

May 17, 2021

Standing Committee on Environment and Sustainable Development  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6

Dear members of the committee,

On behalf of the David Suzuki Foundation, I'm pleased to submit this brief identifying prime opportunities to improve Bill C-12, the Canadian Net-Zero Emissions Accountability Act, to align with leading international approaches.

Canada is at a pivotal moment for climate action. Robust climate accountability legislation will be paramount to addressing this emergency and our success as a country and responsible global partner. **We urge the committee to strengthen and favourably report Bill C-12 without delay.**

The United Nations "Emissions Gap Report 2020" shows that, despite a temporary drop in greenhouse gas emissions driven by the COVID-19 pandemic, GHGs are expected to rebound and we're headed for a global temperature increase of 3.2 C by century's end. For the Paris Agreement goal to stay within reach, governments must dramatically strengthen emissions reduction targets and ensure these are met.

Throughout Canada, we're already feeling the impacts of the climate emergency, including intensified, dangerous extreme weather events. Yet Canada has not met one of its international emissions reduction targets (even though these have been weak relative to what the science calls for and what other nations are showing is possible). This is why we need climate accountability legislation.

Youth and Indigenous leaders have rallied millions of people in some of the largest political demonstrations in Canada's history to call for climate action. Hundreds of cities and communities throughout Canada, as well as the House of Commons, have declared a climate emergency.

Last month, the Government of Canada announced a strengthened 2030 emissions reduction target. The climate emergency requires that we not fail to meet and even exceed it. Climate accountability legislation will lay the foundation for Canada's action on climate change now and into the future, so it's crucial to get it right. Most importantly, it must ensure that Canada's future emissions reduction targets and plans align with Intergovernmental Panel on Climate Change science and recommendations to limit global warming to 1.5 C.

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Since Canada can benefit from leading countries' experience, we compared key features of Bill C-12 to climate accountability legislation in other places. The attached table highlights opportunities to strengthen the bill to better align with international best practice.

**Based on this assessment, we endorse the amendments recommended in the joint brief of Ecojustice, West Coast Environmental Law, Climate Action Network and Équiterre.**

Canada's climate accountability legislation could be transformational. These amendments would help ensure Bill C-12 delivers on that full potential.

We're encouraged that three parties supported Bill C-12 at second reading and urge continued cross-partisan collaboration to strengthen and pass it. As the climate crisis affects us all, we must all be part of the solution. We look forward to Canada joining the growing number of countries that have enacted national laws on climate change as vehicles to achieving Paris Agreement objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sabaa Khan', with a stylized flourish at the end.

Sabaa Khan  
Director General, Quebec  
David Suzuki Foundation

Climate Change Framework Laws

Elements	C-12	International Examples	Towards a Gold Standard
<p><b>Targets</b></p> <ul style="list-style-type: none"> <li>• Creates a net-zero national GHG emissions target for 2050.</li> <li>• Interim targets: 2030, 2035, 2040, 2045 <b>determined by the Minister.</b></li> <li>• Minister has to take into account best scientific information.</li> <li>• Minister <i>'must, in the manner the Minister considers appropriate'</i> provide the public and other stakeholders with the opportunity to make submissions.</li> </ul>	<ul style="list-style-type: none"> <li>• UK: Creates a <b>duty upon the Secretary of State to ensure</b> that the net carbon account for 2050 is 100% below 1990.</li> <li>• The goal is broken down into periodical (5-year) emissions budgets <b>determined by Parliament.</b></li> <li>• Government has to take into consideration advice of UK Climate Change Committee in determining budgets. Deviations from the committee's recommendations must be justified by the government.</li> <li>• Under EU law, certain sectors assigned a joint national GHG target.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure Parliament and an independent scientific advisory body play a central role in target-setting.</li> <li>• If targets deviate from scientific recommendations, require the government to justify its decision to deviate.</li> <li>• Annex to the law can break down targets to dedicated values for major economic sectors. The obligation to achieve reductions can be assigned to respective ministries.</li> </ul>	<ul style="list-style-type: none"> <li>• Include a legal provision that ensures no regression.</li> </ul>
<p><b>Revision of Targets</b></p>	<ul style="list-style-type: none"> <li>• Minister can amend 'in a manner consistent with the purpose of the Act'.</li> </ul>	<ul style="list-style-type: none"> <li>• Explicit provision on no regression / backsliding (Spain).</li> </ul>	<ul style="list-style-type: none"> <li>• Include a legal provision that ensures no regression.</li> </ul>

