



# MANITOBA ECO-NETWORK

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Right to a Healthy Environment Implementation Framework Team  
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## **Re: Feedback on the Draft Implementation Framework for a Right to a Healthy Environment**

The Manitoba Eco-Network (MbEN) is making this submission to provide input on the [Draft Implementation Framework for the Right to a Healthy Environment](#) under the *Canadian Environmental Protection Act, 1999* (“CEPA”). We are pleased to contribute to the ongoing development of the Implementation Framework that will help determine what the right to a healthy environment actually means for Canadians, and how our newly recognized federal environmental rights should influence changes to CEPA processes. This written submission is complementary to the input we previously provided through past submissions and through an online consultation event held by MbEN on March 27, 2024. More information and the recording of the event can be accessed on our website, [here](#).

CEPA is one of Canada’s most important environmental laws, created to protect human health and the environment. This federal law sets out the requirements for a range of environmental matters such as air and water pollution, waste management, and toxic substances, including activities and decisions related to:

- the regulation of toxic substances (i.e., lead, mercury, pharmaceuticals, volatile organic compounds (VOCs), plastics, per- and polyfluoroalkyl substances (PFAS), endocrine disruptors, contaminants of emerging concern, etc.),
- programs related to air and water pollution, hazardous waste, and greenhouse gas emissions,
- animate products of biotechnology,
- pollution prevention planning, and
- environmental emergencies.

The CEPA framework also includes more than 65 regulations that address issues ranging from the phase out of single use plastics, to the development of a *Clean Electricity Regulation*, to the reduction of methane emissions.

Due to the significant role CEPA plays in federal environmental governance, MbEN views the Implementation Framework as a significant opportunity for the federal government to improve protections for human health and the environment under CEPA and facilitate better public access to environmental justice for all Canadians, especially vulnerable populations.

After our review of the Draft Implementation Framework, we feel like the input we have provided during the consultation process so far has been meaningfully considered and seems to be reflected (in part) in the Draft Framework. In particular, we appreciate the inclusion of numerous links to helpful fact sheets, information tables, and Annexes, that seek to provide complicated information

about CEPA processes in an organized and plain language way. Our positive experiences with the implementation team have also encouraged MbEN to engage with the Government of Canada on other issues of environmental reform. However, MbEN feels there is a need for updates to the Draft Implementation Framework to ensure the environmental rights of Canadians under CEPA are meaningfully and effectively protected.

In this submission, we have identified areas where the Implementation Framework can be strengthened to better protect the environmental rights of Canadians and facilitate access to environmental justice. This includes:

- More community-based measures including funding for research, analysis of technical information, and support for engagement in legal processes to protect their rights.
- Recognition of the reforms needed to remove barriers preventing effective use of existing procedural supports that facilitate public access to enforcement mechanisms and effective remedies in the event of environmental harm.
- A clear articulation of Restorative Justice as the fourth tenant of environmental justice.
- The collection of baseline data and development of measurable outcomes (broken down by jurisdiction) so the effectiveness of the Implementation Framework can be assessed and publicly reported on.

#### **MbEN Engagement on the Right to a Healthy Environment and Environmental Justice:**

Over the past three years, MbEN has been working with community members in Manitoba to encourage governments at all levels (federal, provincial, and municipal) to enact meaningful legal and policy changes that will better protect vulnerable populations<sup>1</sup> from negative and health consequences and improve their access to environmental justice.

Through collaborative projects, MbEN has also received considerable input from Manitobans on the need for more access to environmental legal tools, plain language legal information, and more opportunity for meaningful public engagement. The feedback and recommendations provided in this submission are, in part, based off this previous work:

- Healthy Environment, Healthy Neighbourhood Project<sup>2</sup>
- Navigating the Law to Project the Environment Project<sup>3</sup>
- MbEN engagement in the parliamentary process for Bill S-5<sup>4</sup>

MbEN has also been participating in the current implementation framework consultation process. During the first round of consultation, we participated in the two workshops hosted by the implementation team, and we also held a local consultation event so Manitobans could share their input directly with the team.<sup>5</sup> Feedback provided in this submission reflects the input of Manitobans gathered from these past projects and engagement activities undertaken by MbEN.

