

Impact Assessment Agency of Canada

10 Barbers Hill, Suite 301

St. Johns, NL, A1C 6M1

Submitted via email: ceaa.nloffshorestudy-etudeextracotieretnl.acee@canada.ca

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RE: Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador draft report (reference number 80156)

“The Regional Assessment focuses on the effects of existing and anticipated offshore oil and gas exploratory drilling in the offshore area east of Newfoundland and Labrador. The Regional Assessment aims to improve the efficiency of the environmental assessment process as it applies to oil and gas exploration drilling, while at the same time ensuring the highest standards of environmental protection continue to be applied and maintained. The assessment will build upon the experience and knowledge gained in assessing previous projects, reduce duplication in processes and information, and result in more efficient project reviews for exploration projects.” – [Impact Assessment Agency of Canada webpage for the Regional Assessment](#)

Dear Committee members,

I write to you on behalf of the Council of Canadians, a grassroots social justice organization with more than 150,000 supporters across Canada who are concerned with protecting our water, environment and democracy for future generations. We work to eliminate the social harm and inequality that the climate crisis perpetuates, and the historical injustices that Indigenous peoples and people of colour experience in the present day.

Offshore drilling contributes to these issues in several ways, including environmental and safety risks related to blowouts, inadequate spill responses, and harm to the coastline and marine environments. It also poses risks to other industries like fisheries and tourism that are the backbone of provincial economies in Atlantic Canada. In the current climate crisis, Canada must stop further development of fossil fuels and extractives, including through offshore drilling.

The Council of Canadians is working with community activists in Nova Scotia calling for a public inquiry on offshore drilling, and to impose a moratorium on drilling during the inquiry process. We submit to your committee today regarding the decision to shift to regional impact assessments as a means of “making the impact assessment process more efficient”, pointing to several areas of concern for your consideration.

Concern: Lack of risk assessment

The draft report states, “Assessing and evaluating risk was beyond the timing and resources available to the Committee but remains a fundamental requirement to guide future decision-making around sustainable use of offshore resources” (pg. viii *Executive summary*).

Calling this a “draft regional impact assessment” while not including an actual assessment of risks or recommendations on eliminating these risks is a major gap in the report. It does not eliminate the need for project-specific assessments and weakens support for those assessments.

“... This includes consideration of the precautionary principle, which was defined by the 1992 Rio Declaration on Environment and Development (Principle 15) as follows: Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation (UNCED 1992).” (pg. 169, section 7.1.4 *Precautionary Principle, Uncertainty and Risk of Irreversible Harm*).

Per [Newfoundland and Labrador’s Environmental Protection Act](#) (pg. 4), the precautionary approach shall be used as follows: “Where there is a threat of serious or irreversible damage to the environment, all reasonable environmental protection measures will be taken, even if full scientific knowledge is lacking.”

This committee should ensure recommendations align with Newfoundland and Labrador’s legislation. Using the weaker Rio definition undermines existing law and threatens environmental protections. Risks related to offshore drilling cannot be understated and reducing protections against even a small risk of a devastating blowout runs counter to the precautionary principle.

One of the world’s leading oil industry risk assessment experts, Dr. Robert Bea, highlighted that BP Canada underestimated the risk of a catastrophic spill at its drill site offshore Nova Scotia by a factor between 10 and 100. This is clear cause for concern, indicating that risk assessments are a vital part of the process and must be enforced.

Concern: Lack of Indigenous consent

According to the United Nations Declaration on the Rights of Indigenous Peoples, Indigenous peoples have a right to free, prior and informed consent. It is clear from the draft report that the committee went to great lengths to consult with Indigenous peoples and Indigenous organizational representatives, and we commend the committee for its commitments in this

regard. As you've outlined in section 6 of the draft report, culturally Indigenous peoples have distinct worldviews, including that Mother Earth is the mother of all and it is the role of humans to protect her and all those who cannot speak up to protect themselves (plant life, for example), and the concept of Two-Eyed Seeing.

