

**Title Non-Compliance with International Obligations and
Commitments: The Precautionary Principle**

Petition to the Canadian Environment Commissioner

Joan Russow PhD

Global Compliance Research Project

1230 St Patrick Street

Victoria, BC V8S4Y4

1 (250)294-1339

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*At the United Nations Conference on Environment and Development the
precautionary principle was established as an international peremptory
norm; and as a principle of International common law it has appeared in
different versions;*

Citizens have a legitimate expectation that Canada will live up to its international obligations and Commitments, and that scientists will be free to carry out and report on research without being impeded. This petition is submitted under the “outline how international environmental commitments are being met”.

**PLEASE NOTE IN THE ANNEX: THE RESPONSE FROM THE
DEPARTMENT OF AGRICULTURE**

**A. Failure to implement Precaution principle in Convention on
Biological Diversity and the Rio Declaration**

**B. Failure to implement the precautionary principle in the UN
Framework Convention on Climate Change**

**C. Failure to abide by the precautionary principle in the Convention
on the Law of the Seas and in the Agreement on the Conservation and**

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and Anadromous Species

A. Failure to implement Precaution principle in Convention on Biological Diversity and the Rio Declaration and in WTO documents

In the legally binding Convention on Biological Diversity, the precautionary principle reads;

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat

In the universally adopted Rio Declaration, the precautionary principle reads;

Where there are threats of serious or irreversible damage, [to the environment and human health] * lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation." (Rio Declaration, UNCED1992).

*interpretation of the precautionary principle in the Rio Declaration

Precautionary principle extended to be applied to health article by World Health organization

www.euro.who.int/__data/assets/pdf_file/0003/91173/E83079.pdf · PDF file
IN this file the precautionary principle has been extended to cover health.

QUESTIONS

- (i) There is sufficient scientific evidence that neonicotinoid and similar pesticides have been decimating the bee population: Why has the precautionary principle not been invoked and**

these pesticides, banned in Canada? **Department of Agriculture, Department of Environment or other relevant departments or agencies)**

(ii) There is sufficient scientific evidence that genetically engineered crops have destroyed milk weed, and thus have contributed to the diminishing of Monarch butterflies: Why has the precautionary principle not been invoked and these crops not prohibited in Canada? **Department of Agriculture, and Department of Environment or other relevant departments or agencies**

(iii) There is sufficient scientific evidence that glyphosate pesticide has been harmful to human health and the environment: Why has the precautionary principle not been invoked and these pesticides banned in Canada?
<http://www.i-sis.org.uk/SS-glyphosate.php>

Department of Agriculture, and Department of Environment or other relevant departments or agencies)

(iv) There is sufficient scientific evidence that genetically engineered food and crops could be harmful to human health: Why has the precautionary principle not been invoked and these crops now prohibited in Canada?

Leading Geneticist Exposes Hazards of Gene-Altered Foods & Crops
<http://www.organicconsumers.org/ge/hazards111504.cfm>

Department of Agriculture, Department of Environment) or other relevant departments or agencies)

(v) There is sufficient scientific evidence that Bovine growth Hormone could be harmful to health of humans and cows, and that BGH was banned in Canada: Why is it still possible that BGH milk from the US is allowed into Canada and processed in certain firms that are permitted to sell back to the US and to Other States? And why are BGH milk solids being permitted for sale in Canada?

Department of Agriculture, Department of Environment) or other relevant departments or agencies)

B. Failure to implement Precautionary principle in the UN Framework Convention on Climate Change.

In the legally binding UN Framework Convention on climate change there was the obligation:

to take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures. (UNFCCC, 1992)

Under the Framework Convention on Climate Change is the following obligation;

Under Article 2 of the legally binding UN Framework Convention on Climate change, states are to stabilize greenhouse gases below a level of dangerous anthropogenic emission. (UNFCCC)

QUESTIONS

(i) There is sufficient scientific evidence that the continued exploitation of the tar sands will cause Canada to fail to discharge its obligations under the UNFCCC: Why has the precautionary principle not been invoked to prevent exploitation of the tar sands.

