Water

Background

Canada needs a national water policy based on the principle that water is a part of the commons, a public trust, and a human right. The notion of the "commons" asserts that water is a common heritage to be shared, protected, managed and enjoyed by all. A commons framework requires a shift in water governance to prioritize the human right to water, public participation, and the inclusion of First Nation and other communities in decision-making processes. Public trust principles require governments to protect water sources for communities' reasonable use, and to make private use subservient to community rights.

On July 28, 2010, 122 countries voted to pass a resolution at the United Nations (UN) General Assembly recognizing the human right to water and sanitation. On September 23, 2011, the UN Human Rights Council (HRC) passed a resolution on the human right to safe drinking water and sanitation and called upon governments to develop comprehensive plans and strategies, assess the implementation of the plans of action, ensure affordable services for everyone, and create accountability mechanisms and legal remedies.

The Canadian government finally recognized the human right to water and sanitation in June 2012 at the UN Conference on Sustainable Development but has yet to implement this right.

Current Issues

First Nations' Water Rights

Despite repeated pledges from the federal government to ensure clean drinking water, Health Canada reported 136 Drinking Water Advisories in 93 First Nation communities in January 2015.[1] There are routinely over 100 water advisories in effect, with some communities living under advisories for over 10 years.[2] The Safe Drinking Water for First Nations Act passed into law in June 2013. The Act sets necessary high standards, but fails to allocate much needed funding to meet the standards.[3]

The AFB respects and upholds Indigenous self-determination, the authority of Indigenous governments and First Nations' water rights. It incorporates Indigenous knowledge and seeks the free, prior and informed consent of Indigenous peoples on water and wastewater policies.

Public Water and Wastewater Infrastructure

Canada's public water and wastewater infrastructure is aging. More than 40% of Canada's wastewater infrastructure is rated in fair to poor condition today.[4] Our drink-

ing water infrastructure is in better shape, with only 14% in fair to poor condition.[5] The total replacement value of water, wastewater, and storm water assets is $362 billion. The Federation of Canadian Municipalities (FCM) estimates the cost of replacing systems graded "poor" or "very poor" to be $15 billion.[6] Canada needs a long-term plan to maintain and replace water infrastructure across the country.

Sustaining Water Sources Through Science, Research and Regulation

The responsibility for monitoring water quantity and quality is shared among all three levels of government. Canada has the resources to be a leader in environmental research but Canadian scientists are concerned that research is under threat because of legislative changes, severe funding cuts and a lack of coordination among the more than 20 federal departments and agencies responsible for water. The federal government's cuts to critical environmental programs have hindered its ability to develop efficient freshwater policies and respond to threats to water sources.

According to the Department of Fisheries and Oceans (DFO) and Environment Canada's (EC) reports on plans and priorities and departmental performance reports, $19.6 million in funding was cut from EC's Water Resources program from fiscal year 2011–12 to its planned spending for 2016–17. During this period, $60.2 million was also cut from DFO's Sustainable Ecosystems including 426 Full-Time Equivalents. Some of these programs affected include:

- Experimental Lakes Area ($2 million annually);
- Ocean Contaminants and Marine Toxicology Program;
- Canadian Foundation for Climate and Atmospheric Sciences ($110 million from 2000–03);
- Polar Environment Atmospheric Research Laboratory.

Other programs include:

- Canada Centre for Inland Waters;
- UN Global Environmental Monitoring System/Water Programme, a global water quality database ($500,000 annually);
- Canadian Environmental Assessment Act ($12 million cut from 2011–12 to 2016–17 planned spending);
- National Roundtable on the Environment and the Economy ($5.5 million annually);
- Hazardous Materials Information Review Commission ($4.5 million annually).

A total of $102.1 million will have been cut from water research and programs from 2011–12 to planned spending in 2016–17.

The 2012 omnibus budget bills implemented sweeping changes to environmental laws and removed critical safeguards for water protection. The Canadian Environmental Assessment Act was replaced with a new act that eliminated 3,000 federal environmental assessments. The federal government also gutted the Fisheries Act and abdicated responsibility for 99% of lakes

and rivers by overhauling the Navigable Waters Protection Act.

