



October 25, 2011

Mark Warawa
Chair, Standing Committee on Environment and Sustainable Development
House of Commons
Ottawa ON
K1A 0A2

Dear Mr. Warawa,

Re: Review of *Canadian Environmental Assessment Act*

Congratulations on your appointment as Chair. We look forward to working with you over the upcoming Parliamentary session. We write today in relation to an important piece of business before you this fall, as we did when this matter was first put on the Committee's agenda: the review of one of Canada's most important environmental laws, the *Canadian Environmental Assessment Act* ("the *CEA Act*"). We understand that the committee is currently considering how to undertake the upcoming review of the *CEA Act*.

The Environmental Planning and Assessment Caucus of the Canadian Environmental Network (RCEN) represents over 60 national and local conservation and community groups with a long history of work on, and involvement with, the environmental assessment process in Canada. It is with this perspective that we respectfully submit our suggestions for the upcoming Parliamentary review of the *CEA Act*. The review is an opportunity for a much-needed 'root and branch' appraisal of the substance and process of environmental assessment in Canada, and it potentially provides a forum to engage Canadians, who are increasingly concerned about anthropogenic climate change and about environmental decisions taken at all levels of government. We feel that the goal of this review should be to build an environmental assessment regime that ensures that economic activity actually contributes to long-term environmental and social sustainability, including decreased contributions to climate change nation-wide, and that Canadians should be encouraged to participate in reaching this goal.

To protect the environment for future generations and respond to climate change, Canada's system for making environmental decisions needs to be improved and strengthened. This Seven-year Review is the ideal moment for Parliament to speak directly with Canadians about the best ways to manage the impacts of human activities on land, water and air. We urge you to make the Seven-year Review a truly democratic,

inclusive, and comprehensive process aimed at developing a world-leading environmental assessment regime that Canadians can be proud to hold up as a model of environmental governance.

As the Committee plans its review of the *CEA Act*, we make the following recommendations for a serious and effective consultative process:

- Environmental assessment affects Canadians in every corner of this country, so the Committee's Seven-year Review should engage with Canadians nation-wide. The Committee should demonstrate its commitment to an inclusive democratic process by taking its hearings outside of Ottawa to be held in every region of the country. Special emphasis should be placed on reaching out to people heavily affected by environmental decisions but who are far from decision-making centres, in the Territories and in rural and northern communities in each province. Such a process will benefit from the input of those whose lives and land are affected by large economic and infrastructure projects, and who know first-hand the effects of these projects upon their local environment. The previous Five-year Review of the *CEA Act* included a cross-Canada consultation. The upcoming Committee-led review should be no less inclusive, and should seek to hear from more groups and individuals, as sustainability and climate change have become ever more important issues to Canadians. By taking the Seven-year Review on the road, Parliament will show that it takes seriously the need to involve Canadians in this process, and that it is committed to making reforms to the *CEA Act* based on the most comprehensive input and evidence.
- The Seven-year Review should also provide the opportunity and travel funding for interested Canadians and experts who do not live where hearings are held to come to the Committee's hearings in Ottawa or other locations to share their experiences with environmental assessment and put forward their recommendations for changes.
- The Seven-year Review must make a special effort to hear from First Nations, Inuit, and Métis from all across Canada, and to include their particular concerns as an integral component of the consultative process. The meaningful and central involvement of Indigenous individuals, communities, and organisations in the Seven-year Review process should reflect the appropriate legal role of Indigenous peoples as decision-makers in their own right.
- Sufficient time must be allowed for participants to prepare detailed briefs to facilitate an informed and effective review.
- The Seven-year Review should be comprehensive and should evaluate the legislation, regulatory framework, and practice of Canadian environmental assessment in its entirety. No element of the *CEA Act* and related regulations and practice should be ignored, and no area where there may be need for reform should be left off the table. Every aspect of the regime should be scrutinized in an effort to update and improve policy that is of paramount importance for the lives and well-being of Canadians.

With these key goals and principles guiding the review process, the Committee will be able to gather evidence and make recommendations for reform to the *Canadian Environmental Assessment Act* on a solid foundation, and will be sending a clear signal that it is determined to involve Canadians and to listen and respond to their growing concerns about environmental, cultural and economic sustainability. As the certainty of climate change begins to affect Canadians more and more, environmental assessment in Canada must become stronger, more rigorous, and broad in scope in order to prevent, and to mitigate, harmful effects of human activities upon the environment. The upcoming review is a singular opportunity to bring the legislation into line with the demands of environmental sustainability in the 21st century.

We sincerely hope, as we are sure you do, that the upcoming Seven-year Review will be an open and constructive dialogue, in the best spirit of democracy. We hope that Canadians will be invited to engage in a far-reaching consultative process that substantially improves the quality of environmental assessment legislation in Canada.

Please share this letter with your Committee colleagues. We would appreciate the opportunity to discuss this matter with you at your earliest convenience and will be following up with your office to arrange a meeting, as we will with other Committee members.

Kindly direct any reply to this letter to our direct attention, care of Josh Paterson at jpaterson@wcel.org, or by fax at 604-684-1312.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'JP' for Josh Paterson. The signature on the right is also cursive and clearly reads 'Jamie Kneen'.

Josh Paterson and Jamie Kneen
RCEN EPA Caucus Co-chairs

cc. Hon. Peter Kent, Minister of the Environment
Clerk, Standing Committee on the Environment and Sustainable Development
Committee Members