

Proposed bill could cut federal environmental assessments, NGOs warn

<http://www.cbc.ca/canada/nova-scotia/story/2009/03/13/tech-090313-environmental-assessments.html>

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New nuclear, tar sands and fish farm projects could end up exempt from routine federal studies to determine whether they would harm the environment if a proposed bill becomes law, says a report signed by 37 Canadian environmental groups.

"What the new bill does is remove all legal requirements to undertake environmental assessments," Stephen Hazell, executive director of the Sierra Club of Canada, one of the group members, said at a Friday news conference on Parliament Hill in to release the report.

He was speaking about changes outlined in the PowerPoint slides for a presentation made to the Canadian Environmental Assessment Agency at the end of January. The presentation suggests that the changes could go to approval to cabinet in March and be introduced as a bill in early spring.

The bill would apply only to federal jurisdiction, so provincial and municipal environmental assessments would still be required in cases where they apply.

According to Hazell, the federal government currently conducts about 5,000 environmental assessments per year through federal departments such as Fisheries and Oceans Canada, and Transport Canada, as well as the Canadian Environmental Assessment Agency.

They are governed by the Canadian Environmental Assessment Act, which states its goals are to:

- Ensure projects don't cause adverse environmental effects in their own or other jurisdictions.
- Encourage sustainable development.
- Ensure there are opportunities for public participation throughout the assessment process.

The proposed changes are intended to provide a "clear focus on priority concerns" and result in a "much timelier and predictable process," according to the Canadian Environmental Assessment Agency presentation, which was obtained by environmental groups in February.

According to the presentation, the government proposes to:

- Create a list of 200 to 300 projects per year that would replace the current approach of "all in unless excluded."
- Allow further exemptions for listed projects under certain conditions.
- Eliminate existing triggers for an environmental assessment.
- Take away federal departments' responsibility to conduct assessments. Instead, they would be conducted by the Canadian Environmental Assessment Agency, a review panel, or federal boards or tribunals such as the Canadian Nuclear Safety Commission, or delegated to the responsible provincial government.

Under the proposal, the environment minister would have the authority to require environmental assessments for non-listed projects, based on public input and a statement from the proponents of the project during a screening period of 20 days.

Canadian environmental groups have a number of concerns about the changes.

Hazell said the proposed exemptions are so broad that the number of projects being assessed could be far less than 200.

"We argue it could be zero," he said.

Governments need to use tools 'at their disposal'

Pat Moss, executive director of the Northwest Institute, said she is worried about allowing environmental assessments to be delegated to the provinces.

She said provincial environmental assessment legislation in her province, B.C., was "completely gutted" in 2000, and people have little confidence that it will protect resources like the fish-producing Skeena River from being harmed by projects such as mines.

Lara Tessaro, a lawyer with Ecojustice Canada, formerly known as the Sierra Legal Defence Fund, said the U.S. government had already considered and rejected an approach to environmental assessments similar to the proposed bill. She added that the government already has a poor track record when it comes to upholding environmental assessment legislation, and weakened legislation does not bode well for environmental protection.

Jamie Kneen, a communications officer for Mining Watch Canada, questioned the government's motivation for the changes. He said tools already exist in the legislation to help speed up and streamline the assessment process.

"I would submit that what we need to see is governments willing to use the tools already at their disposal."

The federal Conservative government has previously indicated that it plans to change environmental assessment legislation.

In mid-January, Transport Minister John Baird told Canadian municipalities that he would make a pitch for cutting government red tape in order to speed up economy-stimulating infrastructure spending. A draft Conservative bill leaked nine days later outlined plans for a draft bill that would eliminate environmental assessments on projects valued at less than \$10 million that occur on federal lands.

Less than a week later, the government released a draft budget promising to bring in "regulatory efficiencies" for projects requiring environmental assessments. The budget suggested, for example, that projects requiring both federal and provincial assessments could instead be allowed to have a single assessment process to meet both federal and provincial requirements.