



Brief: to the House of Commons Standing Committee on Environment and Sustainable Development Re the Oil Sands and Water Resources 08/31/09

Attention Mr. Normand Radford, Clerk of the Committee envi@parl.gc.ca

Introduction and Background on National Council of Women of Canada Policies Related to the Oil Sands and Water

The National Council of Women of Canada (NCWC) , representing hundreds of thousands of Canadians from a broad diversity of affiliated member groups across the country, commends the members of the Standing Committee on Environment and Sustainable Development for your continued investigation of the impact of oil sands development on Canada's water resources, with a view to making valuable recommendations to the Government of Canada.

We are impressed by your on-site visits to the tar sands in Alberta and meetings with affected communities, and with the experts who understand western water issues. The prairie provinces are particularly susceptible to cyclical droughts and in the years ahead climate change will exacerbate these impacts on valuable water resources and the general environment , species and local communities. Hence this work is very much needed before it is too late for the Federal Government to make essential changes in co-operation with the affected Provinces and Territories.

First and foremost these should include a much stronger Federal role in the many areas over which they have responsibility i.e. fish habitat protection, aboriginal rights, trans-boundary water issues, navigable waters and migratory birds, and, for ensuring that where conflict exists between jurisdictions, that federal interests on behalf of Canadians are considered paramount.

For its part, the National Council of Women of Canada has a long-standing interest in the protection of our national waters through strong Federal legislation, policies and programs.. For instance, in 1980 NCWC recognized that *"Water is a vital Canadian resource"* and noted that *"the disposal of industrial, domestic and agricultural waste is responsible for a marked deterioration in the quality of available water"* .

In 1985, NCWC commented to the Federal Government that *" There are often inadequate pre-project environmental impact assessments ... and river basins are functional hydrological and geomorphic wholes, which support and interact intimately with complex biological systems of their watersheds, streams, rivers and lakes ... and, that all five of Canada's river basins extend beyond the boundaries of any one province ."*

NCWC then urged the Government to “*establish a national river basin management policy in co-operation with the provinces and territories to :*

a) plan and coordinate further development and modification of Canada’s major river systems to attempt to ensure compatible and ecologically-sound uses are made of the water

b) maintain as wide a range of future options for development as possible, considering not only surface waters but associated ground waters, the systems from headwaters to estuaries and receiving coastal waters and the requirement for coordinating land use within watersheds with water use. ... “

In 1997, NCWC urged the Government of Canada to “*retain and promote an active , independent and strong regulatory role in the protection of the environment”* . This was followed up in 2009 by a resolution that “*NCWC urge the Government of Canada to ensure that all projects within Provincial or Federal jurisdictions, having the potential to harm the environment , be subject to an appropriate Federal or joint Federal/Provincial Environmental Assessment that is transparent, ensures rigorous scientific input and scrutiny, allows meaningful access to the process and provides project scrutiny before proceeding to the regulatory stage.”*

Further Research and Development of Water Policy

From 2005 to 2007 National Council of Women Affiliates across Canada studied the issue of water, including the Senate Report, *Water in the West: Under Pressure* and at our 2007 AGM in Regina hosted a water forum featuring Dr. David Sauchyn, water and drought expert, University of Regina; Susan Howatt, Council of Canadians; Tim Morris, Sierra Club Canada; Dick Peters, KAIROS; Margot Hurlbert water and law expert, University of Regina, and Darrin Qualman, Saskatchewan Environmental Society and the National Farmers’ Union.

From that meeting, the NCWC voting body directed that a letter be sent to Prime Minister Harper urging the Government of Canada “*to develop a National Water Strategy.”* The letter noted that NCWC “*represented close to three quarters of a million Canadians from coast to coast.”*

In 2008 at its AGM in Ottawa NCWC launched its 2008-2010 Water/Energy Connections Project, funded by the Walter and Duncan Gordon Foundation. Lead speakers were Ralph Pentland, author of the Federal 1987 Water Policy, John Jackson, Program Director, Great Lakes United , Tony Maas, Senior Policy Advisor World Wildlife Fund Canada and Gordon Edwards, Chairman, Canadian Coalition for Nuclear Responsibility - all of whom stressed the over-burden of pollutants on our water resources due to our ever-increasing use of energy sources such as nuclear, oil, gas and coal and the processes required to enable their use, for example, bitumen extraction from the tar sands.

