



BRIEF: Bill C-226, *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice*

Prepared for:

Senate Standing Committee on Energy, the Environment and Natural Resources (ENEV)
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Summary:

The toxic burdens faced by racialized, Indigenous and equity-deserving peoples are linked to high rates of cancer, reproductive diseases, respiratory illnesses, and other health problems. CAPE urges swift passage of Bill C-226 which would require the federal government to establish a national strategy to assess, prevent and address environmental racism and advance environmental justice.

About CAPE:

The Canadian Association of Physicians for the Environment (CAPE-ACME) is a national charitable organization that works to better human health by protecting the planet. We seek to better understand how the environment affects human health and communicate this information to our members and supporters, the public, and policymakers in order to affect change. We support and guide physicians and other healthcare professionals to advocate for healthier environments and ecosystems by mobilizing the credible voice of health professionals, health science, and evidence to address the ecological and climate crises - accelerating change towards a just, equitable, and healthier present and future.

Recommendation:

CAPE, based on the evidence, cases, and stories provided, recommend the passage of Bill C-226 and swift implementation of the strategy, furnished with the recognition that human health and environmental justice are intricately intertwined.

Background

CAPE applies a planetary health approach in its knowledge based efforts to address environmental crises. The concept of planetary health affirms that human well-being over the long term depends on the well-being of the earth.¹ In other words, the state of human health is influenced by many factors and interactions in our environments, forming a complex web of conditions that can promote health or lead to disease.²

The human exposome³ - the totality of our exposures from conception through the life course - is a complementary concept to the human genome. With this understanding, a systems approach to health takes into consideration the many influences and interactions in the exposome that create the complex web of factors that can preserve and promote health or lead to disease. A recognition of the interconnections between public health, built environment, climate change, biodiversity and health equity in public policy is in keeping with the World Health Organization's Geneva Charter of Well-being.⁴

The current broader environmental context is a critical contributor to health and well-being for people today. The triple and interconnected crises of climate change, pollution, and biodiversity loss are harming the earth. The earth's planetary boundaries are in some cases exceeded, leaving us "outside the safe operating space for humanity."⁵⁶ These conditions are harming human health, adversely impacting social and economic well-being, worsening inequities and perpetuating environmental injustices.⁷

"Environmental justice can occur if our values and beliefs incorporate a planetary health perspective, we substantively recognize that we have a right to live in a healthy environment, laws such as Bill C-226 are passed and enforceable, institutions support these laws, and programs reflect the links between the health of our planet, biodiversity, and human health. Indigenous and racialized people are the proverbial 'canary in the coal mine', and their health trajectory will inform how well human-kind will fare in the concurrent climate and biodiversity crises."⁸

CAPE strongly supports the passage of Bill C-226 and stands in allyship with the many Nations, communities, organizations and advocates who are seeking swift passage and implementation of the bill.

¹ <https://www.forbes.com/sites/johndrake/2021/04/22/what-is-planetary-health/?sh=3134f3fe2998>

² <https://pubmed.ncbi.nlm.nih.gov/16103423/>

³ <https://pubmed.ncbi.nlm.nih.gov/16103423/>

⁴ <https://chasecanada.org/wp-content/uploads/2023/11/Net-Zero-Rpt-ENG-Nov-7-23.pdf>

⁵ <https://www.stockholmresilience.org/research/research-news/2023-09-13-all-planetary-boundaries-mapped-out-for-the-first-time-six-of-nine-crossed.html>

⁶ <https://www.science.org/doi/10.1126/sciadv.adh2458>

⁷ <https://unfccc.int/news/what-is-the-triple-planetary-crisis#:~:text=The%20triple%20planetary%20crisis%20refers,viable%20future%20on%20this%20planet>

⁸ <https://www.nationalobserver.com/2023/05/23/opinion/hidden-tailings-leak-reveals-ongoing-environmental-racism-canada>

Environmental Racism, “Hotspots” & Human Health, Environmental Justice

It is critical that human health and environmental justice are seen as intimately interconnected and conditions that threaten these, including environmental racism, must be addressed. As such, a *National Strategy to assess, prevent and address environmental racism and to advance environmental justice* is necessary and in keeping with protecting and promoting better human health. Additionally, comprehensive, long-term health studies assessing cumulative health impacts of these exposures, that pairs Western science with Traditional Knowledge while accounting for the ecological, social, cultural and Indigenous determinants⁹ of health, are needed.

Environmental Racism

Environmental racism was first defined in the 1980s by Reverend Benjamin Chavis, former leader of the NAACP, as “... racial discrimination in environmental policymaking, the enforcement of regulations and laws, the deliberate targeting of communities of colour for toxic waste facilities, the official sanctioning of the life-threatening presence of poisons and pollutants in our communities, and the history of excluding people of colour from the leadership of the ecology movements.”¹⁰

CAPE Board Member Dr. Ojistoh Horn articulates that “Environmental racism is supported by upstream systemic factors – societal values and beliefs conforming to a capitalist economy, that humans do not have a right to a healthy environment in practice, legislation that does not fairly protect BIPOC and Indigenous communities, institutions whose siloed and competing mandates do not protect these communities and are not uniformly held accountable to the laws already in place, and programs that have been designed without input from all stakeholders.”¹¹

In keeping with evolving understandings of environmental racism, CAPE recognizes the harm to the health and wellbeing of the disproportionate location and greater exposure of Indigenous, Black, and other racialized communities to polluting industries and other environmental hazards in so-called Canada. With this understanding, we embrace the principle of environmental justice to guide the fair treatment and meaningful involvement of all people regardless of racialization, gender, sex, ability, national origin, or income concerning the development, implementation, and enforcement of environmental laws, regulations, and policies.

