



Toward Sustainability: The Seven-year Review of the *Canadian Environmental Assessment Act*

Submission to the House of Commons Standing Committee on Environment and Sustainable Development

March 14, 2011

Governments in Canada, and around the world, have agreed to take on the responsibility to govern with sustainable development as a core principle in decision making. A well-designed and implemented system for assessing the environmental consequences of policies, decisions, and projects is an absolute requirement in meeting this responsibility. A decade ago, the Government and Parliament of Canada declared their commitment to sustainable development and a healthy environment by enacting the Canadian Environmental Assessment Act (CEAA).¹

*- Beyond Bill C-9 House of Commons Environment and Sustainable Development
Committee, June 2003*

Introduction

Canada's federal environmental assessment laws have developed over several decades as a means to achieve sustainable development by providing information about environmental effects of development projects before decisions are made. The 1984 Environmental Assessment and Review Process Guidelines Order in Council, the 1992 *Canadian Environmental Assessment Act* (CEAA), and the 2003 amendments to CEAA have all led, incrementally, to decisions on development projects that better reflect sustainability principles.

Over these several decades, the science and art of environmental assessment has advanced greatly. Many mistakes have been made but many lessons have been learned.

¹ *Sustainable Development and Environmental Assessment: Beyond Bill C-9* Report of the Standing Committee on Environment and Sustainable Development, June 2003 p. 1.

In part due to the 2009 and 2010 omnibus budget bill changes to environmental assessment, CEAA and its regulations have become complicated and unwieldy to the point that they are not adequately addressing Canada's most pressing ecological issues, nor the needs of governments, proponents and the public in the environmental assessment process. CEAA often fails to properly assess projects with critically important environmental effects (such as the GHG emissions of oil sands projects) but also legally requires assessments of hundreds of small projects (such as scientific permits to study birds) whose well-understood effects either are minimal or can be mitigated.

Ecojustice believes that a new consensus for CEAA reforms is needed to address the key issues facing federal environmental assessment. In this submission, Ecojustice outlines those key issues and recommendations for reforming CEAA. This submission takes as a starting point and touchstone the work of the Environment Committee pursuant to the last mandated review of this legislation, the CEAA Five-Year Review.

Ecojustice recommends that the House of Commons Environment and Sustainable Development Committee undertake a careful, comprehensive review of the *Canadian Environmental Assessment Act* (CEAA), including reconsideration of the 2009 and 2010 amendments to CEAA and related statutes and regulations, with public hearings across Canada.

Ecojustice expressed concern about the 2009 and 2010 amendments, which were incorporated into the omnibus budget bills for these two years, in presentations to the House of Commons Finance Committee² and the Senate National Finance Committee. The changes to the *Canadian Environmental Assessment Act* and related statutes and regulations weakened environmental assessment by exempting all infrastructure projects from environmental assessment; turning over energy project reviews to the National Energy Board and the Canadian Nuclear Safety Commission; and allowing the environment minister to limit any environmental assessment to a portion of a project contrary to the Supreme Court Ruling on the Red Chris Mine.

Ecojustice

Ecojustice, formerly known as Sierra Legal Defence Fund, is Canada's largest and foremost non-profit environmental law organization, supported by 30,000 Canadians. Ecojustice lawyers and scientists provide the expertise that citizens and groups need to

²Ecojustice, Sierra Club Canada. *Federal Environmental Assessment Law Reform: Let's have a considered, deliberate Parliamentary debate. Brief to the House of Commons Finance Committee, Bill C-9, The Jobs and Economic Growth Act*, May 10, 2010

take polluters to court and ensure that governments enforce environmental laws. Ecojustice has participated in CEAA environmental assessments for projects across Canada including those of the Mackenzie Gas Project, Joslyn North Mine Project, Kearl Oil Sands Project, Enbridge Northern Gateway Project, and has participated in parliamentary reviews of all proposed legislation to amend CEAA and its regulations, including the omnibus budget bills of 2009 and 2010.

