



Written Submission for the Pre-Budget Consultations in Advance of the Upcoming Federal Budget

By: Ecojustice

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Recommendations to the federal government

Recommendation 1: That the government support a legislated arm's length expert advisory committee to advise and report on implementation of forthcoming climate accountability, or net-zero GHG legislation.

Recommendation 2: That the government support a national system of regular reporting on, and planning to meet, the risks climate change poses to Canada.

Detailed Recommendations

Overview:

Ecojustice was established on the Canadian west coast as the Sierra Legal Defence Fund in 1990, and now has offices across the country, in Vancouver, Calgary, Toronto, Ottawa and Halifax. Ecojustice uses the power of the law to defend nature, combat climate change, and fight for a healthy environment. Its strategic, innovative public interest litigation and law reform programs lead to legal precedents and legislation that deliver lasting solutions to Canada's most urgent environmental problems.

Recommendation 1: That the government allocate \$5 million annually for 5 years to support a legislated arm's length expert advisory committee to advise and report on implementation of forthcoming climate accountability, or net-zero GHG legislation.

The 2018 federal budget stipulated:

[T]o ensure that the actions established in the Pan-Canadian Framework on Clean Growth and Climate Change are transparent and informed by science and evidence, the Government proposes to make available \$20 million over five years, starting in 2018–19, through Environment and Climate Change Canada to fulfill the Framework's commitment to engage external experts to assess the effectiveness of its measures and identify best practices.

The 2019 ECCC Mandate Letter requires the Minister to: "Lead government-wide efforts to develop a plan to set Canada on a path to achieve a prosperous net-zero emissions future by 2050 [including] [s]etting legally-binding, five-year emissions-reduction milestones based on the advice of experts and consultations with Canadians."¹

A coalition of six environmental organizations including Ecojustice issued a report ("A New Climate Accountability Act: Building the legal foundation to achieve net-zero emissions by 2050") in May 2020 setting out recommendations for net-zero legislation. The recommendations are organized around five pillars of a best practice climate accountability framework, based on numerous international examples including from the UK, New Zealand, Germany and Denmark. In short, to be effective, such legislation must be grounded with an accountability framework to ensure these new targets do not simply fall by the wayside like every previous GHG emissions reduction target Canada has set.²

The recommendations in the report are consistent with the February 2020 Report of the Standing Committee on Finance (Canadian Ideas: Leveraging our Strengths), which sets out, as its second recommendation: "Adopt a transparent environmental framework with legislated five-year GHG

¹ Source: <https://pm.gc.ca/en/mandate-letters/2019/12/13/minister-environment-and-climate-change-mandate-letter>

² Source: <https://www.ecojjustice.ca/wp-content/uploads/2020/06/Policy-Brief-New-Canadian-Climate-Accountability-Act-1.pdf>

reductions targets to achieve net-zero emissions by 2050, and publish the government's ongoing progress in mitigating the impacts of climate change.” [Emphasis added]

One of the five pillars of a best practice climate accountability framework is an arm's length expert committee. That committee would advise on (Pillar 1) setting long-term GHG emissions reductions targets, (Pillar 2) setting interim targets (five-year carbon budgets or milestones) and (Pillar 3) regular climate impact reports. The committee would also independently monitor and report on (Pillar 4) plans to meet the targets and adapt to the climate impacts, and report on progress.

The UK's Climate Change Committee (CCC) is generally regarded as the best practice standard for such an expert committee. The CCC is formally a non-departmental public body (NDPB): that is, a body that has a role in the processes of national government, but is not part of a government department and operates at arm's length from Cabinet Ministers.

Security of tenure, financial security and administrative control are key elements of independence. An agency's ability to operate independently, and thereby fulfill an apolitical role, is severely hampered if it is not provided with an adequate budget.

The CCC's annual expenditures between 2009 and 2017 averaged £3.8 million or CND\$6.5 million.³ Adjusting for Canada's GDP, we recommend that the federal government allocate \$5 million annually for 5 years specifically for the development and operation of an expert advisory committee on climate change that will be established in forthcoming climate accountability legislation.

Recommendation 2: That the government allocate sufficient funding to support a national system of regular reporting on, and planning to meet, the risks that climate change poses to Canada.

Canada has a long history of colonization and environmental racism, which, in recent weeks, has found increased focus. Canadian political leaders, institutions and even private corporations have pledged to do more to challenge their own understanding of racism and its impacts on racialized communities.

This must also extend to our understanding of the injustices inflicted by climate change. Black, Indigenous and people of colour (BIPOC) produce little of the emissions that result in Canada missing its international commitments, but these communities are often hit first and hardest by the impacts of climate change.⁴ Exposure to a rapidly changing climate in Canada's north puts indigenous communities at risk from thawing permafrost, sea level rise and storm surges. Extreme heatwaves are dangerous for those without access to air conditioning and cool, green spaces.

³ Source: <https://www.lse.ac.uk/granthaminstitute/publication/role-independent-bodies-in-climate-governance-uk-committee-on-climate-change/>

⁴ Source: <https://e360.yale.edu/features/ocean-justice-where-social-equity-and-the-climate-fight-intersect>

A new climate accountability law can help address some of these inequalities. In particular, the third pillar of our recommendations for a Canadian climate accountability law is five-year impact reporting which would set out the risks posed to Canadians, and the fourth pillar would require a national adaptation plan setting out the policies and strategies for adapting to those risks and impacts.

We believe that legislation can and should require that that impact reporting and adaptation planning squarely consider socio-economic equity and justice. If adequately funded and scoped for meaningful consultation with the communities facing the greatest impacts and risks of climate change, this aspect of a climate accountability framework can be part of the necessary work of addressing systemic racism.

In 2018/2019, seeking a comprehensive examination of climate change risks from a whole-of-government perspective, the Treasury Board of Canada Secretariat asked the Council of Canadian Academies (CCA) to examine the top climate risks for Canada and their relative significance. That report, “Canada’s Top Climate Change Risks”, by the Expert Panel on Climate Change Risks and Adaptation Potential convened by the CCA identified 12 key areas of risks and adaptation measures to lessen vulnerability or exposure.⁵

We recommend the government allocate funding to support regular impact reports and national adaptation planning under a legislated Canadian climate accountability framework at a level equivalent to or greater than that provided to the CCA for its climate risks report.

Concluding remarks

We thank you for the opportunity to provided recommendations on the next federal budget, which will certainly be one of the most important in the nation’s history. We look forward to the tabling of a budget that will ensure Canada emerges from the COVID-19 pandemic a more just and resilient country that provides opportunities for all people to succeed in a low-carbon, 21st-century economy.

⁵ Source: <https://cca-reports.ca/reports/prioritizing-climate-change-risks/>