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<sup>1</sup> Defined under CEPA as “a group of individuals within the population living in Canada who, due to greater susceptibility or greater exposure, may be at an increased risk of experiencing adverse health effects from exposure to substances.” [s. 3]

<sup>2</sup> Manitoba Eco-Network, *Healthy Environment, Healthy Neighbourhood*, online: <https://mbeconetwork.org/what-we-do/healthy-environment-healthy-neighbourhood/>

<sup>3</sup> Manitoba Eco-Network, *Navigating the Law*, online: <https://mbeconetwork.org/what-we-do/navigating-the-law/>

<sup>4</sup> Manitoba Eco-Network, “Written Submission to the Standing Committee on Environment and Sustainable Development on Bill S-5” (November 21, 2022).

<sup>5</sup> Manitoba Eco-Network, *Right to a Healthy Environment*, online: <https://mbeconetwork.org/what-we-do/r2he/>

## **Indigenous Rights**

The Manitoba Eco-Network feels that Indigenous voices should take priority when determining the meaning and impact of the right to a healthy environment and other changes to CEPA on Indigenous rights and the engagement of Indigenous peoples in CEPA processes.

The Draft Implementation Framework indicates that engagement with Indigenous rights holders occurred during the development of the Draft Framework (e.g., Annex 4), and we are aware of ongoing engagement activities with Indigenous communities during this round of consultation. The Draft Framework contains discussion of specific supports and new programs in development for Indigenous rights holders. We also appreciated the section on Indigenous Knowledge and commitment to further engagement with First Nations, Inuit, and Métis partners for additional knowledge concepts that could be included in the framework.

We continue to support changes that will ensure CEPA aligns with the *United Nations Declaration on the Rights of Indigenous Peoples* and empower Indigenous peoples to be more meaningfully involved in CEPA processes. This includes equitable inclusion of Indigenous traditional knowledge in CEPA decision-making processes. We look forward to seeing how the feedback provided by Indigenous rights holders during this round of consultation will be incorporated into the final version of the Implementation Framework.

## **Substantive Meaning of the Right to a Healthy Environment:**

In Canada, the implementation framework is an important opportunity to provide guidance to the public and decision-makers on what the right to a healthy environment means at the federal level, and how it will influence CEPA processes. This includes the scope of its application and substantive meaning. The first step in clarifying the meaning of the right to a healthy environment was taken by legislators responsible for the adoption of Bill S-5, which defined “healthy environment” as “an environment that is clean, healthy and sustainable”.<sup>6</sup>

In the Draft Implementation Framework, the substantive meaning of the right is articulated through a series of substantive elements<sup>7</sup>, including:

- Protection from Harmful Substances, Pollutants, and Wastes
- Clean and Healthy Air
- Clean and Healthy Water
- Sustainable Climate
- Healthy Ecosystems and Biodiversity

These substantive elements are logical and appear to both align the meaning of the right to a healthy environment with the United Nation’s understanding of what the right to a healthy environment should encompass<sup>8</sup>, while also reflecting the specific areas in which ECCC and HC

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<sup>6</sup> *Canadian Environmental Protection Act, 1999*, s 3.

<sup>7</sup> Draft Implementation Framework, 9-11.

<sup>8</sup> United Nations, “What is the Right to a Healthy Environment?: Information Note” (2019), online: <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>; HRC, A/HRC/43/53, 43<sup>rd</sup> Sess (2020) “Good Practices on the right to a safe, clean, healthy and sustainable environment”, online: <https://www.ohchr.org/en/documents/thematic-reports/ahrc4353-good-practices-right-safe-clean-healthy-and-sustainable>

currently take action under CEPA<sup>9</sup>. It was also helpful to clarify in the Draft Implementation Framework that: “A clean, healthy, and sustainable environment does not mean there will be no air or water pollution, or releases of greenhouse gases (GHGs) and other substances in the environment, but it stresses the importance of managing and reducing pollution to protect human health and the environment.”<sup>10</sup>

While there are individual descriptions for the substantive elements, there is a need for more explanation for each element in the final version of the Framework. For example, it is unclear what “sustainable climate” means in the context of CEPA since the Implementation Framework only contains vague references to different GHG monitoring and reporting requirements under CEPA. MbEN would have preferred use of the terminology “safe climate”, as used by the UN in their articulation of the right. Based on our understanding, adopting “safe climate” terminology would indicate a higher standard of environmental protection than “sustainable climate”. A commitment to a “safe” climate generally includes the goal of removing more GHGs from the atmosphere than are emitted, compared to a “sustainable” climate, which we understand to mean a commitment to reducing the effects of climate change generally, while also promoting economic development. It would therefore be helpful to provide more explanation in the Implementation Framework about why the term “sustainable climate” was selected and what this means in the context of CEPA.