Core Elements of a Federal Assessment Process

The environmental community, including Ecojustice, has actively advocated federal environmental assessment law reforms since the mid-1980s, to a large extent through the Environmental Planning and Assessment (EPA) Caucus of the Canadian Environmental Network. In 1988, the EPA Caucus agreed upon the following core elements (or principles) for a federal environmental assessment process:

- Environmental assessment must take place within a comprehensive environmental framework
- The process must be legislated
- The process must be mandatory and universal in application
- The scope of the process must be broad
- There must be effective public participation throughout the process
- The process must ensure accountability
- The process must avoid unnecessary duplication and
- The process must require monitoring of approved programs and projects

Ecojustice takes the view that these core elements still apply today. Legally mandated federal environmental assessments of projects are still needed to support environmentally sound decision-making and achieve sustainable development. As well, public participation in environmental assessments must be legally required and reporting on environmental assessments into a public registry must also continue to be legally required.

The CEAA Seven-Year Review

Section 32 of CEAA 2003 requires that a “comprehensive review of the provisions and operation of the *Canadian Environmental Assessment Act* shall be undertaken by [a Parliamentary committee]”. “The committee . . . shall, within a year after the review is undertaken . . . submit a report on the review to Parliament.” The House of Commons Standing Committee on Environment and Sustainable Development (Environment

Committee) was mandated to undertake the review by the House of Commons in June 2010.

As mentioned, the CEAA Seven-year Review follows another mandated review (the so-called CEAA Five-year Review) which was conducted between 2000 and 2003. The Minister of Environment was tasked under CEAA to conduct the Five-year Review, rather than Parliament as for the Seven-year Review. The CEAA Five-year Review led to important amendments (e.g., public participation funding for comprehensive studies, more powers to the Canadian Environmental Assessment Agency, requirements for EA follow-up programs) but not fundamental reform. Sierra Legal Defence Fund played an active role in the parliamentary deliberations on the legislation amending CEAA (Bill C-9) and stands by our 2002 recommendations to the Standing Committee on Environment and Sustainable Development to reform CEAA by strengthening environmental assessments relating to National Parks, expanding the definition of individuals entitled to petition the Minister of Environment to hold an environmental assessment, and easing the requirements relating to mediations to encourage their use.³

The Environment Committee held hearings and prepared a follow-up report in 2003 entitled: *Sustainable Development and Environmental Assessment: Beyond Bill C-9*, which asks the fundamental question as to whether environmental assessment is making a difference in protecting the environment and achieving sustainable development. *Beyond Bill C-9* then sets out a number of challenges that remain to be addressed, which included the following:

- Providing a clear vision for federal EA
- Achieving federal environmental commitments through EA
- Promoting meaningful public participation
- Effectively enforcing EA responsibilities
- Improving strategic environmental assessment

The balance of this submission discusses and proposes legislative and policy reforms that address relate directly to these challenges posed in *Beyond Bill C-9*.

³Sierra Legal Defence Fund *Brief Re: Bill C-19 and the Canadian Environmental Assessment Act: Standing Committee on Environment and Sustainable Development*, February 7, 2002.

Providing a clear vision for federal EA

CEEA currently focuses on assessment of biophysical effects and other directly related effects, using the legal test of determining the significance of adverse environmental effects and identifying mitigation measures that reduce the effects below the significance level. In practice, this significance test is misused; and is too often reduced to a game in which no adverse environmental effect, no matter how persistent or egregious, is determined to be significant. The Environment Committee proposed a definition to “significant” that would make this test more objective and quantifiable and thus less subject to misuse. Thus *Beyond Bill C-9* recommended “that the term ‘significant’ in the phrase ‘significant adverse environmental effects’ be defined in the *Canadian Environmental Assessment Act* to include at least the following factors:

