

## David R. Boyd: B.C. slow to enforce environmental laws

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Reviewing a decade's worth of data on the enforcement of environmental law in B.C. reveals a dramatic decline in the number of offenders charged with, prosecuted for and convicted of environmental offences.

The B.C. government provides a searchable online database of convictions for environmental offences spanning the years 2006 to 2015. All convictions under 20 environmental laws enforced by the province are included, covering everything from the Drinking Water Protection Act and the Wildlife Act to the Environmental Management Act and the Park Act.

Back in the 1990s, according to the Ministry of Environment, there were more than 500 convictions per year in B.C. for environmental offences.

In the past decade, that number crashed by more than 80 per cent to an average of just 65 convictions per year. Is this because industry and individuals have become environmental saints? Or are the sinners getting away with eco-crimes because of a lack of enforcement?

A deeper dive into the data suggests that the declining use of the stick is due to cutbacks and the radical shift in philosophy that transpired with the ouster of the NDP government and the election of premier Gordon Campbell and the B.C. Liberals. Campbell spent much of his first term taking a chainsaw to the Ministry of Environment. B.C.'s environmental laws were gutted under the guise of cutting red tape. Premier Christy Clark has done nothing to repair the damage.

There are fewer conservation officers with boots on the ground today than there were 20 years ago, a problem exacerbated by two decades of consistent growth in B.C.'s population and the economy. In recent years, the number of calls to the provincial RAPP line (Report All Poachers and Polluters) more than doubled. The number of problem-wildlife calls more than tripled. Polluting factories, natural gas infrastructure and other industrial facilities grew substantially. And yet enforcement capacity shrank.

The Mount Polley disaster, where a tailings dam failed and dumped millions of cubic metres of potentially toxic material into Quesnel Lake, illustrates another facet of B.C.'s environmental law-enforcement problems. An investigation by the chief mining inspector concluded that this preventable catastrophe was the result of "poor practices." However, no charges were laid against Imperial Mines, the mine's owner-operator.

Was this law-enforcement failure related to the fact that Imperial Mines is a major donor to the B.C. Liberal Party?

Another surprising revelation that emerges from the review of all environmental convictions over the past decade is that even when individuals or corporations are convicted, courts and judges have failed to impose sanctions that would provide meaningful deterrence. None of the convictions over the past decade in B.C. resulted in an offender going to jail for an environmental crime. Most fines for eco-offences are barely a slap on the wrist.

The total amount of fines levied in the past decade under the 20 environmental laws included in the enforcement database is approximately \$3.7 million, or a paltry \$370,000 per year. The Vancouver Public Library collects more each year in fines for overdue books than B.C. collects for environmental crimes.

In the U.S., prosecutions initiated by the Environmental Protection Agency every year send dozens of people to jail, result in hundreds of millions of dollars in fines and force corporations to invest billions to clean up their messes.

B.C. is blessed by the highest biological diversity in Canada, with spectacular creatures ranging from butterflies and sea otters to grizzly bears and killer whales. We enjoy some of the most breathtaking natural beauty on Earth, and participate enthusiastically in nature-based activities.

In such a seemingly green society, it is deeply disturbing that the Liberal government not only eviscerated the laws intended to protect this legacy, but takes such a lackadaisical approach to enforcing the rules that remain.

David R. Boyd teaches environmental law and policy at Simon Fraser University and the University of British Columbia. His latest book is *Cleaner, Greener, Healthier: A Prescription for Stronger Canadian Environmental Laws and Policies* (UBC Press, 2015).

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