

Feedback on Draft Water Act

Submitted by Pesticide Free PEI

A river is more than an amenity,
it is a treasure.

~ Justice Oliver Wendell Holmes



Islanders love good news stories! Let's encourage more of this.

PEI's Vanco Farms recognized for its stewardship of the land

This post got 13,397 views, 301 likes and 80 shares on social media

■ <http://www.theguardian.pe.ca/news/local/2017/4/1/p-e-i---s-vanco-farms-recognized-for-their-stewardship-of-the-la.html>



Pesticides are serious and growing problems in PEI wells.

| | | Atrazine | Metribuzin | Metalaxyl | Hexazinone | Imidacloprid |
|---|---------|----------------------|-----------------------|------------------------|------------------------|------------------------|
| Drinking Water Guideline/Guidance Value | | 5 ng/mL ¹ | 80 ng/mL ¹ | 501 ng/mL ² | 210 ng/mL ³ | 426 ng/mL ² |
| Site ID | Year | ng/mL | ng/mL | ng/mL | ng/mL | ng/mL |
| Public Building Sites | | | | | | |
| Cardigan Consolidated School | 2011-12 | n.d. | 0.1 | n.d. | 0.12 | n.d. |
| L'Ecole Evangeline | 2011-12 | 0.07 | n.d. | n.d. | n.d. | n.d. |
| Mont Carmel Seniors Facility | 2011-12 | n.d. | n.d. | 0.10 | n.d. | n.d. |
| Private Residences and Municipal Systems | | | | | | |
| F | 2011-12 | 0.07 | n.d. | n.d. | n.d. | n.d. |
| H | 2011-12 | n.d. | n.d. | n.d. | n.d. | 0.18 |
| HH | 2011-12 | n.d. | n.d. | n.d. | n.d. | n.d. |
| II | 2011-12 | n.d. | n.d. | n.d. | n.d. | n.d. |
| J | 2011-12 | n.d. | n.d. | n.d. | n.d. | n.d. |
| JJ | 2011-12 | n.d. | n.d. | 0.03 | n.d. | n.d. |
| N | 2011-12 | n.d. | n.d. | n.d. | n.d. | n.d. |
| O | 2011-12 | n.d. | 0.10 | n.d. | n.d. | 0.1 |
| T | 2011-12 | n.d. | n.d. | 0.14 | n.d. | n.d. |
| X | 2011-12 | n.d. | n.d. | n.d. | n.d. | n.d. |
| Public Building Sites | | | | | | |
| Alberton Elementary School | 2012-13 | 0.04 | n.d. | n.d. | n.d. | n.d. |
| Amherst Cove School | 2012-13 | 0.03 | n.d. | n.d. | n.d. | 0.02 |
| Cardigan Consolidated School | 2012-13 | n.d. | 0.12 | n.d. | 0.19 | 0.11 |
| Englewood School | 2012-13 | n.d. | n.d. | n.d. | n.d. | n.d. |
| L.M. Montgomery School | 2012-13 | n.d. | n.d. | n.d. | n.d. | n.d. |
| L'Ecole Evangeline | 2012-13 | 0.19 | n.d. | n.d. | n.d. | n.d. |



Nitrate levels in private wells and many waterways pose a serious threat.

“With the Province’s small land base, competition between agricultural productivity and the need to protect water quality poses difficult challenges. Under current land use practices, our research team is predicting that GW nitrate levels will increase by over 10% by the year 2050. Furthermore, when potential adaptations to climate change by the agricultural sector are considered, this increase could triple. Such changes could be expected to result in nearly doubling the proportion of wells exceeding the nitrate guideline. The potential economic and public health consequences of climate change highlight the need for aggressive actions to control nitrate leaching to groundwater. ”

