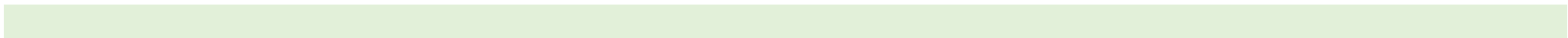


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# Bill C-69: Hang Out a Shingle for HIA (R)evolution

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# SaPHIA

Sustainability and Prevention through Health Impact Assessment



**CIHR** **IRSC**  
Canadian Institutes of Health Research  
Instituts de recherche en santé du Canada

Realist Review iteratively incorporating:

1. Key informant interviews with HIA experts to prioritize evidence needs
2. Theory-driven synthesis of evidence in HIA literature
3. Mapping Bill C-69 provisions to evidence synthesis



# Expert Panel Submission

## The Need for Health Impact Assessments to be Integrated into all Federal Environmental Assessment Processes

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A submission from health organizations and health professionals to the Expert Panel established by the Minister of Environment and Climate Change to review federal environmental assessment processes

23 DECEMBER 2016

### INTRODUCTION

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As a collaboration of health organizations and health professionals, we call for the integration of Health Impact Assessments (HIAs) in all Federal Environmental Assessment (EA) Processes.



# Framing Language

**NEPA Purpose (Sec. 2 [42 USC § 4321]):** “To promote efforts which will prevent or eliminate damage to the environment and biosphere and **stimulate the health and welfare of man ...**”

**CEAA 1992/2012 Purpose (Sec. 4(2)):** “[federal government and its authorities] exercise their powers in a manner that **protects the environment and human health ...**”

**CEAA 1992 Definition (Sec. 2(1)(b)):** “environmental effect” means... on (i) **health and socio-economic conditions ...**”

**CEAA 2012 (Sec. 5(1)(c)(i-iv)):** “with respect to aboriginal peoples, an effect occurring in Canada ... on (i) **health and socio-economic conditions.**”

# Regulatory Shortcomings

Five institutional shortcomings in the regulation of transnational actors (like extractive industries) productive of health inequities



Global Governance *for* Health  
THE LANCET - UNIVERSITY OF OSLO COMMISSION

- 1 - Democratic deficit
- 2 - Weak accountability mechanisms
- 3 - Missing or nascent institutions
- 4 - Inadequate policy space for health
- 5 - Institutional stickiness

*This* is **PUBLIC HEALTH**

# Provisions in Bill C-69

## 1 - Democratic deficit

Insufficient civil society and/or marginalized stakeholder participation

- Removal of the *CEAA, 2012* “interested party” requirement (S.C. 2012, c. 19, s. 52, s 28)
- Provisions to “ensure that the public is provided with an opportunity to participate meaningfully” (Bill C-69, 2018, s 11)
- Provisions to “establish a participant funding program to facilitate the participation of the public” (Bill C-69, 2018, s 75)

# Provisions in Bill C-69

## 2 - Weak accountability mechanisms

Lack of transparency and inability to enforce the regulation of powerful actors

- *CEAA, 2012* required proponents to submit a full description of the proposed project *pre-screening* (S.C. 2012, c. 19, s. 52, s 8(1))
- Provisions establishing a new *post-screening* 180-day planning phase (Bill C-69, 2018, s 10-15)
- Decision-making authorities would consult with interested and affected stakeholders to compile a summary of issues raised provided to proponents (s 12, s 14(1)), who then report how they could address each of the potential impacts raised (s 15(1))

# Provisions in Bill C-69

## 3 - Missing or nascent institutions

Lack of political and legal instruments for promoting population health

- Provisions enabling new institutions for managing the cumulative impacts of multiple projects in regions (Bill C-69, 2018, s 92-94)



# Provisions in Bill C-69

## 4 - Inadequate policy space for health

Lack of intersectoral collaboration with public health

- Provisions for the establishment of “expert committees” to consider “scientific, environmental, health, social or economic issues” (Bill C-69, 2018, s 157(1))

# Provisions in Bill C-69

## 5 - Institutional stickiness

Maintaining entrenched power relations, inflexibility, and resistance to reform

- Provisions for establishing the “public interest” (Bill C-69, 2018, s 63) prior to the approval of non-renewable resource developments.
- Public interest determination sets out five factors whether proposal impacts (i) fall under federal jurisdiction, (ii) hinder Canada’s environmental and/or climate change obligations, (iii) impinge on Indigenous rights or groups, (iv) have mitigation measures implemented, and the extent a proposal (v) contributes to sustainability (s 63(a-e))

# Hang Out a Shingle



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# For HIA (R)evolution