At that meeting NCWC passed a resolution urging *the Government of Canada to ensure that all mining companies report toxic waste pollution from their total mining operations*

to the National Pollutants Release Inventory (NPRI), so that remedial and preventative action plans may be put in place to protect human health and the environment.”

These actions were subsequently ordered by a Federal Court in April this year as a result of a Court challenge by Great Lakes United and Mining Watch Canada.

The Court ruling means that, *“ By June 2010 , the mining industry, which includes those operating in the Tar Sands , will be required to report the amounts of NPRI substances that they put into tailings ponds and waste rock piles for each of 2006,2007 and 2008. At the same time they will have to include this information in their regular 2009 report to NPRI as they will have to every year in the future. Public access to the data will allow for work to begin for those working for the clean up and protection of water bodies.”* 1. Personal Communication. John Jackson Great Lakes United August 22,2009

2009 NCWC Concerns and New Policy Regarding the Tar Sands

This year at its June 2009 AGM, in Prince Albert Saskatchewan, the NCWC Water/Energy Connections Project featured Tar Sands expert Andrew Nikiforuk, who outlined the many hazards to the environment and human health and welfare- and the enormous costs of the ever-growing extraction of bitumen from the tar sands .

For its part, in the year leading up to the AGM, National Council of Women of Canada members studied the tar sands issue and developed an *“Emerging Issue”* resolution to recognize the potentially near-catastrophic environmental and social impacts of this seemingly unstoppable enterprise.. Delegates who represented NCWC’s 37 Affiliated group members and individual members from across the country voted overwhelmingly to approve the following resolution:

That the National Council of Women of Canada urge the Government of Canada To cease supporting the irresponsible production of oil from the tar sands in Canada by:

- a) placing a moratorium on new tar sands projects until environmental concerns are resolved*
- b) stopping federal incentives to develop the tar sands*
- c) increasing monitoring and reporting of the environmental and social impacts of producing oil from tar sands.*

Some Areas of Concern Related to the Tar Sands and Water Resources

In developing this policy NCWC members were disturbed to discover the wide range and enormous impact of oil sands development and dismayed that this had happened over several years in the apparent absence of Federal leadership, exacerbated by lack of attention to the government’s original 1987 National Water Policy. There has also, perhaps most tellingly, been no attempt by the Government to develop a National Water Strategy over the intervening years that could have identified water resource attributes and potential threats to these, as noted

in NCWC 1980 and 1985 resolutions, and allowed them to act upon these preemptively

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as recommended in NCWC's 1997 resolution. Federal inaction and Alberta's application of its Constitutional rights over water resources, to develop the oil sands without an initial independent

science-based overview of the Province's environmental resources, have resulted in an endless and growing number of permits to allow tar sands work without the necessary strong restrictions and enforcement. This has led to a growing list of existing and potential alarming results, such as the following:

* Aerial views of the Tar Sands, the most obvious evidence, show a hugely damaged landscape undergoing a constant assault from giant equipment, as the boreal forest, bogs and waterways are stripped away to allow the bitumen to be mined. It is estimated that hundreds of square kilometres of forest are being destroyed- forests that are crucial to the forest industry and to 1st Nations communities. 2. Dick Peters KAIROS -The True Cost of Tar Sands, presentation NCWC AGM 07.

*Federal and Provincial regulators and the Cumulative Environmental Management Association (CEMA) have raised concerns over the approved storage of mine tailings waste in "end - pit lakes", as this method of long-term storage has never been proven. 3.Mr. Simon Dyer. Pembina Institute evidence to Standing Committee on Environment and Sustainable Development. May 13th 2009.pg.67/120.