The Draft Implementation Framework is also lacking clear measurements of success for the implementation of the right to a healthy environment. In our previous submission on the Implementation Framework, we included community suggestions for the development of metrics based on parameters of health, and environmental standards (e.g., levels of toxicity in air and water, number of species present in an impacted area, etc.), that could be reported on by Responsible departments and officials. A clearly articulated, objective approach to determining the effectiveness of the implementation and application of a healthy environment would also ensure marginalized groups and vulnerable populations are not subjected to a different standard of “healthy” than in other communities.

The Eco-Network also suggests breaking down information about available supports and programs by their presence and impact in different jurisdictions. For example, in federal air monitoring programs, how many monitoring stations are there in Manitoba or Saskatchewan compared to Ontario? Breaking down the availability of public supports and available information by region would make it easier for the public to navigate and more clearly identify gaps in available government services needed to protect the right to a healthy environment.

### **Procedural Rights and Tools:**

The Draft Implementation Framework includes the establishment of three procedural elements of the right to a healthy environment<sup>11</sup>:

- Access to Information
- Participation in Decision-making
- Access to Effective Remedies in the Event of Environmental Harm

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<sup>9</sup> This includes Air pollution, Water pollution, Risks posed by harmful substances, Greenhouse gas (GHG) releases, and Waste.

<sup>10</sup> Draft Implementation Framework, 9.

<sup>11</sup> Draft Implementation Framework, 12-13.

MbEN was pleased that there appears to have been focused consultation work undertaken during this round to identify the particular procedural needs of certain groups (e.g., youth, Indigenous rights holders). We look forward to seeing how this feedback will be incorporated into the final version of the Framework.

Overall, MbEN agrees with these three procedural elements at the basic level, but still feel there is a need to further develop procedural supports in some areas – particularly “Access to Effective Remedies in the Event of Environmental Harm”. We also continue to recommend the Implementation Team take this opportunity to articulate additional procedural elements, including “Independent Oversight”.

### **Public Participation:**

The Draft Framework reflects some of the outcomes and supports identified by Manitobans in relation to public participation, however, some important community priorities were not included, in particular, more opportunities for funding and access to expert information is needed. While the Draft Framework indicates that “Technical assistance, accessibility and resources are considered and provided when required throughout the engagement process”, it was not clear what this means and how this assistance is accessed by the public.

MbEN continues to recommend the addition of information about new initiatives and funding opportunities that will facilitate more meaningful public engagement in CEPA processes. This includes:

- Public funding for citizens and public interest organizations so they can access expert assistance and other capacity building measures.
- A communication strategy outlining plans to improve the advertising of public engagement opportunities and dissemination of public information about engagement in CEPA processes.
- Metrics for tracking the effectiveness of procedural tools aimed at facilitating meaningful public participation.

### **Access to Information:**

The Draft Implementation Framework includes good information about public access to information under CEPA. However, the final Implementation Framework needs to go beyond the promise of new information and provide actionable outcomes that generate useful data that can be utilized by citizens to protect their health and the environment. This could include public access to more monitoring and enforcement data to ensure accountability and transparency, access to independent experts to assist with analysis of technical information, and funding so communities can undertake testing themselves if industry or government is unwilling.

MbEN continues to recommend the inclusion of specific details in the final Implementation Framework about new initiatives and funding opportunities that will facilitate more public access to information. This includes:

- Plain language information about engagement in public processes.
- Funding for independent and community-based data collection.
- Supports for youth stakeholders – e.g., specific education initiatives, outreach activities.
- Funding for capacity building mechanisms (e.g., access to experts).

## Access to Effective Remedies in the Event of Environmental Harm:

The procedural element of “Access to Effective Remedies” in the Draft Implementation Framework is the area with most potential for improvement. Manitobans identified this as one of the most promising aspects of a new environmental rights framework at the federal level – in particular, the potential for the public to gain access to more legal tools to help them protect their rights. However, the Draft Implementation Framework had very minimal details about this procedural right:

*There are several existing tools under CEPA that provide the public with opportunities to request an investigation of an alleged offence; to pursue a civil suit, injunctions, and or civil action to recover damages; or to file a notice of objection requesting that a board of review be established.*

*Remedies can also include the Government of Canada taking on increased compliance activities and enforcement actions or putting in place additional risk management actions to remedy the environmental damage being experienced.<sup>12</sup>*

The Eco-Network continues to urge the implementation team to document the additional reforms needed to ensure citizens’ environmental rights are effectively supported and protected under the CEPA framework.<sup>13</sup> In particular, the reforms needed to remove current barriers preventing effective use of sections 17-22. This includes, but is not limited to, the following barriers and limitations:

- The requirement that an investigation request be submitted before an Environmental Protection Action (EPA) can be pursued.
- The high threshold of “significant” harm that must be met for an EPA.
- The costs of pursuing an EPA, including the risk of adverse court costs.

