

Feedback for the Discussion Document on the Implementation Framework for the Right to a Healthy Environment

Prepared on behalf of **Shake Up The Establishment (SUTE)**

For **Environment and Climate Change Canada & Health Canada**

On **April 8th, 2024**



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ABOUT SHAKE UP THE ESTABLISHMENT (SUTE)

Shake Up The Establishment (SUTE) is a national youth-led registered not-for-profit organization (#1190975-4) that focuses on promoting climate justice within the geographical confines of what is currently known as "Canada". We use an intersectional approach to promote non-partisan political advocacy, craft accessible evidence-informed educational resources to improve climate and environmental literacy and work to collaborate directly with underserved and structurally vulnerable communities to address injustices. Although we are a national organization with team members from across what is currently Canada, our founders dreamt up, organized and registered this organization upon Treaty 3 lands, belonging to the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas Peoples. We acknowledge that our actions as an organization and the work that we put out have an impact on these lands and upon all that call it home. We are humbled to be able to follow the lead of Indigenous-led efforts towards the protection and stewardship of this environment since time immemorial across these lands we currently call 'Canada.' We honour the contributions of Indigenous, Black and other racialized peoples within the climate justice space and recognize their resiliency in the face of systemic oppression imposed by the settler colonial state. We aim to incorporate joy, rest and dreaming of futures throughout our work, particularly for racialized and/or Indigenous Peoples, women and gender-diverse peoples, low-income, neurodiverse, and (dis)abled youth, to help craft a more sustainable movement. We want to make space for people to reflect on their relationship to lands they live, work and thrive upon, and encourage all to show up responsibly and in solidarity with Indigenous communities to care for and nourish each other and these lands accordingly.

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SUTE's Authorship Team

Manvi Bhalla (She/Her), President & Co-Founder of SUTE

An activist-scholar with extensive intersectional community organizing experience, Manvi is recognized as one of Canada's 'Top 25 Under 25' environmentalists, 'Top 30 Under 30' sustainability leaders and was honoured with the 'Youth Eco-Hero of the Year' award in 2022. She co-founded Shake Up The Establishment, a national nonprofit dedicated to climate justice & political advocacy, alongside missINFORMED, a nonprofit focused on health promotion for women and gender-diverse peoples. She serves on numerous advisory committees and has recently served as executive producer on a mini-documentary on conservation of the Greenbelt, as well as co-editor/author of the new book, *Practicing Rest, Recovery, Resistance*. Alongside her advocacy work, Manvi is a published health researcher, frequent public speaker and guest lecturer who works to centre anti-colonial approaches. During her MSc, she investigated barriers towards climate action within the public health sector. Presently, she is a PhD student at University of British Columbia with SSHRC Doctoral Fellowship funding. For her doctoral research, Manvi will be looking into how we can be more meaningfully inclusive of racially, ethnically and gender-minoritized peoples' knowledges and expertise in environmental health policy-making. Given that these populations are amongst the most disproportionately burdened with negative health impacts as a result of exposure to environmental hazards, pollutants and toxins, this research aims to use an intersectional, anti-colonial environmental justice approach to explore and honor pluralistic epistemologies and ontologies as it concerns these populations' conceptualizes of and embodied experiences with environmental health risk. Methods being exploring for this work include critical policy analyses (as it concerns reforms to the Canadian Environmental Protection Act), as well as qualitative interviews and arts-based participatory action research methods to co-imagine environmentally just futures with members of the study populations of interest, with a particular focus on South Asian communities in Toronto and Vancouver, of which Manvi personally belongs to.

Anna Huschka (She/Her), Director of Policy Interventions at SUTE

An avid policy enthusiast, Anna graduated in 2022 from the University of Guelph with a BSCH, majoring in Biological Science and minoring in Political Science, in which she was able to obtain not only a scientific understanding of the impacts of climate change, but also a political understanding of how decisions are being made and policies are being developed, in order to identify the best points at which change can occur. As a cis-gendered white woman, she aims to use her privilege and platform to amplify and support the work of community-based efforts that have developed out of necessity of addressing the issues of climate justice. Anna has volunteered with SUTE for over 4 years, during which she has helped to develop resources on topics across climate justice and was a leading researcher during the organization's federal election #NotVotingFckingSucks campaign. Anna was a recipient of the 2020 Young Neighbours Achievement Award for her work at SUTE. As Director of Policy Interventions, Anna has responded to calls for feedback on federal climate policies and projects including the Oil and Gas Emissions Cap and the recent public update to the Clean Electricity Regulations.

Zeina Seaifan (She/Her), Policy, Community & Campaigns Coordinator at SUTE

Zeina is an aspiring scholar and activist who completed her undergraduate and master's at the University of Toronto, where she specialized in environmental sustainability and diasporic transnational communities. During her MES, she explored how Toronto's racialized and low-income diasporic communities were defining, accessing, and adopting sustainable lifestyles through the non-profit environment. Building on her findings, Zeina will begin her PhD at McGill University where she will be investigating the relationship between Arab-Canadian diasporic communities and questions of environmentalism in the homeland. As a Lebanese Canadian who belongs to a displaced community that in turn has contributed to the colonial displacement of another, Zeina is incredibly passionate about intersectional work around decolonization and environmental justice. In advancing

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intersectional work around marginalized communities and environmental justice, Zeina currently holds various roles related to community organizing and advocacy where she aims to contribute her unique perspective as an Arab-Muslim on contemporary environmental issues.

Nadine Ivanov (She/Her), Policy, Community & Campaigns Coordinator at SUTE

Nadine is an environmental activist who completed her undergraduate degree in Environmental Science and Global Development at Queen's University. She is now an incoming Master's student at The London School of Economics where she will be studying an Msc in Environmental Policy and Regulation. Her research interests include environmental justice in the Global South, sustainable development and building materials, adaptive and collaborative environmental governance frameworks, environmental protection frameworks, carbon emissions, the green energy transition, and entertainment & sustainability policies. Nadine hopes to one day coordinate global environmental policy through international organizations in a meaningful and just manner. As a first-generation Canadian with mixed-race heritage and a mixed socio-economic background, she understands the effectiveness and need for meaningful participation from disadvantaged communities while coordinating policy responses to global issues such as climate change. Therefore, she is extremely grateful and excited to be a part of an organization like SUTE, and making a greater impact in her local community.

Aarisha Elvi Haider (She/Her), Policy, Community & Campaigns Coordinator at SUTE

Aarisha has a background in Political Science from the University of British Columbia and has accumulated vast experience in grassroots organizing, decolonial research and project management. All throughout her studies in university, she felt there was a disconnect between academia and collective action until she found herself participating in a global seminar in Peru that introduced her to the concept of Rights of Nature– a concept which would later shape her passion for social and climate justice. Living and learning from the Indigenous Kichwa-Lamista community informs the work that she does to this day. Some of her memorable work includes the Longhouse Dialogues Project, a Women Deliver satellite event bridging climate change, gender equality, and Indigenous solidarity into action; co-leading an independent arm's length project with other SUTE members on collecting youth perspectives on handling Canada's radioactive waste (a collaboration with the Nuclear Waste Management Organization); developing a Youth Impact Framework that acts as a universal language between higher level institutions and governments, and youth leaders doing meaningful climate work in their communities with the hopes of getting youth-led work funded– the report is used by many youth leaders and organizations like the C40s, Ashden, and UN-habitat.

Tolu Amuwo (She/Her), Policy, Community & Campaigns Coordinator at SUTE



Tolu is an aspiring scholar and community advocate for social wellbeing and change. Her Bachelor of Science degree in Environmental Science at the University of British Columbia has informed her belief that cultivating our relations with the earth and with each other positions us to make deeper positive and systemic impacts. She has engaged in volunteer work on a local scale, with community-led food cooperatives and on a global scale, with marine conservation and resource management organizations. Her interests in environmental protection and policy have led to her work in water governance policy and legislation that supports First Nations aquatic resource stewardship and she hopes to continue to maintain a close relationship with her background in ecology and conservation as she pursues a Master's degree, which through Community Based Research, weaves Traditional Ecological Knowledge into western decision making processes. Through her work, Tolu hopes to continue to amplify the power that collective action and a unified voice has to enact meaningful change.

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Endorsements

Support From Other Organizations for This Report

Based on widespread discussions amongst those within the voluntary sector, grassroots groups, community-led initiatives, smaller nonprofits, as well as organizations led by youth and/or marginalized, minoritized and often underfunded populations do not have the capacity to submit their own submission for this consultation process. To address this, we have actively shared our report with such groups in our known networks ahead of the April 8, 2024 submission deadline, to ask if the feedback and recommendations forthcoming from this report are aligned with their views in the context of the communities they serve across what is currently Canada. If so, we invited them to endorse the contents of this report, to bolster its impact and influence with decision-makers as part of this process. It is our hope that you consider the weight of these endorsements as equal to individual submissions on behalf of each of these groups. **The following organizations have endorsed the contents of this report, including the feedback and recommendations. The representatives who have endorsed this report on behalf of their organizations have confirmed that they have the authority to do so.**

Full name, pronouns & title(s)	Organization name & website	Logo
<p>Honour Stahl (she/her), Executive Director</p> <p>Kanisha Acharya-Patel (she/her), Law Reform Specialist</p>	<p>Women's Healthy Environments Network (WHEN)</p> <p>womenshealthyenvironments.ca</p>	
<p>Aadil Nathani (he/him), Co-Founder and Director of Partnerships & Operations</p>	<p>Green Ummah</p> <p>greenummah.org/</p>	

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<p>Gursimran Parmar (she/her), Executive Assistant</p>	<p>Community Climate Council</p> <p>https://www.communityclimaticouncil.org/</p>	
<p>Kat Cadungog (she/her), Executive Director</p>	<p>Foundation for Environmental Stewardship</p> <p>https://www.fesplanet.org/</p>	
<p>Shir Gruber (she/her), National Co-Director</p>	<p>Sustainable Youth Canada</p>	
<p>Kai M. A. Chan (he/him), Professor and Canada Research Chair — Rewilding and Social-Ecological Transformation, Institute for Resources, Environment & Sustainability, University of British Columbia</p>	<p>CoSphere</p>	

SUTE's Support for Recommendations Made by Others

SUTE endorses the comments submitted by the [Women's Healthy Environments Network \(WHEN\)](#), a non-profit organization that advocates for health and environmental justice, particularly for women and other systemically oppressed communities. Their submission features important legal expertise on addressing environmental harms and toxins exposure, and their intersectional feminist framing addresses concerns of systemically overlooked groups.

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Summary of Key Recommendations

1. We ask that the government use clearer wording choices that reflect a stronger commitment to upholding RTHE and better indicate their intentions with RTHE's implementation and scope of protection.
2. The government must maintain continuous engagement with the communities most disproportionately impacted, not only in improving access to consultation processes but also in providing them with linguistically accessible, culturally competent information for their unique environmental health needs to increase informed decision-making, agency and resiliency.
3. The government needs to be more ambitious in developing an intersectional, justice-based approach to the implementation of RTHE to ensure they are protecting everyone's right to a healthy environment, and that they do not unduly limit the scope due to known issues with environmental hazard mitigation such as jurisdictional ambiguity, or other excuses that privilege some groups (e.g., white, Anglo-Euro settler cisgender heterosexual men) to the detriment or underservice of other groups.
4. The government needs to better incorporate Indigenous leadership, Indigenous Knowledge Systems, as well as other ethno-culturally diverse ancestral, traditional, embodied, and community-based knowledges, into the implementation of the right to a healthy environment in a manner that does not unduly tokenize, invalidate or perpetuate harm through extractive processes in the design, use and inclusion of these forms of expertise.
5. The government must explicitly design and implement immediate resources to support research that helps to fill existing research gaps and more effectively address community-identified environmental health needs of minoritized, marginalized and underserved communities.
6. There is a need for significant adjustment to the management cycle being implemented under CEPA to better align with equity-centred, community-based needs and priorities.

See detailed recommendations list in Section 3, on pages 47-51 of this report.

