



Federal Environmental Assessment: Getting Ready for the 2010 Review

Presentation to the
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Overview

- Context
- 2010 Review
- Expected issues
- Possible options for the longer-term



Context

- *Canadian Environmental Assessment Act* originally introduced into Parliament in 1989
- Passed in 1992 and brought into force in 1995
- Five Year Review (2000-2003) by Minister saw adjustments within existing self-assessment framework
- **Key changes:** Federal coordinator, Internet registry, revised comprehensive study process, Crown corporations brought under the Act



Ongoing pressure and efforts to improve process

- External Advisory Committee on Smart Regulation (2004)
- “Consolidation” initiative and *Cabinet Directive on Implementing the Canadian Environmental Assessment Act* (2005)
- *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects* (2007)
- Regulatory changes for infrastructure projects in support of the Government’s Economic Action Plan (2009)



2010 Review

- Law requires comprehensive review by Parliamentary Committee of the provisions and operation of the *Canadian Environmental Assessment Act* to begin no later than June 2010
- Committee has one year to submit a report to Parliament, including a statement of any recommended changes
- Committee's report will be followed by a government response, which could include proposals for new legislation
- Timing and scope of the review will be determined by Parliamentary Committee



Expected issues

- Timeliness
- Federal-provincial interaction
- Aboriginal consultation
- Public participation



Expected issues

- Climate change
- Cumulative effects assessment
- Regional/Strategic Environmental Assessment
- Appropriate treatment for smaller projects



Expected issues

- Biophysical or broader sustainability focus
- Enforcement
- Better and more use of follow-up programs



Possible options/outcomes

1. Federal “house in order” through consolidation of responsibility
2. Allow the process of one jurisdiction to substitute for the requirements of another leaving the environmental assessment to the government that is “best situated”
3. Nationally consistent environmental assessment process(es) or standard

These are not mutually exclusive



Considerations

- Forthcoming Supreme Court decisions on two cases (*Vanadium*, *Red Chris*) may bring additional clarity as to what constitutes federal jurisdiction
- Report of the Commissioner of the Environment and Sustainable Development audit
- Canadian Council of Ministers of the Environment consideration of options to further achieve the goal of “one project-one assessment”



Conclusion

- Similar pressures and challenges (e.g. efficiency and transparency) are being felt abroad
- General stakeholder agreement on need to get the federal process right so the focus can shift to environmental outcomes; but various views on how to achieve this goal
- 2010 Review is an opportunity to do a better job of explaining the value added of environmental assessment