



Equity and Accessibility as Organizing Principles – Environmental Justice in the National Pollutant Release Inventory (NPRI)

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This short paper describes principles or lenses through which to consider various aspects of the NPRI program. These principles are discussed in terms of data access and useability by affected communities in relation to exposure and impacts, and well as the data's utility in gender and intersectional interpretation of potential exposure and impacts.

The right to a healthy environment under the *Canadian Environmental Protection Act (CEPA)*

CEPA was amended in June 2023 to recognize, in the preamble, that every individual in Canada has a right to a healthy environment. The amendments also require the government to develop an implementation framework.

- The *Act* now states that the Government of Canada has a duty to protect the right of every individual to a healthy environment subject to reasonable limits and to uphold principles of environmental justice, non-regression and intergenerational equity in the administration of *CEPA*.
- The amended *Act* requires an implementation framework that will set out how Environment and Climate Change Canada and Health Canada will fulfil the Government's duty to protect the right to a healthy environment when administering it.
- The amended *Act* also affirms the government's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including free, prior and informed consent (FPIC).

The challenge with respect to environmental justice, as summarized by ECCC staff, then, is:

How can the NPRI identify and consider populations who may be disproportionately impacted by pollution and support access to information and participation in decision-making for these populations?¹

The Right to a Healthy Environment and the *National Strategy Respecting Environmental Racism and Environmental Justice Act*

The 2024 *National Strategy Respecting Environmental Racism and Environmental Justice Act* (full title *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice*² requires the Minister of the Environment to “develop a national strategy to promote efforts across Canada to advance environmental justice and to assess, prevent and address environmental racism.”

The NPRI is an important tool that can advance the both this Act and CEPA requirements on the right to a healthy environment. However, to do so, the NPRI needs to be substantially strengthened with respect to its scope, reporting requirements and validation of data from reporters to inform communities and decision makers. One important area that needs to be addressed is the structural underreporting of cumulative impacts due to the NPRI’s thresholds and exemptions. For example, there may be a conglomeration of facilities in a community where some or all of them may fall below the reporting thresholds – but the cumulative impact of all the facilities in the area can be substantial. This needs to be addressed to support community right to know, to inform decision makers, and to address the “coverage” element of environmental justice described below.

Aligning the NPRI with the principles of environmental justice

The distribution of exposure to toxic chemicals often follows historic and current patterns of racial, economic, and other forms of discrimination. The potential for mitigating exposure is also unevenly distributed socially and geographically. Therefore, throughout the design and implementation of the NPRI, special attention should be paid to affected communities’ potential exposure as well as public access to data and public interest useability of data.

In line with the government’s commitment to gender-based and intersectional analysis (gender-based analysis plus, or GBA+), the NPRI should be reviewed to analyse its alignment with the principles of environmental justice, and its relevance to vulnerable communities and populations, including Indigenous and rural communities as well as communities neighbouring or downstream of reporting facilities. Data accessibility and usability should also be analysed for its utility in gender and intersectional interpretation of potential exposure and impacts.

¹ Government of Canada. “The Draft Implementation Framework for the Right to a Healthy Environment under CEPA”. ECCC presentation to the NPRI multi-stakeholder working group, October 23rd, 2024.

² Parliament of Canada. The *National Strategy Respecting Environmental Racism and Environmental Justice Act*. S.C. 2024, c. 11, assented to June 20, 2024. https://lois-laws.justice.gc.ca/eng/AnnualStatutes/2024_11/page-1.html

Thus the principles of environmental justice, as applied to the NPRI, can be summarized as coverage, accessibility, responsiveness, and accountability.

1. Scope

Acknowledging the limitations of NPRI reporting, vulnerable communities and groups may be more disadvantaged by incomplete information and less able to compensate for information gaps, for example, by engaging with officials or facility operators, or by seeking alternative pathways to acquire information using consultants or other third parties. Exemptions should be reduced and carefully considered such areas, so that smaller facilities with fewer employees would still report. If anything, short of lowering NPRI reporting thresholds, operators could be encouraged to over-report, and NPRI staff would encourage this. Within any concept of best practice, operators should be tracking all of their releases and transfers, and should be able to report more completely with only moderate additional effort.