- An effect that exceeds any regulated federal or provincial environmental quality standard or target;
- An effect that is inconsistent with any international commitments of the Government of Canada; and
- An effect that extends into any territory that is within the jurisdiction of a government other than the federal government, and which has been the subject of a publicly stated concern of the government of that jurisdiction.”⁴

Ecojustice supports the Environment Committee’s recommendation to amend CEEA to define the term “significant” as described above. Ecojustice encourages the Environment Committee to consider incorporating additional factors that are objective and quantifiable into the definition of “significant”. For example, the environmental effects of any project that proposes to re-classify a natural water body as a tailings impoundment area under Schedule 2 of the Metal Mining Effluent Regulations (in order to avoid the protections of the *Fisheries Act*) should be deemed to be significant. As well, the adverse effects of any project on the population or habitat of a species at risk listed under the federal *Species at Risk Act* should also be deemed to be significant for the purposes of CEEA.

However, the approach of identifying and determining the significance of adverse environmental effects is not useful for assessing and mitigating greenhouse gas emissions as demonstrated by recent panel reviews such as those for the Joslyn North Oil Sands Project and the Kearl Oil Sands Project. For example, the Kearl Oil Sands Project will be responsible for generating annual greenhouse gas emissions of 3.7 million tonnes CO₂eq. (roughly the equivalent of putting 800,000 cars on the road). However, the Joint Panel Review determined that this huge amount of emissions is not

⁴ Ibid 39.

likely to result in significant adverse environmental effects, because of the difficulty in demonstrating a causative effect on the *global* atmosphere. Likely no single project on Earth (even a project one hundred times larger than Kearsarge) could itself generate emissions large enough to cause a significant effect on the global atmosphere.

So-called sustainability assessment of a development project is an approach that can be used to mitigate greenhouse gas emissions of a development project. The Environment Committee recognized the importance of project sustainability when it recommended in *Beyond Bill C-9* that CEAA be amended to “incorporate an effective approach that would achieve tangible results in environmental assessments, both in term of project sustainability and ecosystem integrity.”⁵

Sustainability assessment focuses on the economic, social and environmental sustainability of a project, rather than merely determining the significance of adverse, mainly biophysical, environmental effects. Sustainability assessment is a much better approach than conventional EA for addressing and mitigating greenhouse gas emissions from a project.

Sustainability assessment has other advantages to quite apart from assessing the adverse effects of greenhouse gas emissions. Sustainability assessment asks the question: Does this project advance our economy and society toward a sustainable future? and not just: How can this project be made less bad? Sustainability assessment seeks to improve positive elements of a project as well mitigate negative elements. Sustainability assessment asks questions about fairness and justice as well, by emphasizing intergenerational equity as well as intragenerational equity.

Sustainability assessment has emerged as an important approach to environmental assessment in many joint panel reviews (e.g., Mackenzie Gas Project). Sustainability assessment theory has been well-articulated by Dr. Robert Gibson⁶ and applied by several recent joint panel reviews (most notably for the Mackenzie Gas Project) and embedded at least partially in federal laws implementing northern aboriginal claims agreements (most notably the *Yukon Environmental and Socio-economic Assessment Act*, and the *Mackenzie Valley Resource Management Act*).

Ecojustice therefore recommends that CEAA be amended to require assessment of the environmental and socio-economic sustainability of projects and not just their adverse environmental effects, possibly using the model of the *Yukon Environmental and Socio-economic Assessment Act*.

⁵ Ibid.

⁶ Gibson, R. et al. *Sustainability Assessment: Criteria and Processes* 2005, Earthscan.

Achieving federal environmental commitments through EA

CEAA assessments are generally required only in relation to a federal decision (e.g., Law-listed licence, funding decision, land disposition). According to *Beyond Bill C-9*, CEAA has not been used effectively to address major environmental priorities such as climate change. *Beyond Bill C-9* concludes that “although thousands of small projects are assessed more or less effectively under CEAA each year, many large potentially environmentally damaging projects avoid assessment or are scoped so narrowly as to make the EA of questionable value.”⁷ A recent paper by Ecojustice counsel Stephen Hazell arrives at a similar conclusion⁸, and suggests several policy options to ensure that CEAA supports achievement of federal environmental priorities.

