

Federal Policy & Legislation

In this Section:

- [Introduction](#)
- [Water Legislation](#)
- [Water Regulations](#)
 - [Water quality regulations](#)
- [Water Policy](#)
 - [Federal Water Policy](#)
- [Water Management in the Federal House](#)
 - [Federal lands and facilities](#)
 - [Nunavut and the Northwest Territories](#)
 - [First Nation reserves](#)

Introduction

When it comes to water governance in Canada, the federal government has jurisdiction related to fisheries, navigation, federal lands, and international relations, including responsibilities related to the management of boundary waters shared with the United States, including relations with the International Joint Commission. It also has significant responsibilities for agriculture, health and the environment, and plays a significant role supporting aquatic research and technology, and ensuring national policies and standards are in place on environmental and health-related issues.

To fully understand the federal government's role in water management in Canada, it is important to first understand the interests and mandates of the departments involved in program delivery. Within the federal government, over 20 departments and agencies have unique responsibilities for fresh water. As all levels of government hold key policy and regulatory levers which apply to water management, a central challenge is to ensure that these levers are developed and used collaboratively.

Environment Canada works closely with other federal departments to develop a more strategic approach to addressing nationally significant freshwater issues.

[Top of Page](#)

Water Legislation

Legislation administered by Environment Canada in its water-related activities include:

- the [Canada Water Act](#), which contains provisions for formal consultation and agreements with the provinces;
- the [International River Improvements Act](#), which provides for licencing of activities that may alter the flow of rivers flowing into the United States; and,
- the [Department of the Environment Act](#), which assigns the national leadership for water management to the Minister of the Environment.

Other important federal legislation includes:

- [International Boundary Waters Treaty Act](#) (R.S. 1985, c. I-17) ; [Bill C-6](#) (Assented to 18 December 2001)
- [Canadian Environmental Protection Act](#) (1999)
- [Fisheries Act](#)
- [Navigable Waters Protection Act](#)
- [Northwest Territories Waters Act](#)
- [Mackenzie Valley Resource Management Act](#)
- [Nunavut Waters and Nunavut Surface Rights Tribunal Act](#)
- [Arctic Waters Pollution Prevention Act](#)
- [Canada Shipping Act](#)
- [Dominion Water Power Act](#)

Canada Water Act Annual Reports

Under the provisions of the Canada Water Act, Section 38 requires that a report on operations under the Act be laid before Parliament as soon as possible after the end of each fiscal year. The annual reports on operations under the Canada Water Act for the following fiscal years are available on this site:

- [2010-2011](#)
- [2009-2010](#)
- [2008-2009](#)
- [Combined 2006-2007 and 2007-2008](#)
- [2005-2006](#)
- [2004-2005](#)
- [2003-2004](#)
- [2002-2003](#)
- [2001-2002](#)
- [2000-2001](#)

International River Improvements Act Annual Reports

Under the provisions of the International River Improvements Act, Section 10 requires that a report on operations under the Act be laid before Parliament as soon as practicable after the end of each calendar year. The annual reports on operations under the International River Improvements Act for the following calendar years are available on this site:

- [2011](#)
- [2010](#)
- [2009](#)
- [2008](#)
- [2004-2007](#)

Annual reports for fiscal years beginning 1995-1996 are available in the [Departmental Performance Reports](#) (DPR) available on the Treasury Board of Canada Secretariat Website.

[Top of Page](#)

Water Regulations

Regulations are rules of conduct which the governor-in-council or minister is empowered to make to facilitate the carrying out of an Act of Parliament. Regulations exist under some federal water-related legislation (e.g., Fisheries Act, International River Improvements Act), but not others (e.g., Canada Water Act).

Water quality regulations

Ideally, polluting contaminants should be prevented from entering the water. At the most, in some circumstances, they can be allowed only in low concentrations. All provinces and territories in Canada have pollution control regulations. In deciding which substances to control, and to determine their concentrations and how they may enter the environment, a number of questions have to be asked, including:

- what are the sources, amounts and effects of various substances?
- what happens to them and what do they do after they have entered the water? do they change? to what?
- where do the substances end up?
- can they be prevented from reaching the water body or removed by treatment?

An example of a substance successfully regulated to reduce pollution is the phosphate found in laundry detergents. The [Canadian Environmental Protection Act](#) (CEPA) regulates many of the substances that have a deleterious effect on the environment.

See also [Water Quality section](#)

[Top of Page](#)

Water Policy

Canada is among the countries leading the global environmental effort toward sustainable development. As the world enters the 21st century we stand at a crucial turning point with respect to the health of our planet, and in particular, to the quality and distribution of its water. Water, which for millions of years supported multiple uses by all life forms, has in the past few decades experienced increasing pressures. We have reached the point where its ability to continue to provide support for expanding economic and social needs is seriously being questioned.

