



Bill C-19: Strengthening Environmental Assessment for Canadians

Ontario Association for Impact Assessment

Annual General Meeting

12 April 2001



Summary of presentation

- Outcome of Five Year Review
- Clause by clause examination of key amendments in Bill C-19
- Complementary regulatory and policy initiatives in Minister Anderson's Report to Parliament
- Next steps



Results of Review

- Encouraging level of participation
 - 1200 participants in public sessions and regional workshops
 - over 200 written submissions
 - steady use of Internet site
- Widespread support to build on core strengths of Act
- Consensus recommendations from RAC
- Outcome provided basis for Bill C-19 and Minister's Report
Strengthening Environmental Assessment for Canadians



Goals for a renewed Act

- More predictable, certain and timely process
- High quality environmental assessments
- More meaningful public participation
- Improved tool that helps deliver the government's environmental priorities project-by-project
 - clean air
 - clean water
 - protecting natural spaces and species



Key amendments: Clauses 1 - 6 of Bill

- Definitions (s.2 of the Act)
- New purposes (s.4) to promote
 - cooperation and coordinated action with provinces
 - communication and cooperation with Aboriginal peoples
- Amends existing provisions for Crown corporations (s.8) and port authorities (s.9) to:
 - clarify that assessments only required if regulations in place
 - close land trigger loophole for ports
 - create trigger for projects initiated by tenants on federal lands



Clause 6

- New category of “prescribed authorities” operating on federal lands that may be subject to regulations (s.9.1)
 - e.g. airport authorities
- Deletion of s.10(2) eliminates exemption for federally funded projects on reserve lands
- New enabling authority to create special regulatory regime for CIDA (s.10.1)
 - goal to capture more projects



Clauses 7-8

- New authority for ministers to issue “prohibition orders” to prevent alteration of environment before assessment decision (s. 11.1)
 - enforced through injunction (s. 11.2)
- For each screening and comprehensive study, Federal Coordinator will ensure coordination of departments and facilitate communication with other participants
- Coordinator duty to ensure obligations of Act are fulfilled in a timely manner
 - Agency to be Coordinator for multi-jurisdictional projects and all comprehensive study assessments (s.12.4)



Clauses 9-11

- Explicit recognition of:
 - community and aboriginal traditional knowledge (s.16.1)
 - results of “regional studies” (s. 16.2)
- Clarification that opportunities for public participation may be provided at any stage in screening (s. 18)
- New use for class screening reports as replacement for project-specific assessments (s.19)



Clauses 12-15

- Clarification that mitigation measures may go beyond Act under which responsible authority is operating (s.20 and also in s.37)
 - e.g *Fisheries Act* authorization may include conditions to protect migratory birds
- Revised comprehensive study process (s.21-21.1) to
 - Minister of the Environment makes early decision on track
 - remove possibility that project could be assessed second time by review panel
 - provide additional opportunities for public participation
 - new powers for Minister of the Environment to ensure quality of comprehensive study



Clauses 16-18

- Removes deterrent to use of mediation provisions (s.29)
 - failures no longer automatically referred to review panel
- New authority for review panels to keep information confidential if disclosure would harm the environment (s.35)
- Follow-up programs mandatory after comprehensive study, mediation or review panel (s.38)



Clauses 19-24

- Broader opportunities to establish joint review panels with Aboriginal bodies (s.40)
- Immunities provided to members of federal-only review panel explicitly extended to joint review panels (s. 41)
- Existing transboundary provisions made more operable (s.46-48)
- New requirement to provide notice to Aboriginal bodies when using transboundary provisions to assess projects that may affect their lands (s.48)



Clauses 25-29

- Government-wide Internet registry replaces paper-based project registry (ss.55-55.4)
 - includes mandatory notice at start of assessment, EA reports, decisions and results of follow-up
- Obligation for federal authorities to provide information to Agency in support of quality assurance program (s. 56.1)
- Extension of participant funding to comprehensive studies (s.58)



Clauses 30-32

- Modification of Governor in Council regulatory authority consistent with other amendments in Bill (s.59)
- Also replaces provisions for “minimum federal involvement regulations” with regulatory authority to exclude projects below a cost threshold if environmental conditions are met
- New Agency-related clauses
 - object to promote and monitor compliance (s.62)
 - duty to establish and lead quality assurance program (s.63)
 - power to resolve disputes and request information from federal authorities (s.63)



Clauses 33-34

- Transitional provision (clause 33)
- New provisions come into force by order of Governor-in-Council (clause 34)



Report to Parliament

- Provides background on the Act
- Describes consultation process and results of Five Year Review
- Outlines proposed legislative amendments as well as complementary regulatory and policy initiatives



Key initiatives in Report

- Commitment to develop regulations for selected Crown corporations
- Expansion of *Exclusion List Regulations*
 - so that resources can be focussed on projects with greater chance of adverse environmental effects
- Development of guidelines for follow-up
- Agency to act as central electronic repository of information gathered during follow-up



Key initiatives in Report (cont'd)

- Agency will refine cumulative environmental effects guidance material
- Adopt “automatically in” approach to ensure early involvement of federal authorities
- Establishment of Aboriginal advisory committee
- Ministerial guidelines for public participation in screenings



Next steps

- Hope to pass Second Reading before House rises for summer break
- Timing of Committee Stage depends on speed of SARA bill
 - probably Fall 2001
- Anticipate Royal Assent early 2002
- New provisions could be brought into force by mid-2002