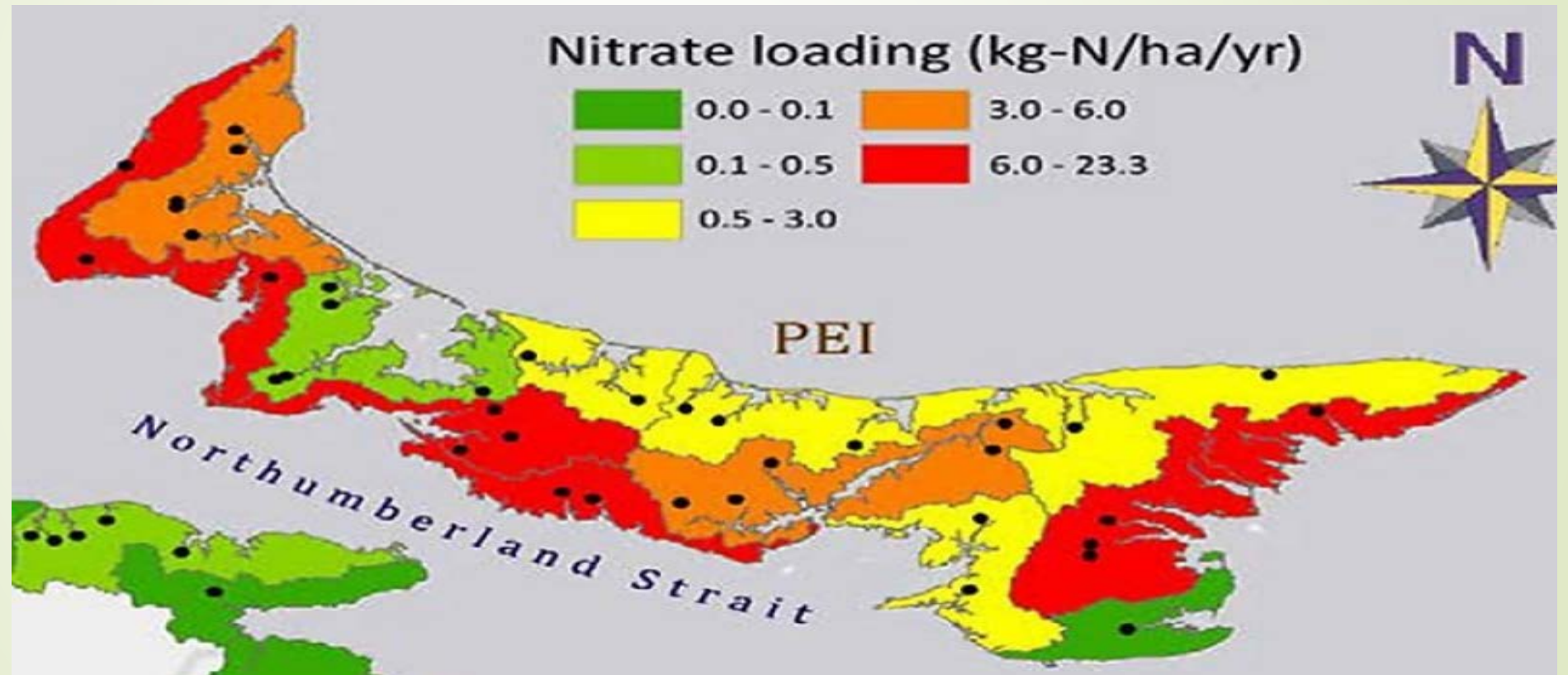
Source: Economic implications of increasing nitrate in groundwater due to climate change, Prince Edward Island, Canada

George Somers¹ and Martine M. Savard²

http://www.iwra.org/congress/resource/abs696_article.pdf

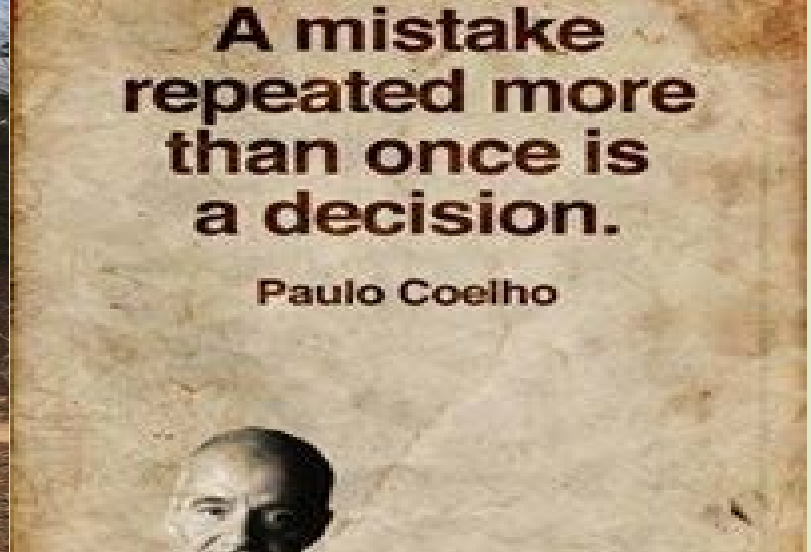
Nitrates continued:


