



STRONG ENVIRONMENTAL LAWS

REPORT CARD

Does the federal omnibus budget bill make the grade on environmental assessment?

The paper *Environmental Assessment Law for a Healthy, Secure and Sustainable Canada: A Checklist for Strong Environmental Laws* (February 2012) set out ten foundational criteria required for an effective and principled approach to environmental assessment of resource projects. The ten principles were endorsed by over 55 Canadian organisations representing scientists, physicians, lawyers, advocates for democracy and citizen groups.

On June 18, 2012 the omnibus “Budget” Bill C-38, which repealed the *Canadian Environmental Assessment Act* and replaced it with an entirely new law was passed by Canada’s House of Commons. It is now possible to take stock of how the new *Canadian Environmental Assessment Act 2012* measures up to the *Checklist for Strong Environmental Laws* principles. The result: failing or incomplete grades on all accounts, and a blow to the future health, security and sustainability of our nation.

PRINCIPLE	GRADE
1. Adopt sustainability as the core objective of environmental assessment (EA)	FAIL
2. Strengthen public participation	FAIL
3. Meaningfully involve Aboriginal governments as decision makers	FAIL
4. Establish a legal framework for strategic environmental assessments to integrate sustainability considerations into government decisions and policies	FAIL
5. Establish and implement a legal framework for regional environmental assessments to enable a ‘big picture’ planning for truly responsible resource development	FAIL
6. Require comprehensive, regional cumulative effects assessments in particular regions and across all resource sectors	FAIL
7. Employ coordinated multijurisdictional assessment and avoid substitution to the provinces that creates regulatory inconsistency across the country	FAIL
8. Ensure transparency of process and decision making, and facilitate access to information	FAIL
9. Make EA procedures more fair, predictable, and accessible	INCOMPLETE
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	FAIL

Our full legal analysis is available at: <http://wcel.org/resources/publication/strong-environmental-laws-report-card-bill-c-38>