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1. Feedback on the Discussion Document Contents

In this section, we provide section-by-section feedback on the contents of the discussion document. We chose this approach as throughout our engagement with the discussion document, there were choices in wording, framing and general approaches overall in the Government’s communications about this topic across all of the sections that warranted feedback– not just the proposed areas for discussion recommended by the Government through their chosen discussion questions. Overall, as the first major communication regarding the implementation of the right to a healthy environment, we offer recommendations in wording and framing that are relevant feedback which can help to shape future communications alongside the overarching design of the implementation framework. In sections 2 and 3, we will more directly share responses to the discussion questions posed and offer broader recommendations for the next stage of this process to design the implementation framework.

Recommendation	Context from Discussion Document
Purpose of Document	
Use Language Reflecting a Stronger Commitment to Implement the Right to a Healthy Environment	We are concerned about the use of the term “considered” (p. 5) in relation to incorporating the right to a healthy environment into the implementation of CEPA and the principles shaping the Act. While the right to a healthy environment is not entrenched into our Charter rights, citizens still deserve a more significant, direct commitment from the government when it comes to this right, and the integration of feedback stemming from the consultation process.
Need More Specific Language Indicating Who RTHE Protects	The Federal government needs to provide a more specific definition to the concept of “individuals in Canada” (p. 5) to ensure that the right to a healthy environment is not pertaining solely to citizens of what is currently Canada, but to the needs and lives of migrants, refugees, and immigrants. Further, this should be explicitly inclusive of those who would be here for seasonal labour, like within agricultural settings, who are known to experience structural vulnerability, and whose health needs (and corresponding necessary protections) cannot be unduly ignored or dismissed through this process.
Background	
Legislative Requirements	

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<p>Concerns With Government’s Over Reliance On Consultations “With Any Interested Person” (p. 6) Over Dedicated Outreach And Deliberate Inclusion Of Underrepresented And Disproportionately Impacted Groups</p>	<p>We need further clarity on what this process actually looks like, and the accountability measures being implemented to ensure that this process is just and accessible. Throughout our engagement in the feedback process, participation has been that interested parties who are already aware of these issues have been having to seek out governmental participation options, rather than the government proactively engaging with everyday citizens and communities most impacted in a way that is comprehensible and accessible for them. To not include racially, ethnically and gender-minoritized populations more deliberately at this critical stage is to ensure that there will be major areas for improvement during the implementation process itself because those most impacted by this framework will not have weighed in early enough. This will lead to continuous cycles of reform, and the continued need for whole nonprofit organizations to exist and weigh in on these inaccessible bureaucratic processes for years to come. Remember, “nothing about us without us”. This means that reducing accessibility barriers towards inclusion is also within the mandate of this work. Youth, particularly racially, ethnically and gender-minoritized youth, should be compensated for their work in organizing feedback as part of this process. It is unfair to expect participation by those most structurally disadvantaged and vulnerable, within a capitalist society, without ensuring remuneration for the time, emotional labour and for covering costs associated with barriers addressed to ensure they could participate in these processes. This means not only remuneration in money, but childcare, meals, transport, or any other necessary means for them to access the devices they need, gather the knowledge they need, and invest the time they need, to weigh in.</p>
<p>Inappropriate Definition And Use/Application Of “Equity” Due To Inadequate Consideration For Meaning Of Equity In The Context Of Intergenerationality And Geographic Distributions Of Harm</p>	<p>Our team is also concerned with the application of the term “equity” in relation to the concepts of intergenerational equity and environmental equity (p. 6; textbox 1). The term equity stems from distributive justice principles, but as it is used in these contexts in a somewhat lazy form of non-specific communication, this could inadvertently implicate meaning to distribute exposure to environmental harms equally across generations and amongst sub-populations, which is counter to the purpose of equity. Rather we would suggest that wording is deliberately adjusted to ensure we are stating what we mean: which is that we need to protect the health of all peoples, minimize exposure to environmental hazards for all, with the added explicit consideration of ensuring those most "vulnerabilized" by systems, policies, research and institutions that are underserving them, to</p>

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	<p>not continue to be disproportionately exposed to environmental hazards alongside having lesser access to environmental health benefits. In doing so, we would be ensuring that our policies do not leave anyone behind, not that they equally distribute harm. Further, in tying with your principle of non-regression, that means that the term intergenerational equity again, does not make sense. We do not want to equally share a burden of environmental hazards across generations - we want every consequent generation to have less and less exposure to environmental hazards and contaminants, and for them to be healthier in every successive generation. The government's wording choices need to be re-evaluated to be more specific in implying this.</p>
<p>Forthcoming Research Needs Increased Transparency, Expressly Should State Researcher Positionality And Must Use Intersectionality (Not Just GBA+) To Consider Structural Health Factors In Its Design & Analyses</p>	<p>We would like to see the government provide more clarity on the “research, studies, and monitoring activities in support of the right” (p. 6; textbox 1). We need to know who will be responsible for conducting these studies, and who will be the focus of the research, as the majority of environmental and toxin exposure has been centred on white folks, particularly men. There needs to be an intersectional approach in both who will be allowed to conduct the research and who will be the focus of any research, to produce the most holistic results needed to effectively discuss this topic. This is because both the researchers and those who are the focus of research and their socioeconomic background, personal experiences, and identity are all factors that affect the research process and results. Researcher positionality does not only involve disclosing how our lived experiences may influence our studies, it also reveals how our social, economic, or cultural privileges shape the questions that are asked and how they are answered. Therefore, researching white male individuals is not an all-encompassing view of how to best conduct monitoring activities that support the right to a healthy environment for all Canadians of various backgrounds. Qualitative research studies involve a complex interaction between the researcher and those who are the focus of research, in which the researcher’s relationship with participants and the research process influences the findings¹. These research processes must be transparent to properly inform the greater population.</p> <p>In addition to creating all encompassing research processes and studies, the results and findings from the studies conducted for the right to a healthy environment should be publicized in a manner that is</p>

¹ 1. Denzin NK, Lincoln YS, editors. The sage handbook of qualitative research. Thousand Oaks: Sage; 2011.

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	<p>understandable by all citizens of various backgrounds. The language should be digestible enough so the results can be understood by all populations, not just those who are passionate or educated on the topic.</p>
<p>Need For Frequent, Accessible Communications To Promote Knowledge Translation And Increase Trust In Government's Implementation</p>	<p>We are wondering if the federal government is planning to engage in other knowledge translation methodologies along with the production of “annual reports” (p. 6) pertaining to the right to a healthy environment, and we would strongly encourage them to do so if that was not previously planned. The government should be funding and engaging with NGOs and nonprofits that already have established networks and communities, as well as with public health units, providing environmental health-focused funding, dedicated to the most structurally vulnerable populations, hosting increased educational awareness, and offering current updates on ongoing monitoring and environmental hazard mitigation actions. That also means ongoing frequent opportunities for feedback, including accessible means for bi-directional feedback between community members expressing concerns, and Government officials addressing those concerns in an integrated manner aligned with the RTHE framework. The desire to use the annual report to “enable continuous improvement as experience is gained” (p. 6) further reiterates the need for the government to implement continuous consultation systems directly with communities, after the implementation framework is finalized, so that citizens can directly share their lived experiences with government representatives so that adaptations to the right and its implementation can be made as soon as possible. Finally, there needs to be further specification on who is being considered by the government in terms of “facilitating geographically targeted regulations” (p. 6).</p>
<p>Need To Consider Interconnected Cumulative and Synergistic Effects Of Exposure, Impacts Of Exposure At Critical Windows Of Vulnerability And Invest In Community-Based</p>	<p>We do have a few key considerations we want to highlight about the point of “requiring consideration of vulnerable populations, vulnerable environments and cumulative effects when conducting and analyzing certain assessments and reviews where information is available” (p. 6).</p> <p>“VULNERABLE POPULATIONS” (PG 6): Firstly, we need the government to ensure that their research is inclusive of cumulative and synergistic effects of all types of individual and interconnected residential, occupational, institutional and other exposures. Further, there needs to be dedicated considerations for critical windows of vulnerability², where individuals can</p>

² Scott (2019)

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Participatory Research

be more biologically vulnerable to certain toxic exposures during early development, puberty, pregnancy, lactation, and menopause³. Women are a vulnerable population who are highly understudied in the field of public health – particularly with gender-sensitive and sex specific differences in impacts of chemical exposures. An example of this is how the fatty tissue in womens’ bodies can accumulate chemicals over time causing them to store great quantities of toxic materials impacting their health. Similarly, during menopause, when levels of estrogen drop, their bone mass also drops, so chemicals (eg. lead) that have been accumulated over time subsequently release greater quantities, causing cognitive and neurological dysfunction.]⁴.

We recommend a decolonized approach to research that adheres to ethical practices of community-based participatory research. Linda Smith’s *Decolonizing Methodologies* outlines tangible ways to conduct ethical research practices – one that is based on respect, reciprocity, transparency and co-developed, rather than exploitative. Many community based participatory research efforts follow these methods, where communities are not “subjects” to study but to learn with, and co-create the research that would also be beneficial to them⁵. In this vein, we expect the government to be engaging in critical discussions with communities that are vulnerable to the impacts of climate change and are denied access to a healthy environment at the expense of industries who pollute. We firmly believe that the government should not only “analyze certain assessments and reviews” (p. 6) but all assessments, provided that certain assessments are decided by appropriate right holders and community members. There needs to be well-established accountability structures to ensure that structurally vulnerable, systemically oppressed and continuously understudied populations are not going to be left behind if the government is refusing to actively ensure that all populations are being considered. Dr Ingrid Waldron’s Research on Social Determinants of Health is an important and critical resource in studying populations that are disproportionately impacted by climate change caused by polluters and

³ Bhalla (2024)

⁴ Bhalla (2023)

⁵Decolonizing Methodologies: Research and Indigenous Peoples. [Internet]. [Zen Books Ltd]: Linda Tuhiwai Smith; 1999. Available from:

<https://nycstandswithstandingrock.files.wordpress.com/2016/10/linda-tuhiwai-smith-decolonizing-methodologies-research-and-indigenous-peoples.pdf>

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industries. Social factors such as poverty, education, race and gender play a factor in their existing lived reality of their relationship to the polluted environment that has been violently imposed by industries who pollute in low-income communities and neighbourhoods⁶. Prime examples include the case of Shelburne and Africville; and are good starting points to understand, reflect, and respectfully learn with “vulnerable populations”. As our last recommendation, we also urge the government to provide funding to organizations and communities that are already doing the work to help gather evidence and community-based input. We need to see different agencies, institutions, organizations, and governments, and their approaches, be better integrated in a way that ultimately prioritizes human and planetary health over profit. Each of these institutions have distinct approaches that would provide an overall well-rounded delivery of solutions in response to the challenges communities face.

