



# MANITOBA ECO-NETWORK

302 – 583 Ellice Avenue, Winnipeg MB R3B 1Z7

Tel: 204-947-6511 [www.mbeconetwork.org](http://www.mbeconetwork.org)

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## **Re: Feedback on the Development of the *National Strategy Respecting Environmental Racism and Environmental Justice***

The Manitoba Eco-Network (MbEN) is making this submission to provide input on the development of the *National Strategy Respecting Environmental Racism and Environmental Justice*. The following comments are in response to the background information and Discussion Questions included in the [Foundation 1: Advancing Environmental Justice](#) engagement guide.

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 disproportionately impacted populations from negative and health consequences and improve their access to environmental justice.

The following comments reflect the past input we provided to the implementation team for the right to a healthy environment framework through written comments, meetings, and a local consultation event held by MbEN on March 27, 2024. More information and the recording of the event can be accessed here: <https://mbeconetwork.org/what-we-do/r2he/>

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 provided in this submission also reflects this previous work:

- Empowering Impact Assessment Project<sup>1</sup>
- 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>

## **Topic 1: Defining environmental justice in Canada**

**Discussion question:** In the context of a national strategy to promote efforts across Canada to advance environmental justice, how would you define environmental justice?

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<sup>1</sup> Manitoba Eco-Network, *Empowering Impact Assessment*, online: <https://mbeconetwork.org/what-we-do/impact-assessment/>

<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).

## MbEN Response:

“To me [environmental justice] means the right to protect our environment from damage and abuse and to make amends to repair and restore the environment from damage that has already occurred. Just like we want justice for humans for protection and fair treatment, our environment needs to be protected in the same way.” – MbEN survey participant

At its core, environmental justice is focused on equity, empowerment, and meaningful policy and legal change. It is a difficult term to define as environmental justice means different things to different people based on the context of the situation and their particular perspective. For example, the term “justice” is a foundational concept with a long history in legal jurisprudence. However, even in the legal realm, the term “environmental justice” has different meanings, or in the case of Canadian law, has not yet been given a clear legal meaning. Thus, the *National Strategy* 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.

In North America, the term “environmental justice” is directly linked to the concept of “environmental racism”.<sup>5</sup> In the 1980s, the environmental justice movement was started by African American advocates such as Benjamin Chavez seeking to better protect African American communities from exposure to toxic waste as a result of systemic racism in land use and environmental approval processes that sited large-scale developments with significant environmental and health impacts near their communities. In a Canadian context, this linkage is also recognized.

However, there is a need for a broader understanding of the term “environmental justice” that goes beyond the experiences of communities that are disproportionately impacted by toxic substances. Environmental justice can be understood as both a lens through which to approach certain problems or processes, and an outcome to be achieved. The *National Strategy* should recognize that environmental justice means more than addressing environmental racism and requires tangible outcomes for citizens that improve their access to justice.

Environmental justice outcomes are often broken into four categories:

- Procedural justice: opportunities for meaningful participation in environmental governance processes.
- Recognitional justice: recognition of the diversity of participants and experiences in affected communities.
- Distributive justice: equity in the distribution of environmental risk.
- Restorative justice: the extent to which negative environmental, health, and social impacts are remedied.<sup>6</sup>

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<sup>5</sup> Adnil Gosine & Cheryl Teelucksingh, *Environmental Justice and Racism in Canada: An Introduction* (Toronto, Can: Emond Montgomery Publications Ltd., 2008).

<sup>6</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.

There are also an increasing number of additional elements of environmental justice in academic literature that go beyond these four categories and capture the contextual realities of environmental justice for different communities and disproportionately impacted populations, including include Indigenous, Black and other racialized people, 2SLGBTQI+ people, women, persons with disabilities, and other marginalized people such as the very young, older adults, or people who experience structural inequity, poverty, or isolation.

The information provided in the engagement materials and during the webinar held on December 9, 2025 did not reflect a comprehensive understanding or definition of environmental justice. It is particularly troubling that restorative justice is not explicitly acknowledged as an important component and outcome of environmental justice.

This limited definition of environmental justice does not align with the feedback we've received from Manitobans, as environmental justice was understood to have a broad, encompassing meaning. For example, participants recognized environmental justice as a principle that will require meaningful consideration of potential impacts on vulnerable populations and ensure systemic racism is addressed when decisions are made and actions are taken by the government. Environmental justice was also understood as an influence that will make environmental protection a priority in decision-making processes. Thus, environmental justice was understood as an approach that means more protection and support for the public and vulnerable communities, but also for the environment itself.

