

COMMENTARY

Seven Priorities for the New Canadian Federal Government: The Environmental and Sustainability Agenda

Scott Vaughan, IISD President and CEO
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A long list of priorities awaits the new Canadian government, topped by federal climate mitigation policies in the lead-up to the Paris climate change conference. While there will be no shortage of advice regarding the climate agenda, other pressing matters need Ottawa's attention. Below are seven.

1. Economics and Environment: Ottawa's antagonism to environmental protection became pointed when the 2009 Economic Action Plan suspended key federal environmental protection triggers, presumably because they were viewed as impeding economic growth. The suspension became permanent when the Jobs, Growth and Long-term Prosperity Act (Bill C-38) swept aside two decades of evidence by the Organisation for Economic Co-operation and Development and others which showed that economics and the environment could be bridged. While the new government reviews C-38, now is the time for Ottawa to show leadership in demonstrating that economics, markets, environmental protection and green innovation can advance together. This foundation should include expanding green national income accounts and statistics to reflect ecosystem values and benefits, revamping federal fiscal frameworks to end fossil fuel subsidies, and leveraging the Trans Pacific Partnership to accelerate Canada's place in global green markets. Ottawa needs to cost its

direct environmental liabilities—from thousands of contaminated sites to insufficient financial bonds for mine closures—and the indirect or contingent liabilities that climate risk poses to Canada's agricultural, transport and infrastructure as well as public health areas. To drive an integrated approach that bridges economic and environmental priorities, Canada's Federal Sustainable Development Act should include the new Sustainable Development Goals, adopted by Canada in September 2015.

2. A New Partnership with First Nations and Aboriginal Peoples:

Canada's future rests in building genuine partnerships with Canada's aboriginal communities. The 2014 Canadian Supreme Court ruling in *Tsilhqot'in First Nation* was historic, as have been a series of lower-court judgements clarifying the central role of First Nations and Metis in resource development and setting expectations about the Honour of the Crown. Federal practice must catch up with the clear sentiment of our courts, including by adopting free, prior informed consent, and working with urgency to redress the unacceptable living conditions on reserves, where public housing and boil water advisories are a national disgrace. The 2015 Truth and Reconciliation Commission was an important step in reconciliation: now is the time to begin a new chapter.



3. Effective Enforcement: Canada was an early adopter of the Polluter Pays Principle, requiring that polluters face the consequences of their contamination. In practice, however, Ottawa has increasingly relied on self-reporting and self-policing to support environmental protection. As the 2015 Volkswagen global scandal underscores, even world-class companies cheat. Yet Ottawa is weakly positioned to catch current polluters or deter future ones. Challenges cross a number of federal agencies—not enough inspectors, weak risk-based approaches to support Canada’s rail safety policies¹, insufficient onsite inspections and follow-up action for oil and gas pipelines, offshore oil and gas operations, mines located North of 60 falling under federal responsibility, gaps in how toxic substances are regulated², and a see-saw take on the relationship between compliance promotion and actual enforcement, where infrequent and inconsequential fines send the wrong signal. A government-wide toughening of federal environmental enforcement is needed.

4. Freshwater Protection: We think of Canada as a nation blessed with an over-abundance of pristine freshwater. Yet the reality is that, each day, over 1,000 water advisories are issued, while gaps in federal water quality monitoring systems are wide, and little is known about the interaction between surface water and aquifer systems. Pressures to Canada’s freshwater systems are growing: climate change is altering hydrological patterns whereby many flood-prone areas are more susceptible to more devastating floods, while drought-prone areas become more vulnerable to prolonged drought. The federal government needs to work with provinces, territories and First Nations to build a coherent, science-based national water policy.

¹ For example, two years prior to the Lac-Mégantic tragedy, the Office of the Auditor General warned that Transport Canada had systemic problems in ensuring its Rail Safety rules were working, notably that compliance activities were not aligned to focus on the highest risks.