While Indigenous Knowledge was shared with the committee, and proposals were brought forward by the committee to ensure it was aware of and recognized Indigenous concerns, it appears that these concerns have not been conclusively addressed. In other words, although the committee has done extensive consultation, you have not acquired consent.

Concern: The climate crisis

“Finally, while the focus of this Regional Assessment is on exploratory drilling, the effects of any eventual extraction of hydrocarbons would be assessed in a separate process, including climate implications and sustainability of these productions projects.” (*pg. 158, section 6.3.1.3 The Need to Value Environment Over Economy*)

This is a wholly insufficient approach given the severity of the climate crisis. The decision to push the assessment of downstream emissions into a later process should be reconsidered in light of Canada's climate commitments and international standards. The United Nations' Environment Programme's 2019 [Production Gap Report](#), details the gap between the Paris Agreement targets, and the production of fossil fuels. It calls for “a sharpened, and long overdue, focus on fossil fuels,” which includes the oil and gas extraction that is the focus of this regional impact assessment.

Oceans are already stressed by climate change. Scientists warn that the Gulf of St. Lawrence is warming more rapidly than almost anywhere on Earth. Adding additional stressors to a system that is already stressed is not wise.

In October 2018, The United Nations' Intergovernmental Panel on Climate Change [released its report including the dire warning](#) that we have until 2030 to curb GHG emissions before the Earth's climate tips past a point of no return. Government cannot sacrifice other billion-dollar industries or the global climate for the fundamentally undemocratic and unsustainable offshore drilling industry.

We need a just transition to a sustainable economy, knitting all the climate solutions we know into a compelling and tangible vision to protect our oceans and our planet. Instead, this draft report significantly downplays the impact of the offshore industry in Newfoundland and

Labrador and keeps us stuck in an unsustainable reliance on offshore drilling rather than supporting cleaner alternatives.

Concern: Marine environment

The draft report does not propose any recommendations to protect sensitive areas within the study area. This is out of line with Federal government commitments, which include protecting 25 percent of our oceans by 2025. Sensitive areas offshore Newfoundland should be included in this goal, where the vital sustainable fishery industry operates.

There is no way to ensure protection or even adequate mitigation if a catastrophic spill were to occur. The draft report recognizes this risk but does nothing to mitigate it, highlighting that a spill would be a violation of Canada's obligations under the Convention on Biological Diversity.

Concern: Process

As the draft report states in the Executive Summary, your committee had only 10 months (less than a typical impact assessment for one exploratory drilling project) and limited resources, including limited access to Federal government scientists. Despite the thoughtful process of consulting Indigenous peoples and the detailed GIS proposal, this process has otherwise been rushed.

We are concerned that as the first regional assessment under the new Impact Assessment Act, this report sets the bar too low for any substantive future regional assessment processes.

The Committee is co-chaired by a member of the Canada-Newfoundland and Labrador Offshore Petroleum Board (CNLOPB), which has the conflicting mandate of promoting and regulating the offshore industry. A certain amount of power comes with the role of co-chair, and many points from the report appear to maintain the status quo of crafting processes that work for industry by removing barriers for approvals of offshore drilling projects and downplaying climate impacts, instead of producing a substantive understanding of the actual risks related to offshore drilling.

The development of an online GIS map of Eastern Newfoundland and Labrador could be a useful research outcome. However, a GIS database compiling existing information will not in and of itself provide advice to decision-makers of relative risks to support approval or rejection of projects, which makes us question the value of this focus by the committee.

Conclusion

The draft report does not include an assessment of risks or advice regarding the elimination of these risks, does not determine Indigenous consent, does not adequately consider the marine environment or the climate crisis. Despite solid efforts in some areas like Indigenous consultation and GIS tools, if the intention of this Regional impact assessment is to exempt exploratory drilling proponents from project-specific impact assessments, it has failed.

Respectfully,

<Original signed by>

Angela Giles

Atlantic regional organizer | The Council of Canadians

organizing on unceded and unsurrendered ancestral territory of the Mi'kmaq Nation

agiles@canadians.org | 902.478.5727