This broader understanding reflects the need to move away from anthropocentric governance models and capture a more holistic approach to environmental protection. For example, Indigenous peoples have always held an eco-centric view of the environment. In contrast with Western views, environmental preservation and protection are not sacrificed for economic gain. Instead, Indigenous law, such as that of the Mi'kmaq peoples is "rooted in ecological relationships, extending legal personality to animals, plants, insects and rocks, and imposing legal obligations on Mi'kmaq persons."<sup>7</sup> Thus, Indigenous legal approaches shed light on the importance of sustainable practices and the connections between the various parts of an ecosystem that goes beyond the experiences of humans.

Overall, environmental justice should not just be viewed as some kind of theoretical or social concept, as discussed during the workshop on December 9th. Instead, the definition of environmental justice should reflect a deeper understanding of the relationship between humans and the environment and the broad range of potential environmental justice outcomes.

When we asked Manitobans, they told us environmental justice means a recognized and meaningful role for the public in legal and policy processes. It means legal standing for citizens so they can better protect their legal rights and hold industry and government accountable for actions that threaten their health and surrounding environment, and it means stronger environmental enforcement mechanisms.

Manitobans identified a range of environmental justice outcomes they expected to see at the federal level, including:

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<sup>7</sup> J.S.Y. Henderson, "First Nations' Legal Inheritance in Canada: The Mi'kmaq Model" (1996) 23 *Manitoba LJ* 1.

- Amplification of the voices of those with lived experience and those who live in vulnerable environments.
- Polluters are made directly responsible for the impact or harms that they have caused.
- All Canadians live in a healthy environment regardless of race or economic status and to have meaningful input into decisions about their land and water.
- Free, Prior, and Informed Consent from Indigenous communities.
- Access to legal tools and supports to protect rights and interests.
- Restorative justice.

MbEN recommends adopting a working definition that captures a broader understanding of environmental justice and its influence on government processes both as a lens through which to approach decision-making, and the need for outcomes and practical tools that reflect all elements of environmental justice, including restorative justice.

## **Topic 2: Vision and guiding principles**

**Discussion question:** What values and priorities do you believe should guide the federal government's efforts to advance environmental justice?

### ***Proposed vision***

*The Government of Canada envisions a future where every individual enjoys a healthy, clean, and sustainable environment. We commit to advancing environmental justice across the country and eliminating racism and racial discrimination in all forms and manifestations.*

### ***Proposed guiding principles***

*To achieve this vision, we seek to develop a set of principles that guide our practical environmental justice efforts.*

*The first principle focuses on **protecting the environment in environmentally hazardous areas**. We will work to improve ecological protection and safety in communities that need it most.*

*The second is **respecting and acknowledging differences**. We will increase efforts to understand the local community, to better link environmental pollution to the exacerbation of existing inequalities.*

*The third is **encouraging environmental education**. We will promote learning about the environment.*

*Finally, the fourth principle is **ensuring inclusive participation**. We will create more opportunities for affected communities, in all their intersectional identities, to be involved in decision-making.*

## **MbEN Response:**

The proposed vision is acceptable and seems to reflect the expectations of the public in terms of the potential outcomes of the *Strategy* and other federal efforts to improve access to environmental justice in Canada. However, MbEN finds the proposed principles weak and/or too narrowly focused. The principles and priorities should reflect the growing body of literature and

legal standards associated with environmental justice and the right to a clean, healthy, and sustainable environment both in Canada and at the international level.

Suggestions for Updating the proposed guiding principles:

**Protecting the Environment:** This principle should be updated to reflect a broader understanding of environmental protection and an eco-centric approach. Environmental protection should not just focus on environmentally hazardous areas - there is a need to set a high standard of environmental protection across all areas in Canada in order to prevent the creation of environmentally hazardous areas. Ecological protection and safety should be prioritized in all communities, not just those who have experienced disproportionate impacts from hazardous situations. The *National Strategy* needs to be proactive, not reactive, to prevent future situations of environmental racism and injustice. However, there is certainly a need to prioritize the restoration, cleanup, and provision of resources to communities who have/are experiencing the negative impacts of environmental racism.

