

# NATIONALLY SYNDICATED

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## Free trade an opportunity for Canada to improve environmental standards

By LAWRENCE SOLOMON

**I**F WE HAD FREE trade, says economist Miles Richardson, we might save Lyell Island. Lyell, a wilderness heritage of unparalleled beauty, is no ordinary island, and Richardson is no ordinary economist. He is the president of the Council of the Haida Nation and a leader in the fight against the British Columbia logging giants eyeing the forests on Lyell, South Moresby and other islands in the Queen Charlottes, where the Haida have lived since time immemorial.

And while Richardson is more than skeptical that a free trade pact would protect his people and their culture any better than previous white man's treaties, as far as keeping the loggers at bay: "That would be the first round effect."

Free trade is not c ten associated with environmental issues, but the Lyell Island controversy points why it should be in the case of a pact between Canada and the U.S.

Free trade, at least in theory, would outlaw any break — including lax environmental regulations — that one industry gets and a competitor across the border doesn't. In the case of lumber, where the B.C. government has been subsidizing multinationals such as MacMillan Bloedel to encourage more logging, the subsidies would end and logging would be cut back — pleasing both the American forest companies whose lumber markets

have been whittled away by our exports, and the Haida and others who want to save our rapidly disappearing forests.

But the timber issue — which keeps threatening to scuttle free trade talks — is only one of many where the Canadian environment could be a winner. At the "Shamrock summit" held last year in Quebec City, Prime Minister Brian Mulroney and President Ronald Reagan agreed that free trade negotiators would discuss equalizing regulations so the two countries would compete fairly. Regulations, confirms Grey Hamilton, a spokesman in Canada's Trade Negotiations office, include all environmental regulations. "Everything will be on the table."

Such sweeping changes to the status quo make the Canadian Labour Congress, one of free trade's main foes, see red. In a recent wide-ranging position paper attacking free trade, they argue that unacceptable U.S. regulations "would be imposed on the Canadian scene."

But at least in the area of the environment, that imposition would be surprisingly welcome to Canadian environmentalists, who recognize that, in most cases, U.S. environmental regulations protect the environment more effectively than our own.

"The U.S. is ahead; I'll give them their due," says Adele Hurley, co-director of the Canadian Coalition for Acid Rain, who credits Americans with a heightened concern for the environ-

ment. "Earth Day happened there. It sure wasn't here."

Hurley, who does battle with industry and government on both sides of the border, finds that in most issues she's worked on — lead pollution, nitrogen oxides, hydro-carbons — "Canada is way behind the U.S. and tries to pretend it isn't." Even in the case of acid rain, where the Canadian government has been insisting for years that the Americans cut back on their sulphur dioxide emissions, Canada was behind "until about three months ago, when the Peterson cabinet in Ontario brought in regulations that put us in the lead."

Pollution Probe's Kai Millyard joins Hurley in giving the Peterson government high marks for protecting the environment, but says it's hard to give Canada as a whole a passing grade because "standards vary widely across the country," unlike the U.S., where federal standards often hold sway.

And when it comes to water quality — where Pollution Probe has led the fight against pollution for the last decade — there's no contest between the two countries. "The Americans are ahead," he says. "They have a much more vigorous program for controlling direct industrial discharges and discharges into waterways via sewer systems than we do anywhere in Canada."

Americans are also "definitely ahead" when it comes to controlling auto emissions and toxic chemicals, according to Ray Vles, executive direc-

tor of the Canadian branch of Friends of the Earth, an organization with offices in 30 countries.

These environmental groups and others offer different reasons for America's lead in the environment, but they are all of one mind over what's at the top of the list: U.S. citizens' groups have more power — not only because U.S. regulations are tougher, but because U.S. citizens have better access to the courts.

"In the U.S., citizens can go to court to compel administrators to do their duty," explains lawyer Joe Castrilli, a director of the Canadian Environmental Law Association. In Canada, where most matters are left to ministerial discretion, citizens are at the mercy of political whims.

Even where clear obligations do exist, Canadian environmentalists are shackled by the difficulty of getting the right to sue in environmental matters, and by the fear that if they lose in a case against the high-priced lawyers of large corporations like MacMillan Bloedel or Union Carbide, they could have to pay tens of thousands in legal fees. In the U.S., says Castrilli, environmentalists have the right to sue, they have a freedom of information act that's superior to ours. "Putting it all together, you can see why the Americans have a very dramatic impact on environmental protection."

The Canadian Environmental Law Association, which arguably knows more about our system of environmen-

tal regulations than any other body in Canada, drafted an "Environmental Bill of Rights" in 1974, a manifesto outlining measures necessary to preserve our environment. No Canadian government has yet adopted this bill, but ironically much of it may be swept in if a comprehensive free trade pact is ever signed. "Our Environmental Bill of Rights is largely based on protections generally available to U.S. citizens," Castrilli says.

Free trade, of course, is not the only way to get Canadians to clean up our act. Our government is free to upgrade environmental standards on its own, as happened recently in the case of car exhaust, when Ottawa decided to match the more stringent U.S. standards. This move pleased Canadian environmentalists, who had been fighting for it for years, but did it help Canada's free trade negotiators? "The answer is obviously yes," says Grey Hamilton, who is grateful to have one less obstacle to getting free trade talks on track.

Whether or not those talks get derailed remains to be seen, but if they do proceed, one item that should be kept on the negotiating table is the environment. So far, in all the muddle about who would win and who would lose from free trade, the Canadian environment seems to be the one constituency that clearly stands to win.

□ *Lawrence Solomon is the author of The Conserver Solution and a researcher with Energy Probe, an independent think-tank on environmental issues.*