

January 28, 2016

***Sent via mail and email***

The Honourable Catherine McKenna  
Minister of the Environment and Climate Change  
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**Re: Overdue SARA listing decisions for at-risk bee species**

Dear Minister McKenna,

Congratulations on your recent appointment as Minister of the Environment and Climate Change.

My clients, the 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. I write to you, on their behalf, to request that you order the listing of four at-risk bee species under the *Species at Risk Act (SARA)* – the *SARA* listing decisions for these four species are now months or years overdue.

Under the previous government pollinators were largely neglected, and what little attention was paid to pollinators was primarily directed at honey bees. Yet Canada's wild bee populations are at risk. The risk to wild bees puts at risk the essential ecosystem services they provide and the wild plants and cultivated crops that depend on these services to grow, such as potatoes, eggplants, squash, blueberries and cranberries. Most notably, wild bees ensure pollination of flower-bearing plants through buzz pollination or floral sonication. Honey bees are unable to perform this form of pollination.

The expert scientists at the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) 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 the Minister of the Environment in 2011 and in 2014, COSEWIC concluded that all four species are at risk. Their scientific assessments found that these pollinators face unprecedented and urgent threats, particularly from increasing use of neonicotinoid pesticides. Other threats include climate change, habitat loss and degradation, toxins, pests and diseases.

The previous government failed to provide these species with the protection required under the SARA. Subsection 27(3) of the 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, the previous Minister received COSEWIC’s assessments of the Gypsy Cuckoo Bumble Bee, and the Western Bumble Bee *occidentalis* and *mckayi* subspecies on October 15, 2014. Her order amending the List of Wildlife Species at Risk to add these species was due on July 15, 2015. Likewise, the Minister received COSEWIC’s assessment of the Macropis Cuckoo Bee on September 8, 2011, and the order amending the List to add this species was due on June 8, 2012. No order to add any of these species to the List has been issued.

The threats facing these species are serious. Their need for protection and recovery measures is urgent. On September 17, 2015 we wrote to your predecessor requesting that she act immediately to order listing of these species. That letter is enclosed for your reference.

Sadly, these wild bees are examples of a systemic failure to list at-risk species under s. 27(3) of the SARA in recent years. Approximately 151 at-risk species have no legal protection under the SARA despite COSEWIC assessments showing that protection is required.

My clients were heartened to see this problem acknowledged in the Liberal platform:

We will also do more to protect Canada’s endangered species. **We will respond more quickly to the advice and requests of scientists**, and will complete robust species-at-risk recovery plans.

As the new Minister of the Environment and Climate Change, my clients respectfully request that you issue an order adding these four wild bee species to the List in accordance with COSEWIC’s assessments. Such an order would satisfy both your legal duties under the SARA and your party’s platform commitment. Please provide specific notice of your issuance of these orders and their publication in the Canada Gazette.

My clients welcome the chance to discuss these issues with you further but will consider their options if no order has been made within six months.

Yours sincerely,



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