There is also a need for environmental protection measures to reflect an eco-centric approach - the environment should be protected for its own sake, not just for the benefit of humans. The *National Strategy's* approach to environmental justice should go beyond the protection of humans and include broader considerations of ecosystem health and the protection of natural entities and animals. The *National Strategy* should also encourage respect for nature and acknowledge the sacred role of the environment in many cultures and communities.

**Respecting and Acknowledging Differences:** There seem to be good intentions behind this principle, but the choice of language is very weak. MbEN recommends updating this principle or creating a series of principles that better reflect the needs and experiences of the communities who have experienced environmental racism.

For example, Indigenous rights-holders across Canada have experienced many detrimental impacts as a result of environmental racism. Thus, an understanding of environmental justice in this context requires specific acknowledgement of these harms and should encourage meaningful outcomes that address these past and ongoing experiences. For example, the following principles could be incorporated into the *National Strategy*:

- **Two-eyed Seeing:** “Two-Eyed Seeing refers to learning to see from one eye with the strengths of Indigenous ways of knowing and from the other eye with the strengths of Western ways of knowing and to using both of these eyes together”<sup>8</sup> This language better represents the need for the *National Strategy* and resulting activities to consider Indigenous ways of knowing and learning and Traditional Knowledge on equal footing with other types of information, such as scientific and technical data about toxic substances.
- **Rebuilding Relationships (Reconciliation) and Restoring Cultural Connections:** This principle (or principles) could address the cultural genocide caused by the Canadian government through its residential school policy and other racist actions that resulted in the separation of Indigenous peoples from their traditional lands and resources. Support for programs that educate youth on the land and teach cultural practices and Indigenous

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<sup>8</sup> Bartlett, C., Marshall, M., & Marshall, A. (2012). Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. *Journal of Environmental Studies and Sciences*, 2(4), 331–340.

languages, among other lessons, should be considered an important part of restorative justice practices and understood as a core priority of environmental justice mechanisms in Canada.

**Encouraging Environmental Education:** it is very unclear what this principle/priority will mean in practice, for example, who will lead these educational opportunities and from what perspective will such education be provided? The development and implementation of the *National Strategy* should prioritize learning from Indigenous rights-holders and other disproportionately impacted populations about their experiences, not emphasizing existing western understandings of the environment or limited government interpretations of what environmental justice should mean.

We recommend redeveloping this principle to better articulate the intended outcomes and indicate the specific sources and types of educational information to be encouraged through the *National Strategy*.

**Meaningful Public Participation:** The *National Strategy* should meet a higher standard than “inclusive” participation, a term that has no practical meaning. We recommend updating this principle to instead reflect the standard of “meaningful public participation” which has received much consideration from Canadian environmental academics and has a developed set of recognized elements that should be incorporated into any engagement or outreach activities associated with the *National Strategy*. For example, see the research memo on [Meaningful Public Participation in IA](#) produced by MbEN and our partner organizations as part of a recent impact assessment reform project.

There are also a range of other principles that could be adopted to support the interpretation and application of the *National Strategy*. For example:

- **Intergenerational Equity:** This principle is reflected in the *Canadian Environmental Protection Act, 1999* (CEPA) and the *Right to a Healthy Environment Implementation Framework* (p 24), and “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.” The *National Strategy* needs to acknowledge the impact environmental harm can have on multiple generations and recognize the importance of considering the rights of future generations when making environmental decisions. There is a need to protect all generations of people, including those who will come after us, to ensure each generation has an equal quality of life in whichever environment they live. This principle also recognizes that people of all ages have equal rights to environmental information and that feedback from people of all ages should be treated and considered equally. Overall, this principle helps ensure new and existing activities do not jeopardize the safety and health of the environment for future generations.
- **Non-Regression:** This principle is reflected in CEPA and the *Right to a Healthy Environment Implementation Framework* (p 25). Non-regression “means to prevent reduced levels of environmental and human health protection and, where feasible, to continuously improve these levels of protection.” This principle is intended to prevent the weakening of legal requirements and policies to reduce the standard of environmental protection and/or effectiveness of the regulatory framework by future policymakers. We are already experiencing a weakening of environmental protections at the federal level (e.g., changes to

the federal impact assessment process) and the currently very volatile political atmosphere federally highlights the need to think ahead and protect the great work being done to address environmental racism and advance environmental justice now.

