

Amendment Proposals for the Bill C-12 Net Zero Accountability Act:

- The vagueness of the government committing to exceeding their previous 30% GHG emission reductions below 2005 by 2030 is not enough, and should be specific, ambitious, and transparent, leaving no room for gaining political points on vague targets and promises (“Laser Talk” 2020).
- Section 2 should be amended to clearly state that milestone targets should be every 5 years, with the first milestone year being set for 2025 instead 2030. If Canada’s first milestone year is not until 2030, then the Minister’s first progress report will not occur until 2028. We should not have to wait 8 years to receive an update on the progress made towards Canada’s targets. BY setting 2025 as the first milestone year in the Bill, the Minister would be obligated to prepare a progress report in 2023. We believe this is a much more appropriate timeline.
- Targets and target setting:
 - Add to section 6 a new sub-section (then categorized under proposed 6 (2)), to include a clearly set 50% reduction of GHG emission below 2005 levels, by 2030 to align with IPCC recommendation. This is in response to IPCC’s warning that by 2030 GHG emissions need to be reduced by *at least* 45% below 2010 levels in order to achieve the 2050 net zero emissions target.
 - Further add to section 6 another sub-section (then categorized under proposed 6 (3)), to include a clearly set minimum requirement for domestic emissions reductions below 2005 levels by 2030, separate from measures relying on carbon capture technology. There are several ways in which a country can reach net-zero emissions. As it is difficult for a state to quickly stop emitting entirely, many national climate plans also rely on natural or technological greenhouse gas removal (“**GGR**”) techniques to offset emissions and allow states to receive carbon “credits” for financing efforts to reduce emissions in other countries. The Bill does not presently limit the use of these measures in achieving Canada’s net-zero target. Undue reliance on these supplementary measures could deter actual emissions reductions and limit or otherwise forestall the co-benefits that come with significant emissions reductions. As such, it is critical that the Bill specify the role of these measures in Canada’s journey towards a net-zero target. Sweden’s *Climate Act* requires that the state achieve net-zero emissions by 2045 at the latest, while imposing a requirement that domestic emissions be cut by at least 85 percent below 1990 levels, resulting in a maximum of 15 percent of emissions that can be offset by other measures (“Sweden’s Climate Act” 2017). We recommend that Canada’s Bill adopt the same ratio for its net zero goal.
 - Section 7 (1) should be amended to increase clarity and commit to setting **carbon-budget based** targets for each milestone year, reworded to: “The Minister must set a carbon budget-based national greenhouse gas emission target for each milestone year with a view to achieving the target set out in section 6.”

- Further, in Sections 8 and 13 (on setting the GHG emission reduction target, and on establishing and amending GHG emission reduction targets and plans, respectively), one should remove the wording and leeway given to the Minister to consult with any other experts the Minister deems fit. It should be clear that the consultation will come from experts within the Advisory Body. This would ensure more transparency in where the information and recommendations come from, and above all that they align best with the 2050 target and scientific evidence. Thus, it should be amended to further mandate that the Minister **must** set the targets for each milestone year based on recommendations from the Advisory Body, which is what characterizes the success of the UK Climate Change Act 2008 (“Canada’s Climate Law Fills” 2020). Also, the label “Advisory Body” reduces its role and purpose to mere advising and should be expanded to a title that is representative of and encompasses the suggested wider scope in line with a much-needed watchdog function. The UK Government used ‘Committee’.
- Further amend Section 8 to include the importance of considering Indigenous knowledge in setting targets and making plans to mitigate and adapt to climate change. The connection of Indigenous peoples to land creates different types of knowledge that are essential to addressing climate change. Many Indigenous peoples use and rely on land-based knowledge systems that have been taught and passed down from previous generations since time immemorial. This knowledge is filled with observations about the environment, including information about living with impacts of a changing climate and adapting to climate change. This knowledge should be used to inform climate policies and adaptation responses and should be considered on equal footing to western science.
- Further amend section 8 to require the Minister to consider the responsibilities of Canadians towards future generations. It should be clearly integrated into the section that target and plan establishment be made with the interest of future generations in mind. Our generation, as well as those who come after us, will thereby bear the brunt of the impacts caused by emissions emitted today and decisions made about future emissions reductions. It is thus imperative that an intergenerational equity lens be considered when making climate policy decisions. We suggest the adoption of the language of Bill C-232, the *Climate Emergency Action Act* sponsored by Winnipeg Centre MP Leah Gazan, which calls for the Minister to consider “the responsibilities of Canadians towards future generations” in developing a climate emergency action framework (“Bill C-232” 2020).
- Finally, amend Section 8 of the Bill to mandate that the Minister consider the objective of not exceeding Canada’s fair share of emissions in setting Canada’s emission targets. As Canada is responsible for 1.7 to 1.8 percent of the cumulative emissions in our atmosphere and was the 11th highest-emitting state in 2018,

