

HOW WILL CANADA'S NEXT GOVERNMENT PROTECT OUR ENVIRONMENT?

Comparing Federal Party Positions on Environmental Laws

Introduction

From coast to coast to coast, Canadians depend on the environment for our water, air, livelihoods and ways of life. But we are also facing environmental threats like never before, and our current environmental regulatory framework does not go far enough to protect Canada's waters, fish and wildlife, climate or our democracy.

Only approximately one in ten federally-regulated undertakings that used to be subject to a federal environmental assessment still receives one, meaning that the federal government does not review the majority of projects for their risk of harm. Further, the public can be shut out of environmental decisions that affect them and their community, like risky oil pipeline and tanker projects.

Canada's fish are also at risk, as the habitat of certain fish species – those that do not belong to or support a fishery – is no longer protected under one of the Fisheries Act's most important provisions. Aquatic species at risk are particularly vulnerable, but entire food chains are affected.

Despite the reality of climate change, Canada does not have a law requiring the wholesale reduction of greenhouse gas emissions necessary for the safety of our future. It also does not have a law protecting 99% of its lakes and rivers from development that could harm water quality and impede navigation.

Without a strong suite of environmental laws, we are vulnerable to the escalating impacts of climate change, irresponsible resource development and the erosion of democracy. To address the shortfalls in our current environmental regulatory system, ten of Canada's leading non-profit environmental organizations working on national policy issuesⁱ have developed key environmental law reform priorities, which were shared with all political parties in early 2015.ⁱⁱⁱ

Below are summaries of the Conservative,ⁱⁱⁱ Liberal,^{iv} NDP^v and Green Parties'^{vi} main positions on six key environmental law reform priorities identified by those groups (updated to October 6, 2015).

In the 2015 federal election, the environment matters. Pledge to vote for a just and sustainable Canada, and inform yourself about the parties' platforms commitments to rebuilding and strengthening Canada's environmental laws and recognize environmental rights, in an open and collaborative manner. Learn more at www.envirolawsmatter.ca.




1. Will the party ensure all proposed development requiring federal approval contributes to sustainability, that the public is properly consulted in the assessment and decision-making and that the cumulative, regional impacts of projects are fully evaluated?

Conservative	Green	Liberal	NDP
All environment and energy initiatives should be reviewed.	Restore and enhance Canada's environmental assessment laws to make them stronger than pre-Bill C-38 and review the types of projects that will trigger an assessment.	<p>Establish a new, comprehensive, timely, and fair environmental assessment process that restores robust oversight, ensures decisions are evidence-based, allows the public to meaningfully participate and includes an analysis of upstream impacts and greenhouse gas emissions.</p> <p>Ensure the Crown is fully executing its constitutional duty to consult and respect Aboriginal peoples on project reviews and assessments. Modernize and rebuild trust in the National Energy Board.</p>	<p>Overhaul and strengthen Canada's current environmental assessment process, making it open, fair and transparent and ensuring that social and environmental sustainability helps drive the success of resource projects.</p> <p>Incorporate consideration of cumulative effects, regional assessments and greenhouse gas impacts for all major projects.</p> <p>End arbitrary limits on public participation in project reviews and rebuild public trust by seeking Canadians' input on development projects that impact them.</p> <p>Remove Cabinet's power to overrule the National Energy Board.</p> <p>Apply a green lens to all new federal legislation to ensure it is consistent with the principles of a strengthened federal Sustainable Development Act.</p>