VULNERABLE ENVIRONMENTS (PG 7; Textbox 2): We seek a clear definition for “vulnerable environments” (p. 7; textbox 2). It is hard to comment on this aspect further without knowledge of what the Government means when they use this term. We need to see more robust, intersectional definitions of what vulnerable communities and vulnerable environments are. These terms need to better acknowledge the systemic oppression that is causing certain communities to have “greater susceptibility or greater exposure”(p. 7; textbox 2) in the first place. The IPCC Sixth Assessment Report examines climate justice with a plural focus on the historical, social, and institutional role that produced inequalities through the impacts of climate change – impacts that make people vulnerable to climate hazards⁷. The report acknowledges that assessments and responses on vulnerability go beyond economic factors and need to be well studied on the realms of human vulnerability, resilience, human well-being, and livelihood security. In this same vein, we have issues with the government’s definition, particularly, the distinction of vulnerable populations as “groups of individuals”, which immediately dismisses the intersectionality of the

⁶ Environmental racism: New study investigates whether Nova Scotia dump boosted cancer rates in nearby Black community. [Internet]. [McMaster University]: Ingrid Waldron& Juliet Daniel; 2021. Available from: <https://brighterworld.mcmaster.ca/articles/environmental-racism-new-study-investigates-whether-nova-scotia-dump-boosted-cancer-rates-in-nearby-black-community/>

⁷ The IPCC Sixth Assessment Report– Chapter 8: Poverty, Livelihoods and Sustainable Development. [Internet]. [IPCC]:Birkmann, J., E. Liwenga, R. Pandey, E. Boyd, R. Djalante, F. Gemenne, W. Leal Filho, PF. Pinho, L. Stringer, and D. Wrathall; 2022. Available from: <https://www.ipcc.ch/report/ar6/wg2/chapter/chapter-8/>

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	<p>differential and compounding experiences of oppression that individuals with multiple intersecting minoritized identities face, and how this impacts the disproportionate amount of exposures they face. We are also concerned about how the acknowledgement of “greater susceptibility” comes ahead of “greater exposure” in the terms definition, showcasing the prioritization of addressing individual biological makeup over the structural and environmental aspects of exposure, despite consistent findings showing that social determinants of health play an undeniably large role and are a part of the upstream problem that allows for health inequities to exist and persist. On this note, we recommend that the government conducts roundtable discussions based on geographical regions (e.g. remote Indigenous and Black communities, age (e.g. youth between the ages of 15-30), gender, education and social status to define the term “vulnerability”. To design the roundtable, questions should be drafted in direct partnership with Indigenous organizations, youth-led organizations, and industries to better understand the intersectional problems that are salient and persistent in what is currently Canada. The findings and transcription process of these research methods must be transparent and shared with participants, and co-developed to ensure trust and transparency from start to finish.</p>
Need Improvements To Research For Structurally Vulnerable Communities	<p>Research of vulnerable communities also needs to be more gender-based and sex-specific, to make sure that impacts on women’s bodies are not only being studied on the basis of reproductive functionality, but because women deserve access to healthy environments and safe products that are not leaking toxins. This means we need more biomonitoring initiatives designed to capture our holistic health across the lifespan, regardless of reproductivity (i.e., we need more studies designed for girls, and gender-diverse peoples outside of MIREC, and beyond just the limited information we get from the control cohorts embedded within the design of MIREC). Women are typically underserved in environmental health policies as they are simultaneously understudied and systematically disadvantaged⁸. There are numerous gender-sensitive and sex-specific disadvantages that women may face when experiencing the impacts of exposure to chemicals, such as risks that come with pregnancy, accumulation of chemicals through fatty tissue and bone mass, and the environments that come with normative gender roles⁹. Additionally,</p>

⁸ Bhalla (2024)

⁹ Bhalla (2024)

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research and studies cannot solely focus on white, middle-income women, as these studies must increase their focus on vulnerable populations, including but not limited to racially minoritized women, immigrant women, and lower-income women. Regardless of reproductive functionality, gender-sensitive impacts should be further studied to fully encompass the necessary environments and products that foster a healthy environment for women, so they can be properly served by environmental health policies.

We also need to see more research on racially and ethnically minoritized men, and their fertility rates as this is an area of reproductive justice that is also understudied¹⁰. Most environmental toxins compromising spermatogenesis levels in males are encountered through low-dose, chronic exposures¹¹. This often means that these toxins are accumulated through lifestyle, residential areas, and work environment exposures. Therefore, greater research and studies, including biomonitoring studies, must be conducted on vulnerable populations who have a greater susceptibility and higher risk for exposure in their everyday environments¹².

Overall, there needs to be more wide-spread biomonitoring offerings across the board. People want to know their ‘body burdens’, particularly in urban settings, or folks working in identified harmful industries (e.g. the oil sands in Alberta and their impact on Indigenous communities, South and East Asian populations experiencing disproportionate environmental hazards in Toronto and Vancouver, etc.). Communities and industries facing some of the highest exposure levels in the country need more comprehensive biomonitoring so they can have a better understanding of the risks they are facing. Biomonitoring studies can also help inform an implementation framework that sets out how the right to a healthy environment will be

¹⁰Krzastek SC, Farhi J, Gray M, Smith RP. Impact of environmental toxin exposure on male fertility potential. *Translational Andrology and Urology*. 2020 Dec 9;9(6):2797–813. doi:10.21037/tau-20-685

¹¹ Krastek, et al. (2020)

¹² Human biomonitoring of environmental chemicals: Current use and future directions [Internet]. NCCEH Webinar. NCCEHWebinar;2024. Available from:

<https://ncc eh.ca/events/upcoming-webinars/human-biomonitoring-environmental-chemicals-current-use-and-future#:~:text=Human%20biomonitoring%20data%20can%20be,protect%20the%20health%20of%20Canadians>

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	<p>considered in administering the Canadian Environmental Protection Act¹³. Disproportionately vulnerable populations need greater research and data to address source attribution and health effects to help people be more aware of their surrounding risks and to help develop more effective protection frameworks.</p>
Concerns About The Government's Current Approaches To Attaining "Free, Prior, And Informed Consent" (P. 7)	<p>All land across what is currently Canada is Indigenous land. Indigenous communities do not deserve to simply have just "free, prior, informed consent", they deserve to have influential seats at the decision-making table, and vast representation, because there are so many diverse Indigenous communities across the country, there must be in-depth consultation with all of them on a Nation-to-Nation, community-to-community basis. As noted by Indigenous Climate Action in their "Decolonizing Canadian Climate Policy part 1" report, Canadian climate policies, like A Healthy Environment, A Healthy Economy (HEHE), while utilizing the term "Indigenous" multiple times throughout, failed to adequately engage with Indigenous peoples, and structurally excluded them in their policy development ¹⁴. There is a consistent lack of meaningful integration of the United Nations Declaration of Indigenous Peoples (UNDRIP) or free, prior, informed consent into the policies, along with no opportunities for Indigenous people to give or withhold consent about both aforementioned frameworks. It is imperative that when mentioning Indigenous Rights in this framework, the government does its due diligence and learns from its previous political errors in re-writing policies that mentioned Indigenous People's right to Self-Determination, and follows direct partnership with Indigenous communities that adhere to Indigenous-led climate solutions and leadership. There needs to be ongoing discussions with Indigenous communities about the ramifications of these policies to ensure that there is not unjust harm being done. For example, the increase of carbon pricing in HEHE's plan directly impacts Indigenous communities because the average income of Indigenous people is significantly lower than non-Indigenous communities, and while a carbon</p>

¹³Human biomonitoring of environmental chemicals: Current use and future directions [Internet]. NCEH Webinar.NCCEHWebinar;2024.AvailableFrom:

<https://nceh.ca/events/upcoming-webinars/human-biomonitoring-environmental-chemicals-current-use-and-future#:~:text=Human%20biomonitoring%20data%20can%20be,protect%20the%20health%20of%20Canadians>

¹⁴Decolonizing Climate Policy-Report from Phase One. [Internet]. [Indigenous Climate Action]: 2021 March. Available:

https://static1.squarespace.com/static/5e8e4b5ae8628564ab4bc44c/t/6061cb5926611066ba64a953/1617021791071/pcf_critique_FINAL.pdf

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	<p>tax is exempted when purchase of fuel takes place on reserves, Indigenous people (majority in BC) who live off reserves are not exempted from carbon pricing, and therefore are most affected by these policies.</p>
<p>Critical Need To Better Honour Pluralistic Epistemologies And Ontologies</p>	<p>Another wording correction that needs to be made is that throughout the discussion document, the government uses “Indigenous knowledge” (p. 7), rather than “Indigenous knowledges”. Indigenous communities are not a homogeneity, they will each have their own unique systems of place-based knowledges. As well, the government needs to incorporate ancestral, cultural, traditional, experiential and intergenerational knowledges, cultures, worldviews and ways of being outside of the White Euro-settler centric and Western science perspectives. Indigenous knowledge systems are embodied within their relationship to the land and other beings, and are contextualized based on the state of the natural world and therefore, develop climate solutions related to resilience, adaptation, and mitigation. Indigenous knowledge systems provide long-term solutions by thinking seven generations ahead, critically factoring in all aspects of social and environmental well-being, and creating impactful pathways that respond to everybody’s right to a healthy environment¹⁵.</p> <p>We’d also like to see further incorporation of local knowledges because, especially in rural communities, citizens gain so much knowledge in the functioning of their environment and the behaviour of local species¹⁶. Indigenous peoples’ are responsible for 80% of biodiversity protection even though they comprise 5% of the world's global population¹⁷. Given their direct relationship with the land, Indigenous Elders, knowledge-keepers and stewards, can better maintain the environment and tackle climate change altogether. The Quechua in Peru and Bolivia views Nature as sentient – a living being that has its own agency. They believe that a river has the right to sue the polluter to court– and in fact, in Ecuador, the concept of “Right</p>

¹⁵ Indigenous Knowledges and Climate Change. [Internet]. [Climate Atlas of Canada.]: n.d. Available from: <https://climateatlas.ca/indigenous-knowledges-and-climate-change>

¹⁶ María Valeria Berros. The constitution of the Republic of Ecuador: Pachamama has rights [Internet]. 2022 [cited 2024 Mar 28]. Available from: <https://www.environmentandsociety.org/arcadia/constitution-republic-ecuador-pachamama-has-rights>

¹⁷ Statista Daily Data [Internet]. 2022 [cited 2024 Mar 28]. Infographic: Indigenous Communities Protect 80% Of All Biodiversity. Available from: <https://www.statista.com/chart/27805/indigenous-communities-protect-biodiversity>

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of Nature” is part of the country’s constitution¹⁸. This is a prime example of incorporation of local and Indigenous knowledge in a legal context, ensuring that everyone has the right to access a healthy environment.

We also see lived experiences as a critical source of knowledge, particularly, rural communities that are often scapegoats or excuses for oil and gas companies to expand or create new builds. We need this knowledge better incorporated as well by bringing directly impacted local citizens into decision-making spaces rather than disconnected governments making all the decisions. According to the Pembina Institute, Indigenous communities have played a significant role in Canada’s clean energy economy for decades, with 79 grid tied renewable energy projects owned, operated, or co-partnered with First Nations, delivering 13% of BC’s electricity¹⁹. There is also strong evidence that Indigenous led projects have a better chance of success when “helpers”, like governments, get out of their way of implementing solutions²⁰. Given the compelling evidence of effective local and Indigenous-led solutions, our recommendation is to urge the government to recognize marginalized lived experiences and realities as critical components in shaping the policies that affect the very same group who feels the brunt of climate change.

The Canadian Environmental Protection Act, 1999 (CEPA)

Significant Feedback Across CEPA’s Management Cycle

RESEARCH AND MONITORING (P. 7):

- **NEEDS TO BE GENDER-BASED/SEX-SPECIFIC:** We want to highlight that the majority of environmental toxins research is focused on men, or often does not expressly include gender-based, sex-specific models in their research design. These considerations are very overlooked in certain toxic regulations that Health Canada’s risk assessment, in some cases, has been restricted to “available information” and did not conduct further research or studies regarding exposure of toxic particles in the context of sex-based

¹⁸ The Constitution of the Republic of Ecuador: Pachamama Has Rights. [Centre for Environment and Society]. María Valeria Berros: 2015. Available from: <https://doi.org/10.5282/rcc/7131>

¹⁹ First Nation Leadership in BC’s Renewable Energy Future. [Internet]. [Pembina Institute]: August 2021. Available from: <https://www.pembina.org/reports/first-nation-leadership-in-bc-renewable-energy-jan22.pdf>

²⁰Implementing Indigenous and Western Knowledge Systems (Part 2): “You Have to Take a Backseat” and Abandon the Arrogance of Expertise. [Internet]. [International Indigenous Policy Journal]: H.E Castleden, A. Cunsolo, S. Harper, P. Sylvestre, R. Stefanilli, L. Day, K. Laursiden; 2017. Available from: <https://ir.lib.uwo.ca/iipj/vol8/iss4/8/>

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	<p>differences. Community based research, such as the Environmental Noxiousness, Racial Inequities & Community Health Projects (the ENRICH Project), should be studied and integrated into the framework because of its robust data in race and gender specific illness related to anthropogenic caused pollution. A prime example of this is the case of Shelburne in Nova Scotia where environmentally dangerous projects like dumps, landfills and pulp and paper mills have caused the significant rise of cancer and respiratory illness in the African Nova Scotian and Mi'kmaw communities²¹.</p> <ul style="list-style-type: none">● NEEDS TO MOVE BEYOND MITIGATING HARM TOWARDS HEALTHY FUTURES: We would like to see commitments that highlight funding, resources, and support more community-lead qualitative research that is inclusive of cultural, spiritual, and other dimensions of health and not just damage-centred narratives but also impacts on communities' inability to enjoy environmental health benefits (such as access to green/recreational space, and cultural continuance for Indigenous peoples, among many others); as this limits these communities' ability to not just survive, but thrive²².
	<p>RISK ASSESSMENT (P. 8):</p> <ul style="list-style-type: none">● NEEDS TO BE INCLUSIVE OF IMPACTS ON MORE-THAN-HUMAN-BEINGS: Governmental concerns must go beyond “environmental and human health”, to acknowledge the needs and livelihoods of more than human beings. As well, the government is creating an unnecessary binary by separating environmental and human health, despite humans being an integrated part of the natural environment. Nature is not something we visit; we are nature.● NEEDS TRANSPARENCY IN SOURCE-SELECTION FOR INFORMATION GATHERING: The government needs to be sure they are considering multiple lines of evidence, information, and perspectives that are also accessible and transparent to all of the wider public.