² For example in 2009, the OAG Canada noted that the federal government lacks key information on regulated individuals, companies, and government agencies to know whether it is targeting its enforcement activities toward the highest-risk violators or the highest risks to human health and the environment, as called for by Environment Canada’s own environmental enforcement policy.

5. Restoring Federal Environmental Assessments: Canada once led the world in assessing projects and policies before approval, in order to anticipate and prevent costly damages later. In 2011, the federal government conducted some 6,000 assessments annually. By 2013, less than 20 assessments were done each year as a consequence of the sweeping changes to the Canadian Environmental Assessment Act and ending the Fish Habitat policy.³ In the midst of these changes, Ottawa still has not defined what it means for a proposed project to have an adverse environmental impact, leaving the thresholds far too high to trigger federal assessments. For example, a Canadian mine that produces just below 3,000 tons of iron ore daily is exempt from any federal review. So too are hydroelectric dams that produce less than 200 megawatts, or any expansion of current oil sands production within existing licensing. These thresholds need to be changed, and a good place to start is to revisit the eligible project list of former comprehensive reviews category. Finally, the new government should send a clear signal that cumulative environmental assessments need to work.

6. Protecting our Natural World: Here the incoming government faces several pressing priorities. Parks Canada is under growing pressure to ensure the ecological integrity of our national parks, while its science budget has been slashed. The Species at Risk Act (SARA) is the principle federal tool to protect over 500 species that have been listed as vulnerable or endangered. Yet almost 150 recovery strategies are missing. So too are 90 per cent of the required action plans necessary to translate plans into action. SARA needs to send a clear signal about how caribou will be protected. Our Marine Protected Areas (MPAs) have shown progress, yet Canada is well behind its promise to protect 10 per cent of our marine environment. More effort is needed to assign a MPA in each of the 29 marine regions, to establish a national network of MPAs, and with urgency to clarify where no-go resource development and fisheries conservation are upheld within these areas. Canada’s Arctic is one of the planet’s most precious

³ Between 2012—when the new Canadian Environmental Assessment Act 2012 was enacted—and 2014, 34 federal environmental assessments were conducted: 31 by the Canadian Environmental Assessment Agency, three by the National Energy Board and none by the Canadian Nuclear Safety Commission.



and vulnerable ecosystems. It is also changing rapidly, as climate impacts open new frontiers for the extractive sector as well as new shipping lanes. While marine traffic in the Arctic is expanding, the Canadian Coast Guard icebreaker presence is shrinking, and only one-tenth of the region has been properly mapped for safe shipping. Canada is unprepared to respond to a major spill in the Arctic, and the consequence would be—according to the Arctic Council—an ecological catastrophe. Given the rapid pace of change, Canada needs to adopt a coherent and inclusive Arctic vision that goes beyond de-militarization, such as expanding Arctic science to include traditional knowledge, and work closely with the United States and others in making climate adaptation a priority.

7. Public Trust: Environmental protection works best when communities, scientists, civil society and businesses have full access to public scientific research, and are unafraid to express dissenting views. Ottawa’s vilification of environmental groups has taken many forms—multiyear, expensive and disproportionate audits by the Canadian Revenue Agency of environmental groups compared to other groups, accusations by former ministers that groups opposed to pipelines, oil sands or fracking were laundering foreign money or eco-terrorists. The defunding the Canadian Environmental Network is but one example of what Thomas Carothers⁴ describes as the lashing out at democracy groups around the world, by both democratic and authoritarian governments. As all groups struggle to bridge science and policy, and engage civil society in a quickly changing digital age, Canada has the chance to be a world leader in setting a new path. Opening this dialogue will invite other voices to fill in the many omissions from this short list.

⁴ Thomas Carothers (2014, February). *Closing space: Democracy and human rights support under fire*. Washington, D.C.: Carnegie Endowment for International Peace.

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Head Office

111 Lombard Avenue, Suite 325
Winnipeg, Manitoba
Canada R3B 0T4

Tel: +1 (204) 958-7700

Fax: +1 (204) 958-7710

Website: www.iisd.org

Twitter: @IISD_news