2. Will the party protect all fish and their habitat in all lakes, rivers and marine waters in Canada?



Conservative	Green	Liberal	NDP
<p>All environment and energy initiatives should be reviewed.</p> 	<p>Restore the habitat protection provisions of the Navigable Waters Protection Act.</p> <p>Repeal changes to the federal Fisheries Act found in omnibus budget Bill C-38 and strengthen it to:</p> <ul style="list-style-type: none">* Require evaluation of threats to fish stocks and include provisions to protect fish stocks and the marine environment;* Make protection of critical stocks and habitat mandatory;* Require that the management and conservation of wild fisheries take precedence over aquaculture; and* Increase penalties for contravening the Fisheries Act. <p>Improve public participation in decision making, under the principles of the Oceans Act, in particular engaging coastal communities in local fisheries management.</p> <p>Legislate a ban on supertankers on B.C.'s coast and place a moratorium on oil and gas drilling in the Gulf of St. Lawrence.</p>	<p>Conduct a wholesale review of changes to the Navigable Waters Protection Act to re-establish lost protections and incorporate more modern safeguards.</p> <p>Conduct a wholesale review of changes to the Fisheries Act to re-establish lost protections and incorporate more modern safeguards.</p> <p>Formalize the moratorium on crude oil tanker traffic on British Columbia's North Coast.</p>	<p>Restore protection to Canada's lakes and rivers by reversing changes made to the Navigable Waters Protection Act in Budgets 2010 and 2012.</p> <p>Restore habitat protection to the Fisheries Act.</p> <p>Have tabled a bill to ban crude-oil tanker traffic off British Columbia's north coast.</p>  

3. Will the party strengthen and fully implement Canada's species at risk legislation, allowing for appropriate levels of funding for COSEWIC, recovery strategies and use of a federal safety net to protect species where federal leadership is required?

Conservative	Green	Liberal	NDP
<p>All environment and energy initiatives should be reviewed.</p> 	<p>Amend Canada's Species at Risk Act to:</p> <ul style="list-style-type: none"> • Ensure that listing is based on scientific, not political, processes by making COSEWIC's determination the actual legal listing and removing Cabinet approval; • Ensure that recovery-planning efforts identify and then appropriately manage, protect and/or restore the habitat that species need to recover, through consultative, collaborative efforts with stakeholders, land-owners, provinces, municipalities, and First Nations governments; • Inject \$40 million/year for five years to renew the federal Species at Risk Act implementation funding; and • Make it a criminal offence to intentionally kill a listed species on federal or provincial land. 	<p>Respond faster to scientific advice on listing species.</p> <p>Meet mandatory timelines for responding to the Committee on the Status of Endangered Wildlife in Canada recommendations.</p> <p>Complete robust species at risk recovery and action plans.</p>	<p>No relevant commitments found.</p> 

4. Will the party enshrine in Canada's Constitution the right to a healthy environment?

Conservative	Green	Liberal	NDP
No relevant commitments found.	Embed the right to a healthy environment in Canada's Constitution.	No relevant commitments found.	Introduce an Environmental Bill of Rights giving all Canadians the right to a healthy environment.



5. Will the party develop strong environmental laws in an open and collaborative manner, which are informed by scientific evidence, Indigenous knowledge and the precautionary principle, ensure citizens' voices are heard in decision-making and the Crown's constitutional duties to aboriginal peoples are upheld, and entrench requirements for science-based monitoring and public reporting?



Conservative	Green	Liberal	NDP
<p>No relevant commitments found.</p> 	<p>Establish an Independent Review Commission to investigate the causes of the enormous decline in Canada's fisheries resources, and recommend policies and programs to restore offshore and inshore fisheries.</p> <p>Rebuild scientific capacity in the Government with particular attention to those departments that have incurred the most devastating losses – Environment Canada, Fisheries and Oceans, Parks Canada and Health Canada – in tandem with repealing Omnibus Bills C-38 and C-45 (both passed in 2012) in all areas impacting federal scientific capacity.</p> <p>Review all existing federal policies on self-government, in consultation with Aboriginal representatives, to ensure those policies are achieving the goals of Aboriginal peoples.</p>	<p>Revoke rules and regulations that muzzle government scientists and allow them to speak freely about their work, with only limited and publicly stated exceptions.</p> <p>Work with the provinces, Indigenous peoples, and stakeholders to co-manage our oceans and develop marine resource and management plans.</p> <p>Explore, consult, and work collaboratively to move towards a system where federal environmental assessments of projects include an analysis of upstream impacts and the greenhouse gas emissions resulting from the projects being assessed.</p>	<p>End the policy of muzzling government scientists and ignoring evidence.</p> <p>Create a cabinet-level committee chaired by Tom Mulcair as prime minister to ensure that all government decisions respect treaty rights, inherent rights and Canada's international obligations.</p> <p>Work with provinces, industry and with indigenous and other communities to revamp the environmental review process for the approval of major resource infrastructure such as pipelines.</p>