²¹ Environmental racism: New study investigates whether Nova Scotia dump boosted cancer rates in nearby Black community. [Internet]. [McMaster University]: Ingrid Waldron & Juliet Daniel; 2021. Available from: <https://brighterworld.mcmaster.ca/articles/environmental-racism-new-study-investigates-whether-nova-scotia-dump-boosted-cancer-rates-in-nearby-black-community/>

²² See Sarah Wiebe's papers on sensing policy and SUTE's new book [Practicing Rest, Recovery, Resistance](#).

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- **RISK EXPOSURE ASSESSMENTS NEED TO TAKE SYSTEMS-BASED APPROACH (I.E., INCLUDE STRUCTURALLY VULNERABLE COMMUNITIES AND INTERCONNECTED RISKS EXACERBATED BY THE CLIMATE CRISIS):** When it comes to assessing exposure risks, the government must include structural vulnerabilities that increase the likelihood and intensity of exposure, to make sure that responsibility of addressing the problem of environmental exposures is not being unfairly placed on individuals. We'd also like to see that the kinds of risks that are being acknowledged incorporate the threats, impacts, and connections of natural disasters pertaining to these risks (i.e. wildfires and air pollution, floods and water pollution, etc.), especially as we're seeing increased frequency and severity of these events. We'd also like to see food insecurity be better addressed as a component of access to a healthy environment.

RISK MANAGEMENT (P. 8):

- **NEED CLARITY ON SELECTION AND DESIGN OF PROCESSES INVOLVED:** The public deserves more clarity about who will be a part of the selection and design process. There needs to be in-depth consultation, engagement and representation from community members most disproportionately impacted to ensure that any risk management efforts are actually effective in mitigating their felt-harm, and in addressing their needs. We also need to see more stringent accountability measures in place to ensure that risk management efforts are effective in delivering the promised outcomes. For example, consider how many years passed the Federal Government's commitment to lift all the water advisories in Indigenous communities and yet there are still 26 communities (as of this submission) that do not have access to safe drinking water?
- **NEED TO DISPEL JURISDICTIONAL AMBIGUITY ACROSS THE BOARD:** We are wondering how municipal, provincial, and territorial governments are going to be part of "designing risk management activities and instruments (e.g., regulations, codes of practice, agreements)" (p. 8). The Federal government needs to address jurisdictional ambiguity, so communities will be better able to hold systems and people in power accountable when their right to a healthy environment is not being fulfilled. There is still so much confusion about which level of government is responsible for, we even see supreme court cases in which decisions and intricacies of

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jurisdictional responsibility are being determined. There needs to be an explicit breakdown for communities about who to contact, or some other form of continuous engagement system to ensure that there is proper accountability methodology in place. This particularly applies to processes to seek remediation. There are major procedural injustices if communities do not know how to seek remediation, and further, if communities are not even aware of how industrial and other activities that are known to and approved by the government are harming their health.

COMPLIANCE PROMOTION (P. 8):

- **POLLUTER MUST PAY, AND GOVERNMENT MUST PAY TO SUPPORT COMMUNITY-LED EDUCATION AND ADVOCACY EFFORTS THAT BOLSTER DOWNSTREAM COMPLIANCE:** The government needs to be more explicit about who “compliance promotion activities” (p. 8) are targeting. We need strict accountability and monitoring efforts on the very facilities that have been causing environmental harm and exposures for generations. While communities need to be aware of what their right to a healthy environment entails to ensure that governments and decision-makers are abiding by the right, the onus should be on industry, and government to hold them accountable. Communities should not be forced to advocate and fight for their right to survive and thrive. We would recommend that the government provides funding to grassroots organizations, environmental justice non-profits, and other communities that are already engaging in this kind of work, rather than trying to catch up to where we are at. Furthermore, we request that the Government increase funding toward community education and awareness-raising campaigns to enhance accessibility for all citizens to engage with these issues²³. Studies such as Street Science: Community Knowledge and Environmental Health Justice demonstrates how local knowledge, particularly the ones of low-income communities, is productive when combined with professional techniques to create solutions due to their first hand experience with climate change impacts. The book argues that it adds value to other sources of information, and emphasizes democratic decision making

²³ Corburn Jason. Street science : community knowledge and environmental health justice. Cambridge, MA: MIT Press; 2005.

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throughout the development²⁴. Overall, the current approaches towards upholding the “Polluters Pay Principle” (p. 26; Appendix 2) are inefficient as we have clearly seen, even within the last 10 years, across numerous examples. We must have accountability measures that ensure that people who are polluting the environment are responsible for the damages they cause and are also responsible for reparations to the health, wellbeing and Indigenous cultural continuance associated with it.

ENFORCEMENT (P. 8):

- **NEED FOR PUBLIC TRANSPARENCY AND ACCESS TO ENFORCEMENT METHODOLOGIES, INCLUDING HELP LINES, RESEARCH AND FUNDING SUPPORT:** Any investigation details need to be made accessible to the public so they can make better informed decisions about where they are getting their energy or electricity from. The government must also incorporate remediation efforts to ensure that communities are not paying the price to clean up industry’s messes, and that it is readily accessible to those who speak different languages, who are new to the country, who face additional barriers and/or who face the risk of experiencing disproportionate exposure to environmental hazards. We also have some concerns about the government’s implementation of persecution regarding the right to a healthy environment. We have seen so many land and water defenders arrested and prosecuted while trying to protect their environment (e.g., Fairy Creek Blockade). The right to a healthy environment needs to hold space for community members to stand up for this right and create peaceful dissent to challenge business-as-usual when it violates their right to a healthy environment without fear of prosecution or violent attacks by police and the RCMP. Further, in creating efficient channels and rapidly deployable resource allocation for communities to get support for such instances, e.g., through a help line or a webform, this will allow folks to work *with* the Government rather than to promote work outside of these structures due to frustration of being unheard.

PERFORMANCE MEASUREMENT, EVALUATION AND REPORTING (P. 8):

²⁴ Street Science: Community Knowledge and Environmental Health Justice. [Internet]. [Urban Industrial Environments]: Jason Corburn; 2005. Available from: <https://mitpress.mit.edu/9780262532723/>

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- **NEED MEANINGFUL COMMUNITY REPRESENTATION & INVOLVEMENT AT DECISION-MAKING TABLES, NOT JUST GOVERNMENT OFFICIALS AND INDUSTRY “EXPERTS”; THIS INCLUDES PAYING PEOPLE AND REDUCING BARRIERS TOWARDS PARTICIPATION:** While the government should carry out the responsibility of identifying risk management activities, stakeholders outside of those most privileged within Canada’s white, Anglo-Eurocentric settler centric context, need to be incorporated into decision-making processes. Further, it is unacceptable and honestly, incredibly frustrating and trust-breaking to keep seeing industry invited into rooms where they have conflicts of interest, whereas those most impacted by these issues are seen as consulted if they reach out (reality check: everyday people do not have lawyers on retainer to act as registered lobbyists who make it to each and everyone of your consultations). Further, their perspectives need to be seen as expertise - not as a potential ‘consideration’ to include if it happens to make for good PR or as virtue signaling. Also, prior to measuring and evaluating the effectiveness of risk management activities, we need to see stronger incorporation of socio-economic and intersectional considerations before developing mitigation efforts. We need to see more publicly accessible and digestible inventorying tools to measure and assess pollutant and toxic exposures/levels. The First Nations Drinking Water Advisory tracking page is a good example of the kind of information that should be available to the public to transparently track progress. In particular, we critically need that for air pollution, which would then necessitate a national air pollution tracker. The kind of work done reactively to support the air quality tracking needs of Sarnia through the Clean Air Sarnia and Area (CASA) project is what we need to see for other hotspots across what is currently Canada²⁵.

PUBLIC PARTICIPATION AND INTERGOVERNMENTAL COOPERATION (P. 8-9):

- **INDIGENOUS COMMUNITIES ARE RIGHTS HOLDERS, NOT JUST STAKEHOLDERS:** Indigenous peoples across what is currently Canada are rights holders. In failing to call them as such is, at minimum, counter to UNDRIP, as well as counter to promises made to progress reconciliation efforts.

²⁵ <https://www.cleanairsarniaandarea.com/reporting/sarnia-real-time-air-quality.aspx>

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- LACK OF CONFIDENCE IN INTERGOVERNMENTAL PROCESSES MAINTAINING NON-REGRESSION GIVEN PARTY POLITICS AND JURISDICTIONAL AMBIGUITY:** Further, we have concerns about how the federal government will effectively engage other levels of government in this work, when there is so much party conflict within each level of government, with consistent social media posting by current cabinet ministers attacking the opposition. How do party politics compete with the need to maintain non-regression between changes in provincial and municipal leadership? How are citizens supposed to trust that their representatives in every level of government will work to uphold their right to a healthy environment, particularly when there is jurisdictional ambiguity across a number of environmental health concerns, not only for regulation but also for the remediation processes? There should be some level of uniformity that will be applied to all levels of government, such as the case we mentioned earlier of the Ecuadorian Constitution adopting “Rights of Nature” as the law to avoid any conflicts of gridlock. There must be a list of foundational definitions, principles, and impact measurement frameworks that must be approved by all levels of government that will hold account to those, specifically industries, that pollute.

Other Approaches to a Right to a Healthy Environment

Canada Needs To Be A Leader, And Do Our Fair Share, Given The Vast Negative Impact Our Activities Continue To Have Upon The Environmental Health Of Other

We believe that the government must first focus on implementing the right to a healthy environment on a domestic scale before attempting to criticize international governments for not yet having implemented this right in law. This is in consideration of the fact that Canada has caused much harm internationally in terms of the climate crisis and climate impacts through international waste, clothing, electronics disposal, impacts of the oil/tar sands, etc. Canada presently exports its waste to South East Asia, namely Malaysia, Indonesia, Myanmar, Vietnam and the Philippines²⁶. Between 2020 and 2023, Myanmar reported imports of around 80,000 kilograms of plastic scrap waste from Canada, which was worth about \$50,000²⁷.

²⁶ Where Canada sends its garbage [Internet]. 2020 [cited 2024 Mar 27]. Available from: <https://10000changes.ca/en/news/where-canada-sends-its-garbage/>

²⁷ Canada promised to stop exporting unwanted plastic waste, but it's still piling up. The Globe and Mail [Internet]. 2023 Oct 19 [cited 2024 Mar 27]; Available from: <https://www.theglobeandmail.com/canada/article-canada-promised-to-stop-exporting-unwanted-plastic-waste-but-its-still/>

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Countries, Particularly In The Global South Due To The Activities Of Extractive Industries, Waste And The Export Of Environmental Hazards

Furthermore, the Canadian mining industry is active in 101 foreign countries, such as Argentina, Brazil, the Dominican Republic, Kyrgyzstan, Papua New Guinea and the Philippines²⁸. These extractive activities in turn generate waste which has subsequently caused significant land damage, increased poverty and food insecurity, water scarcity, heavy metal poisoning, exploitation of workers in appalling working conditions, and has directly impacted Indigenous communities through forced land dispossession and disproportionate community health impacts.²⁹ These extractive activities prevent international communities, particularly Indigenous peoples, from reaching a right to a healthy environment. For instance, Canadian mining and mineral exploitation firms operating in the Philippines have been linked to environmental harm through toxic spills and hazardous substances affecting the well-being of both local communities and the natural environment³⁰. The small island province of Marinduque and the Marinduque community in particular have consistently experienced mine waste containment failures from Canada's Placer Dome with little accountability from the Government of Canada³¹. As such, this example illustrates that the right to a healthy environment must be adhered to nationally and must be upheld with accountability on an international scale.

