

**Alan Andrews, Ecojustice**

**Speaking Notes for Submissions to ENVI Committee 5.17.21**

**A. Introduction**

1. Thank you for the opportunity to talk to you today.
2. I am Alan Andrews, the climate program director at Ecojustice - where I lead our program of law reform and litigation aimed at securing a stable climate.
3. I am joining you from the traditional, ancestral, unceded territory of the Musqueam, Squamish and Tsleil-Waututh First Nations in Vancouver, BC.
4. I am a qualified lawyer in both Canada and England & Wales. Prior to joining Ecojustice, I practiced environmental law in the UK and EU, focusing on holding governments to account for missing pollution targets, and advocating for stronger laws so that I didn't need to.

**B. The importance of climate accountability legislation.**

5. Ecojustice is pleased to see Canada aiming to join the growing number of countries who have adopted this type of climate law - which have now become a standard tool worldwide to ensure governments meet their climate commitments and are increasingly viewed as essential to the transition to a low-carbon economy.

**C. The importance of emission reduction plans to climate accountability**

6. Ecojustice has made joint written submissions with WCEL and a number of other orgs.
7. Given time constraints, I will focus on one of the key themes in those submissions - the obligation on the Minister to prepare emission reduction plans. This is the foundation of the accountability framework that Bill C-12 lays down. These plans are where the real action and accountability stems from. Unfortunately, as I will explain, that foundation is rather shaky. So strengthening those provisions will be the key to the success of Bill C-12.
8. If you fail to plan, you plan to fail. And too often Canada has failed to meet climate targets because it has not had a credible and detailed plan for achieving them.
9. Too often we see climate plans that are really just a glossy marketing brochure – with no real detail or substance.
10. A plan must do three things:
  - One**, Explain how much carbon pollution needs to decline in order to meet the targets
  - Two**, Set out the policies that will close that gap
  - Three**, Explain who is going to implement those policies, and when.
11. The plan must be detailed enough that the public, parliament and civil society can determine whether it is credible. Or whether it is overly optimistic and likely to fail.

#### **D. Plans under Bill C-12 as tabled**

12. As drafted, Bill C-12 does not require plans that meet that standard.
13. Sections 9 and 10 are the relevant provisions of the bill.
14. Section 9 requires the Minister to prepare a plan “for achieving” the net zero 2050 target and each of the five year “milestone” targets.
15. Section 10 prescribes the information that a plan must contain.

#### **E. Key criticisms**

16. However, section 10 is very light in terms of the specific details that plans must contain – so there is a risk of the “glossy brochure” type of plan that we desperately need to move away from.
17. For example, section 10 does not explicitly require that the plan explain how it will achieve the milestone target to which it relates. By contrast, the UK Climate Act is more explicit - establishing a clear duty on government to not only achieve the 2050 net zero target, but also to prepare policies that it considers will enable the 5-year carbon budgets under the UK Act to be met.
18. Nor does Bill C-12 require projections of what impact the actions described in the plan will have on carbon emissions.
19. And it doesn’t require plans to include any details of sectoral strategies, or actions by provinces and territories.
20. Taken together, as drafted, the bill would allow the government of the day to prepare an obviously deficient plan, or even worse, a plan that contains so little detail that we really have no idea whether it will be adequate, so undermining the main purpose of the Bill: to ensure accountability for the achievement of climate targets through transparency.

#### **F. Solutions**

21. Fortunately, some simple amendments to section 10 would significantly improve Bill C-12.
22. **First**, the Bill needs to make clear that the plan must demonstrate how it will achieve the relevant milestone targets.
23. **Second**, it must require the Minister to show how the action being proposed adds up, tonne by tonne, year by year, to the cuts in pollution needed to reach the next milestone targets.
24. This will require projections, based on evidence, of what the plan is expected to achieve.
25. **Third**, the plan must describe, in detail, what action the federal government is going to take to achieve the targets, and what action it is relying on other actors, such as the provinces, municipalities and the private sector, to deliver. This would greatly improve transparency and accountability without going anywhere near provincial jurisdiction.
26. All these details must then feed through into the reporting regime – so that if the plan isn’t working as expected, we get advanced warning with sufficient time to course correct.

**G. Conclusion**

27. I would urge the Committee to make these essential amendments to end Canada's cycle of missed targets and deliver real accountability through Bill C-12.
28. I would be happy to follow up in writing if you require more specifics – and I look forward to your questions.