



CQDE'S comments on the draft Strategic Assessment of Climate Change under the *Impact Assessment Act*, released 8 August 2019

In our opinion, the draft *Strategic Assessment of Climate Change* (SACC) published falls short of offering the needed foundation for an effective implementation of the climate factor in the 2019 *Impact Assessment Act* (IAA).

The Centre québécois du droit de l'environnement (CQDE) has been heavily involved in the efforts to include and clarify climate commitments in the federal impact assessment reform since before reform efforts began, having deeply engaged with the assessment of climate impacts of the Energy East pipeline. After overcoming initial and serious shortcomings, the second review panel's scoping determination was considered to represent the high water mark of climate impact assessment under Canadian law and in practice. CQDE was also involved in a collective reflection amongst nearly sixty Canadian and foreign climate experts comprised of lawyers, scientists, scholars and climate campaigners over the course of two years. This collaboration resulted in the publication of the [*From Paris to Projects: Clarifying the implications of Canada's climate change mitigation commitments for the planning and assessment of projects and strategic undertakings*](#) report in 2019. We believe this collaborative expert-led research initiative and report provides a strong and legitimate basis for fleshing out the requirements of the IAA and should inform the draft SACC. In 2016, CQDE was mandated by Natural Resources Canada to conduct research and to produce a report on the modernization of the National Energy Board with an important focus on the inclusion of climate considerations. Both these reports and other submissions have been widely shared with the federal government. Unfortunately, beyond the wording in the IAA regarding the climate factor, it seems that our recommendations - and that of the climate community overall - have been overlooked in the reform efforts in favour of industry interests.

Except – and to a limited extent – a slightly increased consideration of carbon sinks' impacts, the draft SACC presents no significant departure from the practices that were in place before reform efforts began and which have proven ineffective in effectively assessing environmental harm. In some areas, the proposed guidance appears to be even weaker than the status quo would be. For example, the exclusion of downstream emissions from consideration on the one hand, but the inclusion, on the other, of hypothetical downstream emission reductions resulting from fuel-switching seems entirely arbitrary and is in our opinion indefensible.

For additional recommendations, we refer to the review comments submitted by Professor Gibson on the draft SACC which we fully endorse. We also refer to our past submissions and in particular the detailed and comprehensive recommendations contained in our previous reports, which Professor Gibson has makes reference to in his comments.