We see irregularities in federal laws that allow Canada to send its waste to the global south such as the Philippines and Myanmar. In 2016, when Canada was sending its plastic waste illegally to the Philippines, there was a major international uproar about it, compelling the Philippines to ship the

²⁸Oxfam Canada [Internet]. alvaro; 2018 [cited 2024 Mar 27]. Canada's Mining Sector and Gender Justice. Available from: <https://www.oxfam.ca/story/mining-101-how-canadas-huge-extractive-sector-fits-into-the-struggle-for-gender-justice/>

²⁹ Canadian mining and ill health in Latin America: a call to action. [Internet]. [Canadian Journal of Public Health]: Anne Emmanuel-Birn, Leah Shipton, Ted Shrecker; 2018. Available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6964541/>

³⁰ From Paradise to Toxic Wasteland: Oxfam Report Exposes a Canadian Mining Company's Lack of Corporate Accountability in Philippine Island Mining Disaster | Mining Watch Canada [Internet]. [cited 2024 Mar 27]. Available from: <https://miningwatch.ca/news/2005/8/24/paradise-toxic-wasteland-oxfam-report-exposes-canadian-mining-company-s-lack>

³¹ From Paradise to Toxic Wasteland: Oxfam Report Exposes a Canadian Mining Company's Lack of Corporate Accountability in Philippine Island Mining Disaster | Mining Watch Canada [Internet]. [cited 2024 Mar 27]. Available from: <https://miningwatch.ca/news/2005/8/24/paradise-toxic-wasteland-oxfam-report-exposes-canadian-mining-company-s-lack>

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garbage back to Canada. Since then, there were updated regulations in 2021 that required export permits from the Environment and Climate Change Canada. These regulations are lax and have caveats that allow no permits to be issued if the waste is 'clean and sorted'. Recent news in 2022 shows that Canada issued export permits for just two countries, contradicting the trade data list of 26 countries that received Canada's plastic waste. The United Nations' Comtrade database that tracks international exports and imports, reported that between 2020 and 2023, Myanmar recorded imports of nearly 80,000 kg of plastic wrap received from Canada. This data shows that the regulations update in 2021 (since the Philippines incident), has caveats that allows Canada to still send its waste to developing countries³². We must hold ourselves accountable for the international disruption we cause in hindering other communities globally to have their right to a healthy environment.

Campaigns, such as the Fair Share Project, demonstrate that Canada has historically played a significant role in exacerbating the climate crisis and contributing disproportionate impacts to communities in the Global South. The Fair Share campaign pushes for a reduction of domestic greenhouse gas emissions by 60% below 2005 levels by 2030 as well as an obligation to support developing nations who struggle with climate change impacts by improving finance³³. This example illustrates how Canada can demonstrate accountability and transparency regarding their complicity in impacting communities disproportionately affected by climate change. It is concerning to see the Canadian government criticize others or state that we are "leaders" internationally when it is well known that many countries are leagues ahead when it concerns the right to a healthy environment. This is particularly in light of how much of a negative impact Canadians have had on other countries' environmental health.

The Right to a Healthy Environment in CEPA

Definition and Scope of the Right to a Healthy Environment in CEPA

³² Canada promised to stop exporting unwanted plastic waste, but it's still piling up. [Internet]. [Globe and Mail]: Mia Rabson; 2023. <https://www.theglobeandmail.com/canada/article-canada-promised-to-stop-exporting-unwanted-plastic-waste-but-its-still/>

³³ Canada's Fair Share towards limiting global warming to 1.5°C. [Internet]. [Climate Emergency Unit]: Feb 2019. Available from: <https://climateactionnetwork.ca/resource/canadas-fair-share-towards-limiting-global-warming-to-1-5c/>

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<p>Existing Limitations In Defining Right To A Healthy Environment, Along With a Lack of Robust Methodologies in Phasing out of Fossil Fuels & Waste Management, Local Level Representation in Policies</p>	<p>We found that there is a lack of substantive definition of the “Right to a Healthy Environment”. Though we understand that a “healthy environment”, under CEPA amendments, is defined as clean, healthy, and sustainable, we would like to see if possible future-oriented framings that build, rather than just improve upon, what a healthy environment looks like (including it being thriving, robust and abundant). We also think the scope can be further fine tuned by emphasizing on Indigenous leadership on climate change solutions, such as building upon a solution that says something akin to “dedicated funding for the deployment of Indigenous-led energy projects, or conservation projects” as a way to further ensure informed prior consent (UNDRIP).</p> <p>From the list of 5 elements – water pollution, air pollution, GHG releases, risks posed by harmful substances, and waste – we think there is a key component missing about improving access to environmental benefits. If environmental hazards actively suppress access to environmental benefits, then by design, the increasing of access to environmental benefits is critical particularly from a co-benefits approach, for Health Canada to uphold³⁴.</p> <p>AIR POLLUTION (P. 10)</p> <ul style="list-style-type: none">● PHASE OUT OF FOSSIL FUEL INDUSTRY IN NOT A RECOMMENDATION, IT IS A NECESSITY: Although CEPA aims to reduce releases of air pollutants, the government is still insistent on fossil fuels as our primary source of energy and electricity despite their immense release of pollutants into the air, earth and water. We want to know how the government aims to address these two conflicting objectives. This also directly ties to the carbon polluter pay model which insinuates that emissions are still permissible without any transparent framework in place.● THERE IS AN URGENT NEED FOR INTERSECTIONAL AND ROBUST REGULATORY FRAMEWORKS: Furthermore, what intersectional regulatory considerations will the government take into account when developing these regulatory and non-regulatory risk management instruments to ensure the incorporation and inclusion of diverse communities? As mentioned earlier, environmental racism cases such as Shleburne teaches us there are numerous social determinants of health such as income and poverty, gender
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³⁴ Bhalla (2024), Boyd (2015)

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and social exclusion, and education that are connected to one's physical and mental health³⁵. We want to reiterate that addressing community issues must be done through a holistic and intersectional approach as each community's needs are uniquely their own.

- **LOCAL LEVEL REPRESENTATION IN POLICIES:** We question the absence of a local level of representation for communities known to already have disproportionate impacts in to engage in collaborative work between ECCC, HC, and provinces and territories. This is an important consideration for distributive justice, alongside overall health promotion and risk mitigation work, where additional resources are allocated to underserved communities to a baseline where these regulatory regimes also work for them. For example, regions with "oversaturated airsheds" from pollutants due to being situated near industry do not have the same access to the y feedback and commentary periods for their provincial Ministries of Environment to listen to their feedback, nor their municipalities to listen to them re: zoning³⁶. There are countless historic legacies impacting populations today, many in Nova Scotia, and also ones like Aamjiwnaang and the Hamilton/Halton area.

WATER POLLUTION:

- **PROACTIVE RATHER THAN PREVENTATIVE:** We are concerned about what kind of approach will be utilized when addressing water pollution through leadership of the Guidelines for Canadian Drinking Water Quality. We are particularly concerned about the risk of shaping this into one that is more of a filtration focus, rather than taking preventative measures in which pollutants are not entering the water in the first place. We want to see how federal government departments are actively consulting and collaborating with Indigenous communities under the new proposed bill for FN Drinking Security³⁷.

RISKS POSED BY HARMFUL SUBSTANCES

³⁵ The impact of inequality on health in Canada: a multi-dimensional framework. [Internet]. [Diversity in Health and Care]: Ingrid Waldron; 2010. Available from:

<https://www.enrichproject.org/wp-content/uploads/2015/05/Ingrid-Waldron-Publication-2.pdf>

³⁶ Bhalla (2024), see Waldron (2019), Wiebe (2020)

³⁷ Bhalla (2024), see also Adele Perry's book Aqueduct

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- We are curious about how ECCC and HC will assess and manage disproportionate risks to human health and the environment, as presently a lot of the responsibility in mitigating these risks is individualized. For example, personal care products, such as antiperspirants and hair removal products, are disproportionately marketed toward those who identify as women and/or those with ovarian reproductive systems. These products may carry toxic concentrations included in risk assessments, yet lack hazard labelling indicating risk between exposures and adverse health effects. Consider Veet Hair removal cream which contains talc, yet lacks a cautionary statement pointing to the association between ovarian cancer and genital exposure as it is not required under government regulations³⁸. For products that do have hazard labelling, low socioeconomic status can hinder an individual's ability to opt out of cheaper products.

GHG RELEASES:

- We would like to know which authorities CEPA aims to provide the development of regulatory and non-regulatory risk management instruments. We are additionally concerned with the methodology that will be utilized as this will determine the effectiveness of the right to a healthy environment. This is because, at the moment, most fossil fuel-related regulatory frameworks are composed largely of greenwashing tactics. We see this regularly when industries use words such as “net-zero” or “offsetting”, that present fossil fuels as a part of sustainable solutions, despite the mass-pollution they emit. Given that there is no standardized way to lay out net-zero strategies, reporting and monitoring is insufficient, therefore, making it challenging to hold industries accountable.³⁹ There is particular emphasis placed on carbon capture and storage, with limited reference to an actual energy transition to renewable sources.

³⁸ Case study: the mismanagement of Talc under the Canadian Environmental Protection Act [Internet]. WHEN Women's Healthy Environments Network. 2024 [cited 2024 Mar 30]. Available from: <https://www.womenshealthyenvironments.ca/blog1/the-mismanagement-of-talc-under-the-canadian-environmental-protection-act>

³⁹ Net Zero: Just patching over emissions or path to save the planet? [Internet]. [Al-jazeera]: 31 Oct 2021.

Available from:

<https://www.aljazeera.com/news/2021/10/31/net-zero-just-patching-over-emissions-or-path-to-save-planet>

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WASTE:

- We are keen to learn under what conditions are waste permits approved? Who is responsible for approving permits and who is invited to the decision-making table? Furthermore, what is the justification for disposing of waste in the ocean and in international spaces? We also question the current intended frequency of annual reporting in measuring the implementation of measures. We advise seasonal reporting due to the fact that we will be observing an increased emergence of natural disasters. The overall well-being of our environment is going to flow in and out of media attention more frequently during disasters such as wildfires, floods, heat domes, extreme snow/rain, storms, etc. We see the government has recently approved the construction of a radioactive waste dump next to Chalk River that is accessible to Indigenous communities for drinking water. It was claimed that consultations with Indigenous communities took place but the Algonquins of Pikwakanagan were the only Algonquin community to give their consent. Ten out of the eleven federally recognized Algonquin leaders have objected to it, along with other environmental groups⁴⁰. In 2021, SUTE completed an independent arm's-length project with NWMO on how Canada should handle its radioactive waste by collecting youth perspectives, and informing policy recommendations accordingly⁴¹. Though consultations were done with numerous groups, it is frustrating to see in 2024 that the federal government has approved the construction of a radioactive waste dump that will affect people, especially Indigenous people, who have the right to access drinking water from the river. This, for example, is a clear violation of the Right to a Healthy Environment act.