Assessing nationally significant projects - Ecojustice urges the Environment Committee to explore amendments or regulatory changes that would ensure that federal resources are expended on environmental assessment activities so as to support achievement of federal environmental commitments and priorities. *Beyond Bill C-9* recommended that: “the Minister of the Environment ensure that national and international environmental legal and policy commitments, objectives and standards are incorporated into the environmental assessment process under CEAA.”⁹ Ecojustice suggests that this recommendation, while directionally correct, need to be further articulated to be effective.

CEAA could be amended to require environmental assessments for proposed projects identified to be of national environmental significance (as Australia has done), or that address federal environmental priorities such as climate change (e.g., requiring a federal panel review for any proposed project with emissions exceeding certain levels (e.g., tonnes CO₂eq). The triggering of “federal priority” or “nationally significant” projects raises constitutional and legal issues if decoupled from existing CEAA triggers that would need to be worked through.

Law List Triggers Review - Another approach would be to carry out a review of environmental assessments carried out pursuant to Law-listed triggers. A legal requirement to conduct an environmental assessment may no longer be required for

⁷ Ibid note 1, 9.

⁸ Hazell, S. *Improving the Effectiveness of Environment Assessment in Addressing Federal Environmental Priorities* 2010 *Journal of Environmental Law and Policy*, V. 3 No. 20.

⁹ Ibid note 1, 41. See Houck, O. *Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law* 2010 40 *Environmental Law Reports* 11033 for a discussion of the failures to implement worst-case scenario requirements in the case of the Deepwater Horizon blowout.

some of the Law-listed triggers. Accountability for the sustainability of projects no longer subject to legally mandated environmental assessments could be addressed through administrative processes such as departmental sustainable development strategies.

Similarly, there may be other provisions under new or amended statutes or regulations that should be included as Law List triggers. This study of Law-List triggers should also consider the potential for “reverse-engineering” a Law-List trigger to ensure that federal environmental assessments are conducted with respect to sustainability issues of federal or national importance. For example, a federal climate law could be enacted that requires a federal permit for any project that proposes to emit greenhouse gas emissions greater than a prescribed amount (the U.S Council for Environmental Quality has recently proposed an amount of 100,000 tonnes CO₂ eq for a similar purpose).

Worst-case scenario assessment - Avoidance of environmental catastrophes such as the Deepwater Horizon blowout in the Gulf of Mexico is another obvious federal environmental priority. Worst case scenario disasters are not limited to the United States; they occur in Canada as well. For example, the 1982 loss of the “indestructible”, “world’s mightiest” Ocean Ranger drilling platform in the North Atlantic Ocean killed 84 people. Nor are possible worst-case scenarios limited to the marine offshore. Failure or collapse of a dam holding back a tar sands tailings reservoir could release huge quantities of highly toxic tailings resulting in contamination and elimination of aquatic life in the Athabasca River indefinitely. A melt-down of a nuclear reactor could be catastrophic for people and ecosystems. Collapse of a hydroelectric dam as a result of an extreme precipitation event or earthquake also could be catastrophic. These worst-case disasters are infrequent, but they do happen.

Yet CEEA does not require assessment of worst-case scenarios as is the case under United States federal law.¹⁰ The 1984 Inuvialuit Final Agreement (IFA) is perhaps the only example of a Canadian legal requirement to undertake a worst-case scenario assessment.¹¹ Section 13.(11) of the IFA requires “an estimate of the potential liability of the Proponents, determined on a worst-case scenario, taking into consideration the balance between economic factors, including the ability of the Proponents to pay, and environmental factors”.

