenced by spills along its entire route. Experts have raised flags stating that the tunnel poses serious safety and feasibility concerns.<sup>14</sup> Moreover, it will take at least six years to study, obtain permits, and construct the proposed tunnel.<sup>15</sup> That is much longer than the time it would take to plan for and execute a shutdown that would allow the market to adjust. Meanwhile, the imminent risks posed by the pipeline would remain unaddressed.

Enbridge has also proposed to build 65 kms of new pipeline around Bad River Band territory in response to the Tribe’s eviction order put forward in the Wisconsin court and a ruling that found Enbridge guilty of trespassing on Tribal lands. But the reroute is also an environmentally dangerous plan. The proposed reroute is expected to cross 186 bodies of water which flow into the Lake Superior watershed, and will affect 55 hectares of wetlands. Enbridge has admitted that the horizontal directional drilling method needed for the reroute would likely release toxic chemicals into these surrounding waters.<sup>16</sup> During Line 3’s construction in Minnesota — another pipeline owned by Enbridge — more than half of the water bodies crossed by Line 3 were polluted with toxic drilling fluid.<sup>17</sup>

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<sup>12</sup> UN Permanent Forum on Indigenous Issues, “REPORT TO THE UN PERMANENT FORUM ON INDIGENOUS ISSUES 22ND SESSION,” 2023, Retrieved from

<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2023/01/PAHO.pdf>

<sup>13</sup> UN General Assembly. Human Rights Council 54th session, “Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay”, July 2023, Retrieved from

<https://documents.un.org/doc/undoc/gen/q23/139/12/pdf/q2313912.pdf?token=CbAQballhHfBmMd6EX&fe=true>

<sup>14</sup> Stebbens, Laina, “Geologists condemn Line 5 tunnel plan,” Michigan Advance, September 2020, Retrieved from:

<https://michiganadvance.com/2020/09/28/geologists-condemn-line-5-tunnel-plan-permitting-the-project-at-this-time-would-be-a-mistake/>

<sup>15</sup> Ellison, Garrett, “Line 5 tunnel wouldn’t be finished until 2028, documents indicate,” MLive, November 2021, Retrieved from:

<https://www.mlive.com/public-interest/2021/11/line-5-tunnel-wouldnt-be-finished-until-2028-documents-indicate.html>

<sup>16</sup> Chester, Jonah, “Line 5 proposed reroute drilling method raises environmental concerns,” WXPB, March 2022, Retrieved from:

<https://www.wxpr.org/energy-environment/2022-03-15/line-5-drilling-method-raises-environmental-concerns>

<sup>17</sup> Marohn, Kirsti, “Minnesota lawmaker demands data on Line 3 frac-outs,” MPR News, February 2022, Retrieved from:

<https://www.mprnews.org/story/2022/02/23/minn-lawmaker-demands-data-on-line-3-fracouts>

The U.S. EPA has expressed concerns regarding both the tunnel<sup>18</sup> and the reroute<sup>19</sup> proposals for Line 5. Neither the tunnel nor the reroute are environmentally safe or economically necessary projects, and the Government of Canada should not support these dangerous false solutions.

Line 5 was struck and damaged by a 12,000 pound anchor in 2018, and its supports were damaged by another anchor in 2020. At least 29 spills have occurred along the entirety of the pipeline since it was put into operation in 1953 — most of which were not detected by Enbridge's leak detection system. As a result, at least 4.5 million litres of oil have spilled into the surrounding lands and waters. Enbridge has shown it cannot be trusted to take care of freshwater resources. When the company's Line 6B pipeline spilled into the Kalamazoo River in 2010, causing the largest inland oil spill in U.S. history, it took Enbridge 17 hours to notice. The continued operation of the Line 5 pipeline presents an unacceptable threat to the world's largest surface freshwater system.

### **PROTECT LAKE ERIE FROM PERSISTENT, RECURRING HARMFUL ALGAL BLOOMS**

Lake Erie is home to one-third of the total human population in the Great Lakes region. Approximately 12 million people live in the watershed, including 17 metropolitan areas. It is also the most biologically diverse of the Great Lakes. It is home to 107 fish species, is known as the Walleye capital of the world, supports billions of dollars in fisheries, and provides jobs for over 10,000 people.

However, Lake Erie is plagued by increasingly frequent, severe, and sometimes toxic algal blooms. These blooms threaten drinking water, clog intake pipes, suffocate fish and deter tourists. Some estimate that Lake Erie algal blooms are impacting the Canadian economy by \$272 million annually and may cost Canadians as much as \$5.3 billion over the next 30 years.<sup>20</sup> One of the main causes of algal blooms is nutrient pollution. Farmers apply fertilizers and manure to their fields, but rain and snowmelt can flush these soil amendments into streams and rivers. Those streams then carry these nutrient-rich pollutants into the lake where they do what they do best—make plants grow. With all those extra nutrients, the algae grows out of control.

