

# UNDERSTANDING BILL C-69

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BRIEFING NOTE



# BACKGROUND

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In 2012, the federal government severely weakened environmental protections for Canada's land, air, water and climate. These changes made it easier to rubber-stamp and fast-track projects like pipelines, mines and nuclear facilities. Projects like the controversial Coastal Gas Link had their federal reviews cancelled.

In February 2018, after two years of review with scientists, industry, Indigenous people and the public, the federal government tabled Bill C-69, which contains new legislation to replace the 2012 Canadian Environmental Assessment Act, reform the National Energy Board, and provide additional protections for navigable waterways. Bill C-69 made it through the House of Commons and is now before the Senate.

An organized campaign from the oil and gas industry is trying to mislead Canada's Senators by spreading inaccurate claims about Bill C-69. The oil and gas industry wants to kill fixes to environmental laws and continue to avoid federal oversight and climate action.

**While there's room for improvement, Bill C-69 takes steps to improve how the federal government will review pipelines, mines, dams and other projects that impact the environment.**

# WHY DO WE NEED BILL C-69?

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Here's why this bill is urgently needed:

- Many projects that should be subject to federal assessment are currently not being assessed. Bill C-69 may, with the development of robust regulations, facilitate the assessment of more of these projects.
- Canadians expect project reviews to be independent, transparent, science-based and to give people meaningful opportunities to have a say.
- Canadians should feel confident that governments have taken important environmental and health considerations into account in making decisions about major projects and proposals.
- Rather than facilitating informed decisions on energy and other types of projects, the existing laws and processes have led to deeper political, social and legal conflicts.
- The current laws do not require authorities to consider the broader implications of industrial projects, such as how they might impact the health and safety of local communities and vulnerable populations. Canadians want to know that government authorities are looking out for their health and well-being when making important decisions about development.

# WHAT WILL BILL C-69 DO?

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Bill C-69 makes some significant improvements over the current laws and processes for reviewing energy and industrial projects. The bill will:

## Ensure Robust and Fair Project Reviews

- Give Canadians a more transparent view into how project decisions are made.
- Increase accountability for delays.
- Ensure that Canadians' voices will be heard on major projects that can impact the environment and their health.
- Help restore public trust in government decision-making.
- Consider a project's contribution to Canada's climate commitments.
- Recognize the rights of Indigenous peoples and enhance their role in project reviews.
- Expand the scope of project reviews to include sustainability, the project's impact on social and health outcomes, its impact on Indigenous rights, the extent to which it helps Canada achieve environmental obligations and a consideration of lower-impact alternatives to the project.

# WHAT WILL BILL C-69 DO?

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## Restore Trust in Energy Regulation

- Enhance the independence of Canada's energy regulator and assessment processes.
- Remove barriers to public participation in project hearings (i.e. the requirements that participants be "directly affected" by a project).
- Ensure climate change is considered in every project reviewed.
- Ensure that the same standards and procedures for impact assessment apply to all energy projects regardless of whether it is a pipeline, a nuclear facility, a hydroelectric dam, or a transmission line.

## Improved oversight over navigable waters

- Expand protection for ALL navigable waters with respect to major projects.
- Add an additional approval for projects, not minor, impacting navigation on waterways listed in the schedule.
- Launch a public registry to track projects impacting navigation.
- Broaden waterways covered with a new definition of navigable waters from the narrow 2012 interpretation.
- Require the minister to consider the cumulative impacts of projects on navigation.

According to a recent Abacus poll, 63% of Canadians who know about Bill C-69 see it as "a step in the right direction". A similar majority think the bill will have a positive impact both on investment and jobs in Canada and on our environment.

# KEY AREAS OF IMPROVEMENT

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This is a unique, once-in-a-generation opportunity to improve the laws that protect our land, air and water and ensure they help Canada address climate change and meet its Paris Agreement commitments. This said, there are some key areas of improvement that could further strengthen the bill.

## Impact Assessment

- Impose a stronger test to ensure projects are sustainable and advance climate action by preventing the Minister or Cabinet from approving projects that would cross an ecological limit, harm a species at risk, hinder our climate action or infringe Indigenous rights.
- Remove or lengthen timelines to ensure rigorous assessments that respect Indigenous rights.
- Let all options be on the table, including the “no” option.
- Ensure decisions are based on best available science and Indigenous knowledge.

## Energy Regulation

- Add climate change to the regulator’s mandate to ensure climate considerations are integrated into all its activities and functions.
- Ensure there are meaningful opportunities for public and Indigenous engagement throughout project lifecycles.

# KEY AREAS OF IMPROVEMENT

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## Navigable Waters

- Acknowledge the environmental value associated with navigable waters. Adding environmental implications to the factors for consideration would go a long way to addressing this.
- Require all works on all navigable waters to be logged in a public registry. This would allow us to test our assumption that the cumulative impacts of minor projects are truly negligible.
- Simplify the approval process outlined for navigable waters. The Schedule of Waters adds unnecessary confusion to the whole process of regulating projects. Though we support efforts to expand the schedule to be more representative of important navigable waterways in Canada, we believe that a system of simply managing Major, Medium and Minor works across all navigable waters is much more straightforward.

# CURRENT STATE OF PLAY FOR C-69

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The bill is currently before the Standing Senate Committee on Energy, the Environment and Natural Resources.

The committee has indicated that they may travel across the country (to Vancouver, Calgary, Fort McMurray, Saskatoon and Winnipeg the week of April 8th, and Quebec City, Halifax, Saint John and St. John's the week of April 22nd) to complete more consultations on the bill.

**Senators need to hear from Canadians who support transparency, accountability, meaningful public participation and climate action in environmental decision-making.**

If you want to appear before the Senate Committee to defend C-69 or ask for improvements to strengthen it, email [enevesen.parl.gc.ca](mailto:enevesen.parl.gc.ca) and ask to appear before the Senate Committee when it visits a city near you (the Senate will often cover any necessary travel costs).

We also encourage all groups, organizations and individuals to make a submission to the Senate—we invite you to borrow from the content in this brief.

A group of environmental organizations recently sent a letter to the Senate Committee and Senate leadership, recommending that the committee take all necessary steps to ensure the bill is passed expeditiously while maintaining the integrity of the changes proposed in Bill C-69 to date.