Research found most nitrates in Northumberland Strait come from PEI



Source: <http://www.theguardian.pe.ca/news/local/2016/3/4/research-finds-most-nitrates-in-northumb-4456786.html>


Land use problems need preventative measures. This approach will make costly remedial actions a thing of the past. We know what needs to be done.





Barclay Brook is a perfect example of lack of preventative practices leading to government taking costly remedial actions. This is not sustainable.

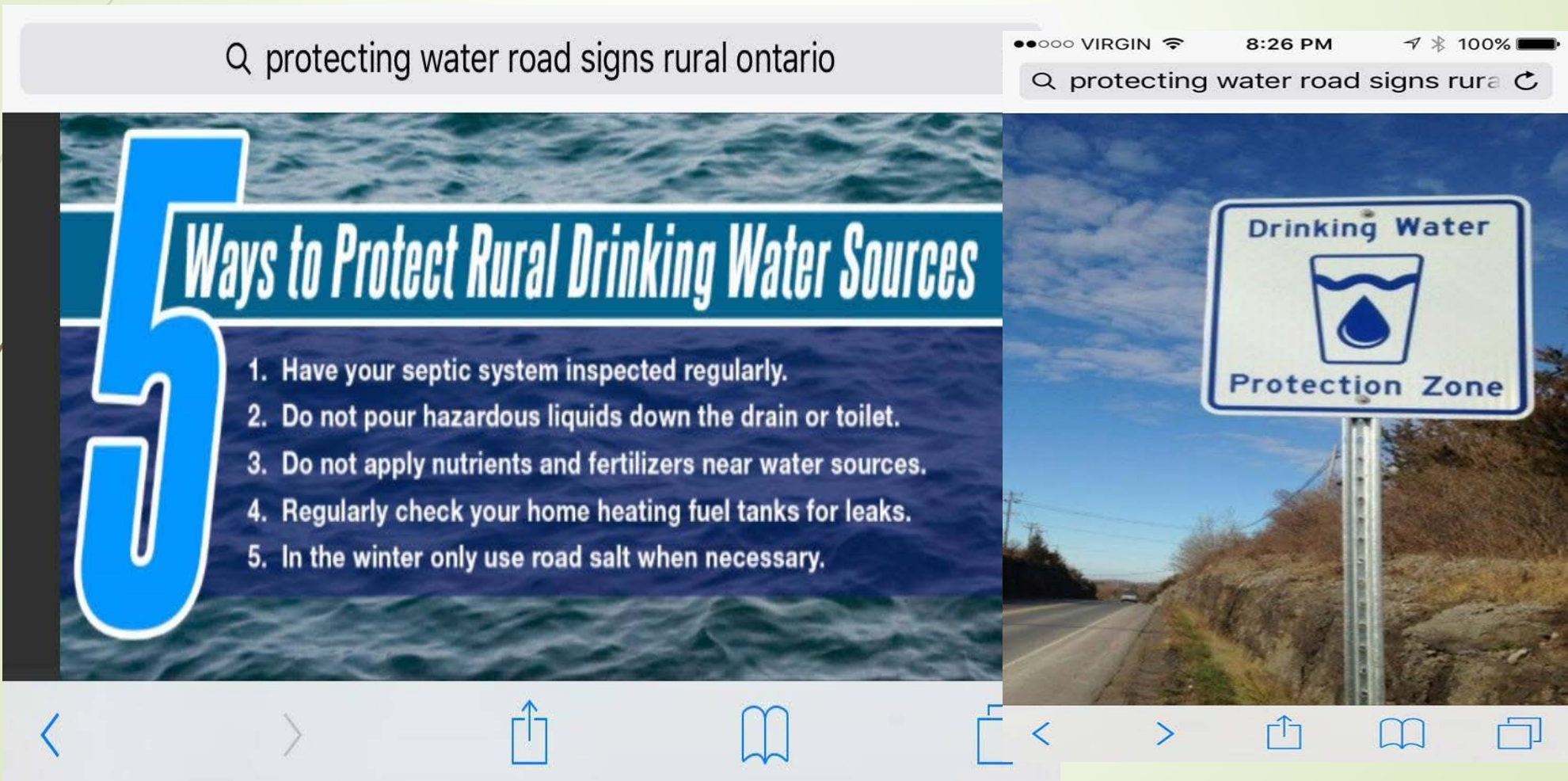
- <http://www.theglobeandmail.com/news/national/pesticide-runoff-suspected-in-latest-case-of-dead-fish-in-pe-i-river/article13481109/>
- <http://www.cbc.ca/news/canada/prince-edward-island/fish-kills-prompt-soil-conservation-to-prevent-runoff-1.1398957>
- <http://www.theguardian.pe.ca/news/local/2013/7/29/updated-second-fish-kill-in-three-days-3331955.html>
- <http://www.theguardian.pe.ca/news/local/2013/5/3/innovation-minister-confident-farm-loans-3232885.html>
- http://www.peicanada.com/island_farmer/article_dfc185d8-6915-11e4-90e7-73c2801a0c0d.html



