

# Submission to the Panel on Environmental Assessment

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## Background:

- Ph.D. in Biological Oceanography
- marine ecology research in the Arctic,
- lecturing in applied ecology, env. and Earth sciences, marine biology, oceanography
- submissions to various environmental assessments – federal and federal-provincial
- member of environmental organizations
- some experience with the environmental consulting industry

# Weaknesses of the current environmental assessment process

- prone to errors, omissions, and knowledge gaps
- precautionary principle is espoused, but not practised
- systematically biased in favour of the proponents of the activities requiring the assessment
- poor enforcement, no follow-up, no mechanism for learning from mistakes

# Consequences of these weaknesses

- EA process viewed by the public with suspicion  
(as flawed, biased and inconsequential - a mere rubber-stamping, and weak)
- Erosion of the public trust
  - in the environmental laws, and
  - in democratic processes and institutions in general
- Weakens the social mandate to carry out the activities regulated by this process

# How to improve it?

I. Even the playing field (reduce the bias favouring the proponents).

II. Give the process teeth.

III. Follow-up and learn from mistakes.

# I. Even the playing field

(reduce the bias favouring the proponents).

Current state of affairs:

a *David vs. Goliath* situation:

- The proponent has all the money, political influence, and research capacity.
- The public is reduced to a fig leaf to a predetermined outcome and undemocratic process.

- *“he who pays the piper calls the tune”*
- *“if I don't go easy in my assessment, this will be the last contract my firm ever gets”*

Thus: the need to **separate** the proponent from the main environmental evaluator of the project.

## Recommendation 1:

**The research and preparation of the environmental impact assessments, while still paid for by the proponent, should be awarded by a neutral agency**

- Proponent pays the money for the assessment into EA blind trust
- but it is government agency/EA panel that decides whom to hire for the research and preparing environmental impact study.



## Recommendation 2:

Set aside sufficient portion of the proponent's money to support independent evaluation of the assessment and review of applicable scientific literature by non-profit stakeholders.

- *You get what you pay for, so if you pay you should get:*
- Better feedback:
  - Should help to identify potential costly issues -> a part of **due diligence**
- Collateral benefits:
  - would help to preserve the independent expertise in the NGO sector, which could be much more cost-effective than commercial one.

## II. The environmental assessment process should be given teeth.

**Problem:** at the end of the process the panel issues: *recommendations* that can be rejected/not implemented by the proponent

### Recommendation 3:

- make the recommendations of the EA panel either **binding**, or much more difficult to reject/ignore
- then: **enforce their implementation.**

# III. The need for the follow-up

**Problem:** no follow-up today; no record of past compliance, no evaluation of quality of env. assessment studies

## Recommendation 4:

- **Monitor the implementation of the assessment recommendations by the proponent after the EA process of the proposal is concluded.**
- **Create database of the past compliance by the proponent**

## Recommendation 5:

Evaluate of the performance of the **environmental consulting firms** hired to prepare the environmental impact assessment report.

- if you have done poor job,
- if you missed or deliberately omitted important potential problems that could have been identified at the time:

should be a strike against you the next you look EA study contract

## Recommendation 6:

### **Learning from the past mistakes: the environmental assessment process itself.**

- If problems discussed in p.4 and p.5 recur – the problem may be not with the proponent or the hired consulting firm, but with the process itself.
- Aim for a continuously adapting, self-correcting, system.

Thank you