Elements	C-12	International Examples	Towards a Gold Standard
<p><b>Mandatory Plans &amp; Measures</b></p>	<ul style="list-style-type: none"> <li>Minister must establish emissions reduction plan, with description of key measures, any sectoral strategies &amp; strategies for federal government operations.</li> <li>In consultation with other Ministers.</li> <li>Tabled in Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>Some laws explicitly call for an <b>alignment of budget policy &amp; climate policy</b>.</li> <li>Some laws call for national adaptation plans.</li> <li>Spanish law includes provisions on climate-safe procurement; calls for a percentage of national budget to be spent on climate action.</li> <li>Danish law requires government to produce annual 'global strategy' (covering imported goods, international climate finance and bilateral cooperation).</li> </ul>	<ul style="list-style-type: none"> <li>Ensure pathways to net-zero inform short-term and mid-term planning.</li> <li>Include mainstreaming provisions for effective integration of climate policy across all other investment and policy areas.</li> <li>Include pointed guidance on internal cooperation (between Ministries, Agencies).</li> <li>Establish a clear coordination mechanism between relevant Ministries.</li> </ul>
<p><b>Offsets</b></p>	<ul style="list-style-type: none"> <li>No mention.</li> </ul>	<ul style="list-style-type: none"> <li>French law <b>explicitly excludes offsets</b>.</li> <li>Guiding principle under Danish law is '<b>real domestic reductions</b>'.</li> <li>German law explicitly allows intra-EU trading.</li> </ul>	<ul style="list-style-type: none"> <li>Include provisions that stipulate limited use or exclusion of offsets.</li> </ul>
<p><b>Monitoring Progress</b></p>	<ul style="list-style-type: none"> <li>Minister prepares a progress report.</li> </ul>	<ul style="list-style-type: none"> <li>Annual reports on progress submitted to Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>Progress reports can be the responsibility of government, scientific advisory councils, or both.</li> </ul>

Elements	C-12	International Examples	Towards a Gold Standard
<p><b>Monitoring Progress (cont.)</b></p>	<ul style="list-style-type: none"> <li>Minister prepares an assessment report; in case of failure to achieve target, must include reasons why, description of forthcoming actions. Minister of Finance produces an annual report on key measures of federal public administration to manage climate change financial risk.</li> <li>Commissioner of Environment and Sustainable Development once every 5 years, examines climate change mitigation measures, may include recommendations to improve effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>In some countries, progress reported by governments, in others by the scientific advisory body.</li> <li>Spanish law obliges government to debate on report of scientific body.</li> <li>In some countries, annual reporting requirement linked to annual government budget.</li> <li>Progress reporting linked to additional measures, if progress is clearly insufficient.</li> </ul>	<ul style="list-style-type: none"> <li>Government should be obliged to respond to reports on progress delivered by scientific body.</li> <li>Linking progress reports to budget cycle can facilitate climate mainstreaming.</li> </ul>
<p><b>Role of science</b></p>	<ul style="list-style-type: none"> <li>Advisory body provides advice on reaching net zero by 2050.</li> <li>Composition of body unspecified.</li> <li>Minister determines and amends terms of reference of the Advisory Body.</li> <li>Members recommended by Minister.</li> </ul>	<ul style="list-style-type: none"> <li>In France, <b>Government needs to respond</b> to the annual report of the scientific advisory body.</li> <li>Under many laws, scientific bodies serve a critical monitoring function.</li> <li>In Denmark: government must <b>decide explicitly on scientific body's recommendations.</b></li> </ul>	<ul style="list-style-type: none"> <li>Scientific bodies should play both advising and monitoring roles.</li> <li>Government should be obliged to respond to scientific body's recommendations &amp; reports publicly.</li> <li>In appointing members, focus should be on scientific expertise and qualifications.</li> </ul>

Elements	C-12	International Examples	Towards a Gold Standard
<p><b>Role of science (cont.)</b></p>	<ul style="list-style-type: none"> <li>AB submits an annual report on its advice and activities.</li> </ul>	<ul style="list-style-type: none"> <li>In UK, <b>government must issue public statement</b> when deviating from recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>Scientific body should maintain strong position in the process of climate policy setting.</li> <li>Advisory body reports should be public.</li> </ul>
<p><b>Public Participation</b></p>	<ul style="list-style-type: none"> <li>At the Minister's discretion, at the time of setting or amending a target or plan.</li> <li>No other mention of public participation.</li> </ul>	<ul style="list-style-type: none"> <li>In some countries, scientific expert panels also charged with facilitating public dialogue and debate.</li> <li>Some countries make public participation part of climate policymaking process, or provide for dedicated mechanisms.</li> <li>Finland, France, and some others integrate direct public consultation on climate policy-making.</li> <li>Some laws require government to inform the public on monitoring and reporting outcomes.</li> <li>Germany has public consultation periods on the carbon budgets.</li> </ul>	<ul style="list-style-type: none"> <li>Advisory bodies can be the liaison between civil society and policymakers.</li> <li>Citizen engagement assemblies can increase public buy-in, nurture broad support.</li> </ul>