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## **Canada**

### **Agricultural Situation**

### **A Canadian Perspective on the Precautionary**

### **Approach/Principle**

**2002**

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#### **Report Highlights:**

The Government of Canada is providing its own perspective on the precautionary approach/principle and is seeking input from Canadian stakeholders. The usage of the phrase "precautionary approach/principle" should not be confused with or taken to be the same as that of the European Union. The Canadian government acknowledges that the precautionary approach recognizes that the absence of full scientific certainty shall not be used as a reason to postpone decisions where there is a risk of serious or irreversible harm. The Government of Canada will accept comments until the end of March, 2002.

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Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Ottawa [CA1], CA

## **A CANADIAN PERSPECTIVE ON THE PRECAUTIONARY APPROACH/PRINCIPLE**

The following is based on material taken from the Canadian government's Privy Council Office "PCO" (the office immediately under the Prime Minister that links all the departments under the federal government to the Prime Minister's office).

Towards the beginning of 2000, the government (of Canada) began work on a federal initiative to discuss the application of the precautionary approach/principle in science-based regulatory programs. This initiative is in line with the Government's objective of strengthening risk management practices across the federal public service.

The precautionary approach/precautionary principle is distinctive within science-based risk management. It recognizes that the absence of full scientific certainty shall not be used as a reason to postpone decisions when faced with the threat of serious or irreversible harm. However, guidance and assurance are required as to the conditions governing the decisions that will be made. Guidance and assurance are particularly needed when a decision must be made regarding a risk of serious or irreversible harm about which there is significant scientific uncertainty. The precautionary approach/precautionary principle primarily affects the development of options and the decision phases, and is ultimately guided by judgement, based on values and priorities. Indeed, Canada has a long-standing history of implementing the precautionary approach in science-based programs of health and safety, environmental protection and natural resources conservation.

The documents (see links to web addresses below) presented here were developed by the Federal government through the efforts of a multi-departmental working group in response to the increasing profile and importance of the precautionary approach/principle in risk management decision making. It is an important step towards establishing a federal framework for coherent and consistent application of the precautionary approach in Canada.

This discussion paper outlines proposed "guiding principles" to support overall consistency in how the precautionary approach is used in science-based risk decision-making in government. These principles would constitute the key elements of a federal framework for the precautionary approach. Such a framework would have four purposes:

1. To improve the predictability, credibility and consistency of Canadian federal precautionary approaches to ensure they are adequate, reasonable and cost-effective.
2. To support sound federal government decision-making while minimizing crises and unnecessary controversies, and capitalizing on opportunities.
3. To increase the confidence of public and private stakeholders, in Canada and abroad, that federal precautionary decision-making is rigorous, sound and credible.
4. Increase Canada's ability to positively influence international standards and applications of the precautionary approach.

The following material, taken from a pamphlet prepared by the Government of Canada, (see: [http://www.pco-bcp.gc.ca/raoics-srdc/docs/Precaution/Pamphlet/pamphlet\\_e.pdf](http://www.pco-bcp.gc.ca/raoics-srdc/docs/Precaution/Pamphlet/pamphlet_e.pdf)) provides background on the nature of the precautionary approach/principle from the Canadian government's perspective.

### **What Is the Precautionary Approach?**

The precautionary approach/principle is a distinctive approach to managing threats of serious or irreversible harm where there is scientific uncertainty. It is not new—what is new is the increasing complexity of the science and the public debate about the ability of governments to respond to such situations.

The precautionary approach recognizes that the absence of full scientific certainty shall not (underline added for emphasis) be used as a reason to postpone decisions where there is a risk of serious or irreversible harm. Even though scientific information may be inconclusive, decisions have to be made to meet society's expectations that risks be addressed and living standards maintained.

### **Why Is it Important to Canada?**

It is important because...