Overall, MbEN suggests re-developing the guiding principles so they better align with other recognized legal principles at the federal level and reflect more meaningful environmental justice outcomes.

### **Topic 3: Government Leadership**

**Discussion question:** What should the Government of Canada do to support the advancement of environmental justice?

#### **MbEN Response:**

The Government's first step should be to acknowledge Canada's history of systemic racism in a meaningful way. This requires public documentation of Canada's problematic history and past injustices committed against marginalized communities - including the many instances where the government has directly played a role. The *National Strategy* and associated data should not just reflect situations where private corporations have caused environmental harm.

A flexible approach is required to support the advancement of environmental justice as there will be different needs in different jurisdictions. In Manitoba, community members have emphasized a range of different actions all levels of government should take to advance environmental justice. For example, the community members we engaged with during our *Healthy Environment, Healthy Neighbourhood* project identified the following environmental justice priorities:

- Creating a recognized and meaningful role for the public in legal and policy processes.
- Legal standing for citizens so they can better protect their legal rights and hold industry and government accountable for actions that threaten their health and surrounding environment.
- Stronger environmental enforcement mechanisms.
- Financial and legal support for community-based actions, including independent data collection.

#### ***Develop and Strengthen Legal Tools:***

There is a need for the *National Strategy* to support broader understandings and discussions of environmental justice than currently framed in the engagement materials and webinar slides. For example, MbEN and the community members we work with are excited about the adoption of environmental justice principles at the national level because most people associate environmental justice with an increased access to legal remedies and practical outcomes. This includes access to stronger legal tools and legal standing to pursue litigation to punish those who have caused environmental harm. Especially since current legal remedies are not adequate and difficult to use (or not available at all to the public).

Potential legal opportunities to improve access to environmental justice at the federal level includes:

- Reform of s. 17-22 of CEPA.
- Adoption of a federal Environmental Bill of Rights.

- Funding to allow vulnerable communities and grassroots groups access to legal representation and expert evidence.
- Stronger legal enforcement mechanisms.

#### ***Support for Community-Based Research:***

In MbEN's experience, many community members do not trust the environmental and health data produced by private companies for environmental decision-making processes. However, there is often little to no opportunity and/or resources available for impacted communities to hire their own independent experts or collect environmental and health data themselves. The community members we engaged with during our *Healthy Environment, Healthy Neighbourhood* project told us it would be helpful and improve their access to environmental justice if there was more:

- Access to financial and legal support for independent air, soil, water testing.
- Research into the relationship between area incomes, levels of pollution, and ability to effectively ask for environmental intervention.
- Research into the mental health impacts of living and working in areas where community members are at risk of or experiencing negative environmental and/or health impacts.
- Better data collection re: Cumulative effects, Contamination of precipitation and groundwater, Urban wildlife and ecosystem impacts, Effective remediation methods, and Health data (e.g., Blood lead levels).

#### ***Independent Oversight:***

During the webinar, there was some discussion of the need to create a mechanism for independent oversight of the *National Strategy* and associated government actions. MbEN is supportive of this idea, and our thoughts on the need for more independent oversight of environmental programs and activities has been reflected in our comments for many federal consultations (including the work on the right to a healthy environment).

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 Ontario's office of the 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. 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.

MbEN recommends addressing this need for independent oversight in the *National Strategy* and creating a role for an existing (e.g., the Commission of the Environment and Sustainable



Development) or new oversight body to review the outcomes, reports, and future government actions associated with the *National Strategy*.

### **Conclusion:**

Manitobans have unique experiences and needs that should be considered by the federal government when new laws, policies, and government programs are developed and implemented. We hope the insights of Manitobans on environmental justice shared with you through our work will help guide the development of the implementation framework and ensure better outcomes for Manitobans at the federal level, including improved access to environmental justice.

The Eco-Network appreciates your consideration of our comments and recommendations for the next steps in the development of the *National Strategy Respecting Environmental Racism and Environmental Justice*. We welcome future opportunities to engage with Environment 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, J.D., LL.M., Policy Advocacy Director

James Beddome, LL.B., Executive Director

### **About MbEN**

*The Manitoba Eco-Network is a non-profit registered charity which seeks to strengthen Manitoba's environmental community with the goal of protecting our environment for the benefit of current and future generations. We serve as an umbrella for environmental non-governmental organizations across the province. 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)*