Canada ought to bear a notable portion of the global mitigation burden (Eric Kemp-Benedict et. al 2019; “Each Country’s” 2020). Until Canada and other high-emitting states accept responsibility for the climate crisis and adopt aggressive targets that reflect this burden, other nations may be disincentivized from taking on more ambitious climate efforts. Scotland’s *Climate Change Act* includes a set of target-setting criteria which includes “the objective of not exceeding the fair and safe Scottish emissions budget” (“Climate Change Emissions” 2019). The Act defines the fair and safe Scottish emissions budget as follows:

- [T]he aggregate amount of net Scottish emissions of greenhouse gases for the period 2010 to 2050 as recommended by the relevant body as being consistent with Scotland, in line with the principles set out in article 3 of the United Nations Framework Convention on Climate Change, contributing appropriately to the holding of the increase in global average temperature to well below 2°C above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels (“Climate Change Emissions” 2019).

- Emission Reduction Plans:

- Amend section 9 (2) to correct for the suggested and more scientific advice-aligned 2025 as the interim milestone year, instead of 2030.
- Amend Section 10 to clearly state and require that the government’s emission reduction plans detail how Canada will meet its five-year target. Presently, Section 10 of the Bill requires an emissions reduction plan to contain key emissions reduction measures and strategies as well as relevant sectoral strategies that intend to achieve the emissions reduction target. The Bill does not require Canada, however, to outline measures that together lead to the amount of reduction required to meet its target. The Pan-Canadian Framework, launched by the Canadian government in late 2016, contains multi-sectoral initiatives intended to guide our emissions reduction towards our target. Over 20% of the required reductions contained in the PCF, however, were to come from “unspecified future initiatives.” (Gage 2016).
- It should be added to Section 10 (1) that every future Emission Reduction Plan set out financial considerations (i.e., source and amount of funding) for achieving the target set for the specific Plan. This is currently possibly alluded to within Section 10 (3), that states “an emissions reduction plan may contain any other information that relates to that plan...”. To ensure transparency and accountability, it should be clearly specified what other information will and should be included in each Emission Reduction Plan.
- In line with above proposal for Section 8, when it comes to setting GHG emission reduction targets, section 11 should be amended to include that the amendment of

the GHG emission targets must also be based on the recommendation of the Advisory Body and with their consultation.

- Section 13 notes that in establishing Emission Reduction Plans, the Minister “must in the manner the Minister considers appropriate provide governments of the provinces, Indigenous peoples of Canada, the advisory body...and any expert the Minister considers appropriate to consult, with the opportunity to make submissions”. This should be reworded to mandate that the Minister must establish the Emission Reduction Plans based on recommendations from the Advisory Body, which is what characterizes the success of the UK Climate Change Act 2008 (“Canada’s Climate Law Fills” 2020).
 - If we want to ensure there is compliance and accountability, a suggested amendment would be that the Minister must both establish and amend GHG emission reduction targets and Emission Reduction Plans based on recommendations from the ‘Advisory Body’ AND must respond to them and/or follow them (“Canada’s Climate Law Fills” 2020).
- Progress Reports:
 - Section 14 (1) requires the Minister to prepare at least one Progress Report for each milestone year and its targets, in consultation with other ministers. This should be amended to mandate the Minister to make Progress Reports yearly. Only then will there be enough time to adjust targets, action and ensure the subsequent and 2050 targets are met.
 - Section 14 (1) should also be further amended to include a mandate that the Minister must prepare the Progress Report in consultation with the Advisory Board, in line with our above and further proposals.
 - Section 14 2(c) should be reworded to “...including information on any additional measures that **must and will be** taken to increase the probability of...”
- Assesment Reports:
 - Section 15 (1) should also be further amended to include a mandate that the Minister must prepare the Assesment Report in consultation with the Advisory Board, in line with our above and further proposals.
 - Amend Section 15 2 (d) to reword it to “any information relating to adjustments that **must and will be** made to subsequent emission reduction plans...”. There should be clear direction in outlining how the Minister will ameliorate the weak or lack of progress made in achieving GHG emission targets (Bergamo 2020).
- Failure to achieve target:
 - Section 16 should be amended so that the Minister is mandated to also submit the Assesment report to the Advisory Body for review and further consultation.
- Tabling and Publication:
 - Section 18 (2) should be amended to require every amendment to the GHG emission reduction **targets also** be tabled in Parliament. / OR Amend the Bill so