Nutrient pollution is causing serious harm to the Lake and what happens to Lake Erie could easily happen to other Great Lakes if we do not address the root causes of the issue.

Last summer, Environmental Defence Canada (EDC) and the National Farmers Union-Ontario (NFU-O) began a joint project to study the agricultural attitudes and practices as they relate to

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<sup>18</sup> Just, Rachel, "EPA expresses concern over 'likely significant impacts' of Line 5 tunnel in new report," UpnorthLive ABC, October 2022, Retrieved from: <https://upnorthlive.com/newsletter-daily/epa-line-5-tunnel-michigan-pipeline-enbridge-concern-oil-impact-scoping-comments-environmental-protection-straits-mackinac-corridor-authority>

<sup>19</sup> US EPA, "Comments on the State Draft Environmental Impact Statement for the Proposed Enbridge Line 5 Relocation Project in Ashland, Bayfield, Douglas, and Iron Counties, Wisconsin," March 2022, Retrieved from: [https://www.wpr.org/sites/default/files/2022\\_3\\_21\\_usepaccomments\\_wdnr\\_enbridgererouteeis\\_final.pdf](https://www.wpr.org/sites/default/files/2022_3_21_usepaccomments_wdnr_enbridgererouteeis_final.pdf)

<sup>20</sup> Great Lakes Science Advisory Board (GLSAB) et al., Nutrients in Lake Erie and Lake Ontario: Synthesis of International Joint Commission Recommendations and Assessment of Domestic Action Plan, A report submitted to the International Joint Commission (2023). [https://www.ijc.org/sites/default/files/SAB\\_WQB\\_NutrientSynthesisReport\\_2023.pdf](https://www.ijc.org/sites/default/files/SAB_WQB_NutrientSynthesisReport_2023.pdf). Accessed 22 January 2024

Lake Erie water health. As part of this project, the NFU-O conducted qualitative, in-depth interviews and surveys with over 150 conventional crop and livestock farmers in the Lake Erie Basin. The purpose was to gather their knowledge and insights on what expertise, tools, and resources they need to implement and extend best management practices to mitigate on-farm nutrient use and contribute to healthy ecosystems. The recommendations that follow were developed based on the insights of this representative sample of Lake Erie basin farmers.

**1) Fund independent, 4R certified agronomists and soil testing experts to reduce over-application of fertilizers on agricultural lands.**

Currently, private sector crop advisors, working for fertilizer companies, provide farmers with advice on how much fertilizer should be used to maximize yields. This is a clear conflict of interest. Additionally, private sector crop advisors often do not have 4R certification, which should be a minimum requirement for giving fertilizer application advice.<sup>21</sup> In order to address conflicts of interest, federal funding is required for independent soil-testing and agronomists, and/or agronomists embedded within provincial ministries whose responsibility it is to support inorganic nutrient reductions on farms.

**2) Fund a publicly available study on fertilizer use/disposal within large greenhouse operations, with a view to the wide scale adoption of nutrient management standards and plans for greenhouse operations.**

Experts say the explosion of vegetable and cannabis greenhouses in southwestern Ontario poses a particularly significant threat. According to a 2022 Statistics Canada report,<sup>22</sup> Ontario is home to more than 60 per cent of the greenhouse area in Canada. Since 2016, the footprint of Ontario’s greenhouses has increased by more than four million square metres—roughly the size of 2,500 hockey rinks.

As an example, Essex County’s greenhouse footprint tripled between 2000 and 2020, with significant growth occurring in Leamington. Ontario’s Ministry of the Environment investigated, releasing a 2012 report.<sup>23</sup> Of 32 outfall locations at different greenhouses, 21 were found to have high levels of nitrates or phosphorus—indicative of nutrient water or process water from greenhouse production getting into municipal streams.

National and provincial standards are lacking as applied to the greenhouse industry, and its impacts on freshwater resources and the broader environment. A publicly funded study on fertilizer use and disposal will help identify opportunities for collective efforts targeting wide scale adoption of nutrient management standards and plans for greenhouse operations. This can help governments across levels of jurisdiction bring their greenhouse industry standards and management closer to par across watersheds.

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<sup>21</sup>The Fertilizer Institute, “What are the 4Rs,” Retrieved from <https://nutrientstewardship.org/4rs/>.