There is also a need to make explicit connections between the mechanisms that facilitate access to effective remedies and mechanisms that support protection of the right to a healthy environment. For example, in the “Mechanisms to Support Protection of the Right under CEPA” section, two approaches were mentioned in relation to enforcement that will also support access to effective remedies:

- Developing guidance for the public request for an investigation under CEPA (section 17), with the intention of making this more accessible to the public, while avoiding requests that do not meet applicable requirements.
- Continuing to provide information on enforcement actions taken under CEPA, including through:
  - [CEPA Annual Report](#) - summarizes enforcement priorities, inspections, investigations and measures.
  - [Environmental Offenders Registry](#) - enables the public to search for information on convictions of corporations obtained under CEPA and other federal environmental laws.
  - [Enforcement Notifications](#) - Gives the public the ability to subscribe to Enforcement Notifications, which contain information on successful prosecutions.

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<sup>12</sup> Draft Implementation Framework, 13.

<sup>13</sup> Manitoba Eco-Network, “Written Submission to the Standing Committee on Environment and Sustainable Development on Bill S-5” (November 21, 2022).

These measures are a step in the right direction but are overall a very weak response to the recognized reforms needed to improve public access to effective remedies and enforcement mechanisms under CEPA. In particular, the Environmental Offenders Registry and Enforcement Notifications are not very helpful for Manitobans as a source of regular information about CEPA enforcement in our jurisdiction. A search of the Registry results in two entries total for Manitoba, one of which is a CEPA enforcement from 2016. Based on the lack of information provided in the Draft Implementation Framework about available effective remedies and enforcement mechanisms, it continues to be unclear how the right to a healthy environment will be protected and enforced under CEPA, especially in jurisdictions like Manitoba.

### **Independent Oversight:**

Independent oversight is a vital element of an environmental rights approach that is not discussed in the Draft Implementation Framework. There are a range of different institutions and government-appointed oversight positions used in environmental government processes including the Courts, Ombudsmen, the Auditor General, or a specialized government officer (e.g., Commissioner of the Environment and Sustainable Development).

In an environmental rights context, some jurisdictions have created a new position, such as an Environmental Commissioner, to oversee the implementation of the environmental rights framework, report deficiencies to the Legislature and support citizens seeking to utilize their procedural rights and access government processes.<sup>14</sup> Duties associated with such an oversight function can include:

- Educating the public,
- Advising government on compliance with the rights framework,
- Auditing programs and tools associated with the rights framework,
- Reporting – e.g., annual report, special reports,
- Referring applications for investigations and other processes to the appropriate body/department.<sup>15</sup>

MbEN continues to recommend the addition of the element of “Independent Oversight” to the implementation framework and identifying which existing and/or new oversight mechanisms will help facilitate public education and engagement activities and support citizens seeking to exercise their rights under CEPA. If the creation of a new oversight mechanism is required, the implementation framework should indicate what, if any, legal or policy reforms will be required.

### **New Principles: Environmental Justice, Non-Regression, Intergenerational Equity**

Besides providing more clarity about the application and scope of the right to a healthy environment under CEPA, the Draft Implementation Framework also provides insight into the meaning of the new principles recognized by Bill S-5: environmental justice, intergenerational equity, and non-regression. The tables included in for each principle that provided, for each phase of the CEPA cycle, examples of how the principle may be considered were particularly helpful in understanding the application of the new principles. Our comments and recommendations for updates to each of the principles are as follows:

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<sup>14</sup> David R. Boyd, “Elements of an Effective Environmental Bill of Rights”, (2015) 27 JELP 247.

<sup>15</sup> Boyd, *ibid.*

### **Environmental Justice:**

The Draft Implementation Framework indicates that “[t]he principle of environmental justice within the CEPA context refers to avoiding disproportionate adverse environmental and health impacts and burdens falling on different populations, considering populations who may be disproportionately impacted by pollution, and the meaningful involvement of these populations in decision-making under the Act.”<sup>16</sup>

Three key tenets of environmental justice are recognized in the Draft Framework:

- Distributive justice
- Procedural justice
- Recognitional justice

MbEN supports the recognition of these three tenants, but also recommends that the implementation framework go further and include “Restorative justice” as a tenant of environmental justice. The Implementation Framework provides the federal government with a unique opportunity to make a significant contribution to the understanding of the meaning and application of the principle of environmental justice in a Canadian context. It would be a huge oversight to ignore the restorative justice mechanisms needed to ensure access to environmental justice.