¹⁰ *National Environmental Policy Act* 42 U.S.C. ss4321-4370f (2006), ELR Stat. NEPA ss2-209

¹¹ *Foundation for a Sustainable Northern Future: Report of the Joint Review Panel for the Mackenzie Gas Project* December 2009 pp.178-181, 376-378.

The Joint Panel Review for the Mackenzie Gas Project carried out a worst-case scenario assessment under the IFA for the Inuvialuit Settlement Region (but not for other regions subject to the panel review).¹² The Joint Review Panel identified five worst-case scenarios including well blowouts of natural gas and natural gas liquids at the three anchor fields, and rupture of two gathering system pipelines and release of natural gas and natural gas liquids. Environmental impacts were then assessed, and proponent mitigation measures and commitments were identified.¹³ Potential liability of proponents for the loss of wildlife harvest for worst-case scenarios, individually, was then estimated to range between \$11,000 and \$60,000, and for recovery and cleanup to range between \$6 million to \$40 million.¹⁴

Ecojustice recommends that CEEA be amended to require assessment of worst-case scenarios for development projects subject to CEEA, at least for projects subject to panel review or comprehensive study.

Promoting Meaningful Public Participation

Public participation is at the heart of what federal environmental assessment attempts to achieve. *Beyond Bill C-9* stated that: “The Committee strongly believes that public participation is a key aspect of the EA process under CEEA.”¹⁵ and recommended that: “The Minister of the Environment and the Canadian Environmental Assessment Agency increase the level of public participation in CEEA and that the Minister uses his existing powers under the Act to make panel reviews a key tool of such participation.”¹⁶ Ecojustice supports this recommendation but also recommends that CEEA be amended to ensure participant funding to pay for legal representation at panel reviews.

Ecojustice maintains that the evidence since 2003 suggests that public participation in CEEA panel reviews and comprehensive studies is in decline mainly because of growing legal requirements and evidentiary rules with respect to participation in panel reviews conducted jointly with other jurisdictions. Increasingly, only regional and national organizations have the resources to engage legal counsel, which increasingly are needed to ensure effective participation in panel reviews. Ecojustice has considerable experience supporting environmental and community groups in their interventions in panel reviews (e.g., Mackenzie Gas Project, Joslyn North Project, Enbridge Gateway

¹³ Ibid 180-181.

¹⁴ Ibid 377-378.

¹⁵ Ibid 31.

¹⁶ Ibid.

Project) but the current CEAA Public Participation Fund usually does not cover costs of engaging legal representation in panel reviews or comprehensive studies.

Ecojustice recommends that CEAA be amended to recognize that participant funding is essential to support legal representation at hearings if community and public interest groups are to participate fully in environmental assessments, such as by introducing important evidence for the consideration of the Panel and decision-makers.

Effectively enforcing EA responsibilities

EA Permitting - In *Beyond Bill C-9*, the House of Commons Environment and Sustainable Development Committee found that “departmental compliance with CEAA requirements [has] been unimpressive”. The Environment Committee observed that “there is no enforcement power under the Act that would allow the Agency to improve matters”.¹⁷ The Environment Committee quoted with approval a statement by Dr. Robert Gibson that “CEAA contains no means of setting and imposing terms and conditions of approval. Instead, it relies on a highly inconsistent set of permitting, contracting and other vehicles, many of which are ill- designed for the purpose.”¹⁸

The Environment Committee went on to make two important recommendations. The first recommendation is that CEAA “be amended to establish a system for the issuance of environmental assessment permits by federal departments, in accordance with criteria prepared by the Agency. . .”¹⁹ The second is that the CEAA “be amended to prohibit, through the use of penalties, a federal departments or project proponent from proceeding with a project without a permit, or in breach of terms or conditions of a permit.”²⁰ Ecojustice supports these *Beyond Bill C-9* recommendations to amend CEAA.

