

Taylor, Sheree L.

From: Joe Minor
Sent: August 25, 2012 6:24 PM
To: clerk@hamilton.ca
Subject: PFOS: PWGSC and DFO
Attachments: dfo.pdf; pwgsc.pdf

To: The Mayor and All Members of Council c/o the Clerk

Please include this communication in the next official (publicly accessible) information package for Hamilton City Council.

The two attachments are letters from the Ministers for Public works and Fisheries and Oceans regarding PFOS.

Thanks,

Joe Minor

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

JUL 26 2012



Dear Mr Minor:

I am writing in response to your letter to Mr. Scott Vaughan, Commissioner of the Environment and Sustainable Development, regarding Environmental Petition No. 0332 received in our office on April 5, 2012, concerning the Perfluorocarbon (PFC), Perfluorooctane Sulfonate (PFOS) and Perfluoroethylcyclohexanesulfonate (PFECHS) contamination at the Hamilton International Airport.

I appreciate being made aware of your concerns in this petition. Fisheries and Oceans Canada is providing you with the response to question 5, as it relates to the mandate and legislation of the Department

I understand that my colleagues will be responding separately to the other questions of your petition that fall under their respective mandates and legislation.

Thank you for your interest in this matter.

Yours sincerely,

Keith Ashfield

Attachment

c.c.: The Honourable Denis Lebel, P.C., M.P.
The Honourable Peter Kent, P.C., M.P.
The Honourable Tony Clement, P.C., M.P.
The Honourable Leona Aglukkaq, P.C., M.P.
The Honourable Peter Gordon MacKay, P.C., M.P.
The Honourable Rona Ambrose, P.C., M.P.
Mr. Scott Vaughan, Commissioner of the Environment and Sustainable Development

Canada

**Fisheries and Oceans Canada's Response to
Environmental Petition No. 0332**

Question 5: Will the federal government (i.e., the Department of Fisheries and Oceans) please investigate whether or not the toxic mess (both PFCs and other toxic materials) that runs off of airport property and into the Welland River constitutes a harmful alteration, disruption or destruction (HADD) of fish habitat or any other violation of the Fisheries Act?

Response:

Fisheries and Oceans Canada has primary responsibility for the administration of the *Fisheries Act*, which includes the responsibility for the administration and enforcement of the fish habitat protection provisions of the Act. Environment Canada is responsible for the administration and enforcement of the pollution prevention provisions of the *Fisheries Act*, which include subsection 36(3) and the related provisions of the Act with respect to the deposit of deleterious substances in water frequented by fish. As such, Fisheries and Oceans Canada is providing you with the response to Question 5, as it relates to its mandate with respect to protection of fish and fish habitat. My colleague at Environment Canada will provide a more substantive response in accordance with their role and mandate with respect to deleterious substances in the aquatic environment.

Subsection 36(3) of the pollution prevention provisions of the *Fisheries Act* prohibits the deposit of deleterious substances into water frequented by fish. This provision of the *Fisheries Act* is administered and enforced by Environment Canada under a Memorandum of Understanding with the Department. The authority to conduct enforcement activities in relation to the deposit of deleterious substances and to enforce such potential offences is also under the mandate of Environment Canada in accordance with the Memorandum of Understanding. Accordingly, the determination of whether sufficient grounds exist for the conduct of an inspection is the responsibility of Environment Canada.

I understand that Environment Canada will be providing you with a response to this question explaining what action is being taken in this regard and I invite you to refer to Environment Canada's response for further information.

Ministre des
Travaux publics et des
Services gouvernementaux
Receveure générale du Canada



Minister of
Public Works and
Government Services
Receiver General for Canada

Ottawa, Canada K1A 0S5

JUL 26 2012

Mr. Joe Minor



Dear Mr. Minor:

Thank you for your environmental petition no. 332, regarding the site contamination at the Hamilton International Airport. Your petition was forwarded to Public Works and Government Services Canada (PWGSC) on April 5, 2012.

The mandate of the Department is to provide common services to the various departments, agencies and boards of the Government of Canada. In addition, PWGSC offers many optional services to federal departments, which they may elect to use. Management of contaminated sites is one such optional service.

In response to question 8, in order for PWGSC to become involved in the management of a contaminated site, it must first be engaged by the custodian for that site. At this time, PWGSC has not been engaged to assist in the management of the Hamilton International Airport site.

Regarding question 9, as a federal department, PWGSC is required to provide information regarding its known contaminated sites on the Federal Contaminated Sites Inventory, in compliance with the Treasury Board Reporting Standard on Real Property. Given that PFOS is an emerging contaminant, soil and groundwater guidelines/standards to determine exceedences of contaminant levels are not available. It is my understanding that Health Canada and Environment Canada are working to establish national guidance on PFOS management at contaminated sites.

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I understand that your petition has been forwarded to my colleague, the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, as well as other federal ministers who have areas of responsibility which concern your petition. I trust that they will address the questions you have raised in your petition when they respond to you.

Thank you for your interest in this important matter.

Yours sincerely,



Rona Ambrose

c.c.: Mr. Scott Vaughan
Commissioner of the Environment and Sustainable Development

The Honourable Denis Lebel, PC, MP
Minister of Transport, Infrastructure and Communities

The Honourable Peter Kent, PC, MP
Minister of the Environment

The Honourable Tony Clement, PC, MP
President of the Treasury Board and Minister for the Asia-Pacific Gateway

The Honourable Leona Aglukkaq, PC, MP
Minister of Health

The Honourable Keith Ashfield, PC, MP
Minister of Fisheries and Oceans

The Honourable Peter MacKay, PC, MP
Minister of National Defence