

**Comments on the
Terms of Reference for the Expert Panel
to review processes associated with the
Canadian Environmental Assessment Act, 2012
(CEAA 2012)**

Overview

July 20, 2016

We are pleased that the deeply flawed CEAA 2012 is receiving attention, as the Minister of Environment and Climate Change is striking a panel to review the processes associated with the *Act*. Environmental Assessment (EA) in Canada was undercut by the 2012 revisions of the CEAA in an omnibus bill. The Consultation is to establish terms of reference for a panel to review EA processes (not CEAA itself). We briefly bring to your attention shortcomings in the present process, as it addresses a shadow of what true Environmental Assessment should entail. We recommend that the Panel address issues of scope, so that options that are in the best public interest are not “scoped out” before the process begins.

Our concerns include:

- Abbreviation of Environmental Assessment (EA)
 - o ***EA should start with examination of fundamental needs and potential ways to achieve the desired endpoint, including the merits, desirability and long term public interest.*** The proposed Terms of Reference (ToR) abbreviate the scope of a true EA. The Context section indicates that EA is to focus on avoiding and mitigating impacts of a project, but apparently does not extend to determination of whether or not a project should proceed at all. ***Serious consideration of broad alternatives, including the null alternative must be a central feature of any credible EA.***
- Detailed least-toxic alternatives considerations
 - o Furthermore, given that there are inevitably many ways to achieve an ultimate goal, and it is the ultimate goal that should drive a federal EA, scoping of details may greatly improve outcomes. For instance, ***if and only if it is determined that a pipeline would be responsible and in the public interest, will the EA Panel consider precisely what should be permitted to be transported?*** In this context, we contend that bitumen and dilbit are too toxic and risky to transport by pipeline across the country, through remote areas and adjacent to and under drinking water sources. Moreover, this is a needless risk to take. Petroleum resources should be upgraded as a condition of long-distant transport, to reduce risks and to increase value and jobs. This accommodates better those who bear disproportionate risk and gain little or no benefit from the infrastructure. Our discussion of this topic can be found here: www.preventcancer.ca/oil-sands-crude-needs-to-be-detoxed-before-shipping-2

We recommend focusing Canadian development and decision-making on least-toxic options and best practices, putting the Precautionary Principle into action, using the Substitution Principle.

Prevent Cancer Now is a civil society organization including scientists, physicians, experts and diverse citizens. We work to stop cancer before it starts, with research, public education and advocacy.

Sincerely,

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How wonderful is it when something doesn't happen ... when "something" is cancer?