Re-examination of Self-Assessment - CEAA continues to be based on the self-assessment approach by responsible authorities (RAs) for screenings, with the Agency managing comprehensive studies and panel reviews. In *Beyond Bill C-9*, the Environment Committee expressed concern about the self-assessment approach under which the federal department empowered to make a project decision is also the authority that conducts the environmental assessment.²¹ Self-assessment may continue to be effective for some departments (e.g., Parks Canada Agency), but generally has not been effective

¹⁷ Ibid 18.

¹⁸ Ibid.

¹⁹ Ibid 19.

²⁰ Ibid.

²¹ Ibid 17.

in Ecojustice's view. Ecojustice suggests that the Environment Committee consider whether all federal environmental assessments should be conducted by the Canadian Environmental Assessment Agency. A more centralized approach could promote consistency, timeliness, improved public participation, and efficiency, and avoid the squabbling among federal departments that so often has delayed environmental assessments.

A centralized approach would directly address one of the key irritants for provinces and proponents about CEAA, and that is that there are often multiple federal authorities involved in the environmental assessment of bigger projects, and they often disagree about who should have lead responsibility for the environmental assessment as well on other process issues. Several regulations have been promulgated and Agency guidance documents issued to expedite coordination of CEAA environmental assessments within the federal government to address this irritant, but with little apparent success.

A single federal agency responsible for CEAA assessments would allow easy 'one-stop shopping' for proponents, provinces and participants. The authority of such an agency would be cemented if CEAA required, as recommended earlier, that an EA permit be issued by the Agency before any federal department or agency is authorized to proceed with any project subject to the EA process.

The Environment Committee recommended that "the seven-year review of the Act that is required under Bill C-9 should examine whether changes made under that bill have improved environmental assessment performance or not, and if not, the idea and process of self-assessment should be re-examined."²² Ecojustice supports this recommendation.

Improving strategic environmental assessment

Environmental assessment of proposed government policies, programs and plans (so-called strategic environmental assessment or SEA) has largely been a failure at the federal level despite two decades of having a Cabinet Directive in place that requires federal departments, as a matter of administrative policy, to prepare them before memoranda to Cabinet are submitted. Part of the problem is the lack of public reporting and accountability for the preparation of strategic environmental assessments as

²² Ibid 18.

proposed policies, programs and plans are brought for consideration by the federal Cabinet.

Beyond Bill C-9 recognized this issue in stating that: “The Committee has difficulty assessing the current level of compliance with the revised 1999 Cabinet Directive given that virtually no information is available about SEAs is publicly available”.²³ *Beyond Bill C-9* recommended that legislation be developed that “establishes a legal framework for mandatory strategic environmental assessment.”²⁴ According to *Beyond Bill C-9*, “[s]uggested principles for any federal SEA statute could include: requiring that the environmental effects of proposed federal policies, programs and plans be assessed; establishing a public registry of such SEAs; affording a maximum of flexibility to federal departments to integrate the EA activity into decision-making processes; and employing existing institutions (e.g., Canadian Environmental Assessment Agency, departmental EA teams) to minimize administration costs.

Ecojustice agrees with this *Beyond Bill C-9* recommendation, and urges the Standing Committee on Environment and Sustainable Development to proceed with developing a framework for a draft bill. Alternatively, provisions requiring SEA could be included in CEAA.

Related issues arise with respect to so-called regional strategic environmental assessments (RSEAs), which are intended to examine cumulative environmental effects of multiple developments within a region such as the Mackenzie Valley, northeastern Alberta, or the Bay of Fundy. An advantage of this approach is that RSEAs could relieve pressure on individual environmental assessments with respect to cumulative effects assessment.

Ecojustice recommends that CEAA be amended to include provisions authorizing the use of regional strategic environmental assessments for regions that are subject to multiple and intense development pressures and for adjusting or limiting the federal role in environmental assessments of the projects in regions where such RSEAs have been completed.

²³ Ibid 34.

²⁴ Ibid 36.