2. Accessibility

NPRI data should be easily accessible in physical and technological terms, whether via personal devices or organisations and institutions like community centres and public libraries, but equally importantly, must be available in forms and formats that are useable and comprehensible without special training or extensive post-secondary education. Supporting materials should be available to help users understand not only how to use the NPRI, but how to decipher and interpret the data as it affects them. Affected communities and individuals ultimately need to build an understanding of the pathways and modes of risk that emerge from pollutant storage and releases, possible leaks and failures, etc. Gender and intersectional interpretation of potential exposure and impacts may make distinct demands on data accessibility and usability measures, and need to be integrated into their design and implementation in order to meet those demands.

3. Responsiveness

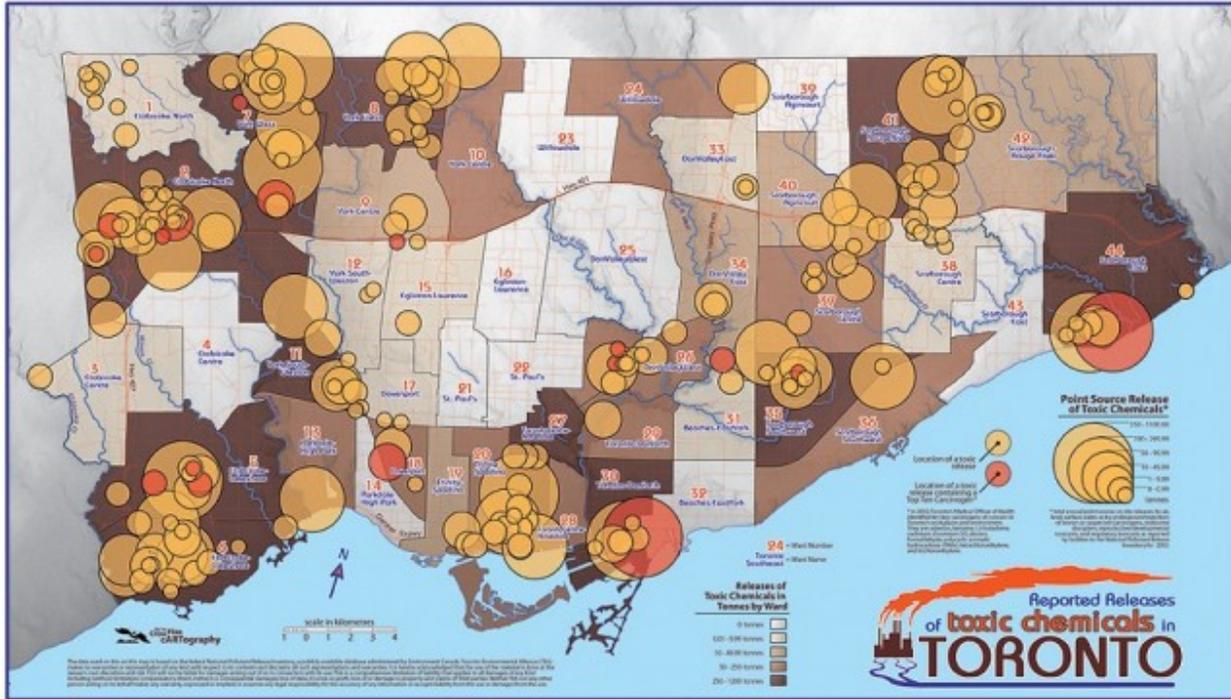
Both data collection and its public presentation or access may need to be adapted to meet the needs of vulnerable communities and groups, or to provide useful inputs to analysis, and ultimately, decision-making. Again, gender-based and intersectional analysis may require different ways of interrogating the NPRI, including being able to relate it to other datasets, as well as potential changes to its coverage. Therefore, the NPRI needs to have the capacity to be flexible and responsive to users across a range of needs, including interpreting its legislated mandate broadly to accommodate those needs. As mentioned above, this could include NPRI coverage with respect to exemptions and reporting thresholds to better cover community and regional cumulative exposures and risks.