1. Canadians want to know and have confidence in how the government makes important decisions about complex issues. For example, the precautionary principle is found in the Canadian Environmental Protection Act, 1999.
2. As references to the precautionary approach increase, the possibility for misuse and abuse has been highlighted. For example, there are concerns that it could be applied to perceived risks for which there is no real scientific basis.
3. There is a major balancing act between supporting innovation and managing associated risks. For example, government-commissioned polls suggest that while Canadians believe biotechnology is critical to the country's future, they expect the government to be vigilant in ensuring that it is safe.
4. The economic stakes are high, especially at the international level. As the use of the precautionary approach has increased worldwide, and the possibility for its misuse has also heightened, Canadian officials need a firm basis to more actively engage in discussions.

### **When Does Canada Apply It?**

Canada applies the precautionary approach in situations when a decision must be made about a risk of serious or irreversible harm and where there is scientific uncertainty. These factors should not be used as a reason to postpone decisions.

For example, in 2000 and again in 2001, the government applied it when it asked Canadians who had lived in the United Kingdom or in France for more than six months in the late 1980s not to donate blood. This was done because of the risk of transmitting the human form of "mad cow" disease. Yet, while there is sound science to support the decision, there is also scientific debate. Recently, based on evolving science, the government has now asked individuals who had lived in the United Kingdom or in France for a shorter period of time to defer blood donations.

### **How Does Canada Apply It?**

Canada applies the precautionary approach as a distinctive way of making decisions within science-based risk management. It primarily influences how options are developed and decisions are made. As a way of making decisions in difficult situations, it is ultimately guided by judgment, based on values and priorities.

Flexibility and responsiveness to the needs of particular circumstances are key to Canada's approach. However, some applications, such as fisheries management, employ rules to achieve the results required by specific laws or international obligations.

While the application of a precautionary approach is driven by specific circumstances and factors, 11 broad "guiding principles" have been described which could apply to all situations. These principles respond to whether and in what fashion the government should act when faced with a situation where there is a potential for serious or irreversible harm, and where there is not full scientific certainty.

The first six principles describe precautionary decision making. For example, that it is legitimate for Canada to make such decisions and it is legitimate that decisions be based on Canadians' chosen level of protection; while scientific uncertainty may exist, there still has to be some sound scientific basis for a decision; and it is particularly important that there be increased transparency, accountability and public involvement.

Five principles propose specific characteristics for precautionary measures: they should be reconsidered in light of evolving science and society's chosen level of protection; they should be non-discriminatory and consistent as well as proportional to the level of protection being sought; they should be cost-effective with the goal of generating an overall net benefit for society at least cost; and, where more than one option meets these characteristics, they should be least trade-restrictive.

### **Getting Involved**

The Canadian government is consulting on the proposed "guiding principles," to inform Canadians and seek their views on the guidance contained in consultation documents. The feedback will serve to inform the government's thinking on whether the guiding principles are appropriate, would improve consistency, provide an appropriate balance of flexibility and predictability, and be adaptable.

### **For More Information**

If additional information is required, please refer to either the full discussion document, "A Canadian Perspective on the Precautionary Approach/Principle", September 2001 ([http://www.pco-bcp.gc.ca/raoics-srdc/docs/Precaution/Discussion/discussion\\_e.pdf](http://www.pco-bcp.gc.ca/raoics-srdc/docs/Precaution/Discussion/discussion_e.pdf))

or a briefer exposé (in booklet format) on the proposed guiding principles, "A Canadian Perspective on the Precautionary Approach/Principle—Proposed Guiding Principles", September 2001 (<http://www.pco-bcp.gc.ca/raoics-srdc/docs/Precaution/Booklet/booklet-e-allfonts.pdf>)

**Comments:**

The government is distributing this material to stakeholders through various fora, with the objective of providing information about the precautionary approach and soliciting reaction from Canadian stakeholders to the concepts, principles and guidance reflected therein.

While the Government of Canada is providing its own perspective on the precautionary approach/principle, its definition should not be confused with or taken to be the same as that of the European Union which has its a different perspective on the "precautionary approach/principle."

As stated within the body of this report, the Canadian government acknowledges that the precautionary approach recognizes that the absence of full scientific certainty shall not be used as a reason to postpone decisions where there is a risk of serious or irreversible harm.

In conclusion, the Government of Canada, on both the discussion document and the booklet, list disclaimers that the principles expressed in these documents are not to be considered as the official position of the Government of Canada or of federal departments and agencies and that both documents are for discussion purposes only.

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