* Again despite industry claims, end-pit lakes/ponds do leak, as evidenced by SunCor's 1997 admission that its Tar Island pond leaks about 1,600 cubic metres of toxic waste into the Athabasca River daily. 4. *ibid.*

* Despite the assurances of oil sands proponents, it is estimated by the Pembina Institute that tailings lakes could be currently leaking into groundwater at a rate of 11 million litres a day. 5.*ibid*

* Despite industry claims, according to water expert Dr. David Schindler, "*there is no hope of reconstructing the hydrology of these systems (that have been mined) or for that matter the aquifers, because the layers dug up and put in a pile and there is no attempt to put them back in strata that would restore aquifers.*" 6. Dr. David Schindler Evidence to Standing Committee on Environment and Sustainable Development May 12th /09

* According to a 2003 Mackenzie River report, "*Over 70% of the sulphur dioxide and nitrogen oxides emitted by Alberta oil sands operations are deposited in Saskatchewan and there is concern that these acidifying emissions could lead to acidification of lakes in north central Saskatchewan, and recent data for forest soils gathered for the Canadian Council of Ministers of Environment suggests that Saskatchewan's north is the most acid sensitive region in Canada.*" 7. CARBON COPY: Preventing Oil Sands Fever in Saskatchewan .Pembina SES/PAWS August 2009.

* The southern prairie regions have suffered many serious droughts over hundreds of years and will continue to do so in the future, particularly in light of the accelerator factor of climate change. Since the population lives mainly in the southern part of the provinces and the rivers run north, it is most important that as many water saving measures as possible be practiced.

8. Synthesis of remarks by Dr. Sauchyn. . NCWC. June 6th 2007 AGM Regina. G.Janes VP Environment However, this seems impossible for oil companies given their track record to date.

- * Bitumen is one of the world's most water-intensive products , and each barrel of bitumen requires an average of 3 barrels of water from the Athabasca River to extract, and “ each
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barrel of bitumen produces three times as much greenhouse gas as a barrel of conventional oil, and plays its part in the acceleration of climate change, and every day Canada exports one million barrels of bitumen to the united States.” 9. Andrew Nikiforuk . TAR SANDS: Dirty Oil and the Future of the Continent. Greystone Books and the David Suzuki Foundation.08. And, “oil sands consumption of water is expected to more than double from 5 to 13 million m3 by 2015.” 10. Unconventional Oil :Scraping the Bottom of the Barrel. WWF & Co-operative Financial Services.09 In these contexts alone, it will take extreme precautionary measures to protect the quality, quantity and flow of the this, the fourth largest fresh water river in the world, and a huge part of the world's largest watershed.
- * To date, no federal or provincial agency has done a cumulative impact study evaluating the industry's footprint on boreal wetlands and rivers. 10. Ibid
- * If accepted, recent proposals by Bruce Power to set up nuclear plants to help extract bitumen, will lead to a significant increase in the use of water resources as well as radioactive outflows to groundwater and adjacent waterways e.g. the Athabasca River .
- * “Mammoth tailings lakes , primarily contaminated with naphthenic acids currently occupy 130 square kilometres of what was once Boreal wetland .” 11. Mr. Tony Maas,Senior Policy Advisor, Fresh Water World Wildlife Fund Canada .Brief to the House of Commons Standing Committee on Environment and Sustainable Development Hearings on Oil Sands and Water Issues May 6 th , 2009 -presented May 13th, 2009.
- * Experts are concerned about potential natural or man- induced accidents/actions for both the nuclear plants, where a nuclear accident would be catastrophic, and the mammoth contaminated tailings lakes, which “contain 750 million cubic metres of mature fine tailings behind dikes, rise up 90 metres above the landscape,...” and “ 30% of these remain fluid for as long as five hundred centuries if left undisturbed”, which if the dikes were breached, would “clearly pose a risk to communities like Fort Chipewyan and immediately down river.” 12. Ibid.

Who Is Responsible? A Clear Lack of Federal and Provincial Oversight and Action

NCWC agrees with former Alberta Premier Peter Loughheed, that the Federal Government has the mandate and responsibility to Canadians to protect the environment. However evidence to date clearly shows that there is little Federal action or oversight. In fact the Federal government seems missing in action. For instance, in evidence before this Committee, World Wildlife Canada representative Tony Maas stated that, “the oil sands development has progressed without appropriate oversight and leadership.” ; Mr. Barry Robinson, Staff Lawyer, for EcoJustice, said (Oil) “ Companies in general are not carrying through on commitments made under the Federal Canadian Environmental Assessment Act approvals.”; and, Symon Dyer of the Pembina Institute stated that early attempts to constrain the industry through the Cumulative Environmental Management Association (CEMA) which set environmental limits and was to ensure that the oil sands proceed responsibly “were undermined by the lack of federal leadership”. 13. Presentations to the Standing Committee on Environment and Sustainable Development Hearings on the Oil Sands and Water. May 13th, 2009.

