

How post-truth politics is sinking debate on environmental assessment reform

October 12 2018, by Mark Winfield, Deborah Curran And Martin Olszynski

The past few weeks have been characterized by a growing chorus of political and media voices, many from the West, decrying the Canadian government's proposed environmental assessment legislation, Bill C-69.

The bill, known as the [Impact Assessment Act](#), is currently before the Senate. If adopted, the legislation would revise the rules for the review and approval of major projects such as mines, large hydroelectric projects and interprovincial energy infrastructure like pipelines and power lines.

The bill has been criticized by the Canada West Foundation, the federal Conservative opposition, the Alberta government, parts of the fossil fuel industry, as well as some columnists and [editorial boards](#). In reading their commentary, one could come away with the impression the legislation proposes radical changes, to be recklessly imposed by a government ideologically opposed to the resource sector.

The reality of the bill's contents is rather less dramatic.

Marginal adjustments, not radical change

Bill C-69 largely leaves the existing assessment and review process intact. That process was established in its current form by the [Harper government's 2012 omnibus budget bills \(Bills C-38 and C-45\)](#).

The proposed legislation would make some marginal adjustments to that regime. It would widen participation in federal review processes beyond those who are directly affected by projects, allowing members of the public to file comments on projects and participate in hearings even if the projects are not "in their backyards." It strengthens the requirements for the federal government to explain how it has arrived at its decisions under the act.

Bill C-69 also renames the National Energy Board the Canadian Energy Regulator. Final say in decision-making remains with the federal cabinet, as it did under the Bill C-38 amendments.

Contrary to [some commentary](#), the bill would actually widen the scope of the [environmental assessment](#) process. It would consider all effects of a major project, including economic, social, health and gender, both positive and negative, in addition to its environmental effects.

With respect to [energy projects](#), the bill re-establishes some elements of the pre-2012 regime. For example, a commissioner from the newly formed Canadian Energy Regulator would participate in joint reviews with panelists that had relevant knowledge or experience.

And while acknowledging Indigenous rights, Bill C-69 does not come close to establishing the kinds of ongoing governance structures with Indigenous communities that would reflect federal and provincial governments' commitments to implementing the [United Nations Declaration on the Rights of Indigenous Peoples](#).

A shadow of what existed before 2012

The resource sectors that are now criticizing Bill C-69 functioned successfully for decades under the pre-Harper review and assessment regime. An overwhelming majority of development projects, including

the Canadian portion of the Keystone XL pipeline, were assessed and approved under the pre-2012 system.

The review process that would be established through Bill C-69 would remain a shadow of what existed before 2012. Prior to that date, several thousand federal environmental assessments were conducted [each year](#). Yet there was no discernible negative economic impact of these requirements and there were substantial improvements in the quality and acceptance of the resulting decisions. Under Bill C-69, the new impact assessment process would likely remain limited to a few dozen major projects per year.

Completely absent from the critical commentary is any acknowledgement that the 2012 revisions to the federal review process are widely seen as an abject failure. Rather than facilitating the approval of energy projects, they have led to deeper political, social and legal conflicts than ever, as evidenced by the successful court challenges to the [Northern Gateway](#) and [Kinder Morgan/Trans Mountain](#) pipelines.

The current regime fails to consider the broader implications of energy projects, such as whether Canada can meet its climate change commitments. Nor does it require any review for thousands of projects each year within federal jurisdiction that, cumulatively, contribute to significant environmental, health, social and economic impacts.

The attacks on Bill C-69 seem grounded in fundamental misunderstandings of the federal environmental assessment regime, past and present. Much of the accompanying rhetoric wildly exaggerates of the bill's likely effects on the existing processes and procedures.

Environmental challenges remain

Canada is facing numerous environmental challenges. According to a

[recent report](#) by the World Wildlife Fund Canada, half of the country's monitored species (451 of 903) declined in abundance between 1970 and 2014. Half of those had an average decline of 83 per cent.

Marine wildlife is facing significant pressure on the Atlantic and Pacific coasts, with a record number of [right whale deaths](#) in the Gulf of St. Lawrence in 2017 and [declining birth rates](#) among southern resident orcas in British Columbia's coastal waters.

In May, the [Conference Board of Canada reported](#) that natural catastrophes are costing Canadian insurers roughly a billion dollars annually. This was before wildfires struck B.C. and Ontario this summer, and tornadoes set down in Québec and Ontario in September.

Not the end of the world

While the Impact Assessment Act is not perfect, it attempts to deal with some of these challenges at a more systemic level. The bill reflects the results of over two years of extensive engagement.

[Two](#) expert [panels](#) travelled across Canada and published comprehensive reports. The House of Commons committee studying the bill heard testimony from [more than 100 witnesses](#). The bill now before the Senate represents incremental —not radical —changes to the regime that now exists.

The ugly face of post-truth politics is now becoming deeply embedded in political discourses in the United States. Canada needs to avoid the same path.

A calmer and better-informed debate over the details of Bill C-69 and their implications would be a good place to start.

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