

ENVIRONMENTAL LAW CENTRE



April 21, 2010

The Right Hon. Stephen Harper
Prime Minister
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Harper,

**RE: BILL C-9 (JOBS AND ECONOMIC GROWTH ACT) -- PROPOSED
AMENDMENTS TO THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT**

The Environmental Law Centre (ELC) was established in 1982 to provide Albertans with an objective source of information about environmental and natural resources law and policy. Its vision is a clean, healthy and diverse environment protected through informed citizen participation and sound law and policy, effectively applied. The Centre's mission is to ensure that laws, policies and legal processes protect the environment. In pursuit of this mission, the Centre seeks the following ends:

- Enactment and effective enforcement of sound environmental laws and policies; and
- Informed public participation in environmental regulatory, law-making and decision-making processes.

The ELC has a long history of involvement with federal and provincial environmental assessment issues, including participation in previous statutory reviews of the *Canadian Environmental Assessment Act* (CEAA).

The ELC respectfully requests that your government withdraw the proposed amendments to CEAA from Bill C-9. We are dismayed that significant changes to the environmental assessment regime were not put forward through the CEAA Regulatory Advisory Group and made available for open discussion as part of the five-year statutory review of CEAA set for 2010. We would like the whole suite of amendments withdrawn so that they can be fully explored and debated publicly.

We will highlight one amendment in particular. The proposed addition to CEAA of cl. 15.1 would permit the Minister and his or her delegates to reduce the scope of activities for which an assessment is conducted. This is inconsistent

Recycled Paper

with Canada's international commitment to a national instrument for sustainable development and with established principles of appropriate environmental planning.

CEAA was enacted in part to fulfill Canada's international obligations under the 1992 Rio Declaration. Principle 17 of the Rio Declaration reads:

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.¹

Both the Rio Declaration and CEAA seek to promote sustainable development by applying the precautionary principle or approach and by permitting public participation. Many of the proposed CEAA amendments in Bill C-9 offend these principles. The addition of cl. 15.1 allowing the Minister or his or her delegates to split off, scope out, or otherwise eliminate project components that might have significant adverse effects offends both the Rio Declaration and the legislated purpose of CEAA itself. There is no sound policy basis for this amendment.

The proposed amendments to CEAA in Bill C-9 could render the environmental assessment process ineffectual, needlessly exposing the environment, the Canadian public, and future generations to unknown and potentially irreversible risks. It would undermine Canadians' legitimate expectations of due process in environmental decision-making, including access to information and public participation on matters that affect their daily lives. We further endorse the reasons against these amendments provided by the Canadian Environmental Law Association (CELA) in their letter to you of April 16, 2010.

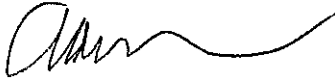
The ELC is strongly of the view that whatever interests were intended to be furthered by these amendments could be addressed through the established review process, which would involve all stakeholders in a more fair, open, and participatory manner. We request the removal of all the proposed CEAA amendments from Bill C-9 to allow a transparent examination of the federal environmental assessment process through the five-year review later this year.

¹ *Rio Declaration on Environment and Development*, UN Doc. A/CONF. 151/26/Rev. 1 (Vol. I), 31 I.L.M. 874 (1992), at Principle 17 (emphasis added).

Recycled Paper

We look forward to your response to this request.

Yours truly,



Adam Driedzic
Staff Counsel



Laura Bowman
Staff Counsel

Cc:

Jim Prentice (Hon.)

Canadian Environmental Assessment Agency, Alberta and Northwest Territories Office

Michael Ignatieff
John McCallum (Hon.)
David McGuinty
Geoff Regan (Hon.)

Jack Layton (Hon.)
Thomas Mulcair
Linda Duncan
Nathan Cullen

Recycled Paper