Summary of Recommendations

The following is a summary of Ecojustice's recommendations to the House of Commons Standing Committee on Environment and Sustainable Development with respect to reform the *Canadian Environmental Assessment Act*:

1. *Comprehensive CEAA Review with public hearings* - That the House of Commons Environment and Sustainable Development Committee undertake a careful, comprehensive review of *the Canadian Environmental Assessment Act* (CEAA), including reconsideration of the 2009 and 2010 amendments to CEAA and related statutes and regulations, with public hearings across Canada.
2. *Definition of 'significant'*- That the term 'significant' in the phrase 'significant adverse environmental effects' be defined in the *Canadian Environmental Assessment Act* to include the following:
 - An adverse effect that exceed any regulated federal or provincial environmental quality standard or target;
 - An adverse effect that is inconsistent with any international commitments of the Government of Canada;
 - An adverse effect that extends into any territory that is within the jurisdiction of a government other than the federal government, and which has been the subject of a publicly stated concern of the government of that jurisdiction;
 - An adverse effect of any project that proposes to re-classify a natural water body as a tailings impoundment area under Schedule 2 of the Metal Mining Effluent Regulations; and
 - An adverse effect of any project on the population or habitat of a species at risk listed under the federal *Species at Risk Act*.
3. *Sustainability assessment* – That CEAA be amended to require assessment of the environmental, economic and social sustainability of projects and not just the adverse environmental effects of projects, possibly using the model of the federal *Yukon Environmental and Socio-economic Assessment Act* (YESAA).
4. *Achievement of Federal Commitments and Priorities* – That the Environment Committee investigate examine possible CEAA amendments and regulatory changes that would ensure that federal resources are expended on environmental assessment activities so as to achieve federal environmental commitments and priorities more effectively, including the following:
 - Amending CEAA to require environmental assessments for proposed projects prescribed to be of national environmental significance (as Australia has done);

- Amending CEAA to require a federal panel reviews for proposed projects with effects exceeding prescribed levels (e.g., GHG emissions exceeding 100,000 tonnes CO₂eq);
 - Reviewing the Law List regulations and federal laws enacted and regulations promulgated since 1995 in order to identify potentially new triggers to be added to the Law List regulations as well as existing triggers to be deleted from the Law List regulations; and
 - Amending CEAA to require worst-case scenario assessment for proposed projects subject to panel review or comprehensive study.
5. *Public participation* - That the Minister of the Environment and the Canadian Environmental Assessment Agency increase the level of public participation in CEAA and that the Minister uses his existing powers under the Act to make panel reviews a key tool of such participation, and that CEAA be amended to ensure participant funding to pay for legal representation at panel reviews.
 6. *Enforcement of Federal EA Responsibilities* - That CEAA be amended to establish a system for the issuance of environmental assessment permits in accordance with criteria prepared by the Canadian Environmental Assessment Agency and to prohibit, through the use of penalties, federal departments or project proponent from proceeding with a project without a permit, or in breach of terms or conditions of a permit.
 7. *Re-examination of Self-Assessment* - That the Environment Committee examine whether or not the Bill C-9 amendments to CEAA have improved environmental assessment performance for screenings, and if not, to re-examine the idea and process of self-assessment for screenings should be re-examined.
 8. *Strategic environmental assessment* – That the Environment Committee propose a framework for a statute requiring that the environmental effects of proposed federal policies, programs and plans be assessed; establishing a public registry of such SEAs; affording a maximum of flexibility to federal departments to integrate the EA activity into decision-making processes; and employing existing institutions (e.g., Canadian Environmental Assessment Agency, departmental EA teams) to minimize administration costs.
 9. *Regional strategic environmental assessment* - That CEAA be amended to include provisions authorizing the use of regional strategic environmental assessments for regions that are subject to multiple and intense development pressures and for adjusting or limiting the federal role in environmental assessments of the projects in regions where such RSEAs have been completed.