

# LICENCE TO SPILL

BY ZOE CORMIER

The government of Ontario has introduced a new bill to ensure that large companies that create environmental spills will be fined immediately—up to \$100,000 a day.

Bill 133 comes in response to an alarming rise in industrial accidents in the province in recent years. According to the Ministry of Environment (MOE), there were 1,062 industrial spills to land, air and water in Ontario in 2004—24 percent more than in 2003. And, what's worse, the spills are getting larger. The size of the average liquid industrial spill increased by 250 percent, and solid spills by 400 percent.

Most of these spills have occurred around the Great Lakes, Canada's most populous region. There have been 800 spills into the St. Clair River alone (from both sides of the border) over the past 20 years, according to Lake Ontario Waterkeeper.

Many of these spills have forced people downstream to shut down their water treatment intakes. The Walpole Island First Nation (WIFN) had to shut off its water supply for four days last year following an accident at the Imperial Oil facility in Sarnia that released an estimated 150,000 litres of ketones— toxic industrial solvents that can lead to blurred vision and vomiting. The community was not compensated for the bottled water they had to purchase, and this was the third time in six months a spill forced them to turn off the taps.

"It was quite traumatic," says David White, director of the WIFN Heritage Centre.

The Liberals are hoping Bill 133 will turn things around. Before, under the Provincial Offences Act, affected communities were generally left to foot the cleanup bill after a spill, with companies paying fines only when forced by the courts. Court cases could last up to five years, and charges were rarely laid. Now, immediately following a spill, the MOE can issue environmental penalties to pay for the cleanup.

"This raises the bar for these kinds of environmental penalties," says Rick Smith, executive director of Environmental Defence, who also points

out that the legislation has its limitations. "Bill 133 is good, but it only deals with illegal pollution. The bigger problem is legal pollution, the stuff facilities have government permits to release."

The people on Walpole Island know all too well about permits. In 1995, fertilizer manufacturer Imperial Chemical Industries (ICI) Canada Ltd. applied to the government of Ontario for a

permit to gradually release 24.6 million gallons of treated water from its holding ponds into the St. Clair River. The water contained (among other things) dinitrotoluene, a carcinogen.

The WIFN took ICI to court. "We fought them until we ran out of money—we spent about \$1 million—then the case had to be dropped, so they were allowed to release the water," says White.



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