

Subject: CEC Council orders factual record for Montreal Technoparc submission

Date: Thu, 26 Aug 2004 10:08:50 -0400 (EDT)

From: info@ccemtl.org

To: EBI@nextcity.com

Please click the following link if you cannot view this e-mail: <http://www.cec.org>

CEC Council orders factual record for Montreal Technoparc submission

Montreal, 26 August 2004—On 20 August 2004, the Council of the Commission for Environmental Cooperation of North America (CEC) instructed the CEC Secretariat to prepare a factual record on allegations that Canada is failing to effectively enforce section 36(3) of the *Fisheries Act* in connection with the Montreal Technoparc site.

The allegations were made in the Montreal Technoparc submission ([SEM-03-005](#)), filed with the CEC on 14 August 2003, by Waterkeeper Alliance, Lake Ontario Waterkeeper, Société pour Vaincre la Pollution, Environmental Bureau of Investigation and the Upper St. Lawrence Riverkeeper/Save the River! The Submitters allege that polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons and other pollutants are seeping into the Saint Lawrence River from the site where the Technoparc is located, in violation of s. 36(3) of the *Fisheries Act*, which prohibits the deposit of a deleterious substance into water frequented by fish, unless authorized by regulation. The Technoparc site was part of a dump used for industrial and household waste for close to a hundred years.

After reviewing the submission in light of [Canada's response](#), which was filed on 14 November 2003, the Secretariat [recommended a factual record](#) on 19 April 2004.

The Council instructed the Secretariat to prepare a factual record in respect of the following items arising in the context of the Montreal Technoparc submission with regard to alleged failure to effectively enforce section 36(3) of the *Fisheries Act*:

- facts surrounding Environment Canada's inspections before and after the issuance of a warning in 1998;
- facts surrounding Environment Canada's 2002–2003 investigation, in response to a request from members of the public;
- characteristics and fate of the contamination of the Montreal Technoparc sector;
- results of the oil containment and pumping system(s) at the Montreal Technoparc sector;
- the ecotoxicological study carried out in 2002;
- information on the division of ownership of the Montreal Technoparc sector and its relevance to enforcement efforts;
- information on Environment Canada's technical actions and advice and its relevance to enforcement efforts at the Montreal Technoparc sector; and
- compliance promotion efforts following the decision by Environment Canada not to seek charges.

The Council directed the Secretariat to provide the Parties with its overall work plan for gathering the relevant facts and to provide the Parties with the opportunity to comment on that plan.

The full text of the Council's resolution instructing the Secretariat to prepare a factual record is available [by clicking here](#).

Article 14 of the North American Agreement on Environmental Cooperation (NAAEC) provides that the CEC Secretariat may consider a submission from any person or nongovernmental organization asserting that a Party to the NAAEC is failing to effectively enforce an environmental law. Where the Secretariat determines that the NAAEC Article 14(1) criteria are met, it may then proceed with a process that can lead to the development of a factual record on the matter.

The CEC was established under the NAAEC to address environmental issues in North America from a continental perspective, with a particular focus on those arising in the context of liberalized trade. The CEC Council, the organization's governing body, is composed of the top environment officials of Canada, Mexico and the United States.

Please visit the [Citizen Submission on Enforcement Matters](#) page for more information.

Submissions on Enforcement Matters Unit
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, Bureau 200
Montreal (Quebec), Canada H2Y 1N9
Tel: (514) 350-4300; Fax: (514) 350-4314
E-mail: info@ccemtl.org
Web site: <http://www.cec.org>



To unsubscribe from this news service, send an e-mail to: info@ccemtl.org