Over 150 billion litres of raw sewage are flushed into waterways in Canada every year.[7] The federal government passed wastewater regulations in June 2012 but without allocating needed funds for municipalities. The FCM calculates that the regulations will cost at least $20 billion for plant upgrades alone, with further spending on system-wide upgrades required over the next two decades.[8] The AFB will also work with provincial governments to harmonize reporting requirements, with the goal of reducing the cost of administering regulations.

Protecting Watersheds from Extreme Energy Projects

Extreme energy is a group of new energy extraction methods that require more water, energy, and effort and are more destructive to the environment and surrounding communities.[9] Examples include tar sands development, hydraulic fracturing (fracking), mountain-top removal mining, and deep water drilling. The extraction of extreme energy and associated transportation projects leave municipalities and Indigenous communities vulnerable to footing the bill for clean-up efforts from pipeline and tanker spills, associated health care costs, and the impacts of climate change on watersheds and water infrastructure.

Communities across Canada are raising concerns about fracking, a controversial practice that uses sand, water and chemicals to blast rock formations in order to extract natural gas or oil from them. A 2014 Ekos poll found that 70% of Canadians support a national moratorium on fracking. There are a plethora of risks associated with fracking, including groundwater contamination, poor air quality, increased seismic activity (earthquakes), and climate change.

There are currently up to 18 proposals to build Liquefied Natural Gas (LNG) plants along the coast of British Columbia and transport the LNG on supertankers for export. Plans to discharge fracking wastewater are threatening communities around the Bay of Fundy. Last May, the Council of Canadian Academies released its review, commissioned by the federal government, which pointed to large gaps of information on well leaks, chemical migration underground, well deterioration, cumulative impacts of fracking and the safety of fracking chemicals.

Major pipeline projects such as the Energy East pipeline (running from Alberta to New Brunswick), Enbridge Northern Gateway and Kinder Morgan Trans Mountain Pipeline in British Columbia, the Alberta Clipper to the Great Lakes as well as the reversal of Line 9 in Ontario and Quebec, would transport tar sands bitumen or fracked oil across the country, exacerbating climate change and putting water, food, and public health at risk. Transporting bitumen or fracked oil by rail exposes communities to derailments and other accidents like the Lac Mégantic train accident where 47 people were killed, and oil reached the lake and Chaudière River. Suncor's tankers transporting bitumen on the St. Lawrence River set a dangerous precedent for the Great Lakes and St. Lawrence River Basin and pose a unique threat

to the source of drinking water on which millions of people rely.

There is a significant lack of independent scientific data on the consequences of diluted bitumen spills in water including how it reacts in waterways and the challenges in cleaning it up.

Water Withdrawals and Exports

Although Canada holds nearly 20% of the world's fresh water, only 1% of our water is renewable, or replenished by rain or snowfall every year. Canada exports 59.9 Bm^3 of virtual water (the amount of water used to produce or process a good or a service) each year. This makes it the second net virtual water exporter in the world.[10] One-third of Canadian communities rely on groundwater for drinking water. A 2010 Statistics Canada study showed that renewable water in southern Canada declined by 8.5% between 1971–2004.[11]

In recent years, right-wing think tanks in both the United States and Canada have made proposals to export water from Manitoba and Quebec. The AFB bans bulk water exports as these projects would be tremendously costly, require vast amounts of energy, and pose serious threats to watersheds.

Trade Challenges on Water Regulation

When water is considered a tradable good or service under international trade agreements, there is pressure to commoditize it and make water-related policy and other measures vulnerable to investor-state challenges that involve a proprietary interest in water, its distribution and treatment. By excluding water in trade agreements and ending investment protections, the AFB will avert threats to Canada's water and costly NAFTA challenges such as the NAFTA challenge by pulp and paper company AbitibiBowater (now Resolute Forest Products) for $130 million and the $250-million NAFTA lawsuit challenging Quebec's moratorium on fracking in the St. Lawrence Rivery Valley. It will also protect the rights of municipalities, provinces, and territories to regulate or create new public monopolies for the delivery of water services and sanitation, health and environmental regulations without having to worry about trade challenges.