OVERALL CONCERNS:

We question the current intended frequency of annual reporting in measuring the implementation of measures. We advise seasonal reporting due to the fact that we will be observing an increased emergence of natural disasters. The overall wellbeing of our environment is going to flow in and

⁴⁰ Radioactive waste dump at Chalk River gets green light to start construction. [Internet]. [CBC News]: Kimberly Molina; Jan 10 2024. Available from:

<https://www.cbc.ca/news/canada/ottawa/chalk-deep-river-nuclear-waste-ottawa-river-1.7079037>

⁴¹ Youth Perspectives on the Integrated Strategy for Radioactive Waste (ISRW) in What Is Currently Canada. [Internet]. [Shake Up The Establishment]: Aarisha Haider, Rose Duncan; Oct 22 2021. Available from:

<https://www.shakeuptheestab.org/post/isrw-research-published>

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	<p>out of media attention more frequently during disasters such as wildfires, floods, heat domes, extreme snow/rain, storms, etc.</p> <p>We also have a major concern regarding the prioritization of economic factors under reasonable limits. We cannot afford for economic factors to be prioritized above all because if we continue with the historical trend of prioritizing profit over people and the environment, communities will continue to experience disproportionate environmental injustices while our environment continues to degrade at exceedingly high rates, making these regulations overall obsolete. We must see everything on a case-by-case basis, particularly with respect to Canada’s history of colonial projects, ensuring that we are meaningfully moving forward with Indigenous-led solutions in what is currently Canada. The foundation and prioritization of Western science in which CEPA continues to be developed concerns us as that very foundation will exclude the very nature of the bill and rob everyone of access to a healthy environment. To date, apart from recognizing Indigenous knowledge systems, the draft does not show the government's approaches and measures to incorporate and allow Indigenous and systematically oppressed communities to lead decision-making processes. Calling “important public interests” (pg 11) without proper definition or accompanying priorities concerns us that there is a lack of intersectional approaches and thoughts to this conversation. We want to reiterate that there are unique local challenges to each case and that when the draft mentions “it is equally important to apply a consistent approach to the consideration of relevant factors” (pg 12), it is ineffective that relevant factors are applied consistently because all cases are varied.</p>
<p>Principles</p>	
<p>Expanding the Current Scope of Environmental Justice by Considering the Incorporation of Additional Principles Into its Current Framework, and by Addressing</p>	<p>Although we commend the inclusion and intended elaboration of the three principles of environmental justice, non-regression, and intergenerational equity, we advise the government to expand on the principles identified to address intersectional environmental justice. In particular, we would prefer to see the consideration of the critical dimensions of procedural, recognition, epistemic, and distributive justice across generations. We would additionally like to see considerations for the impacts and influences of the structural determinants of health, which continue to generate systemic inequalities through current social, governmental, and economic</p>

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<p>Intersectional Environmental Justice.</p>	<p>policies⁴². In building on this framework and proposed considerations, there are two additional principles we believe should be taken into account:</p> <p>CHALLENGING CURRENT INTERLOCKING SYSTEMS OF COLONIAL OPPRESSION</p> <ul style="list-style-type: none"> • While we acknowledge that the three main proposed principles of the framework are imperative, namely environmental justice, non-regression and intergenerational equity, we would prefer to see the addition of a principle which builds on the environmental justice principle. We believe a principle along this line should be incorporated to adequately consult and protect underserved populations. • This principle should include challenging current interlocking systems of colonial oppression and subjugation which limit Indigenous and other racialized and historically excluded populations from actively participating in decision-making processes. These limited participatory abilities may stem from intersecting factors such as socioeconomic status. We suggest that this principle includes an outlined consultation process for marginalized communities to actively participate in the process of achieving this right to a healthy environment, which must extend to all communities. <p>ACCOUNTABILITY</p> <ul style="list-style-type: none"> • Although the aims of each proposed main principle initially appear to be promising, we find there to be a lack of accountability for implementing these principles across the board. We advise incorporating a principle which outlines accountability measures, including an impact measurement framework to assess how these principles are being achieved through varying strategies. There must be evidence of commitment, such as implementation strategies, that illustrate that these principles will be executed.
<p>Room for Refinement in Each of the Three Main Proposed Principles</p>	<p>We have several concerns regarding the clarity and direction of the principles, as well as the verbiage of definitions used. Here, we highlight several suggestions and examples for the concrete implementation of each section.</p>

⁴²Understanding Social Determinants of Health [Internet]. [cited 2024 Mar 26]. Available from: <https://dph.illinois.gov/topics-services/life-stages-populations/infant-mortality/toolkit/understanding-sdoh.html>

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ENVIRONMENTAL JUSTICE PRINCIPLE (P.13)

- We would prefer to see immigrants, low-income, homeless, and those with higher material depravity to be included in the list of communities who experience procedural and geographic discrimination.
- We would prefer to see generational health impacts included in discussions of both direct and adverse health impacts.
- Industrial farming and food production, construction, and housework are occupations which provide increased exposure to toxic substances and thus should also be included in the list provided⁴³.
- We would prefer for the document to avoid phrasing disproportionate impacts as ‘potentials’, and to avoid using indefinite wording such as ‘may’. More definite and secure language is needed to acknowledge the intersectionality of varying conditions and how interactions between substances and toxins from varying contexts can cause further health risks and harm.
- We would prefer to see more concrete examples of how the government aims to implement the varying timing and methods of communication with underserved communities, as many do not have adequate or reliable internet access or modes of transportation. The government must ensure that they are meeting these communities where they are situated to ensure meaningful participation.

NON-REGRESSION PRINCIPLE (P. 15)

- Once again, we are concerned with the continued use of the word ‘may’. Using vague wording to describe the feasibility of implementing non-regression with each of the decisions of this framework implies that this is a non-committal principle. We suggest that the government specify a concrete definition for non-regression which can be adequately used within the framework as well as subsequent decisions that emerge from this framework.
- We are concerned with the lack of attention to collecting qualitative data when conducting a cost-benefit analysis. Qualitative and quantitative data must be utilized concurrently. We propose outlining a specific method of collecting qualitative data for all communities.

⁴³ Gender-based Analysis Plus: A Framework for Implementing CEPA Commitments to Vulnerable Populations [Internet]. [cited 2024 Mar 26]. Available from: https://drive.google.com/file/d/1jUYOcOhdF3_FdISBdrpMAWPbTliBa7_/view

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	<p>INTERGENERATIONAL EQUITY PRINCIPLE (P. 16)</p> <ul style="list-style-type: none"> • We are concerned with the intended implementation of the intergenerational equity principle. Many government actions undertaken today do not directly align with ensuring the current generation's needs are met while safeguarding the well-being of future generations. • Although the framework's understanding of sustainable development may be aligned with teachings originating from the Haudenosaunee Confederacy, we are concerned with whether this understanding truly values and strives to serve the Seventh Generation Principle at the forefront of every decision made within this framework⁴⁴. • We suggest that the effects of toxic substances in environments should include increased gender and sex-inclusive research that intersects with other identity factors, such as socioeconomic status. These intersecting relationships can speak greatly to the presence of exposures in the context of endocrine-related effects⁴⁵. <p>OVERALL CONCERNS</p> <p>We are concerned over the legalities and intricacies of implementing this framework in varying levels of government and jurisdictions across the country, and would like to see this further addressed in the document. In general, we find that the use of the word ‘may’ in many phrases and action items diminishes the accountability and commitment of incorporating these principles in this framework.</p>
<p>Procedural Duties</p>	
<p>Wording Must Be Made More Explicit When Discussing the Participation of</p>	<p>VAGUE LANGUAGE AROUND THE PARTICIPATION OF INDIGENOUS COMMUNITIES IN DECISION-MAKING (P.18)</p> <p>We are concerned with the particular wording regarding the inclusion and participation of Indigenous communities in the implementation of the UN</p>

⁴⁴ Values - Haudenosaunee Confederacy [Internet]. [cited 2024 Mar 26]. Available from: <https://www.haudenosauneeconfederacy.com/values/>

⁴⁵ WHEN Women’s Healthy Environments Network [Internet]. 2024 [cited 2024 Mar 25]. Case study: the mismanagement of Talc under the Canadian Environmental Protection Act. Available from: <https://www.womenshealthyenvironments.ca/blog1/the-mismanagement-of-talc-under-the-canadian-environmental-protection-act>

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<p>Indigenous Communities in Decision-Making Processes, as well as Examples of Mechanisms and Potential Opportunities Within CEPA</p>	<p>Declaration on the Rights of Indigenous Peoples. As these decisions in development are happening on Indigenous land across so-called Canada, Indigenous communities must be involved in all decision-making processes. As such, this wording must be made more explicit in informing how these communities will be involved without isolating them through this language. This additionally extends to the provision of accessible information for Indigenous communities involved in these decision-making processes.</p> <p>LANGUAGE CONCERNS OVER EXAMPLES OF MECHANISMS & OPPORTUNITIES IN CEPA (P. 18)</p> <p>We have several concerns about the language and potential oversights in the examples provided around potential opportunities and mechanisms within CEPA</p> <ul style="list-style-type: none"> • In providing public information around the administration of CEPA, it is crucial that the Registry ensures that this information is both digestible and accessible to circumvent communities within so-called Canada encountering difficulties when striving to obtain the information that they are entitled to. • Concerning the annual report on CEPA which is submitted to Parliament, we would like to suggest a supplementary yearly public engagement report that incorporates an evaluation, analysis, and adaptation of the RTHE. • What specific measures will be used and incorporated in the CEPA Annual Report when advancing reconciliation with Indigenous peoples? Will the Truth and Reconciliation Commission calls to action be specifically used? The language here is vague and must be concretely defined.
<p>Minimizing Barriers Around Accessible Information</p>	<p>POTENTIAL OPPORTUNITIES TO IMPROVE ACCESSIBLE & TRANSPARENT INFORMATION THROUGHOUT THE CEPA MANAGEMENT CYCLE (P. 19)</p> <ul style="list-style-type: none"> • We advise pursuing paid opportunities with NGOs that are already exploring how to improve access to transparent and digestible information throughout the CEPA management cycle. This would additionally be a fantastic way to engage with diverse stakeholders throughout this process.

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	<ul style="list-style-type: none"> • We would also like to add the need to engage with those who don't have the resources or time to seek out this information in order to minimize barriers to access. <p>EXPANDING THE SCOPE OF LANGUAGES TO SUPPORT ENVIRONMENTAL JUSTICE (P. 19)</p> <ul style="list-style-type: none"> • Accessible information should be made available in a wider range of languages than just Indigenous languages, French, and English. This is in specific consideration of the high rate of new, incoming immigrants who may not speak any of the aforementioned languages. Across Canada, census data illustrates there is a high rate of incoming migrants whose language is neither English nor French⁴⁶. Between 2016 and 2021, more than 900, 000 had a non-official mother tongue, out of the 1.3 million immigrants who arrived in Canada⁴⁷. In addition, immigration experts say that there is a concerning lack of language resources for Canadian newcomers⁴⁸. This highlights the need to develop accessible resources with a wide array of languages in mind, including Cantonese, Mandarin, Punjabi, Tagalog, Arabic and Spanish which are just several of the non-official languages spoken in Canada⁴⁹.
<p>A Need to Enhance Current Policies that Protects Canadian Citizens while Pursuing Systemic and Educational Changes</p>	<p>INDIVIDUALIZING RESPONSIBILITY AROUND TOXIC SUBSTANCES (P. 19)</p> <p>While it is important to have a certain degree of individual decision-making processes as transparent as possible (e.g. hazard labelling/cautionary statements), we would like to see more significant and stringent systematic changes made to prevent the presence of toxic substances in consumer products in the first place. For instance, Canada's risk assessment of talc only focuses on inhalation and genital exposure of products containing</p>

⁴⁶ Ramzy M. Why diaspora communities in Canada are struggling to keep their first languages alive [Internet]. Broadview Magazine. 2023 [cited 2024 Mar 28]. Available from:

<https://broadview.org/canada-immigrants-mother-tongue-diaspora/>

⁴⁷ Ramzy M. Why diaspora communities in Canada are struggling to keep their first languages alive [Internet]. Broadview Magazine. 2023 [cited 2024 Mar 28]. Available from:

<https://broadview.org/canada-immigrants-mother-tongue-diaspora/>

⁴⁸ Global News [Internet]. [cited 2024 Mar 28]. More language resources needed for Canadian newcomers: experts - Winnipeg | Globalnews.ca. Available from:

<https://globalnews.ca/news/10069504/language-resources-needed-canadian-newcomers/>

⁴⁹ Table 1 Population of immigrant mother tongue families, showing main languages comprising each family, Canada, 2011 [Internet]. [cited 2024 Mar 28]. Available from:

https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/2011003/tbl/tbl3_2-1-eng.cfm

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	<p>cosmetic-grade talc⁵⁰ and overlooks additional impurities such as asbestos which is found naturally near talc⁵¹. Enhancing current policies to influence behavioural change and education, rather than putting the onus onto the individual, is important in consideration of diverse socioeconomic backgrounds that may limit participation in effective individual decision-making processes.</p> <p>Protecting Commercial Interests Over Canadian Citizens (P. 20)</p> <p>While we understand concerns held around confidential business information, the obligation should be primarily to Canadian citizens first rather than corporations. Otherwise, this undermines the transparency efforts related to the RTHE and CEPA because of distrust sowed between citizens and governmental bodies. For example, governmental representatives may hide vital information to protect businesses they have formed relationships with, consequently compromising the trust that citizens have in the government.</p> <p>We are concerned about the emphasis placed on protecting current commercial interests in consideration that they play a crucial role in moving toward a clean and healthy environment and thus must undergo necessary and relevant reforms. For instance, commercial determinants of health in the private sector influence many risk factors, including air pollution and health outcomes, through commercial activities⁵². These activities include product packaging, supply chains, and labour conditions⁵³.</p>
<p>In Achieving the RTHE, Continuous Consultations Must be Conducted</p>	<p>CONTINUOUS CONSULTATIONS WITH STAKEHOLDERS AFTER RTHE FRAMEWORK IS DEVELOPED (P.19)</p> <ul style="list-style-type: none"> • In achieving effective participation in decision-making processes, there should be continuous consultations with diverse members of

