

September 17, 2015

Sent via mail and email

The Honourable Leona Aglukkaq
Minister of the Environment
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Re: Overdue SARA listing decisions for at-risk bee species

Dear Minister Aglukkaq,

Our clients, the Western Canada Wilderness Committee, David Suzuki Foundation, Equiterre, Friends of the Earth and Ontario Nature are organizations concerned about the continued decline of pollinator populations across the country, particularly wild bee populations. We write to you, on their behalf, to request your immediate action in listing four at-risk bee species under the *Species at Risk Act (SARA)*.

Recent government attention to pollinators has primarily been directed at honey bees. Yet, Canada's wild bee populations provide unique and essential ecosystem services. Most notably, wild bees ensure pollination of flower-bearing plants through buzz pollination or floral sonication. Honey bees are unable to provide this form of pollination.

Plants are the foundations of healthy ecosystems and of agricultural economies. They form the base of the food chain, anchor soil to prevent erosion, and fuel the nutrient cycle by decomposing and absorbing nutrients. Wild bees are essential to the growth of both wild plants and cultivated crops such as potatoes, eggplants, pepper, squash, blueberries and cranberries. Canadians depend on wild bees to pollinate their food crops so that they can enjoy locally-grown fruits, nuts and vegetables.

Despite their importance, wild bees face unprecedented and urgent threats, particularly from increasing use of neonicotinoid pesticides. Other threats include climate change; habitat loss and degradation, limit their ability to find food, water and nesting sites; as well as toxins, pests and diseases, which impact their health and ability to forage.

The expert scientists at the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) recognize this danger. COSEWIC has assessed the status of four wild bee species: the Gypsy Cuckoo Bumble Bee, the Western Bumble Bee *occidentalis* and *mckayi* subspecies, and the Macropis Cuckoo Bee. In assessment reports provided to you in 2011 and in 2014, COSEWIC assessed all four of these species to be at risk.

Although the Government received these assessment reports over nine months ago, you have not met your statutory deadline to add these species to the List of Wildlife Species at Risk (“the List”) in accordance with COSEWIC’s assessment. The listing of three of these species is now overdue, and the fourth is grossly overdue. Section 27(3) of *SARA* provides that where the Governor in Council has not decided whether to add a species to the List “within nine months after receiving an assessment of the status of a species by COSEWIC, the Minister shall, by order, amend the List in accordance with COSEWIC’s assessment”.

According to publically available documents on Environment Canada’s website, you received COSEWIC’s assessments of the Gypsy Cuckoo Bumble Bee, and the Western Bumble Bee *occidentalis* and *mckayi* subspecies on October 15, 2014. Accordingly, your order amending the List to add these species was due on July 15, 2015.

Likewise, you received COSEWIC’s assessment of the Macropis Cuckoo Bee on September 8, 2011. Accordingly your order amending the List to add this species was due on June 8, 2012.

It concerns our clients that you have yet to make any order for these bee species. The threats facing these species are serious. Their need for protection and recovery measures is urgent. While the government of Ontario recently regulated to restrict the use of neonicotinoid pesticides, the federal government has taken no such regulatory action to protect at-risk bee species from neonicotinoids and has delayed the listing of these wild bee species under *SARA*.

Finally, our clients are aware that you are routinely failing to list species under s. 27(3) of *SARA*, by not issuing listing orders within nine months after you receive COSEWIC’s assessment. This troubling practice appears to be systemic. By our estimate, at present, there are approximately 151 at-risk species that have no legal protection under *SARA*, for which a listing decision has been unlawfully delayed by the Government.

Our clients respectfully request that you act immediately to issue an order amending the List. Specifically, your order should add these four wild bee species to the List in accordance with COSEWIC’s assessment. Absent your timely action to legally protect at-risk pollinators, our clients will be forced to consider their options.

We also request that you or your officials provide us, and thus our clients, with specific notice of your issuance of these orders and their publication in the Canada Gazette.

Yours sincerely,



Lara Tessaro
Barrister & Solicitor



Charles Hatt
Barrister & Solicitor

cc: Gwen Barlee, Western Canada Wilderness Committee
Lisa Gue, David Suzuki Foundation
Nadine Bachand, Equiterre
Anne Bell, Ontario Nature
Beatrice Olivastri, Friends of the Earth