AFB Actions

The following measures begin the process of developing a national water policy that makes the conservation and protection of our water a public trust and water and sanitation a human right.

The AFB will support the full realization of the Right to Water and Sanitation, including by:

- Creating a National Public Water and Wastewater Fund (federal cost: $2.6 billion a year);
- Implementing a new Wastewater Systems Effluent Regulation (cost: $1 billion a year over 20 years);
- Committing $100 million annually for water infrastructure aid for small municipalities;

- Committing $75 million annually for ongoing water operator training, public sector certification and conservation programs; and
- Committing $4.7 billion over ten years for water and wastewater facilities on First Nations' reserves.

The AFB will support and fund environmental impact research, including by:

- Providing assessments of all energy and mining projects (cost: $50 million);
- Providing an in-depth and independent study of the effects of tar sands development (cost: $30 million); and
- Reinstating federal funding for the Experimental Lakes Area and water programs at Environment Canada, Fisheries and Oceans and other departments. ($49 million in 2015–16 and $16 million annually thereafter)

The AFB will ensure the safety and sustainability of Canada's freshwater supply, including by:

- Implementing a comprehensive action plan to protect the Great Lakes (cost: $500 million in year one, and an additional $950 million a year for each of the subsequent four years);
- Establishing water quality and quantity monitoring frameworks (cost: $327.5 million over three years), including by:
  - increasing the number of monitoring stations;
  - training staff in water monitoring;
  - creating a new water minister position;
- Committing $3 million to implementing a groundwater protection plan and $1 million to complete a review on virtual water exports from Canada.

Notes

1 "Drinking Water and Wastewater." Ottawa: Health Canada. Online at: http://www.hc-sc.gc.ca/fniah-spnia/promotion/public-publique/water-eau-eng.php#adv The Health Canada website notes: "As part of the British Columbia Tripartite Framework Agreement on First Nations Health Governance, on October 1st 2013, Health Canada transferred its role in the design, management, and delivery of First Nations health programming in British Columbia to the new First Nations Health Authority (FNHA). Therefore, Health Canada no longer reports drinking water advisories in British Columbia First Nations."

2 "First Nations and Inuit Health: Drinking Water and Waste Water." Ottawa: Health Canada. Online: http://www.hc-sc.gc.ca/fniah-spnia/promotion/public-publique/water-eau-eng.php#s2d

3 For more details, see the *First Nations* chapter.

4 Felio, Guy et al (2012). *The Canadian Infrastructure Report Card*. Canadian Infrastructure. http://www.canadainfrastructure.ca/en/index.html

5 Felio, Guy et al (2012). *The Canadian Infrastructure Report Card*. Canadian Infrastructure. http://www.canadainfrastructure.ca/en/index.html

6 Felio, Guy et al (2012). *The Canadian Infrastructure Report Card*. Canadian Infrastructure. http://www.canadainfrastructure.ca/en/index.html

7 "Wastewater." Ottawa: Environment Canada. Online at: http://www.ec.gc.ca/eu-ww/default.asp?lang=en&n=BC799641-1

8 Felio, Guy et al (2012). *The Canadian Infrastructure Report Card*. Canadian Infrastructure. http://www.canadainfrastructure.ca/en/index.html

9 *Extreme Energy: The Road to Nowhere*, http://frack-off.org.uk/extreme-energy-the-road-to-nowhere/

10 Rahman, N., Barlow, M., and Karunananthan, M. (2011). *Leaky Exports: A Portrait of the Virtual Water Trade in Canada*. Ottawa: Council of Canadians.

11 *Human Activity and the Environment: Freshwater Supply and Demand in Canada*. Ottawa: Statistics Canada. 2010.