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CEPA Sets The Record Straight: Energy Letter Critic Misses the Point

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Back in 2011, the Canadian Energy Pipeline Association (CEPA) co-signed a letter to the Government of Canada providing suggestions on regulatory changes based on their experience. If you haven't read it, you can do so here.

Over the past couple weeks much has been made of this letter including a post headlined "A Love Letter to Harper From the Oil Industry" that was published on this site. This post contains information that is just not right.

So – we'd like to set the record straight from CEPA's perspective.

Fact #1: Lobbying is an important part of the democratic process.

As registered lobbyists with the federal government, it's part of our role as advocates for the industry to provide information to the government about the challenges and opportunities facing the pipeline industry. One of those opportunities could be when the government seeks input on legislative changes.

The co-signed letter offered the government insights into how Canada's environmental legislation could be improved so that it's more effective and efficient while also enhancing environmental protection.

To learn more about the role of lobbyists in Canada's democratic process, check out The Ten Things You Should Know About Lobbying from The Office of the Commissioner of Lobbying of Canada.

Fact #2: Changes to Bill C-38 and Bill C-45 focus on assessment, not reducing environmental protection.

Some critics believe that environmental protection has been watered-down. But, this is not the case. The process has been made more effective and efficient by focusing on projects that carry potentially higher risk impacts that might require mitigation.

Why is this necessary? Well, you don't have to take our word for it. There are numbers to prove it.

Studies conducted for the Canadian Environmental Assessment Agency indicate that many environmental assessments were conducted on activities that were benign or whose effects were well understood and mitigated through standard practices. Consider these statistics from the Executive Summary of one of their reports:

> "Preliminary analysis of a sub-sample of 2,259 screenings commenced in the year 2004 suggests that over 90% [of screenings] dealt with projects that appeared unlikely to cause more than minor adverse environmental effects or pose more than minor environmental risks."

These 2,259 assessments consumed significant human resources and it just makes sense to take those resources and expertise and apply them to major projects that are more likely to require regulatory attention.

Fact #3: The Navigable Waters Protection Act was changed to the Navigation Protection Act but is doesn't eliminate protection for Canadian waters.

Much like Fact #2, these changes reflect a change in the process - not a decline in environmental protection.

Here's some background:

Drafted in 1882, the purpose of the Navigable Waters Protection Act was "to facilitate trade and commerce by balancing the efficient movement of maritime traffic with the need to construct works (e.g., bridges) that might obstruct navigation, in order to encourage economic development." For more on this, see Division 18 on this page from the Department of Finance Canada website.

Prior to these changes, the Act applied to virtually all bodies of water in Canada, ranging from the St. Lawrence River to small streams that could float a canoe. So construction of a pipeline across a ditch in a farmer's frozen field, where clearly no navigation could take place, triggered the need for a permit and for a federal environmental assessment.

Changes to the Act, including its name, are now a better reflection of its intent and purpose. Amendments to the Act clearly define the major navigable waterways that require regulatory approval. This can be found in the summary of Bill C-45:

> "... [Bill C-45] amends that Act to provide for an assessment process for certain works and to provide that works that are assessed as likely to substantially interfere with navigation require the Minister's approval."

Environmental assessment of projects affecting water will still take place under the new Canadian Environmental Assessment Act 2012. Period. And, these assessments will consider all types of potential impacts to water. However, the assessments will no longer be triggered by a permit to cross a dry stream in a frozen field, but rather by projects of a scale that is likely to require mitigation. To us, this approach seems to make the most sense.

Fact #4: We did not advocate for any changes to the Indian Act

Our industry has a long history of working and consulting constructively with Aboriginals groups. The comment in the letter was to encourage the Government to continue its work to improve the process, roles and responsibilities for crown consultation in resource development projects. The intention was not to suggest changes to the Indian Act.

So, the bottom line is this -- we aren't advocating for reduced environmental protection, but rather drawing regulatory attention to areas where it best protects the interest of all Canadians. And, in the case of our federally regulated pipeline industry, the National Energy Board, it will be the regulatory body that will conduct environmental assessments, including an assessment of impacts to water, water-use, and navigation.

These are the facts. The letter to the Government was simply a reflection of the role we play in the democratic process. For more information about pipelines, please visit our website: www.aboutpipelines.com.

The Canadian Energy Pipeline Association represents Canada's transmission pipeline companies. Our members transport 97% of Canada's daily natural gas and onshore crude oil production from producing regions to markets throughout Canada and the United States.