Endnotes



i. Canadian Parks and Wilderness Society, David Suzuki Foundation, Ecojustice, Environmental Defence, Greenpeace Canada, Nature Canada, Pembina Institute, Sierra Club Canada, World Wildlife Fund and West Coast Environmental Law.

ii. Canadian Parks and Wilderness Society et al., "Recasting Canada as an environmental leader: Recommendations and briefings for federal parties in 2015" (Fall 2014): https://d3n8a8pro7vhmx.cloudfront.net/envirolawsmatter/pages/220/attachments/original/1440623900/Platform_Ask_and_Briefings_291014_Short_final.pdf?1440623900.

iii. <http://www.conservative.ca/media/documents/Policy-Declaration-Feb-2014.pdf>; <http://www.conservative.ca/harper-announces-additional-measures-to-protect-bcs-natural-environment/>.

iv. <https://web.archive.org/web/20150825160821/http://www.liberal.ca/realchange/restoring-credibility-in-environmental-assessments/>; <https://www.liberal.ca/files/2015/08/A-new-plan-for-Canadas-environment-and-economy.pdf>; <https://lawrencemacaulay.liberal.ca/in-the-house/speech-bill-s3-act-amend-coastal-fisheries-protection-act-september-18-2014/>; <https://www.liberal.ca/files/2015/06/a-fair-and-open-government.pdf>; <https://www.liberal.ca/realchange/trudeau-announces-plan-to-protect-canadas-oceans/>; <https://www.liberal.ca/realchange/protecting-our-freshwater-and-oceans/>.

v. <http://www.ndp.ca/news/growing-economy-protecting-our-environment>; <http://www.ndp.ca/news/ndp-statement-world-oceans-day>; <http://www.ndp.ca/protect-our-fisheries>; <http://www.ndp.ca/platform/undoing-stephen-harpers-environmental-damage>; <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=41&Ses=2&DocId=7916320>; <http://envirohansard.ca/2014/12/choquette-ndp-calls-for-amendment-of-species-at-risk-act/>; <http://www.ndp.ca/news/ndp-introduces-landmark-environmental-rights-bill>; <http://www.ndp.ca/news/ndp-to-unmuzzle-canadian-scientists-invest-research>; <http://www.ndp.ca/news/respect-science-core-mulcair-climate-agenda>; <http://www.ndp.ca/sites/default/files/news/bg-20150707-mulcair-afn-apn-en.pdf>; <http://www.ndp.ca/news/scientific-community-rallies-behind-ndp-proposal-science>. <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=6729653>.

vi. <http://www.greenparty.ca/en/media-release/2015-08-18/green-party-says-no-risky-pipeline-and-tanker-schemes>; <http://www.greenparty.ca/en/policy-background-2015/part-q>; <http://www.greenparty.ca/en/policy/vision-green/economy/fisheries>; <http://www.greenparty.ca/en/policy/vision-green/environment/species-at-risk>; <http://www.greenparty.ca/en/policy/vision-green/economy/fisheries>; <https://www.greenparty.ca/en/convention-2014/voting/motions/g14-p06>; <http://www.greenparty.ca/en/policy/vision-green/environment/science>; <http://www.greenparty.ca/en/policy/vision-green/people/rights/aboriginal>.