



Thursday, 15 February 2024

l'Hon Steven Guilbeault, PC, MP
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister Guilbeault,

Greenhouse Gas Emissions and the *Impact Assessment Act*

I am writing to you about the federal government's plans to ask parliament to amend the *Impact Assessment Act*, in light of the Supreme Court Reference Decision. Nature Canada urges you not to remove greenhouse gas emissions (GGEs) as "federal effects" in the Act; we ask you to propose amendments to the Act that would define a threshold level of GGEs, above which they would be deemed federal effects, as issues of legitimate concern for the federal government in defending the national interest.

I should underline that the Supreme Court did not, at any time, state that GGEs could not or should not be regarded as federal effects. Instead, the court found that *the federal government had not adduced evidence to show at what level GGEs become matters of national concern*.

In other words, the Act constitutionally overreached itself not because it defined GGEs as federal effects, but because it failed to set a GGEs threshold at which a federal interest begins, for projects that are otherwise under provincial jurisdiction. The Act erred only in unreasonably asserting a right for the federal government to review provincial-jurisdiction projects with negligible levels of GGEs.

If parliament were to amend the Act to remove even calamitous levels of GGEs as federal effects, the consequences would be catastrophic. For example, the Ring of Fire peatlands store more carbon than all Canada's forests combined. The Act is the only public instrument with a realistic prospect of ensuring that projects into the peatlands are constrained from propelling much of that carbon into the atmosphere.

We ask the federal government to instead propose an amendment to Section 2 of the Act, to include "greenhouse gas emissions at a level that would hinder Canada's ability to meet its international climate commitments, as expressed in targets set under sections 6 and 7 of the CNZEAA, and as further described in Schedule 3." We also ask the government to amend Schedule 3 of the Act to give a quantified, defensible, and falsifiable definition of "levels that would hinder Canada's ability to meet its international climate commitments by sector and year."

Canadians have come a long way in building a social consensus that climate change is real, that it is driven by anthropogenic GGEs, and that the federal government bears an unambiguous responsibility to act. The Supreme Court Reference Decision calls on the federal government to better define that responsibility, not to abandon it.

Yours sincerely,

A handwritten signature in red ink, appearing to read "Akaash", written over a red diagonal line.

Akaash Maharaj
Director of Policy