



environmental  
defence  
INSPIRING CHANGE

May 27<sup>th</sup>, 2015

Minister Leona Aglukkaq  
House of Commons  
Ottawa, Ontario

Dear Minister,

I am writing on behalf of Environmental Defence Canada to seek action from your department regarding the enforcement of s. 36(3) of the *Fisheries Act* with regard to toxic leakage from tar sands tailings ponds.

On July 29<sup>th</sup>, 2014, the Commission for Environmental Cooperation (CEC) 2014 notified the Government of Canada that "central questions remain open" regarding Environmental Defence and our co-submitters' assertions "that Canada is failing to enforce" the *Fisheries Act*. As such, the CEC recommended that it undertake a factual record to more deeply investigate this issue.

The three Parties to NAFTA voted against this recommendation. Nonetheless, the issues remain. There is strong evidence that toxic chemicals are leaking from tar sands tailings ponds into nearby rivers. Most recently, a study undertaken with the participation of Environment Canada scientists (Profiling oil sands mixtures from industrial developments and natural groundwaters for source identification, published in *Environmental Science and Technology*) showed that chemicals found in groundwater and migrating into the Athabasca River had the chemical fingerprint of tailings pond wastewater. There remain open questions about Environment Canada's enforcement of the *Fisheries Act* with respect to these leakages.

I am therefore writing to you, on behalf of Environmental Defence, to request that you exercise your authority as Canada's Environment Minister and instruct Environment Canada's enforcement branch to effectively enforce s. 36(3) of the *Fisheries Act* in order to end the practice of allowing widespread leakage of toxic water from tar sands tailings ponds.

Sincerely,

Dale Marshall  
National Program Manager, Environmental Defence

cc. Gordon Owen, Chief Enforcement officer, Environment Canada