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TOM HOLZINGER

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Tom Holzinger  
Montréal, 22 February 2002  
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## **FAX TRANSMISSION FOR MONICA ABREU CONLEY**

To: Monica L. Abreu Conley  
Office of Environmental Justice  
Fax 518 - 402 - 9018

From: Tom Holzinger  
James Bay Committee  
Phone and fax 514 - 271 - 0564  
toll-free 1 - 888 - 931 - 5434 ext 249  
email: energie@netaxis.QC.CA

Re: Comment submitted to the Environmental  
Justice Advisory Group on its draft  
Recommendations

Dear Ms. Abreu Conley,

The James Bay Committee based in Montréal, Québec, is again pleased to submit a comment to the Environmental Justice Advisory Group. I am sorry that this was not faxed to you by 5:00 pm today, but I trust this is not an obstacle for you to accept and consider our comments.

If you have any questions, please feel free to contact me at the phone numbers and email address above.

Our thanks, and best wishes for productive deliberations.

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22 February 2002

Attention Monica L. Abreu Conley  
Environmental Justice Coordinator  
NY State Department of Environmental Justice  
Office of Environmental Justice  
625 Broadway  
Albany, NY  
fax 518 - 402 - 9018

Dear Ms. Abreu Conley,

We are again writing to you as members of the James Bay Committee, a citizen's group in Québec that since 1989 has attempted to prevent the further destruction of Québec's northern environment. In July 2000 we wrote to the Environmental Justice Advisory Group, then recently established in New York, pointing out that there was no comparability between the environmental regulatory regimes in New York and Québec. We said then about our government-owned electricity monopoly, Hydro-Québec:

Unlike all the other players in the New York State market, Hydro-Québec is not supervised by a public utilities commission that ensures that basic norms are observed. HQ is free to dump electricity below its cost of production ... free to manage its huge reservoirs of water without supervision and without concern for the wildlife and aboriginal communities who also use them ... without any public process of any kind! Does it sound credible? Hydro-Québec has done and continues to do all of these things, despite the outrage of concerned Québécois, because it enjoys the collusion of the Québec cabinet, which carefully steers these matters away from even the legislature ... We in Québec who speak for the environment and our Native colleagues who speak for the aboriginal people are in complete agreement: there is now no environmental comparability between the jurisdictions of Québec and New York.

What are the consequences of this imbalance? Hydro-Québec now builds new dams, generating stations — even a natural gas-fired thermal plant! — solely to take advantage of the export market. It does not have to pay for the environmental and social damage it does to our land and people, so its costs of production often are lower than an American competitor's, even allowing for the cost of transportation.

As you know, the importation of energy always implies the **export** of environmental and social damage. And certainly, when New York State imports Québec's electricity, it moves the associated damage out of New York and into Québec, where it falls hardest on indigenous people and the poor communities of the Québec north. And because of the lack of a regulatory regime in Québec — as explained in some detail in our July 2000 letter — we Québécois have little recourse to prevent or mitigate the damage, or to seek compensation afterwards.

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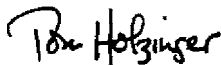
As we understand it, the draft Recommendations of the Advisory Group in New York State are framed in such a way that environmental justice is defined within geographical limits, looking only at social impacts inside New York State. But, as we have argued, the production, importation, and consumption of energy needs to be examined in a wider view, taking into account **all** the social impacts, wherever they may occur, and similarly the impacts on habitat and species diversity over the period of at least several human generations.

If the Advisory Group's Recommendations do not reflect such a wide and long view, then we would suggest that as a first step, the New York State environmental justice process should begin by giving them greater scope. If energy is imported into New York, then would it not be fair and just to insist that the production of such energy conform to the same environmental and social norms as apply in New York? If this is not done, then the inevitable outcome is that energy production will move to jurisdictions where regulatory regimes are lax or non-existent, as in Québec. The people who will be harmed are Québec's indigenous peoples and other low-income people living in the Québec north. And this is not a hypothetical fear. For over three decades Hydro-Québec has displaced Innu and Cree people, disrupted their ways of life, destroyed rivers and habitat, and built power lines and substations wherever communities have been too poor and weak to resist them.

Such a scenario — the direct escalation of social and environmental harm outside of New York State — cannot of course be the intention of the draft Recommendations. Therefore we respectfully submit these Recommendations be broadened. As we did in our submission in July 2000, we urge the New York State environmental justice project and all future regulators to consider the **comparability** of environmental regimes before permitting energy imports.

If that is done, New Yorkers will not end up, inadvertently, creating environmental and social damage in the lands of the Cree, the Innu, the Mohawk, and the low-income rural residents of Québec.

Yours sincerely,



Tom Holzinger  
for the James Bay Committee