For its part, the Government of Alberta is to be commended for its August 6th 09 announcement of an intent to create “ *new protected wilderness areas in the Athabasca*

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Heartland” 14. CPAWS northern Alberta .August 6th 2009 ; its involvement in CEMA and the Regional Aquatic Monitoring Program (RAMP); and, as a signatory to the Mackenzie River Trans-boundary Waters Master Agreement (TWMA). Nevertheless, the vast extent of environmental damage and the failure of remedial and regulatory efforts to date are a foreboding signal of the future difficulties. For example, the new park doesn’t begin to make up for the thousands of acres of forests, wetlands, rivers and lakes that have been damaged, some irreparably, and, the Federal-Provincial Management Framework for the Athabasca River gives priority to oil sands development, there being no legal requirement for water withdrawals to be halted.

More important than this, there are huge costs to the environment, and northern Alberta communities, such as Fort Mc Murray - including especially First Nation peoples whose health and way of life rely on clean water, forest, and wild life resources. There are also the impacts on other Provinces and Territories , for example Saskatchewan which shares Lake Athabasca, and may now be further at risk if nuclear power is used to extract bitumen from the oil sands, and there are plans for seven up-graders on the North Saskatchewan River. 15.ibid

All of this will have to be paid for by Canadians now and for generations to come -just to mend the damage already done by an industry, that, according to environmental experts who have testified to this Parliamentary Committee, has had few controls as it roared ahead.

Recommendations to This Committee

Finally, NCWC asks this very important Committee of the Government of Canada to use the information you have gleaned in these hearings and from your on-the- ground - observations, to protect the interests of those millions of Canadians, and First Nations peoples, who have nothing to gain from the exploitation of the Tar Sands, but everything to lose from the environmental, health and social impacts of the continued or accelerated status quo.

To do so, we urge you to recommend the following to the Federal Government , as outlined in our NCWC Policies dating back to 1980 , and specifically related to the extraordinary circumstances of the tar sands development and water resources

1. “*Establish a national river basin management policy in co-operation with the provinces and territories to :*

a) *plan and coordinate further development and modification of Canada’s major river systems to attempt to ensure compatible and ecologically -sound uses are made of the water, and*

b) *maintain as wide a range of future options for development as possible, considering not only surface waters but associated groundwaters, the systems from head waters to*

estuaries and receiving coastal waters and the requirement for coordinating land use within watersheds with water use.”/85

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2. *“ Retain and promote an active , independent and strong regulatory role in the protection of the environment .”/97*
3. *“Develop a National Water Strategy.” /07*
4. *“Ensure that all mining companies report toxic waste pollution from their total mining operations to the National Pollutants Release Inventory (NPRI)”/08*
5. *“Ensure that all projects within the Provincial or Federal jurisdiction, having the potential to harm the environment , be subject to an appropriate Federal or joint Federal/Provincial Environmental Assessment that is transparent, ensures rigorous scientific input and scrutiny, allows meaningful access to the process and provides project scrutiny before proceeding to the regulatory stage.” /09*
- .6. *“ Cease supporting the irresponsible production of oil from tar sands in Canada by:*
 - a) *placing a moratorium on new tar sands projects until the environmental concerns are r resolved ,*
 - b) *stopping federal incentives to develop the tar sands,*
 - c) *increasing the monitoring and reporting of the environmental and social impacts of producing oil from tar sands.”/09*

Further to this, we believe the Standing Committee should make an immediate recommendation, based on consistent and documented information from a variety of environmental experts, that the Federal government should take a leadership role on all committees where work is being done on this issue such as RAMP, CEMA and TWMA; that increased funds be made available for in-depth independent scientific research; and that all related tar sands information should be available to the public in a timely fashion...

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