

I. SUMMARY OF THE SUBMISSION

1. The Submitting Parties present this submission pursuant to Article 14 of the North American Agreement on Environmental Cooperation (“NAAEC”) requesting that the Commission on Environmental Cooperation (“CEC”) develop a factual record pursuant to Article 15 of NAAEC demonstrating that the federal government of Canada has failed to enforce its environmental laws with respect to various pollutants, most significantly polychlorinated biphenyls (“PCBs”) and polycyclic aromatic hydrocarbons (“PAHs”), being discharged into the St. Lawrence River from the Technoparc site located in Montreal, Quebec. The City of Montreal is the current owner of Technoparc, the site of an historic landfill for both industrial and municipal wastes. Few, if any, efforts have been made by the Canadian government or the City of Montreal to control the discharges of these deleterious substances into the St. Lawrence. PCBs are widely recognized as a persistent toxic substance, while PAHs have been classified by the Canadian government as "Probably Carcinogenic to Humans" (i.e., substances for which there is believed to be some chance of adverse effects at any level of exposure). These deleterious substances contribute to water pollution in the St. Lawrence River, significantly affecting both aquatic and human health and safety.
2. Canada has failed to enforce the prohibition contained in the Canadian Fisheries Act § 36(3) against the deposition of substances deleterious to fish or fish habitat into water frequented by fish.

II. STATUTORY BACKGROUND - Canadian Fisheries Act

1. The federal government of Canada has exclusive legislative authority over “Sea Coast and Inland Fisheries” pursuant to section 91.12 of the Constitution Act, 1867. The Fisheries Act was enacted pursuant to this authority to regulate and protect Canada’s fisheries.
2. Under the pollution provisions of the Fisheries Act, it is an offense to “deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious may enter any