Restorative justice in an environmental context can be defined as the extent to which negative environmental, health, and social impacts are remedied.<sup>17</sup> Recognition of “Restorative Justice” as a tenant of environmental justice would acknowledge the enforcement mechanisms and other remedies needed to protect and ensure access to environmental justice in Canada. Recognition of this tenant would also help connect the principle of environmental justice to the remedies and enforcement mechanisms included in the Implementation Framework. Inclusion of Restorative Justice would acknowledge the obligation owed to impacted communities by polluters and responsible Government officials to effectively remedy harms, which includes restorative actions (e.g., environmental remediation work).

### **Intergenerational Equity:**

The Draft Implementation Framework indicates that “[t]he principle of intergenerational equity within the CEPA context emphasizes that it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.”<sup>18</sup>

MbEN was encouraged by the dedicated consultations being undertaken by government and other organizations aimed at youth participants. We recommend this feedback be prioritized in updating the Final Framework. The input of Indigenous governments and organizations should also be prioritized as Indigenous law and culture has long recognized the need for intergenerational equity.

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<sup>16</sup> Draft Implementation Framework, 16.

<sup>17</sup> For example see: Robert R Kuehn, "A Taxonomy of Environmental Justice" (2000) 30:9 Environmental L Reporter News & Analysis 10681; C. Motupalli, "International justice, environmental law, and restorative justice" (2018) 8(2) Washington Journal of Environmental Law and Policy 333.

<sup>18</sup> Draft Implementation Framework, 18.



Such as the Seventh Generation principle of the Iroquois peoples, which states that “any action or decision should take into account its consequences for up to seven generations to come”.<sup>19</sup>

Based on feedback we received from community members during first round of consultation, MbEN recommends the additional inclusion in the Final Framework of details about:

- The direct involvement of youth in CEPA decision-making processes.
- Independent, community-based research on cumulative effects and intergenerational impacts.
- Long term studies to track environmental quality and health now and over time.
- The measurable indicators that will be used to determine if the application of the new principle is achieving intended outcomes.

### **Non-Regression:**

The Draft Implementation Framework indicates that “[t]he principle of non-regression within the CEPA context means to prevent reduced levels of environmental and human health protection.”<sup>20</sup>

In our previous submission on the Implementation Framework, we identified two main components to the meaning of “non-regression” in a legal context:

1. Legal protections must not be weakened to a level below that of the baseline standard established when the principle was adopted.
2. The adoption of the principle of non-regression encompasses a commitment from government to continue to improve legal protections.

The articulation of the principle of non-regression in the Draft Implementation Framework only captures part of MbEN’s understanding of non-regression. To capture the full meaning of the principle of non-regression, we recommend expanding the definition in the Final Framework to capture a commitment from the Government of Canada to continue to improve legal protections under CEPA.

To MbEN, non-regression under CEPA implies that moving forward, there will be continual work on the part of the federal government to improve existing legal protections for citizens and the environment. Non-regression means keeping pace with best practice and ensuring the CEPA regulatory framework does not get stagnant.

Although some details are provided (e.g., Annex 2) about the establishment of performance measures to prevent regression, more information is needed in the Final Framework. We continue to recommend that additional work be undertaken, in consultation with the public and Indigenous communities, to establish a baseline understanding of the current level of legal protection available under CEPA, ideally with connection to established scientific standards and required reporting requirements under CEPA. A regular review (e.g., every five years) and public reporting should also be required to track the success of non-regression activities undertaken by government and ensure accountability and transparency.

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<sup>19</sup> Antoine Ebel and Tatiana Rinke, “Listening to the Voices of Young and Future Generations”, in Worldwatch Institute, *Governing for Sustainability*, at 82, (Island Press, 2014).

<sup>20</sup> Draft Implementation Framework, 20.

### **“Vulnerable Environment”:**

The inclusion of “vulnerable environments” within the Draft Implementation Framework is a positive step forward. However, MbEN continues to recommend the addition of a working definition of “vulnerable environment” in the implementation framework.

