

Wireless Radiation Safety Council

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For Immediate Release

Backgrounder on Mirror Laws to Respond to Growing Wi Fi Threat

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One of the most important conundrums related to regulating Wi Fi technologies is the lack of a coherent constitutional framework.

Mirror laws are one of the most effective ways to respond to the types of coordination problems posed by the Constitution Act, 1867. One of the first major set of mirror laws was related to the Transportation of Dangerous Goods in Canada. Since the mid 1980s, the Transportation of Dangerous Goods in Canada is regulated by mirror laws and regulations that have been developed by the federal and provincial governments.

Canada was slow to respond to the threat posed by transporting dangerous goods. While an international TDG treaty was signed by developed nations including Canada in the mid 1970s, no laws were developed in Canada because of splits in jurisdiction between the federal and provincial governments.

The stalemate was broken by one key event -- a massive train derailment in Mississauga, Ontario in the fall of 1979. Nearly 100,000 people had to be evacuated. The train had a number of tankers containing chlorine gas but these were not marked properly because there was no legal requirement at the time. In part, the problem is that the railways and airports are mainly regulated by the federal government. Similarly, the importing of chemicals into Canada is under federal control. This was the first big test for a tough, new mayor, Hazel McCallion.

This near tragedy shocked millions of Canadians and put pressure on all levels of government to develop a comprehensive set of interlocking mirror laws that recognized the validity of laws passed by other jurisdictions. Thus, the federal government passed an overarching law called the Transportation of Dangerous Goods Act. The provinces also passed similar laws. The result was that most gaps and loopholes in jurisdiction were eliminated by 1986. By the end of the 1990s a fairly comprehensive regime had been put in place.

In short, the situation was a regulatory nightmare and embarrassment; in contrast, most other nations had TDG legislation in the late 1970s

Key Precedents

- Canadian Environmental Protection Act, 1999
- Species at Risk Act, 2003
- Transportation of Dangerous Goods Act, 1984
- Workplace Hazardous Waste Information System, 1986
- Personal Information Protection and Electronic Documents Act (abbreviated PIPEDA)

http://en.wikipedia.org/wiki/Personal_Information_Protection_and_Electronic_Documents_Act

Mirror laws provide an opportunity for federal and provincial governments to sit down with other stakeholders and develop a coherent policy framework within current constitutional framework. They can avoid constitutional “buck passing” and arguably could provide a solution on regulating most Wi Fi issues. They have been an under-utilized tool in environmental area since late 1980s

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