

May 1, 2024

Dear Minister Freeland and Members of Cabinet,

We, 14 of Canada's leading environmental non-governmental organizations, are writing to express our disappointment regarding the proposed amendments to the *Impact Assessment Act* included in the *Budget Implementation Act*. **We are concerned that the government is not fully living up to its responsibility to protect Canadians and the environment from the climate impacts of major projects across Canada.**

Last October, the Supreme Court of Canada upheld the federal government's crucial role in environmental protection. While it found that the *Impact Assessment Act* required changes to ensure constitutionality and respect provinces' jurisdiction over natural resources, the proposed amendments go beyond addressing the Court's opinion and instead renounce important federal roles in impact assessment.

We are particularly concerned about the omission of greenhouse gas (GHG) emissions as a federal effect and a factor to consider when making decisions. Climate change is wreaking havoc across the country, with wildfires, floods, droughts, and extreme weather disasters from coast to coast to coast. Through the Paris Agreement and other instruments, Canada has committed to drastically reducing GHG emissions. Canadians are expecting strong action from the federal government on what the Supreme Court has acknowledged as an [existential threat](#).

We urge you to act immediately to retain these important aspects of federal decision-making within the scope of the Act.

The federal government's renunciation of jurisdiction over nationally significant GHG emissions under the Act would seriously set back climate action in Canada. Major projects captured by the *Impact Assessment Act* can cause extremely high levels of GHG emissions. Most obviously, oil and gas projects are massive contributors to national GHG emissions. While some projects' emissions may be regulated elsewhere, federal authorities can – and must – retain the ability to say no to GHGs that would occur at a scale that would hinder our ability to meet our climate targets. Moreover, some projects' climate effects are not otherwise regulated, such as projects in the Ring of Fire area that could disturb [peatlands that store more carbon than all of Canada's forests](#), releasing dangerous amounts of methane and carbon dioxide.

Federal oversight of the significant GHG emissions of major projects is critical.

The Supreme Court said Canada should have explained when and how GHG emissions become a matter of national concern. The federal government should seize that opportunity, not abandon its responsibilities to Canadians and the environment.

Canadians have the right to be protected against environmental harms caused by provinces they do not reside in. In fact, this is a key principle of our federation – to ensure that the federal government can make decisions in the best interest of Canadians, while individual provinces are focused on advancing the interests of their own residents. **The federal government should not cave to the pressures of provinces and industry and renounce its crucial role in environmental protection.**

We ask you to ensure that transboundary air pollution, including nationally-significant GHG emissions, remain within the *Impact Assessment Act's* definition of effects within federal jurisdiction when the *Budget Implementation Act* is passed.

Climate change is too important for the Government of Canada to give up and leave to the discretion of provincial governments – while residents of other provinces, Indigenous communities, and Northerners bear the worst impacts of the climate crisis.

Sincerely,

Ecojustice
West Coast Environmental Law
Environmental Defence Canada
Climate Action Network Canada
Nature Canada
MiningWatch Canada
Canadian Association of Physicians for the Environment
re•generation
Sierra Club Canada Foundation
Wilderness Committee
Canadian Interfaith Fast for the Climate
Climate Emergency Unit
Conservation Council of New Brunswick
Greenpeace Canada