⁵⁰ Canada E and CC. Draft screening assessment talc (Mg3H2(SiO3)4) [Internet]. 2018 [cited 2024 Mar 28]. Available from:

<https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/draft-screening-assessment-talc-mg3h2sio34.html>

⁵¹ Mesothelioma Center - Vital Services for Cancer Patients & Families [Internet]. [cited 2024 Mar 28]. Talcum Powder & Asbestos: Cancer from Asbestos in Talc. Available from: <https://www.asbestos.com/products/talcum-powder/>

⁵² Commercial determinants of health [Internet]. [cited 2024 Mar 28]. Available from: <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>

⁵³ Commercial determinants of health [Internet]. [cited 2024 Mar 28]. Available from: <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>

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<p>Around the Framework, Funding to Underserved Populations Must be Increased, and Language Must be Adjusted to Avoid Individualizing Responsibility</p>	<p>the public after the framework is solidified in order to ensure that the implementation of RTHE is effective and just. Rather than leaving this decision solely to the government, we need to ensure that the voices of community members are both heard and continuously consulted after the fact. This once more highlights the need to reduce barriers to community voices brought to the table. The government must take action to meet these voices where they are at, and to build meaningful dialogue and relationships where groups feel their input is both heard and integrated.</p> <ul style="list-style-type: none"> • Once again, we are concerned with vague language used here, particularly the continued use of “considered” throughout this document. We have previously seen thorough and concrete changes being made to address industry concerns. While environmental concerns are indeed acknowledged, we would like to see them addressed with the same vigour used for industry concerns, rather than dismissed on the basis of NGOs. <p>INCREASING FUNDING TO UNDERSERVED POPULATIONS (P. 19)</p> <ul style="list-style-type: none"> • There must be an increase in funding when providing support for groups representing disproportionately impacted populations. This includes readily providing information and opportunities, as well as scaling up knowledge translation efforts by actively investing in communities rather than asking disproportionately impacted groups to participate out of necessity. <p>LANGUAGE CONCERNS CEPA VIOLATIONS (P. 20)</p> <ul style="list-style-type: none"> • In developing effective remedies, we are alarmed by the continued use of language and measures that individualize instances of environmental damages as a result of a violation of CEPA. Again, it is critical that the government pursue comprehensive systematic changes and stringent policies that mitigate the occurrences of these scenarios rather than placing full responsibility on community members.
<p>The Proposed Board of Review Must be Developed Much Further Through Consideration of the</p>	<p>We have several questions regarding the proposed board of review as well as the use of tools to respond to public concerns (P. 20):</p> <ul style="list-style-type: none"> • How will the selection process be for the establishment of a board of review? Who will be represented on them?

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Location of Diverse Communities, Developing Accountability Mechanisms and Specifying Current Language Used

- How will the government ensure that they are proactively responding to and addressing public requests made by community members in so-called Canada, in consideration of many marginalized and underserved communities who have been requesting the federal government to respond to a wide array of environmental injustices for decades? For instance, clean water is still inaccessible to many Indigenous communities across so-called Canada, such as Shamattawa First Nation⁵⁴.
- What accountability measures will be taken to ensure that trust between citizens and the government will be maintained throughout this system and that just actions will be taken by the government? This is in particular consideration of how this system appears to be largely individualized, as well as the implicit and vague language utilized such as “considered” and “could”.
- When there is a significant pattern of these tools not obtaining the desired results, how does the government expect citizens to engage with them?
- How will the government ensure that these tools are adaptable and flexible for diverse communities? This will depend on where these resources are located as a lot of communities facing environmental injustices lack reliable internet access. However, this raises the question yet again of why the onus is being put on communities on the ground to request their government to address the presence of pollutants and toxins in their communities.
- Potential projects focused on restoration that emerge from the Environmental Damages Fund must be community-led and must also incorporate conservation efforts.

Overall, the government must ensure that they are developing well-rounded accountability measures in the establishment of this proposed board of review, in consideration of Canada’s continued use of colonial practices including broken treaty promises and land dispossession. By extension, the current vague language must be amended when speaking to these accountability measures.

⁵⁴ Report indicates Canada has failed to provide clean drinking water to First Nations [Internet]. [cited 2024 Mar 28]. Available from: <https://ottawa.citynews.ca/2023/01/13/report-indicates-canada-has-failed-to-provide-clean-drinking-water-to-first-nations-6372321/>

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Indigenous Rights	
Not Enough Concrete Measures On Indigenous-Led Solutions and Indigenous Self-Governance	<p>We want to see concrete measures when mentioning “opportunities to engage Indigenous knowledges and data” (p. 22) by adding more specific vernacular such as “we will be actively engaging and discussing Indigenous knowledge and data with Indigenous leaders, Elders, and community members in all stages of the CEPA management cycle”. This not only assures the public but also Indigenous communities of transparency and accountability measures that are made public.</p> <p>The concept of “self-governance” means that Indigenous peoples will have their rights and power to govern themselves through their own governing structures. This entails the restructuring of current existing systems in place. This is the foundation of UNDRIP and FPIC and matters significantly because it supports self-reliance, economic independence, and serves them as key right holders that occupy rightfully in the decision-making space – furthering the act and implementation of Indigenous-led climate solutions and leadership. This is especially pertinent when the government wishes to “integrate” Indigenous knowledge systems with Western systems, and can be viewed as harmful due to past colonial impositions and appropriation executed through unethical academic research. The Report of the Royal Commission on Aboriginal Peoples states that:</p> <p><i>“Aboriginal Peoples must have room to exercise their autonomy and structure their own solutions. The pattern of debilitating and discriminatory paternalism that has characterized federal policy for the the past 150 years must end. Aboriginal people cannot flourish if they are treated as wards, incapable of controlling their own destiny ...”</i>⁵⁵</p> <p>The best way to tackle this is by providing resources and opportunities to Nations to manage policies, environmental assessments, and solutions themselves as the experts and stewards who have deep intimate knowledge of the land. We also wish to see a further elaboration of the meaning of “distinction-based elements”, what that truly entails, and how this specifically pertains to Indigenous communities.</p>

⁵⁵ Indigenous Self Government: an overview of what it is, why it matters, plus some examples of Indigenous self-government. [Internet]. [Indigenous Corporate Inc.]: Bob Joseph; 2019. Available from: <https://www.queensu.ca/ctl/sites/ctlwww/files/2023-09/Indigenous%20Self-Government%20eBook%20July%202019.pdf>

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Proposed Approach of the Framework

Needs Inclusive Policy Approaches For Newcomers In What Is Currently Canada

We identify that urban centres and new immigrant women populations who do not speak fluent English should also be key areas to focus on. Oftentimes, new immigrants are left out of these conversations because they do not have the time to meaningfully engage in advocacy as they are either trying to look for jobs, supporting their families or are students; and making this framework accessible to newcomers will align the principles of justice and equity for all. The 2021 Census shows that almost half of the population in Toronto and Vancouver are immigrants, and there is a subpopulation of South Asians that make the largest and second largest in size in these respective provinces⁵⁶. Inclusive policy frameworks that will account for new immigrants will ensure that newcomers also have access to a healthy environment in urban areas that have significant rates of toxic fog and air pollution.

We also seek further elaboration on the “right set out in the framework” in discussion question 3 “What information would you need to see to feel confident that the right set out in the framework is being protected in CEPA decision-making? Are there specific actions that should be taken to assess this?” (p. 23).

⁵⁶ See Bhalla, Meyer and Boultros, 2021

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2. Community Responses to Discussion Questions

We created a public-facing Jamboard and Google form with easier-to-access forms of the discussion questions posed by the discussion document and created dedicated learning and conversational spaces for youth, particularly youth identifying as racially, ethnically or otherwise minoritized, marginalized and underrepresented identities, to weigh in on the discussion questions both in our team, wider networks and more widely across what is currently Canada (as reached through social media). Below is a summary of the variety of responses we received.

What does a healthy environment mean to you in the context of the CEPA cycle described in section 2.2 or the issues described in section 3.1 of the discussion document?

- **A healthy environment is one that is safe from pollutants and provides clean air, water, and food to the beings that depend on it.**
 - A healthy environment is conducive to an improved quality of life, which can be qualified by living in an environment without quality warnings. A healthy environment was generally described as one where consumed 'resources' like air, water, and food could be trusted without having to research exposure limits to any toxic substances.
 - Our community participants described qualities of healthy waters to be water that a person can swim in or drink without being exposed to health risks from toxins or heavy metals.
- **A healthy environment is biodiverse, ensuring ecosystems are sustainable and can thrive for generations to come.**
 - A biodiverse environment was described as one with a diverse and abundant array of species, including flora and fauna that provide ecosystem services (i.e. pollinators), and an environment where humans and wildlife have an abundance of resources needed to co-exist.

How would you know if your environment is healthy?

- **There is a positive link between the health of an environment and the health and wellbeing of a community.**
 - A healthy environment can be reflected in the wellbeing and vitality of a community, as well as the respect community members can feel towards the environment. This respect manifests as a shared responsibility to protect the environment's health.
 - Community members are yearning to engage with an environment that is free from pollution, in which the health outcomes of living organisms aren't directly

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impacted by human-driven variables such as pollution, poor air quality, and unsafe drinking water.

- **A healthy environment has physical cues. For example, visually, you can see more plants (like blooming wildflowers) and animals (like abundant bird species).**
 - These cues can be indicators of positive markers such as biodiversity and resiliency in our ecosystems.

How would you see these factors (i.e. social, health, scientific, economic) to limit the consideration of the right being taken into account when making decisions under CEPA?

- **Failing to take into account diverse perspectives can lead to decision making that doesn't serve the broader interests of communities.**
 - Participants identified the importance of meaningful inclusion and engagement of the diverse groups that exist in Canada (i.e Indigenous, low-income, immigrants, youth voices) before decision making occurs.
- **Limitations occur when these factors are being addressed in silos.**
 - Social, health, scientific, and economic factors are often viewed as separate issues. Ministries and Departments often develop policies and frameworks that do not take into account the intersecting determinants of environmental health.
- **Lack of empirical evidence for some of these factors exists and can limit decision making.**
 - When considering the scientific uncertainties that can limit action and impact decision making, participants acknowledged the value in considering precautionary principles.

Are any of these principles (i.e. environmental justice, non-regression and intergenerational equity) and the way in which they can contribute to the protection of the right to a healthy environment under CEPA unclear?

- **The first principle - environmental justice - lacks clarity when using the term “vulnerable populations”**
 - There needs to be increased specificity on how “populations who may be disproportionately impacted” by pollution or toxic chemical exposure will be recognized. As is, the principle lacks a clear understanding of how these communities will be determined and prioritized in these new rights.
- **The lack of defined terms and overuse of “may” throughout the expository text in these principles limited clarity.**
 - Many participants agreed that there needed to be more specificity in the language of these principles and the use of “may” actively worked against that. For example, non-regression lacks a specific definition but “may” apply to many

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stages of the CEPA cycle. Without clear definitions of the principles, participants could not clearly identify how they are being applied in the context of CEPA.

Are there other principles within CEPA that could be considered as part of the framework?

- **Inclusive decision making needs to be strongly considered.**
 - Community-led solutions will be needed to ensure that decisions are not causing intentional or unintentional harm to present and future community members and to ensure that actions stemming from the implementation plan are justice-focused.

Are there other opportunities within the CEPA management cycle to consider these procedural duties and strengthen the protection of the right?

