MANITOBA ECO-NETWORK

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Manitoba Eco-Network Response to Bill C-39
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Submitted to: House of Commons Legislative Committee on Bill C-39 (CC39) - https://www.ourcommons.ca/committee-participation/en/submit-brief/cc39/13631207

Manitoba Eco-Network (MbEN) appreciates this opportunity to provide feedback in response to Bill C-39, the *Building Canada Strong Act*.

We do not feel the proposed legislation reflects the best interest of Canadians. We therefore recommend that Bill C-39 be withdrawn from the parliamentary process and the Government of Canada re-start a meaningful consultation process with the public and Indigenous rights-holders to determine the best path forward to ensure the protection of the environment and human health for generations to come.

MbEN has long been advocating for improvements to provincial and federal environmental decision-making processes. We support evidence-based decision-making processes that meaningfully include all interested stakeholders. In particular, we believe that a robust federal impact assessment (IA) process is an important element of the framework of legal protections available to Manitobans to ensure new and existing developments do not detrimentally impact the environment or our health.

In 2025, we asked Manitobans what they expected from government decision-makers when they are tasked with making decisions about new and existing developments with the potential to impact the lives of current and future generations. We heard resoundingly that the public expects the government to work towards stronger environmental and health protections, to create more opportunities for meaningful public and Indigenous engagement, and to collaborate with a broad range of stakeholders, including other levels of government.

Unfortunately, Bill C-39 appears unlikely to improve the assessment and permitting of "major projects" and will instead create significant uncertainty for all participants in terms of the environmental legal requirements and processes that will apply at the federal level. It also appears that the Bill will cause a significant weakening of environmental legal protections within federal jurisdiction. The proposed regulatory changes appear to be based on incorrect assumptions about the purpose of impact assessment processes and other decision-making tools that have been put in place to ensure potential impacts and the public interests of Canadians are meaningfully considered before the Government makes important decisions.

There are a significant number of concerns on the record from Indigenous governments and organizations across the country about Bill C-39 and the potential impacts of the proposed changes on the environment, Indigenous rights-holders, and the Consultation processes that cannot be rushed to fit an expedited timeline. Bill C-39 does not reference Canada's commitments under the *UN Declaration on the Rights of Indigenous Peoples*, the UN Declaration Act, or free, prior and informed consent a single time throughout the text of the bill.

This demonstrates, at a minimum, the need for more work and meaningful engagement with Indigenous rights-holders about the proposed major projects approval processes and the broad range of other

proposed regulatory changes before any legislative reforms move forward. There is clearly a need for more federal support of Indigenous leadership, collaboration, ownership, and other regulatory improvements that facilitate the full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* when decisions about major projects are made.

Bill C-39 Should Not Proceed

There has been wide-spread outrage and concern from people across Canada who are worried about the significant changes proposed in the *Building Canada Strong Act*. If passed, Bill C-39 will:

- Enable vast sacrifice zones (i.e. "regions of national interest") in which any and all projects could be pre-approved and exempted from federal laws.
- Allow ministers to weaken or remove conditions put in place for previously approved projects.
- Result in the elimination of impact assessments for most projects when coupled with recent federal-provincial agreements and regulation changes made in September that exempt pipelines, transmission lines, fossil-fuel fired generation stations, and in-situ oil projects from federal impact assessment.
- Transfer assessment responsibilities for energy and nuclear projects from the independent Impact Assessment Agency to the Canadian Energy Regulator and the Canadian Nuclear Safety Commission, regulators recognized as being industry-captured.
- Undermine the rule of law, including by withholding information about projects designated under the *Building Canada Act* from public review for 30 days after they receive their approval, which could impede courts' ability to ensure decisions are reasonable and legal.
- Allow construction to begin before assessments are completed. This interferes with the ability to consider project effects, effectively taking a "no" decision off the table even for projects that could destroy entire ecosystems.
- Compress decision-making timelines to a maximum of one year, a period far too short to ensure project effects are accurately understood before they are approved.
- Allow technical, economic and practical feasibility considerations to overrule environmental protections.
- Weaken the environmental protections in the *Fisheries Act*, a significant part of the legal framework that protects water bodies and the environment from harm.

MbEN does not support the creation of project exemptions, new legal powers that allow environmental protections to be reduced, and the pre-approval of projects before they have been properly assessed. MbEN rejects the assumption that Canada needs simpler and shorter decision-making processes.

There is not enough evidence to support the presumption that it is the fault of impact assessment processes and other decision-making processes when projects do not move forward or face delays. Impact assessment is simply a decision-making tool - a means of ensuring public interests are served and all potential impacts are considered before an activity is approved. IA leads to good decisions, improves public trust, and helps prevent irreparable harm. Proponents should have to do the work to prove they

have a good plan and contingencies in place to protect the environment and human health now, and throughout the entire lifecycle of a project.

Decision-makers should be prioritizing the protection of Canada's precious natural resources and wildlife and ensuring the vast wealth of public freshwater resources is maintained for the benefit of current and future generations. Instead, based on Bill C-39 and other recent regulatory changes, the Government of Canada appears to be moving in the wrong direction when it comes to the assessment of major projects and the protection of the environment and human health.

Conclusion

MbEN has serious concerns with the regulatory changes proposed in Bill C-39 since they are likely to result in the assessment and regulation of proposed developments and major projects in ways that could detrimentally impact the environment and the health of Manitobans. Instead, Manitobans want to see improvements to environmental decision-making processes that strengthen environmental protection, rather than streamlining project approvals.

Overall, MbEN is left with the impression that the Government of Canada does not understand the purpose of federal impact assessment processes. Impact assessment is supposed to be an unbiased and inclusive decision-making process that effectively coordinates collaboration between all interested parties. A 'yes' is not supposed to be guaranteed, as valid alternatives, including the "no-build" option, are supposed to be seriously considered along with the full scope of potential impacts before approval is granted. If anything, it should be a presumed "no" until the proponent provides enough evidence to earn a "yes".

The best way to ensure the federal assessment of major projects protects the environment, respects Indigenous rights, and facilitates meaningful consultation with Indigenous Peoples is to focus on more effective coordination, collaboration, and opportunities for meaningful participation in federal decision-making processes.

Unfortunately, Bill C-39 will not result in any of these improvements and instead, represents significant steps backwards in the protection of the environment and human health. Passage of this bill without meaningful public participation and the robust parliamentary process it deserves will also contribute to the degradation of democratic rights in Canada and a loss of public trust.

It would be in the best interest of all Canadians if Bill C-39 did not proceed.

Sincerely,

Heather Fast, J.D., LL.M., Policy Advocacy Director

About Manitoba Eco-Network:
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.