<sup>22</sup> Statistics Canada, “Canadian Agriculture at a Glance: Ontario is an agricultural powerhouse that leads in many farming categories,” June 2022, Retrieved from <https://www150.statcan.gc.ca/n1/pub/96-325-x/2021001/article/00006-eng.htm>

<sup>23</sup> Government of Ontario Ministry of the Environment, “Greenhouse Wastewater Monitoring Project (2010 and 2011)”, 2012, Retrieved from <https://www.ontario.ca/page/greenhouse-wastewater-monitoring-project-2010-and-2011>

**3) Fund a publicly available study on fertilizer use/disposal for commodity crops to support province’s nutrient management regulations for conventional crop farmers with farms over a certain acreage, as currently exists in British Columbia.**

Commodity crops continue to be a significant driver of the outcomes related to unsustainable agricultural land use, including the impacts that excess amounts of nutrients have on watersheds. It is important to note that many of these operations are for things like animal feed and ethanol. Many operations also operate on short term leases and are thinking purely in yield outcomes and not incorporating long term soil health into their operation and management equations nor land use practices.

It is important that Canada understand from a national level (with implications for the provincial level), how commodity crops are impacting freshwater resources and contributing to nutrient pollution. It is equally important that Canada encourages all partners to require nutrient management plans for commodity crops.

**4) Fund direct subsidies and crop insurance, to support farmers as they transition to new lower-input growing practices.**

Transitioning from today’s status quo agricultural practices to sustainable practices that reduce nutrient pollution involves a degree of trial and error in terms of balancing ecological benefits with yield. In order to encourage and enable this trial and error, direct subsidies for crop insurance are necessary to support farmers making this transition. This could be managed by a government agency or independent agricultural non-profit organization.

**5) Increase funding to farms for cost-sharing programs that support the implementation of best management practices to reduce nutrient pollution.**

In the last decade, funding available through cost-share programs to support the implementation of best management practices has decreased, despite the need for these programs remaining strong. Increased resources for cost-sharing programs for farmers who adopt best management practices which prioritize natural infrastructure designs and regenerative agricultural principles are required.

## **PROTECT HUMAN AND ENVIRONMENTAL HEALTH FROM PFAS (FOREVER CHEMICALS)**

PFAS are chemicals with strong fluorine-carbon bonds (the strongest bond in chemistry). They are common in a range of materials and applications, including: waterproof textiles, grease resistant paper, lubricants used in moulding plastics, coatings on electronics, and non-stick cookware. There are thousands of PFAS substances (estimates range from 4700 to 14,000) and over 200 applications.<sup>24</sup>

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<sup>24</sup> Juliane Glüge *et al.*, “An Overview of the Uses of Per- and Polyfluoroalkyl Substances (PFAS),” *Environmental Science: Process & Impacts* 22, no. 12 (December 2020): 2345–2373, <https://doi.org/10.1039/D0EM00291G>.



The evidence of contamination can be found all around us, from Great Lakes fish to Quebec groundwater and communities in the Far North. While firefighting foam has been singled out for regulation, it is certainly not our only problem.<sup>25</sup> The legacy contamination from military bases, airports and firefighting training facilities across the country represent a significant cleanup effort and expense. Meanwhile, there are numerous additional and ongoing sources of PFAS, both industrial pollution and product-based, that require urgent action.

PFAS have been linked to a range of adverse health outcomes, including asthma, liver damage, impacts on infant birth weight, immune system suppression, thyroid disease, and several types of cancers, including testicular and kidney cancer.<sup>26</sup> More than 98 per cent of people in Canada have PFAS in their blood.<sup>27</sup>

To help address the growing threat posed by PFAS, the Canadian government must:

### **1) Protect drinking water.**

Canada is discussing the need for action on PFAS at an international level. However, until the government tests, discloses, and regulates the *thousands* of PFAS on the Canadian market, these international commitments will do little to improve the toxic reality of PFAS contamination in Canada. The federal government also recently proposed municipal drinking water “objectives”,<sup>28</sup> but until it prohibits PFAS contamination of our waters from pulp and paper production, fracking, manufacturing and other releases, the objectives will do little to reduce PFAS contamination in drinking water.

### **2) Define essential use and priorities for PFAS phaseouts.**

Canada must establish a timeline for phasing out PFAS in products, as is being done in other jurisdictions, and challenge industry claims that PFAS phaseouts are too difficult. For example, the Montreal Protocol has been one of the most successful international efforts on eliminating toxic substances to date, and its successful approach shaped the 2015 Madrid Statement on PFAS ‘essential uses’ and priorities for phaseouts.<sup>29</sup>

### **3) Promote PFAS-free solutions.**

There is a big opportunity to demonstrate that PFAS-free options already exist in the marketplace and Canada can help develop the safer substitutes still needed for some uses of

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<sup>25</sup> “Draft state of per- and polyfluoroalkyl substances (PFAS) report,” Government of Canada, accessed February 2, 2024, <https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/draft-state-per-polyfluoroalkyl-substances-report.html>.

<sup>26</sup> “PFAS-Tox Database,” database data last updated May 11, 2021, <https://pfastoxdatabase.org/>.

