

Environmental Assessment for a healthy, secure and sustainable Canada

February 29, 2012

Canadians want strong environmental laws to protect our communities, ecosystems, health, and economy.

We the undersigned affirm that environmental assessment, through which potential impacts of proposed projects and plans are assessed before harm is done, is an essential tool to maintain a healthy, secure and sustainable Canada.

We endorse the following Statement of Principles as the foundational elements of any strong environmental assessment law that can deliver on core Canadian values related to the environment, democracy, and responsible development.

This Statement of Principles offers a pathway to a system of environmental assessment laws that ensures sound and democratic decisions, upholds our Constitution, and delivers lasting and sustainable benefits to all Canadians.

Statement of Principles

Strong environmental assessment (EA) laws should be based on and measured against the following key principles:

1. Adopt sustainability as the core objective.

EA legislation should be directed, at its core, to achieving specific and measurable sustainability goals and leaving a positive environmental and socio-economic legacy.

2. Strengthen public participation.

An effective and inclusive EA should have early and ongoing processes to meaningfully engage the public in assessments of proposed projects or policies, including demonstrated participation opportunities from the initial identification of the proposal through to monitoring, full transparency and sharing of information not only by government but also by proponents. Meaningful engagement with the public also requires that funding is provided through an independent body for multi-faceted assistance to participants and on an early and ongoing basis.

3. Meaningfully involve Aboriginal governments as decision makers.

An EA process should respect and accommodate Aboriginal and Treaty rights, including Aboriginal title, with Aboriginal rights-holders having a meaningful role in government-to-government decision making on resource development in their territories and all aspects of environmental planning and assessment.

4. Establish legal framework for strategic environmental assessments.

Strategic EA should systematically integrate environmental considerations into government planning and decision making processes relating to proposed policies, plans and programs and there should be public records to demonstrate how this integration has been carried out and implemented.

5. Establish legal framework for regional environmental assessments (REAs).

REAs undertaken ahead of industrial development, or a major expansion of development, should be carried out to help define the terms and requirements of subsequent project assessments as well as providing baseline data and analysis for subsequent assessments.

6. Require comprehensive, regional cumulative effects assessments.

Create and implement a mechanism so that comprehensive, regional cumulative effects assessments are conducted based on the need to manage for sustainability and the outcomes legally integrated into decision making.

7. Employ multijurisdictional assessment and avoid substitution.

Effective EA should require that all provinces and territories negotiate, in serious consultation with Aboriginal governments, and execute harmonization agreements with the federal government that: allow for predictable sharing of EA responsibilities; follow the highest standards and best practices; and allow for efficient administration of the process among all affected levels of government and departments.

8. Ensure transparency and access to information.

For any EA process to be credible and transparent, all project information, including that not required by the assessor but produced by the proponent, should be readily accessible online.

9. Make EA procedures more fair, predictable, and accessible.

Each type of EA should have predictable processes, actors, and procedures; but predictability of process must not be conflated with predictability of outcome. Even where simplified, each step in an EA should demonstrate how all information required to make the best decision, including that provided by Aboriginal peoples and the public, is being fully considered. An efficient EA regime should provide for clear rights of appeal for affected parties and for those with public interest standing.

10. Apply design principles throughout the EA process to ensure that focus and efficiency do not come at the expense of democratic and constitutional rights.

A successful EA regime must be applied broadly and consistently, while ensuring particular reviews are focused and efficient. Any policy or proposed project that could inhibit progress toward sustainability goals or cause significant adverse environmental impacts must undergo an EA.

Please see <http://envirolawsmatter.ca/index.php/endorsers> for a complete list of organizations that have endorsed the above Statement of Principles.