Although there is no agreed upon definition of “vulnerable environment” within environmental and legal literature, environmental vulnerability is most often associated with the ability of the natural area to tolerate different negative impacts and ecosystem changes over time.<sup>21</sup> The more vulnerable a particular area is, the more additional protections are required. There are a range of perspectives in terms of what makes a natural area vulnerable and why some areas may be more vulnerable than others. This includes:

- the fragility of the natural area – i.e. areas that cannot be easily restored if damage occurs,
- the likelihood of biomagnification and/or amplification of existing environmental damage,
- unique or rare features of the area, including culturally significant features.

The implementation framework is an important opportunity for the federal government to provide insight into the meaning and application of the term “vulnerable environment” within CEPA processes. It would also be helpful to indicate how vulnerable environments will be identified and protected under the implementation framework and in CEPA processes.

### **Potential Limitations on the Right to a Healthy Environment:**

The Draft Implementation Framework elaborates on the scientific, social, health, environmental, and economic factors to be taken into account in interpreting and applying the right and in determining the reasonable limits to which it is subject. There were positive aspects to this part of the Draft Framework, including discussion of the adoption of interdisciplinary and culturally inclusive approaches, consideration of vulnerable environments and cumulative effects, and incorporation of Indigenous Knowledge. However, there is a need for further clarity about the ways the relevant factors will influence CEPA processes.

There is a lot of discretionary language used in the Relevant Factors section of the Draft Framework and in Annex 2 so it remains unclear when certain factors will be considered, and when they will not be considered relevant. The descriptions of the relevant factors (scientific, environmental, health, social, economic) and guiding considerations are helpful, but very general. More specific examples of how these factors would be considered in the context of important decision-making points in CEPA processes would be extremely helpful. Particularly, more information is needed about situations where consideration of these factors could influence a potential limitation of the right to a healthy environment.

MbEN recommends the inclusion of more details about the consideration of the Relevant Factors in the Final Framework, including information about how gaps in data will be managed. This includes information about reporting requirements associated with the consideration of the factors by decision-makers.

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<sup>21</sup>For example see: Michaela Halpern, “Protecting Vulnerable Environments in Armed Conflict: Deficiencies in International Humanitarian Law” (2015) 51:2 Stanford Journal of International Law 119; L. R. R. Williams and L. A. Kaputka, “Ecosystem Vulnerability: A Complex Interface with Technical Components” (2000), 19 Environ Toxicol Chem 1056.

## **Conclusion:**

Overall, the Manitoba Eco-Network has found that the Draft Implementation Framework reflects public feedback received during previous rounds of consultation, although more clearly in some areas than others. The basic elements of the Implementation Framework have been established, and there is clear opportunity for further improvements as the final version of the Implementation Framework is developed. It was positive to see the dedicated efforts during this round of consultation at direct engagement with youth and Indigenous rights holders and we strongly recommend these voices be prioritized when updates to the Framework are being made.

As indicated in our previous submission on the Implementation Framework, the Manitobans we consulted with were particularly concerned with the research, studies, and monitoring activities that will be developed and undertaken in support of citizens' environmental rights and the mechanisms that are going to help citizens protect their environmental rights. Unfortunately, these priorities identified by Manitobans do not seem to be reflected in the Draft Framework. As a result, we recommend the Implementation Framework be updated to better address and include mechanisms that will result in:

- More community-based measures including funding for research, analysis of technical information, and support for engagement in legal processes to protect their rights.
- Recognition of the reforms needed to remove barriers preventing effective use of existing procedural supports that facilitate public access to enforcement mechanisms and effective remedies in the event of environmental harm.
- A clear articulation of Restorative Justice as the fourth tenant of environmental justice.
- The collection of baseline data and development of measurable outcomes (broken down by jurisdiction) so the effectiveness of the Implementation Framework can be assessed and publicly reported on.

The Eco-Network appreciates your consideration of our comments and recommendations for the final stage of the development of the Implementation Framework for the Right to a Healthy Environment under CEPA. We welcome future opportunities to engage with Environment Canada and Health Canada to ensure the highest level of environmental and health protection measures are enacted for the benefit of current and future generations.

Sincerely,

Heather Fast, Policy Advocacy Director

### **About MbEN**

*Since 1988, the Manitoba Eco-Network (MbEN) has promoted positive environmental action by supporting people and groups in our community. We are a public interest environmental organization seeking to promote and facilitate good environmental governance and the protection of Manitoba's environment for the benefit of current and future generations.*

*Our Mission is to promote good environmental governance, support and build capacity, advocate for environmental justice, and act as a bridge between environmental organizations, the public, and all levels of government. Learn more at: [www.mbeconetwork.org](http://www.mbeconetwork.org)*