The *Responsible Energy Development Act*: A New World for Energy & Environment Regulation in Alberta?

Presented at "Protecting Alberta's Water Commons: Challenges and Opportunities
(21 March 2013)

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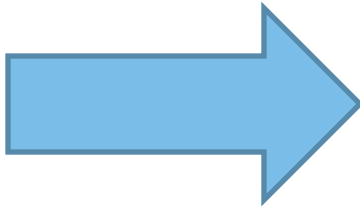
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About the ELC

- Mission: To ensure that Alberta's laws, policies & legal processes sustain a healthy environment for future generations.

- Core services:
  - Law reform
  - Information & education
  - Public participation support

- Priorities:
  - Water challenges
  - Land stewardship
  - Environmental assessment
  - Genuine interest standing
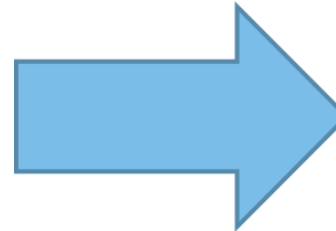
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The idea that grew...

Spring 2010: Royalty &
competitiveness
reviews

Dec 2010: Report of
Regulatory Enhancement
Task Force

Nov 2012: Bill 2 - *Responsible
Energy Development Act*

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Government's intent

Easier navigation of energy regulation

Cover "the next 50 years of responsible energy development"

From initial application to reclamation

Arm's – length agency

Integrated resource management

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The new system – so far

RIP

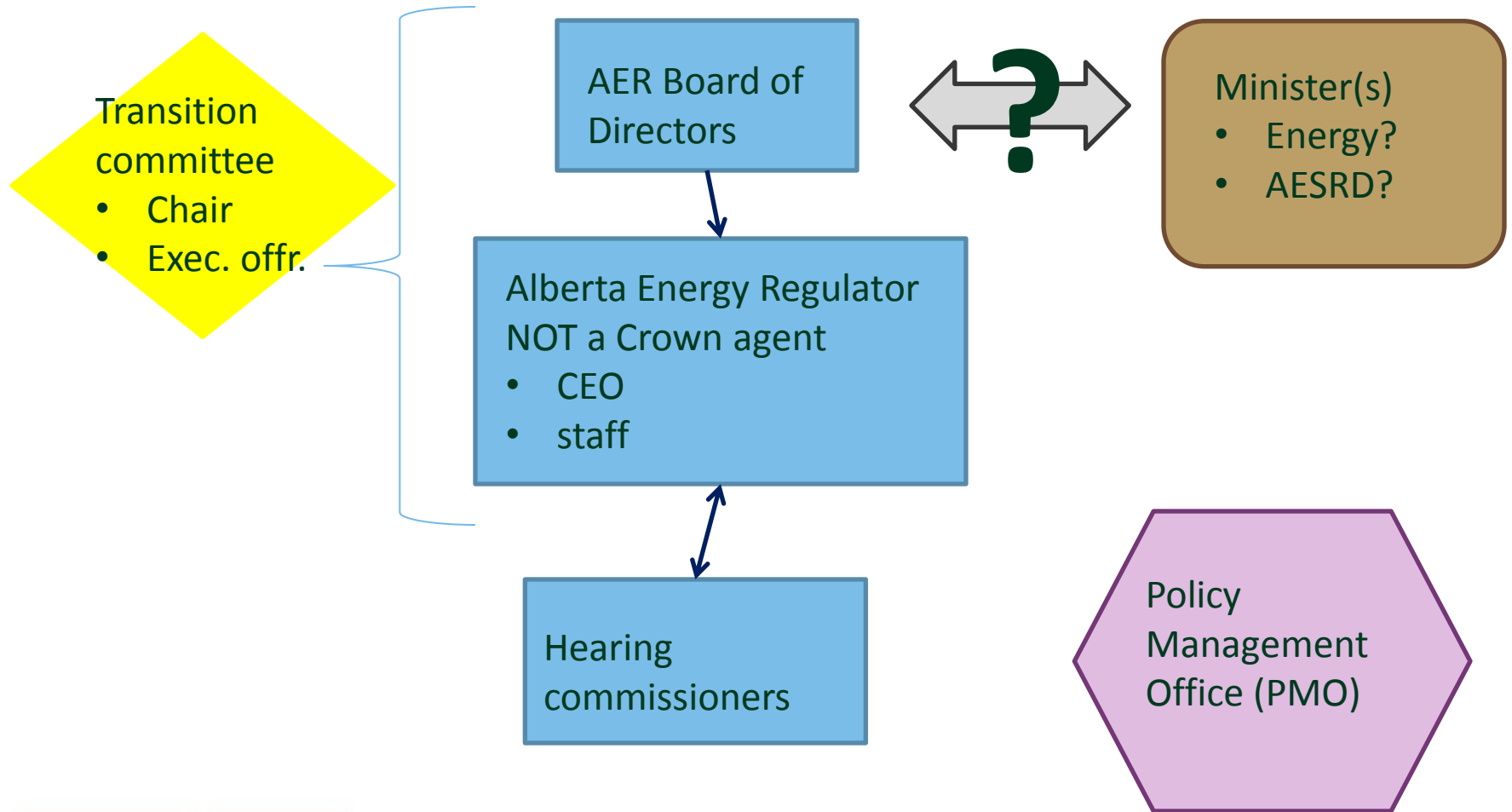**ERCB** Energy Resources Conservation Board

AESRD
Shift of environmental responsibilities related to energy development under:
- *EPEA*
- *WA*
- *PLA*

Alberta Energy Regulator

- regulate oil, gas, oil sands, coal & pipelines; extraction & potentially processing

- deal with environmental regulatory aspects of energy resource developments

- "public interest" no longer explicitly in mandate

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Alberta Energy Regulator structure

Concerns & gaps

- Loss of procedural protections

- Limited transparency, accountability & regulator independence

- Lack of embedded environmental mandate

- No fixes for previous environmental regulatory problems

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What the future holds…

- AER operative for June 2013

- Regulations currently under development; 3 anticipated
  - "Boundaries" as between AER & AESRD
  - AER Rules of Practice
  - Process regulation re: applications & participation

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