that a new section is added under “Tabling and Publication” so that the Minister must table each GHG emission target and their amendments in Parliament.

- Amend Sections 19 (1) (2) (3) to reword them so that the “...in the manner the Minister considers appropriate...” part is taken out. The purpose is to make the reports publicly and easily accessible, and to hold the government accountable. This can only be done if the public is aware of these publications and has enough information.
- The Advisory Body:
 - Amend Section 20 (1) that states the role of the Advisory Body is to provide the Minister advice on reaching net zero emissions by 2050. As mentioned, accountability will be bolstered when the Advisory Body’s mandate is expanded so that the Minister is required to set and amend GHG emission reduction targets and plans based on the Advisory Body’s recommendations (“Canada’s Climate Law” 2020).
 - Amend Section 21 (2) to require that the advisory body be composed of independent experts AND that it ensures that its composition includes representation from groups disproportionately affected by climate change, including youth, women and Indigenous peoples. To address these disproportionate impacts, it is pivotal that the function filled by the Body to the government on climate policy matters reflects the views of these groups of people. We are open to varied combinations of how this representation will take place, but a very notable benchmark is the *BC Climate Change Accountability Act*. It requires that the advisory committee established under that Act must be made up of at least 50% women and have at least one representative from each of the following groups: Indigenous peoples; local governments; environmental organizations; academics; unions; persons living in rural and remote communities; and the business community (“Climate Change Accountability Act” 2007).
 - Amend Section 22 (1) to take into consideration the above-mentioned expansion of the Advisory Body’s mandate and scope. This includes not only its role in consultation and recommendations for setting and amending GHG emission reduction targets and plans, but also in submitting reports in the establishment of Emission Reduction Plans, and on the government’s Progress and Assessment Reports. This section should include a clear timeline for all the reports.
 - A further approach would be requiring that both the Advisory Body’s annual reports and the Minister’s responses be tabled in Parliament (“Canada’s Climate Law” 2020).
 - There needs to be a yearly review of the minister’s GHG emissions progress. Looking at Sweden, perhaps taking the extra step of a follow-up assessment carried out by the Advisory Body three months after the initial

yearly review would increase accountability (“Sweden’s Climate Act” 2017). By waiting five years, as currently written in the bill, far too much time is elapsing in between checks, allowing a much greater chance of getting completely off course.

- In line with strong climate accountability legislation in Europe and New Zealand, the Advisory Body should be an independent Committee, that both recommends and consults on the content of the Emission Reduction Plan, target setting and their respective amendments (“International and Domestic” n.d.). And it should have a watchdog function by monitoring and reviewing progress through Annual Review and its own Progress Reports (“International and Domestic” n.d.).
- Amend Section 22 (2) to reflect the expanded Advisory Body’s mandate and scope beyond what is currently stated within the Bill and referring to “...the advice that the advisory body includes in its annual report with respect to measures and sectoral strategies that the Government of Canada could implement...”. It should be reworded to something like “...with respect to the recommendations in setting and amending GHG emission reduction targets, and Emission Reduction Plans, and with respect to the Advisory Body’s review of the Assessment Reports”.
- Annual Report:
 - Amend Section 23 to reword the unclear language and make it explicit that the Minister of Finance must prepare an annual report that describes the measures the government is taking to address its financial risks and opportunities related to climate change AND in view of the interim and 2050 GHG emission reduction targets and goals (“Canada’s Climate Law” 2020).

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