(ii) Department of natural Resources. Department of Environment or other relevant departments or agencies

(ii) There is sufficient scientific evidence that accidents on pipelines have occurred and that pipelines are proposed through sensitive environmental areas in BC and through First Nations' land: Why will the precautionary principle not be invoked to prevent the pipelines and Tanker traffic from the Enbridge and from Kinder Morgan proposals?

Department of Environment and Department of Natural Resources, or other relevant departments or agencies

C. Convention on the Law of the Seas and Precautionary Principle in the Convention on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and Andronomous Species such as salmon

Under under article 6 of the 1995 agreement “relating to the Conservation and management of straddling fish stocks and highly migratory fish stocks ...is the obligation to invoke the precautionary principle.

And

1. To apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment.

2. To be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

Under article 6 are obligations for implementing precautionary measures

6 3(d) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.

QUESTIONS:

- (i) There is sufficient scientific evidence that *ISA and other viruses are in farmed salmon, and have even spread to wild salmon, that these viruses have arisen because of salmon aquaculture and that these**

**viruses are harmful to salmon and to human health:
Why has the precautionary principle in the agreement
on straddling fish, not been invoked and salmon
aquaculture prohibited in Canada?**

**Department of Health, Department of Fisheries and
other relevant Departments and agencies**

**See film on [http://dissidentvoice.org/2013/03/salmon-
confidential/](http://dissidentvoice.org/2013/03/salmon-confidential/)**

***Infectious salmon anemia or anaemia (ISA) is a viral disease of
Atlantic salmon (salmon salara) that affects fish farms in Canada,
Norway, Scotland and Chile**

- (ii) There is sufficient scientific evidence that transgenic
salmon could be harmful to the environment and
human health that they could develop disease in
land based pens, and that here could be accidents
resulting in their escaping into the nearby water
system and into the food chain: why was the
precautionary principle not applied in PEI where the
eggs are produced and in Panama where they are
growing in pens, and transgenic salmon test sites
have been prohibited and why will the precautionary
principle not be invoked to prevent transgenic
salmon from being permitted to be produced in
Canada and sold for human consumption.**

***A tree fell on the land-based pen in panama and the fish
escaped into the local river. Also, the transfer from PEI to
Panama violated the precautionary principle in the Biosafety
protocol.**

**the Bureau of microbial Hazards in the department of Health,
Department of Health CFIA Department of Fisheries, “New
Substance Notification Regulation (organisms) under the
Canadian Environment Protection Agency (CEPA), Department
of Environment or other relevant departments or agencies**

- (iii) There is sufficient scientific evidence that
mechanically harvesting seaweed has caused a**

depletion of seaweed in areas where herring spawn and this practice has impacted on food sources for salmon: Why has the precautionary principle not been invoked to ban mechanically harvesting and to place a moratorium of non-mechanical harvesting?

Environmental concerns raised as seaweed harvesters scour beaches

http://pejnews.com/index.php?option=com_content&view=article&id=8761:environmental-concerns-raised-as-seaweed-harvesters-scour-beaches&catid=89:bc-earth-news&Itemid=213

relevant departments or agencies

- (iv) **There is sufficient scientific evidence that the IUCN red listed threatened Nechako White Surgeon species could be impacted by the Enbridge pipeline which is designed to cross over the Nechako River: Why has the precautionary principle not been invoked to prevent the possibility of a red listed species being killed or harmed.**

<http://www.iucnredlist.org/details/234/0>

: Department of Fisheries, Department of Environment or other relevant departments or agencies)

- (v) **There is sufficient scientific evidence that sonar from tankers could harm whales and that under article 65 of the Law of the seas, there is an obligation to protect whale habitat: Why has the precautionary principle not been invoked to prevent the increase in tanker traffic along the BC coast;**

International study by Christine Erbe, director of the Centre for Marine Science and Technology at from Curtin University in Perth, Australia www.orcarelief.org/docs/erbe_boatnoise.pdf

, predicts total underwater shipping noise could increase 10-fold in B.C.'s northern fiords if Northern Gateway proceeds. And that

