

London: Precautionary Principle

The concept of the Precautionary Principle evolved (and continues to do so) first in Europe we are told. Multiple UN and EU sources have pointed to it first coming into being in the late 1850s and is attributed to persons deciding that they were not going to wait for further evidence that cholera was being spread via water distribution methods in use at the time.

For myself a short hand description is that when facing a decision, if there is a risk of negative outcomes, the possibilities have to be fully investigated and risk evaluated.

A 2013 Canadian Federal Government document titled: A Framework for the Application of Precaution in Science-based Decision Making about Risk (Framework) reads as follows:

The application of “precaution”, “the precautionary principle” or “the precautionary approach” recognizes that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

The application of precaution is distinctive within science-based risk management and is characterized by three basic tenets: the need for a decision, a risk of serious or irreversible harm and a lack of full scientific certainty”¹

The idea behind the framework is that if you have your decisions guided by protection against risk of harm to the environment. Better to be safe than sorry is an equally applicable short form descriptor. It is a concept still being refined however, its use by municipalities has resulted in Supreme Court of Canada support in preserving a bylaw that prohibited the use of certain plant control chemicals in Quebec in a case reported as *Spraytech v Hudson (Town)*²

The major issue from that case that needs to be remembered is that the finding recognized the precautionary principle’s underlying purpose in International and Domestic law. They upheld a pesticide ban that was based on a reasonably held suspicion and not on a final determination after years of study. A city has the power to make changes without waiting on the Federal or Provincial government to take steps, provided they insure they are not in direct conflict with existing regulations.

I wanted to ask this committee to examine the interplay with City decision making and the Precautionary Principle as it currently exists in your opinion. My suggested subheading to this topic:

How is the Sustainable Purchasing framework within the City Procurement of Goods & Services Policy being measured currently?

My request to ACE. Please do some reading, I will circulate further materials by email including this one. Come in March prepared for a debate and vote on this.

¹ A Framework for the Application of Precaution in Science-based Decision Making about Risk (Framework), available at www.who.int/ifcs/documents/forums/forum5/precaution_e.pdf4

²Case: <https://www.canlii.org/en/ca/scc/doc/2001/2001scc40/2001scc40.pdf> Analysis: www.dragun.ca/precautionary-principle-and-canadian-environmental-law