<sup>27</sup> “Canadian Health Measures Survey: Environmental laboratory data, 2016 and 2017,” Government of Canada, released November 13, 2019, <https://www150.statcan.gc.ca/n1/daily-quotidien/191113/dq191113a-eng.htm>.

<sup>28</sup>

<https://www.canada.ca/en/health-canada/programs/consultation-draft-objective-per-polyfluoroalkyl-substances-canadian-drinking-water/overview.html>

<sup>29</sup> Green Science Policy Institute (2015), The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs)

<https://greensciencepolicy.org/our-work/science-policy/madrid-statement/#:~:text=The%20Madrid%20Statement%20documents%20the.information%20and%20prevent%20further%20harm.>



PFAS. Canada can support PFAS-free products in its federal innovation funding and procurement, and target sectors such as personal care products and textiles as its first priorities.

**4) Scope risk management to include product-based sources of PFAS.**

The government's 2023 draft State of PFAS Report concluded that 4700 PFAS substances must be treated and regulated as a class under the Canadian Environmental Protection Act (CEPA). This is a significant acknowledgement of the risks posed by PFAS, and a call for federal action. However, the draft risk management is narrowly scoping regulation to just one source—firefighting foams—which means the proposed regulation will fall short of what's needed. CEPA was recently amended to require consideration of vulnerable populations and cumulative effects, and these considerations must strengthen the regulatory action that emerges from this assessment. Canada must move quickly to impose a product-based phaseout.

**5) Ensure all PFAS are included in the class and regulated under the *Canadian Environmental Protection Act (CEPA)*.**

In order to reduce the impacts on the environment and human health and avoid regrettable substitutions within the PFAS class, Canada must ensure all PFAS substances are included in the class and regulated under CEPA; The Minister should fast-track the process to list the PFAS class on part 1 of Schedule 1 of CEPA based on the findings of the Draft Report, because it meets the criteria in subsection 77(3) of CEPA and poses the “highest risk” to prioritize its prohibition; The PFAS Risk Management Strategy (RMS) environment and health objectives should be revised to reduce releases of these substances to the environment, address impacts on biological diversity, reduce exposure of vulnerable populations to these substances to levels that are protective of human health, and completely ban PFAS with exceptions only for uses recognized as essential and a goal to phase these out over time.

**6) Ensure regulations demonstrate our right to a healthy environment.**

The duty to protect the right of every individual in Canada to a healthy environment compels action without delay where that right is being violated, especially when vulnerable populations are affected.

**7) End plastics with PFAS.**

In terms of Canada's plastics policies, Canada must do more to address PFAS plastic additives and fluorination processes. These plastics contaminate the waste stream and undermine recycling and circularity. Reusable and refillable containers must be PFAS-free.

**SUPPORT STRONG, NATIONAL FRESHWATER GOVERNANCE, AND ENSURE ADEQUATE RESOURCES TO PROTECT AND RESTORE FRESHWATER**

The Canada Water Agency (CWA) is an important emerging institution to help Canada prioritize and carry out proactive, effective and integrated water management across the country. If

funded and supported properly, the agency has the potential to become a global freshwater governance model and hub.

We recommend, alongside other national freshwater advocates, that the Government of Canada, work with the CWA to:

**1) Enhance funding and human resources to support freshwater.**

It is critical that the CWA and freshwater across Canada will be given enhanced funding in the coming years for it to properly carry out the work it needs to do. Freshwater funding has seen some important gains in the last year and it will be imperative for Canada to continue to acknowledge and address the surmounting needs for fresh water by way of ongoing and reliable freshwater funding.

**2) Ensure inter-ministerial collaboration.**

As the governance evolution proceeds, we will need “all hands on deck” to work collaboratively. In the past, the national water agenda was coordinated through an effective interdepartmental committee on water and federal-provincial Consultative Committees on Water. Such mechanisms would be challenging to resurrect today due to internal fragmentation within ECCC, but something analogous is critically needed. It is further suggested that Indigenous governments be included in collaborative mechanisms.

**3) Improve indigenous drinking water.**

Contamination and inadequate water and sanitation services in indigenous communities are a real and present threat to human health and the environment. Primarily, these threats emanate from industrial and other upstream sources of contaminants, so in addition to local infrastructure, the solutions must entail broader source water protection, drinking water standards appropriate to indigenous needs, monitoring, resources and support necessary to ensure on-site safe drinking water. The federal government needs to support Indigenous Nations’ calls for restored Indigenous water sources, and improve coordination and funding to do so.

**About Environmental Defence**

Environmental Defence is a leading Canadian environmental advocacy organization that works with government, industry and individuals to defend clean water, a safe climate and healthy communities. The water program at Environmental Defence focuses its programming on protecting freshwater, with a regional focus on the Great Lakes.