“With the cumulative effect, the levels would be way above anything these animals would ever have experienced naturally,” *Erbe, a former research scientist with Canada’s federal Fisheries department*, and that

. “There is a worry they will go away and not come back to these fiords. This is critical habitat, important to them”

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relevant departments or agencies

ANNEX;RESPONSE FROM THE MINISTRY OF AGRICULTURE

NOTE The response from all the departments to the definition of the precautionary principle was similar’

**Government of Canada’s response to Environmental Petition No. 349
filed by Joan Russow, PhD
under Section 22 of the *Auditor General Act*
and received on April 10, 2013**

**Petition regarding the non-compliance with international obligations and
commitments: the precautionary principle**

Agriculture and Agri-Food Canada

**Environmental Petition No. 349
Non-Compliance with International Obligations and Commitments:
The Precautionary Principle**

Preamble

The Government of Canada's policy on precaution is described in A Framework for the Application of Precaution in Science-based Decision Making about Risk (Framework), which is available on the Privy Council Office website at www.pco-bcp.gc.ca/index.asp?lang=eng&page=information&sub=publications&doc=precaution/precaution-eng.htm#1.0.

As you will note, this framework outlines guiding principles for the application of precaution to science-based decision making in areas of federal regulatory activity for the protection of health, safety and the environment, and the conservation of natural resources. The Framework describes the concept as follows:

The application of "precaution", "the precautionary principle" or "the precautionary approach" recognizes that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

The Framework further states:

The application of precaution is distinctive within science-based risk management and is characterized by three basic tenets: the need for a decision, a risk of serious or irreversible harm and a lack of full scientific certainty.

In conclusion, I believe this definition misconstrues the international definition of the precautionary principle as phrased in the Rio Declaration, UNFCCC, CBD and UNCLOS

B. FEDERAL DEPARTMENTS HAVE MISCONSTRUED THE PRECAUTIONARY PRINCIPLE

In April 2013, I filed a petition with the Commissioner on the Environment and raised the issue of Canada's failure to abide by the precautionary principle. I referred to 14 issues, two of which were related to the tarsands and pipelines

QUESTION 1. There is sufficient scientific evidence that the continued exploitation of the tar sands will cause Canada to fail its obligations under the United Nations Convention on Climate Change (UNFCCC)

Under Article 2. Of the Convention

Under Article 2 of the legally binding UN Framework Convention on Climate change, states are "to stabilize greenhouse gases below a level of dangerous anthropogenic emissions."

The Department of Natural Resources responded that the Government takes the issue of climate change seriously, and under the 2009 Copenhagen Accord, Canada has committed to reducing its greenhouse gas (GHG) EMISSIONS BY 17 % FROM 2005 LEVELS BY 2020.

At Copenhagen, Canada agreed to far less than the EU that agreed to 20% below 1990 levels by 2020 and would have been prepared to go as far as 30% if other states had been willing.

QUESTION 2. There is sufficient evidence that accidents on pipelines have occurred and that pipelines are proposed through sensitive environmental areas in British Columbia and through First Nations' land; Why will the precautionary principle not be invoked to prevent pipelines and tanker from Enbridge and Kinder Morgan Proposals.

In the response from the Department of Natural Resources gave their definition of the precautionary approach as the following:

"The Framework outlines guiding principles for precautionary measures and their application in science-based decision making in areas of federal regulatory activity for the protection of health, safety and the environment, as well as the conservation of natural resources. It also addresses the issue of terminology and definition directly in the introduction which states:

The application of "precaution", "the precautionary principle" or "the precautionary approach" recognizes that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

I interpret this in the following way the application of "precaution", "the precautionary principle" or "the precautionary approach" recognizes that the absence of full scientific certainty [that it is safe] shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

[If the emphasis is on science that demonstrates that it is safe; it is easy to ignore evidence that it is unsafe.]

On the Other hand, the version in the Convention on Biological Diversity reads

"where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty [that it is unsafe] should not be used as a reason for postponing measures to avoid or minimize such a threat"