

Statement from Indigenous and environmental experts on the federal government's enforcement of the Fisheries Act in response to Imperial Oil leak

Keeper of the Water & Environmental Defence Canada—March 14, 2023

Treaty 8 (Alberta)—Yesterday, in response to the spill of over 5.3 million litres of toxic wastewater from Imperial Oil's tar sands tailings ponds, the federal government issued a *Fisheries Act* direction - requiring the company to take immediate action to prevent any seepage from entering fish-bearing waters. This followed testing by federal officers showing the leaking wastewater is harmful to fish.

Imperial Oil failed to report this ongoing, large-scale leak of toxic tailings water to both the Alberta and federal governments and should be prosecuted under the *Fisheries Act*. The federal government should be seeking convictions under the Act for both individuals and the company as a deterrent against such behaviour in the future. Issuing only a clean-up order after the company engaged in such flagrantly misleading actions only encourages Imperial and other polluters to duplicate this type of damaging behaviour in the future.

Quotes:

“While we don't have a lot of answers yet, confirmation of the harm to wildlife is essential information, and it is different from what Imperial, the AER, and Danielle Smith told us. Alberta is Canada's biggest oil and gas producer, yet First Nations and Métis settlements still live in poverty. Not all of our people benefit from the oil industry's presence in our territories. They are taking the so-called resources and leaving toxic zones where the biodiversity that has sustained us for tens of thousands of years is being purposely poisoned. They are taking the life surrounding us, leaving us with a death and destruction path growing further downstream daily. We stand in solidarity with the Nations and support their demands for justice and accountability.”
Said Jesse Cardinal, Executive Director of Keepers of the Water

“The federal government is doing the right thing by taking action under the *Fisheries Act* in response to Imperial Oil's disastrous spill. This is an important step to limit the damage done to fish and downstream communities. But why is Imperial Oil not being prosecuted under the *Fisheries Act*? The leak was covered up for ten months. Those responsible for the irreparable damage done must be held accountable. We join Chief Allan Adam in urging the government to

use all legal tools available to them to respond to this disaster.” **Said Aliénor Rougeot, Climate and Energy Program Manager, Environmental Defence Canada**

Background information

- The *Fisheries Act* is one of Canada’s only pieces of federal legislation protecting freshwaters. It prohibits the disposal of substances harmful to fish into fish-bearing waters or into any place that may reasonably enter fish-bearing waters.
- In 2020, the Commission for Environmental Cooperation - an environmental watchdog created under NAFTA - concluded there is ample evidence that tailings ponds are leaking into groundwater. It found that tailings ponds appeared to be operating in violation of the federal Fisheries Act.
- [See tailings fact sheet](#) for more information.



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