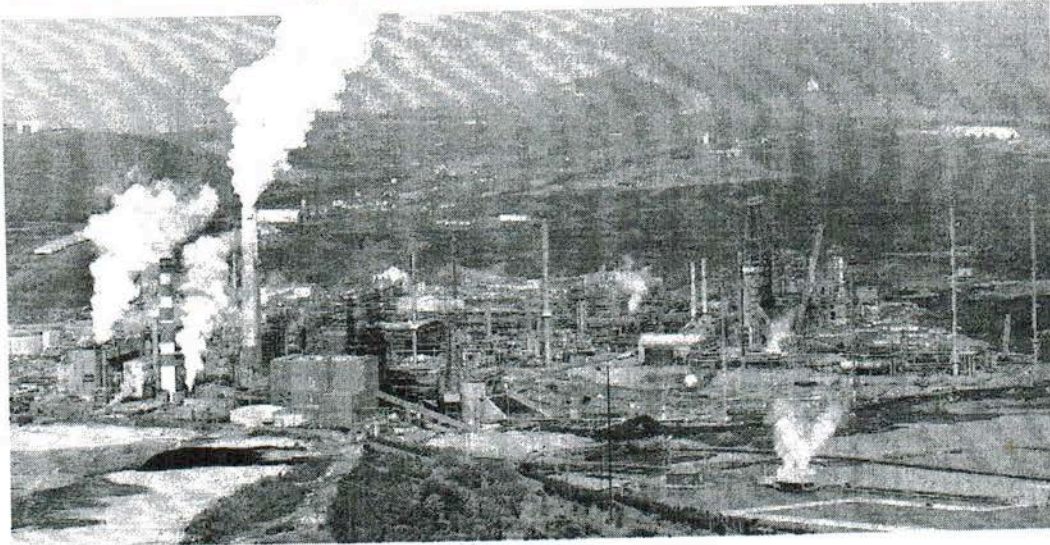


Bureaucrats told Peter Kent reforms could undermine environmental protection



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OTTAWA – Oil and gas companies were pushing for a weakening of conservation laws that could undermine the federal government’s ability to protect the environment, bureaucrats warned Environment Minister Peter Kent more than a year ago.

Their briefing material, obtained through access to information legislation, was prepared a few months before the government overhauled Canada’s environmental laws to reduce federal oversight and duplication in federal and provincial environmental assessments.

Those changes were then welcomed by industry in recent months as an improvement of the review process, eliminating nearly 3,000 environmental reviews on existing projects.

But one year earlier, Environment Canada officials told Kent that his government had already adopted legislation, prior to this, that had “effectively” addressed duplication in federal and provincial environmental assessments. They said that this eliminated the need to further narrow the federal government’s authority to evaluate projects such as development in Alberta’s oilsands.

The bureaucrats told Kent that the oil and gas industry wanted his office, at that time, to use newly-adopted legislation from 2010 to place limits on the range and powers of an environmental assessment, also known as “narrow scoping.”

The new legislation was adopted in response to a 2010 Supreme Court decision on a mining project that rejected “narrow scoping.” Although the bureaucrats noted that former environment minister Jim Prentice said the new legislation was not intended to weaken assessments.

“It is in the interest of all parties that the federal and provincial governments fully meet their respective mandates for the protection of the environment in relation to oil sands development,” said the briefing material, obtained by Ottawa researcher Ken Rubin.

“Narrow scoping for the types of projects proposed by (oil and gas industry) members would undermine the government of Canada’s ability to fulfil its responsibilities.”

The briefing material was prepared prior to a July 7, 2011 meeting between lobbyists of the Canadian Association of Petroleum Producers with Kent, his deputy minister, parliamentary secretary as well as Conservative political staffers, including Andrea McGuigan from Prime Minister Stephen Harper’s office.

A spokesman for the industry association, Travis Davies, said its objective was to have the best placed regulator reviewing projects to avoid costly and lengthy red tape that would focus resources on the higher risk projects.

Davies also noted that the industry formally submitted its recommendations, several months later in November 2011, advocating in support of a better system with the same high environmental standards.

But in the briefing material, Environment Canada listed several reasons for the government to reject the industry lobbying efforts, including a warning that it would “weaken public trust and credibility in the environmental assessment process” and subsequent decisions, “especially when applied to major projects such as oil sands developments or large mines.”

But one year later, the federal government adopted new laws in July 2012 that automatically cancelled nearly 3,000 environmental reviews — including 678 involving fossil fuel energy and 248 involving a pipeline — by weakening its range of powers and removing regulatory triggers for environmental assessments.

The briefing material from 2011 also said that narrowing the scope of environmental assessments would make it “more difficult” to fulfil the government’s legal duty to consult Aboriginal groups on conduct that could harm their rights and way of life.

Greenpeace Canada climate and energy campaigner Keith Stewart said the changes are strengthening public opposition to rules that he suggested were “rigged” to favour “Big Oil.”

“They may get a regulatory stamp of approval, but there is no social license for projects like Enbridge’s Northern Gateway pipeline or Shell’s proposed new tar sands mines,” he said referring to separate proposals to build a new pipeline from Alberta to the west coast of British Columbia and to expand an existing oilsands mine.

Kent’s office was not immediately able to answer questions about the document. Instead, it provided a statement, saying the new legislation would allow a set of regulations or allow the minister to determine what aspects of a project would be subject to an assessment, and also provide tools to reduce duplication between federal and provincial assessments.

Kent announced on Friday that the government was denying approval of a major gas drilling project in Alberta following a lengthy and detailed scientific review. He said this demonstrated that the Harper government doesn’t give a green light to every proposal requested by industry stakeholders.