

## **Brief on Bill C-219: *An Act to enact the Canadian Environmental Bill of Rights and to make related amendments to other Acts***

### **Background Information:**

- Private member's bill from NDP MP Richard Cannings (South Okanagan—West Kootenay).
- Second Reading in progress: first hour of debate was in June 2023; second hour of debate projected for early December 2023.
- The bill is likely to be supported by the NDP, Green Party, and BQ.
- It was written by Linda Duncan, former MP for Edmonton Strathcona. Duncan previously introduced the bill four times over 11 years; it once passed the Second Reading, but died when an election was called.
- There are environmental bills of rights in Ontario, Quebec, Yukon, the Northwest Territories and Nunavut.
- Last year, on July 28, 2022, the UN General Assembly passed a unanimous resolution that recognized the right to a healthy environment around the world.
- With the passing of Bill S-5 in May 2023, which updated the Canadian Environmental Protection Act, we now have a federal statement of rights to a healthy environment, but those rights are limited to the scope of CEPA, basically to toxins within our environment, and those rights have no accountability processes or powers associated with them. Bill C-219 would expand and strengthen those rights to the rest of the scope of federal jurisdiction.
- “Bill C-219 would extend the right to a healthy, ecologically balanced environment to all Canadian residents. It would do this by amending the Canadian Bill of Rights to add the right to a healthy environment; by providing a bundle of rights and legal tools to all residents of Canada, including accessing information around environmental issues and decisions, standing before courts and tribunals, transparent processes that will help hold the government accountable on effective environmental enforcement and on the review of law and policies through investigations and, if necessary, environmental protection actions; and by extending protections for government whistle-blowers who release information relevant to health and environmental impact.” -MP Richard Cannings in his Second Reading speech.

### **Bill C-219 Summary:**

This enactment enacts the *Canadian Environmental Bill of Rights*, which provides that every person residing in Canada has the following rights:

- (a) the right to a healthy and ecologically balanced environment;

- (b) the right to reasonable, timely and affordable access to information regarding the environment;
- (c) the right to effective, informed and timely public participation in decision-making regarding the environment, including in relation to any Act of Parliament respecting the environment and any environmental policy of the Government of Canada;
- (d) the right to bring a matter regarding the protection of the environment before courts or tribunals; and
- (e) the right to request a review of any Act of Parliament respecting the environment, any instrument made under such an Act or any environmental policy of the Government of Canada.

**Bill C-219 Purpose, as written in the Bill:**

The purpose of this Act is, within the legislative authority of Parliament in relation to the environment,

- (a) to safeguard the right of present and future generations of Canadians to a healthy and ecologically balanced environment;
- (b) to confirm the Government of Canada's public trust duty to protect the environment so as to preserve and protect the collective interest of Canadians in the quality of the environment for the benefit of present and future generations;
- (c) to ensure that all Canadians have access to
  - (i) adequate information regarding the environment,
  - (ii) justice in an environmental context, and
  - (iii) effective mechanisms for participating in environmental decision-making; and
- (d) to enhance public confidence in the administration and enforcement of environmental laws, including by allowing individuals to request reviews of laws, to apply for investigations of offences and to bring environmental protection actions.

**Environmental Law Principles, as written in the Bill:**

Every enactment must be interpreted consistently with existing and emerging principles of environmental law, including,

- (a) the ***precautionary principle*** according to which where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty must not be used as a reason for postponing measures to prevent environmental degradation;
- (b) the ***polluter-pays principle*** according to which polluters must bear the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptable level of pollution;
- (c) the ***principle of sustainable development*** according to which development must meet the needs of the present without compromising the ability of future generations to meet their own needs;

(d) the ***principle of intergenerational equity*** according to which present generations of Canadians hold the environment in trust for future generations and have an obligation to use its resources in a way that leaves that environment in the same, or better, condition for future generations; and

(e) the ***principle of environmental justice*** according to which there should be a just distribution of environmental benefits and burdens among Canadians, without discrimination on the basis of any ground prohibited by the Canadian Charter of Rights and Freedoms.

*If you have any questions, please contact CFUW National Advocacy and Policy Specialist Kenzie Zimmer at [advocacy@cfuw-fcfdu.ca](mailto:advocacy@cfuw-fcfdu.ca)*