- **Participants emphasized consultations with marginalized groups and requesting public opinion and feedback as opportunities within the management cycle that must be considered.**
 - Relating back to community-led solutions and decision making, it was identified that engaging in continuous communication and collaboration with communities would be a necessary action for the government to take in strengthening the protection of a right to a healthy environment.
 - Continuous consultation and feedback can also be implemented in most aspects of the CEPA management cycle, including but not limited to research and monitoring, risk assessment, and performance measurement, evaluation and reporting.
- **Moving beyond consultations and public participation, there must be a clear and transparent path forward for how this feedback will be implemented**
 - Participants identified the need for the government to show how they will be moving beyond consultations to weave public input into their implementation plan.
 - The government can create an opportunity to share updates and processes for decision making and gather feedback to course-correct as needed, recognizing that effective decision making is often an iterative process.

Are there other procedural duties that could be considered as part of the framework?

- **Participants are asking for the government to incorporate significant, multi-faceted accountability measures (i.e. legal accountability) into the implementation framework.**
 - A need was identified for the government to be set measures in place that can assure communities that lack of compliance will lead to prosecution or remediation.

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- Participants want to see clear, targetable goals that have been set by the government and want to see those goals upheld.

How can the right to a healthy environment under CEPA support the priorities of First Nations, Inuit, Métis, Modern Treaty Partners, and Self-Governments?

- These rights must include Indigenous governance, Ways of Knowing, and priorities within the decision making process.
- Further priorities can be best determined through meaningful consultation.
 - Our participants identified the importance of consulting with impacted communities (while also being careful not to over-consult without any meaningful action) to inform a path forward, enforce existing regulations, and re-visit treaty rights when asked.
 - Meaningful consultation also informs, through recognitional justice, the pasts, presents and ideal futures and priorities of these communities.

How can the framework meaningfully consider Indigenous knowledge systems and bring them together with western knowledge systems to inform science, policy, and program decision-making?

- Participants recommended the government convene a caucus or a roundtable of Indigenous delegates to discuss the implementation of the framework.
 - The meaningful inclusion of Indigenous knowledge systems into these western structures could be implemented through convening diverse Indigenous representatives or delegates from across the country to instill their perspectives into the development of the framework
- There needs to be a frank acknowledgment of colonial legacies and the role they play in shaping federal environmental acts today.
 - These legacies have historically circumvented the meaningful incorporation of Indigenous Knowledge systems into policy and decision making processes. In order to overcome these barriers, the framework needs to bring together the intersecting factors of health and environment, as well as other socio-economic determinants.

Recognizing that implementation will be progressive and incremental, should the framework prioritize certain activities under CEPA or focus on more general improvement? What would you like to see prioritized?

- There was overwhelming support for a targeted response that addresses specific issues.

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- A risk of general improvements is that the intersecting determinants of health and environment will also be generalized, which can cause issues in addressing them.
- Participants also noted that the framework has a need for more targeted priorities, definitions and benchmarks.
 - The success of the Montreal Protocol in comparison to the Kyoto Protocol was used as an example to highlight the value of setting targeted responses as opposed to goals that are too broad in scope and as a result, are challenging to set meaningful targets and compliance strategies.

Given that the framework will need to elaborate on research, studies and monitoring to support protection of the right, are there any particular areas of importance related to these activities that should be considered?

- The importance of participatory research was emphasized in the feedback from participants.
 - Considering the principles that the framework is being built upon, participants identified a clear need for research to include participation from community members that each action branching from this policy and framework will impact. This could take many forms including, acknowledging community lived experiences as a valid source of data, creating accurate measures of quality of life, and taking into account how intersectionality and identity can impact an individual or a community's risk to pollution.

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3. Recommendations to Improve Design of RTHE Implementation Framework

Shake Up The Establishment has led the research, writing and community-engagement processes that shaped this report and it has been endorsed by numerous youth-centred and community-serving organizations across Canada. All of the feedback gathered centers the input, knowledges, lived experiences and worldviews of youth across the lands of what is currently known as Canada. In particular, the perspectives shared throughout the report and recommendations feature direct input from youth with marginalized, minoritized, and underrepresented identities/experiences, including but not limited to race, ethnicity, gender, sex, sexual orientation, (dis)ability, in the Canadian context– highlighting the procedural justice duties implicated in the meaningful review and inclusion of this report’s contents in this work.

This report deliberately provides broader systemic recommendations to be considered within the framing and design of the implementation framework at large. There are a plethora of community-identified priorities highlighted throughout these sections, which offer critical teachings that the Government can and should review **in detail** to ensure that they are appropriately serving communities that are disproportionately impacted by environmental hazards, and who simultaneously experience the most barriers in accessing environmental health benefits, as well as in accessing and inputting in these consultation processes.

Recommendation 1: We ask that the government use clearer wording choices that reflect a stronger commitment to upholding RTHE and better indicate their intentions with RTHE’s implementation and scope of protection.

As noted in section 1, we have the following recommendations regarding the government’s wording choices throughout the discussion document:

- The government needs to use language reflecting a stronger commitment to implementing the right to a healthy environment, as current inclusion of terms like ‘may’ and ‘considered’ throughout the document leaves loopholes that severely undermine the legitimacy of the government’s intentions with implementing the right.
- The government needs to add more specific language about whose right to a healthy environment is being protected - whether it is just applicable to Canadian

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citizens, or newcomers, immigrants, international students, and other non-citizens.

- The government is inappropriately using and applying the term ‘equity’ throughout the document, we recommend adjusting wording and approach choices to ensure that structurally and systemically oppressed communities are not being disproportionately exposed to environmental hazards, and increasing their access to environmental benefits.
- The government must adjust language across the right to a healthy environment to avoid individualizing responsibility of avoiding toxics and environmental exposures.

Recommendation 2: The government must maintain continuous engagement with the communities most disproportionately impacted, not only in improving access to consultation processes but also in providing them with linguistically accessible, culturally competent information for their unique environmental health needs to increase informed decision-making, agency and resiliency.

As per section 1, we have the following recommendations to ensure that government efforts to share information and engage with communities about their right to a healthy environment is accessible and intersectional:

- The government needs to develop a more dedicated outreach and communications approach to include and compensate underrepresented and disproportionately impacted groups, instead of maintaining a laissez-faire approach of engaging “with any interested person”.
- The government needs to implement frequent, accessible communications that promote knowledge translation and increase trust in the government’s implementation of the right to a healthy environment by providing continuous feedback channels, and engaging with NGOs and nonprofits that have pre-established networks and communities.
- The government must minimize barriers around accessible information as it pertains to the right to a healthy environment by producing resources in languages beyond English and French, providing paid opportunities with NGOs

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that are already doing knowledge translation work, and providing alternative engagement methods for communities that lack the resources or the time to seek out this information independently.

- The proposed board of review must be developed much further, consisting of adequate community representation and with consideration of the location of diverse communities, developing accountability mechanisms and specifying current language use.
- The government must ensure they conduct continuous consultations, even after the framework has been implemented, to ensure that the right is being adequately implemented and it is vital that funding to underserved populations be increased to improve knowledge translation efforts.

Recommendations 3: The government needs to be more ambitious in developing an intersectional, justice-based approach to the implementation of RTHE to ensure they are protecting everyone's right to a healthy environment.

As identified in section 1, we have the following recommendations on how the government can widen the scope of the right to better address this right for all:

- The government should focus on addressing the right to a healthy environment domestically before placing judgment on countries lacking this right internationally, given the vast negative impact we continue to have upon the environmental health of other countries, particularly in the global south, due to the activities of extractive industries, waste, and the export of environmental hazards.
- We ask that the government works to address the existing limitations in defining the right to a healthy environment, including the lack of methodologies to phase out fossil fuels, address waste management concerns and better incorporate Indigenous and local perspectives and knowledges into the right.
- The government must expand the scope of environmental justice to consider the incorporation of additional principles into the current framework, including addressing intersectional environmental justice by incorporating the dimensions of procedural, recognition, epistemic, and distributive justice, addressing

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interlocking systems of colonial oppression, and implementing thorough accountability measures on the current principles.

- Quite frankly, there is room for significant improvement in each of the three main principles.
 - The scope of what is considered in environmental justice must be expanded to integrate underserved groups (i.e. immigrants, low-income, homeless), and the generational exposures they face as a result of the environments they are put in and the work they do.
 - We ask that the government expand their research on the non-regression principle to include qualitative data and the lived experiences of impacted communities.
 - The government must include how the intersections of one's identity expose them to different toxins and harmful substances as a part of the intergenerational equity principle.
- The government must enhance current policies that protect people living across what is currently Canada, while pursuing systemic and educational changes to transition responsibility away from individuals trying to avoid harmful products to the government to prevent toxins from being in products in the first place.
- The government must ensure that policy approaches are inclusive of newcomers to what is currently Canada. to ensure this right is not only applicable to Canadian citizens, but that we are also protecting this right for newcomers, immigrants, international students, and other non-citizens.

Recommendation 4: The government needs to better incorporate Indigenous leadership, Indigenous Knowledge Systems, as well as other ethno-culturally diverse ancestral, traditional, embodied, and community-based knowledges, into the implementation of the right.

As stated in section 1 the following recommendations must addressed when it comes to the incorporation of Indigenous knowledges, governance, and communities into the right to a healthy environment:

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- The government must be more explicit about the participation of Indigenous communities in decision-making processes, mechanisms and potential opportunities within CEPA, by providing them with accessible information and recognizing them as the rights holders they are, not just stakeholders.
- The government's engagement must go beyond simply implementing the right to "free, prior, informed consent", and continuously engage Indigenous communities on all aspects of the right to a healthy environment, as all land is Indigenous land, they deserve decision-making power on all actions stemming from the implementation framework.
- The government must recognize the epistemologies and ontologies of each Indigenous community and that their understandings and teachings are unique to each community, thus there is not a homogenous Indigenous 'knowledge', but individual Indigenous 'knowledges that deserve to be integrated and respected in the right to a healthy environment.
- The government needs to increase, strengthen, and specify concrete measures on Indigenous-led solutions and Indigenous self-governance as a part of implementing the right to a healthy environment.

Recommendation 5: The government must explicitly design and implement immediate resources to support research that fills existing research gaps and addresses community-identified environmental health concerns.

As noted in section 1, we have the following recommendations for the government to strengthen research efforts stemming from the implementation of the right:

- Any research produced as a result of the implementation of the right to a healthy environment needs to have increased transparency, should include researcher positionality and must go beyond GBA+ and implement a fully intersectional approach that considers structural health factors in its design and analyses.
- The government needs to consider interconnected cumulative and synergistic effects of exposure, impacts of exposure at critical windows of vulnerability (i.e. early development, puberty, pregnancy, lactation, and menopause) and invest in

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community-based participatory research in which we are learning with, not about affected communities.

- The government must directly commit to producing research directly for and of structurally vulnerable communities, including generating gender and sex-specific research, research focused on racially and ethnically minoritized communities, and widespread biomonitoring to address research inequities.

Recommendation 6: There is a need for significant adjustment to the management cycle being implemented under CEPA to better align with equity-centred, community-based needs and priorities.

As identified in section 1, we have the following recommendations of how the government should adjust CEPA's management cycle when implementing the right to a healthy environment:

- Research and monitoring needs to become more proactive than reactionary, and transition to creating healthy futures, not just mitigating past and current harms, by supporting community and NGO led research initiatives and projects.
- Risk assessment needs to be adapted to include the health and wellbeing of more-than-human beings, implement transparency systems into information gathering, and use a more systems-based approach to include structurally vulnerable communities, and the interconnected health risk posed by climate events like wildfire impacts on air pollution.
- The government must clarify who is involved and responsible, especially between governments, and ensure that there is continuous consultation, engagement, and representation from impacted communities throughout the risk management processes associated with implementing the right to a healthy environment.
- The applicability of compliance methodologies needs to be clarified to ensure that polluters and governments are bearing the financial burden of implementing the right to a healthy environment, as well as strong measures in place to hold them accountable to maintaining the right.
- The government must ensure that enforcement strategies are transparent and accessible for communities to engage with and utilize, including by providing communications in different languages, and to ensure that land and water

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defenders are not being unfairly prosecuted while trying to protect their right to a healthy environment.

- The government must start including and prioritizing representatives from marginalized and disproportionately impacted communities to try and increase trust in government decision-making that is currently lacking from the overwhelming presence of industry ‘experts’ that consistently put their own profits over the wellbeing of people and the planet.