

Fawn Knox
Email: fawnfknox@gmail.com

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Attn. Joint Public Advisory Committee

To the Commission on Environmental Cooperation:

Re: Public input on NAAEC successes and failures
Canada's weakened environmental laws and what NAAEC can do

Thank you for this opportunity. Although I am not directly addressing the successes or failures of the NAAEC, I am looking at the role Canada has played as one of the signatories of this agreement.

I appreciate your request for public input on a topic that often polarizes communities when major industrial projects are made public; the protection of our environment is a mounting concern among Canadian citizens. Today our environment and our health appear to be secondary against the dominant backdrop of jobs and the economy. Although I don't speak for all, there is a feeling among my closest Canadian acquaintances that democracy, public involvement and independent critical voices are under attack. The current government has embarked upon a system to downgrade government science and to impede bringing forward scientific evidence into the public debate. Most of the defunding and many of the reductions and policy changes related to environmental protection and enhancement were made with the passing of the 2012 Omnibus Bills C-38 and C45 that have seriously weakened our environment laws and dismantled our research facilities and subsequently, I believe, will lead to an adverse impact on both our health and socio-economic well-being.

The following are examples of diminishing environmental protection and impeding further scientific research and technology within Canada:

- decisions to close major natural and social science research institutions such as the world-renowned Experimental Lakes Area, the National Council of Welfare and the First Nations Statistical Institute;
- closing of The Polar Environment Atmospheric Research Laboratory (PEARL) in Eureka, Nunavut;
- major budget reductions to research programs at Environment Canada, Fisheries and Oceans Canada, Library and Archives Canada, the National Research Council Canada, and the Natural Sciences and Engineering Research Council of Canada;

- shutting down the National Round Table in Environment and Economy (NRTEE) - an arm's length advisory body providing independent advice on environmental protection and economic development.
- gutting the Fisheries Act - severely reducing the protection of fish habitat
- curtailing the protection of the large number of navigable waters
- cutting the Institut Maurice-Lamontagne-the only francophone research centre at Fisheries and Oceans;
- eliminating the water resources strategy group at Environment Canada;
- ending groundwater modelling;
- National Energy Board's recommendations with respect to oil pipeline approvals are now allowed to be overridden by cabinet
- critical habitat of species at risk and many pipeline waterway crossings are no longer under the purview of the NEB
- Kyoto Protocol Implementation Act has been repealed-the only climate change legislation that existed in Canada
- government scientists have been effectively gagged from speaking about peer-reviewed research- sometimes even after its publication in prestigious international journals.
- Canada-China Foreign Investment Promotion and Protection Act (FIPA) will allow foreign corporations the right to sue Canadian governments for legislating in the public interest and protecting our environment, if this agreement is signed. (numerous other trade agreements are in progress-CETA)

In my opinion, Canada has not upheld its commitments as a signatory to this agreement.

While I am grateful that the North American Agreement on Environmental Cooperation (NAAEC or NAFTA Environmental Side Agreement) and the Commission for Environmental Cooperation (CEC) were created in response to the concerns raised that free trade may harm the environment through lax environmental standards or ineffective environmental law enforcement, I am now led to believe that Canada was neither as cooperative as it could have been to maintain the integrity of this agreement nor willing to contribute to its advancement. With the gutting of the national environmental laws, Canada now is at risk of becoming a "pollution haven" for large international corporations.

I read that Canada's specific commitments include:

- to "ensure that its laws and regulations provide for high levels of environmental protection and shall to continue to improve those laws and regulations";
- to "assess, as appropriate, environmental impacts"; and
- to "further scientific research and technology development in respect of environmental matter".

The current laws and regulations no longer reflect these commitments. The current government is not in sync with the objectives set out by the NAAEC and I believe there needs to be a sincere renewal of your mandate and a review to bring Canada back on board with the objectives and obligations set out by this agreement. To accomplish such a task will involve convincing the current government and the industrial corporation counterpart that "*commitments to maintain strong environmental laws, to promote science, to ensure public process*" are to the benefit of all. The undertaking of industrial projects can be less adversarial when these commitments are in place.

When Canadians are assured that the environmental assessment procedures are independent and thorough, that research is respected and funded and that public participation in the development of environmental laws, regulations and policies is restored, then the CEC can state with confidence that Canada is contributing to achieving the goals for which CEC was created.

I wish the best outcome for your organization. We were concerned in 1994 about the protection of our environment; our concerns have been heightened almost 20 years later with diminishing environmental laws and rising environmental violations within Canada.

Sincerely, Fawn Knox

1 West Coast Environmental Law August 14, 2013 letter to NAAEC and CEC
from Andrew Gage and Anna Johnson, staff lawyers

cc Prime Minister's Office
West Coast Environmental Law
Aglukkaq MP Minister of Environment
Tom Mulcair MP NDP Leader of the Opposition
Elizabeth May, MP Leader of the Green Party