4. Accountability

Finally, all of the above considerations are anchored by the principle of accountability, that the NPRI exists for the benefit of communities and individuals affected, or at risk of being affected, by toxic pollutants, and therefore that as the NPRI is being implemented and modified, it is accountable to them. The success of the NPRI only begins with collecting accurate data and making it available; it ultimately hinges on the ability of affected communities and individuals to use it to inform and facilitate their understanding and decision-making with respect to those risks and effects. Mechanisms should be developed to evaluate the NPRI's effectiveness in this regard,

including direct engagement with, and feedback from, affected communities and public-interest organisations.

Fig. 1: Toxics in a Community: Toronto – NPRI data



Toronto Environmental Alliance, Toxics in Toronto Map (2005)

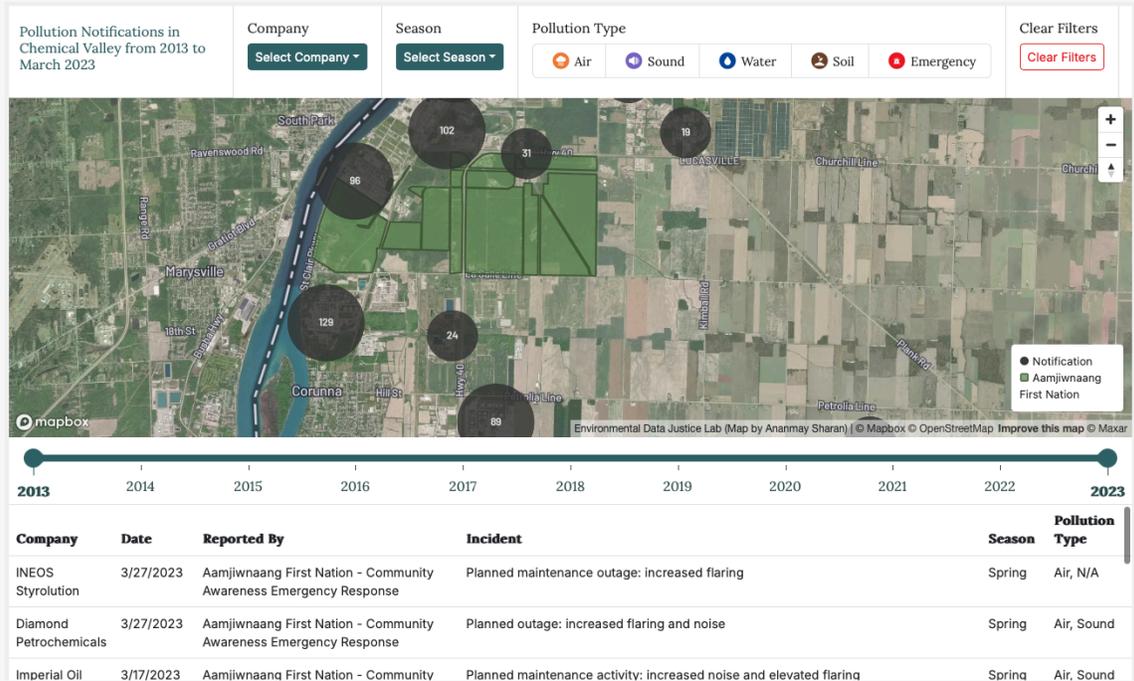
<https://d3n8a8pro7vnm.cloudfront.net/toenviro/pages/547/attachments/original/1417642777/toxicmap.pdf?1417642777>

consulted March 12, 2025

Fig. 2: Toxics in a Community: Aamjiwnaang First Nation – Industry Pollution Incident Reporting

Pollution Notification Map

This Map is built out of Industry provided notifications about pollution incidents in Chemical Valley that were collected by Aamjiwnaang community members from 2013-2023.



Indigenous Environmental Data Justice Lab, Technoscience Research Unit, University of Toronto. The Land and Refinery: Pollution Notification Map. <https://www.landandrefinery.org/projects/pollution-notification-map>, consulted March 12, 2025