

# Environmental rights in Bill C-28

Lisa Gue, David Suzuki Foundation • July 9, 2021

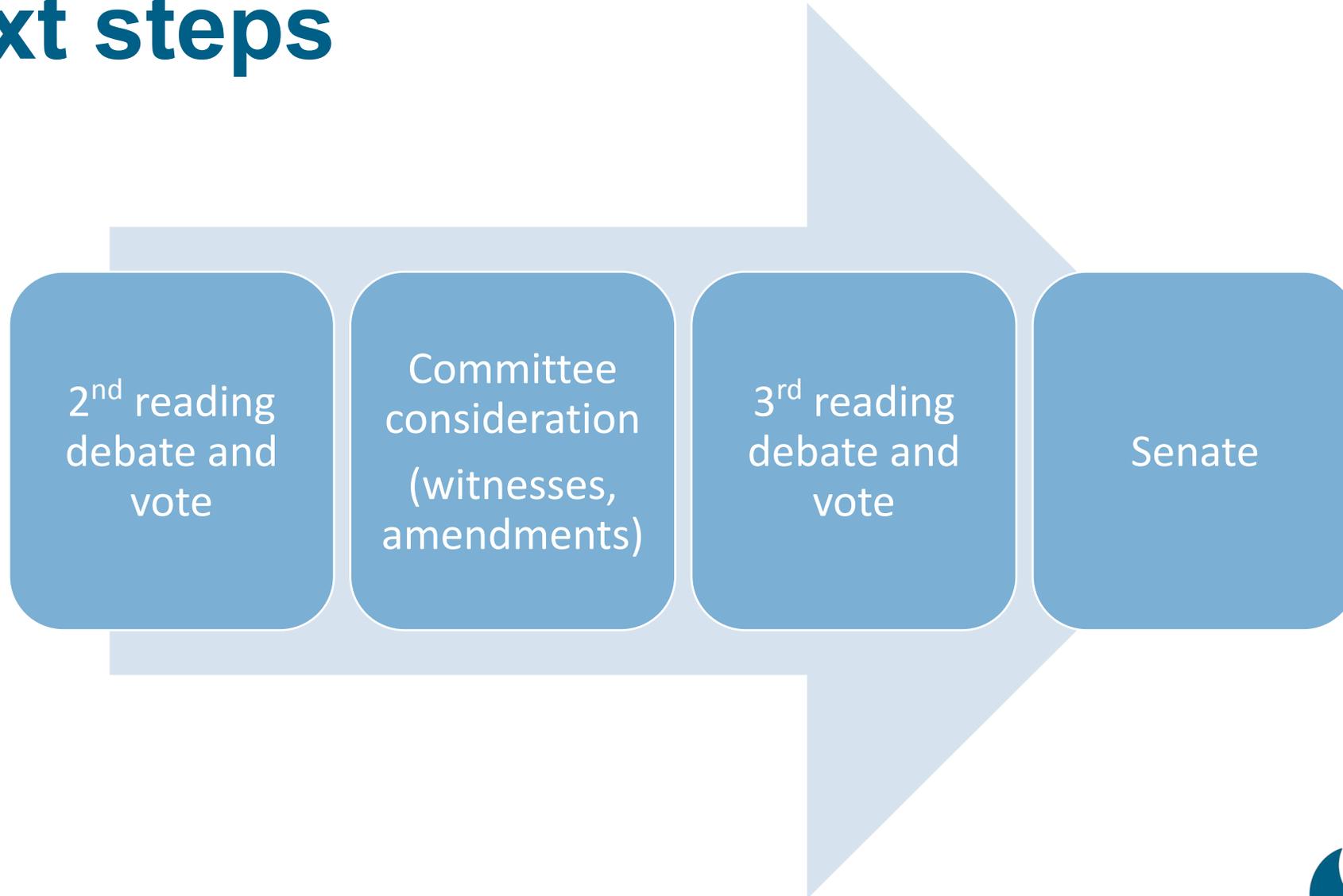


# Status of Bill C-28

# Introduced at last... then stalled!

- 2016-17 – House of Commons environment committee [review](#) of CEPA; government [response](#) and [follow-up report](#) (2018) committing to legislative amendments.
- **April 13, 2021 – [Bill C-28](#) introduced in the House of Commons.**
- Parliament now adjourned until September 20, 2021.

# Next steps



# Election?

- All bills “die on the order paper” upon dissolution of Parliament.
- Next government could reintroduce Bill C-28, with or without changes.

# Environmental rights in Bill C-28

# 1. General statement in preamble

- “Whereas the Government of Canada recognizes that every individual in Canada has a right to a healthy environment as provided under this Act.”



## 2. Section 2 duty

- “... to protect the right of every individual in Canada to a healthy environment as provided under this act...”



## 2. Section 2 duty

- “... to protect the right of every individual in Canada to a healthy environment as provided under this act, **which right may be balanced with relevant factors, including social, economic and scientific factors.**”



# 3. Implementation framework

- Consideration of principles of environmental justice and non-regression. 
- Research, studies, monitoring. 
- Balancing of other factors.
- To be developed within two years, with consultation.



# 4. Vulnerable populations

- Defined.
- New requirement to identify and assess risks to vulnerable populations when making decisions about toxic chemicals.



# Recommended strengthening amendments

- Remove qualifying language, which foresees “balancing” the right with economic factors and could be used to undermine application of the right.
- Strengthen integration of the principles of environmental justice and non-regression with a related provision in Section 2 of CEPA.
- Explicitly require the minister to protect individuals’ right to a healthy environment when making determinations about toxic substances.
- Accelerate the timeline for developing an implementation framework and provide procedures for enforcement of the framework.

# Our take: let's lock this in



Ask MPs to prioritize first law recognizing environmental rights

<https://david Suzuki.org/action/update-cepa/>

Parliament should strengthen and pass Bill C-28

Bill C-28 updates the Canadian Environmental Protection Act. If it is passed, CEPA would become the first federal law to recognize the human right to a healthy environment — a long-overdue paradigm shift that could help ensure all people in Canada benefit from environmental-protection measures.

# Bill C-230

*An Act respecting the development of a national strategy  
to assess, prevent and address environmental racism and  
to advance environmental justice*

Frank and Ernest