ALUS program is a great example of prevention by a small percentage of island farms.

- We applaud this program and the farmers who have taken advantage of it. With only approximately 11% of island farmland being dedicated to this, we believe PEI farmers need more than just incentives. They need stronger legislation put in place to protect our waterways for present and future generations.

Consider an awareness campaign for islanders and visitors



What is missing in the draft Act?

Reduce Pesticides and Nitrates

We echo the concerns of many environmental groups who presented on the draft act that it should contain plans for reduction in pesticide and nitrate usage and runoff. Although Minister Mitchell hints that these concerns **may** be addressed in the regulations and that the reason they aren't included in the Draft Act is so that they **may** be strengthened in regulations piece, it stands to reason that they could also be weakened in regulations. In fact, they could even be omitted. The fact that regulations can be changed to suit the minister in power makes it necessary to include coverage on this crucial issue in the act and in more detail in the regulations.

"Working in a Co-operative and Determined Manner to Eliminate Fish Kills
Buffer zones around our waterways must be enforced and current provisions dealing with sloped land must be reviewed. Greater engagement with the farming community on this issue must be a priority. Additional measures to reduce soil erosion must be pursued. Government and the farming community must also expand their joint efforts to enhance the protection of environmentally sensitive areas." <http://www.liberalpei.ca/wp-content/uploads/Liberal-Party-Platform-2015.pdf>

What's Missing in the act, continued

Precautionary Principle

- "The precautionary principle denotes a duty to prevent harm, when it is within our power to do so, even when all the evidence is not in. This principle has been codified in several international treaties to which Canada is a signatory. Domestic law makes reference to this principle but implementation remains limited."

<http://www.cela.ca/collections/pollution/precautionary-principle>

- The last line in the former quote is cause for concern and seems to be the approach taken in the draft act. Simply "making reference" to this term, as is the case in the introductory statements of the draft water act, does not go far enough. A strong statement in the act should state that our government **will** take the precautionary approach when making regulations regarding our water. Not doing so leaves the reader to wonder who government is really protecting: islanders and their water, or corporations with a vested interest.

Recommendations

- Add a statement to the Draft Water Act to make it legislation that you will work in meaningful ways to reduce pesticide and nitrate usage/runoff . Set clear, measurable and enforceable objectives. The regulations can add specifics about how you will make this happen. I.e: mandatory cover crops, wider buffer zones, new innovations, stronger enforcement and incentive to transition to organic.
- Add a statement that environmental working groups will be included in meaningful ways in decision-making with regard to regulations. This will add credence to your government's mantra of "collaboration and transparency".
- To quote Minister Mitchell at Montague meeting, "No one can deny that nitrates and pesticides are a concern." While they may not deny it, this government seems intent on ignoring those concerns and pushing for bigger at any cost, which we know is unsustainable. Minister Mitchell asks us to "trust" him. We will trust that he makes the choices in the best interests of our island waterways and the rights and health of all islanders, rather than the strictly monetary interests of corporations.