Recognizing the need for better environmental management, the federal government passed the [Canada Water Act](#) in 1970 and created the Department of the Environment in 1971, entrusting the Inland Waters Directorate with providing national leadership for freshwater management. Under the Constitution Act (1867), the provinces are "owners" of the water resources and have wide responsibilities in their day-to-day management. The federal government has certain specific responsibilities relating to water, such as fisheries and navigation, as well as exercising certain overall responsibilities such as the conduct of external affairs.

While providing national leadership to ensure that Canada's freshwater management is in the national interest, Environment Canada also actively promotes a partnership approach among the various levels of government and private sector interests that contribute to and benefit from the wise management and sustainable use of the resource.

All of these interests were extensively consulted during the 1984/85 Inquiry on Federal Water Policy, which conducted Canada-wide hearings toward the development of a federal water policy. Guided by the findings of the Inquiry, the government released its [Federal Water Policy](#) in 1987, which has since given focus to the water-related activities of all federal departments and which will continue to provide a framework for action in the coming years as it evolves in the light of new issues and concerns.

Federal Water Policy

The [Federal Water Policy](#), the first of its kind in Canada, the policy was formulated after several years of intensive consultation, both within and outside the government. It addresses the management of water resources, balancing water uses with the requirements of the many interrelationships within the ecosystem.

The policy takes into account the needs of all Canadians in its overall objective:

- to encourage the use of freshwater in an efficient and equitable manner consistent with the social, economic and environmental needs of present and future generations.

To manage Canada's water resources, the federal government has defined two main goals:

- to protect and enhance the quality of the water resource; and,
- to promote the wise and efficient management and use of water.

The policy stresses that government action is not enough. Canadians at large must become aware of the true value of water in their daily lives and use it wisely. We cannot afford to continue undervaluing and therefore wasting our water resources.

The federal government uses five strategies to reach its stated goals. The five strategies are broad courses of action which define a supportive, yet flexible, role for the federal government, one that enables the various federal agencies, other levels of government, and industry, to respond to their particular circumstances and challenges. This approach is compatible with the federal structure and the realities of a large and diverse country.

[Top of Page](#)

Water Management in the Federal House

While the federal government has jurisdictional responsibility for water in certain areas such as navigation, fisheries and boundary waters, and shares responsibilities with the provinces in other areas such as agriculture and health, it is also responsible for managing water in its own "federal house". The federal house includes federal lands (e.g., National Parks), federal facilities (e.g., office buildings, labs, penitentiaries, and military bases), First Nation reserves, as well as Nunavut and the Northwest Territories.

Federal lands and facilities

The federal government is the largest land owner in Canada. It owns or leases more than 25 000 properties across Canada with a total land area of over 30 million hectares. These lands include such things as national parks, experimental farms and wildlife areas. In addition, there are approximately 240 million hectares of federal crown land in Nunavut and the Northwest Territories.

The federal government owns over 30 million square meters of floor area in more than 46 000 buildings across the country. The buildings vary widely in size from very small structures such as border crossing stations to large complexes such as military bases. They also serve many functions from office buildings to warehouses to labs and penitentiaries. Some facilities have no water services, while others are large users of water.

As part of its obligation to greening government operations, the federal government is committed to using water efficiently and managing its wastewater appropriately. For more information on these activities, visit the following web sites:

- [Office of Greening Government Operations \(OGGO\)](#)
- [A Water Conservation Plan for Federal Government Facilities](#)
- [Wastewater](#)

[Health Canada](#) works with other departments to make sure all federal government employees have access to safe drinking water in their workplaces.

Nunavut and the Northwest Territories

The federal crown has ownership of the water resources in the Northwest Territories and Nunavut. The Department of Indian and Northern Affairs Canada (INAC) has a mandate to manage those water resources.

Visit INAC's Web site to learn more about [water management in Northwest Territories and Nunavut](#).

First Nation reserves

The management of potable drinking water and wastewater on First Nation reserves is a shared responsibility between First Nations and the federal government. Programs and services for providing clean, safe and secure water on reserves are provided through First Nation band councils, Indian and Northern Affairs Canada (INAC) and Health Canada (HC), including an advisory role to INAC by Environment Canada (EC). Details on the various roles and responsibilities can be found on [INAC's Website](#).

[Infrastructure Canada](#) programs also provide funding for water infrastructure in First Nations communities.

For more details on Health Canada's activities under the First Nations Water Management Strategy visit the "[First Nations, Inuit and Aboriginal Health](#)" page on their Website.