The UN Special Rapporteur on Toxics in their 2020 report to the Human Rights Council observed that “There exists a pattern in Canada where marginalized groups, and Indigenous peoples in particular, find themselves on the wrong side of a toxic divide, subject to conditions that would

⁹ [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(21\)00354-5/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(21)00354-5/fulltext)

¹⁰ https://www.ucc.org/what-we-do/justice-local-church-ministries/justice/faithful-action-ministries/environmental-justice/a_movement_is_born_environmental_justice_and_the_ucc/

¹¹ <https://www.nationalobserver.com/2023/05/23/opinion/hidden-tailings-leak-reveals-ongoing-environmental-racism-canada>

not be acceptable elsewhere in Canada.”¹². This pattern is evident in a number of “pollution hotspots” across the country, and the ill health of the peoples there are indicative not only of the injustice of this phenomenon but of the real adverse health impacts that are among the many harms of environmental racism.

The incidents and conditions that have been brought to light in various ways are not stories that are relegated to Canadian history. Environmental racism perpetuates harm against Indigenous and racialized communities today. Dr. Ingrid Waldron’s 2020 report *Environmental Racism in Canada*¹³ exposes the situation and provides recommendations for how to address the myriad of examples of the problem. Waldron’s work has been key to the development of and advocacy for the passage of Bill C-226.

The physicians, nurses, health care providers and health researchers who make up the CAPE community of advocates, and who have supported this legislation since its introduction, speak from a place of the experiences of the communities they serve¹⁴ and the evidence of the health harms. And beyond their own experiences they recognize the well-known environmental racism and human health and justice concerns that have been documented and discussed by other advocates, communities, Indigenous peoples, and organizations.

The CAPE community have also drawn attention to the lack of funding for biomedical health research into climate change, environmental health and environmental racism¹⁵¹⁶. Bill C-226 will make a contribution to this gap.

“Hotspots” and Human Health

The testimonials CAPE physicians share in their work point to pollution “hotspots” and illustrate just some of the examples of environmental racism and injustices that manifest in the reality of ill health for many people across the lands within Canada.

In Akwesasne on the ON, QC and US borders the people of the Kanienkehaka (Mohawk) First Nation, are subjected to toxic exposures¹⁷ including polychlorinated biphenyls (PCBs) – which have been found to be related to thyroid dysfunction, reproductive health harms, cancers, autoimmune diseases, mental health disorders, and more. The exposures are not fixed, but change over time, as PCBs degenerate and lose chlorine, making them lighter and then volatile.

¹² <https://www.ohchr.org/en/statements/2019/06/end-visit-statement-united-nations-special-rapporteur-toxics-and-human-rights>

¹³ <https://en.ccunesco.ca/-/media/Files/Unesco/Resources/2020/07/EnvironmentalRacismCanada.pdf>

¹⁴ <https://cape.ca/ending-environmental-racism-with-these-seven-practices/>

¹⁵ <https://healthydebate.ca/2022/12/topic/funding-biomedical-research-reflects-environmental-racism/>

¹⁶ <https://www.nationalobserver.com/2023/05/23/opinion/hidden-tailings-leak-reveals-ongoing-environmental-racism-canada>

¹⁷ <https://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1172&context=kicjir>

In Northern BC, fracking operations are connected to childhood leukemia, cardiovascular diseases, neurological effects and respiratory illnesses¹⁸¹⁹. Indigenous peoples' lands are disproportionately affected. The infringement on their rights and exposure to health risks without adequate consent or benefit exacerbates social injustices. Local communities also face increased housing costs, infrastructure pressure, reduced access to services, and social issues like increased crime and substance abuse. Fracking also contributes significantly to methane emissions, a potent greenhouse gas, undermining efforts to address climate change.

The exposure of the Athabasca Chipewyan First Nation (ACFN) by mine-waste contaminated oil sludge tailings ponds²⁰ is another example of environmental racism in Canada. ACFN recently served the Alberta Energy Regulator with notice of a lawsuit for failure to notify the nation of a tailings leak²¹. The creation and expansion of tailings 'ponds' have led to the harm of traditional territories, significantly impacting Indigenous communities' ability to practice their inherent and Treaty rights, such as hunting, fishing, and gathering. The environmental devastation and loss of access to traditional lands deeply affect the mental health of Indigenous peoples, local communities, and others concerned about a just, sustainable future. First Nations have for centuries relied for survival needs on the Athabasca and Peace River systems where the Imperial Oil Kearl Mine toxic tailings ponds leak occurred. Many Nations and allied physicians in the region have requested an overall health and cumulative assessment of these communities in light of the toxic exposures²².

In Manitoba, physicians notice high prevalence and severity of eye conditions in the Cree and Oji-Cree populations which had not been documented before. The isolation of communities and lack of healthcare access meant these patients with complex disease typically lacked continuity of care, seeing different doctors, if at all or only at times of crisis. In addition, the people of Northern Manitoba experience more evacuations due to spring flooding and summer forest fires. Winnipeg, Manitoba, where there is a large Indigenous population, is the fastest declining tree canopy, with much of the decline taking place in areas of the city where there are lower income levels.

First Nations communities on rural and remote reserves across northwestern Ontario lack access to clean water, and impacts of climate change on the winter roads has been a constant challenge for communities who need them for essentials such as gas, water and food. The migratory patterns of wildlife being affected by climate change is affecting the traditional hunting, fishing and trapping by Indigenous Peoples in these regions who still follow their traditional spiritual and cultural practices, leaving them with less food and significant food insecurity.

¹⁸<https://cape.ca/wp-content/uploads/2022/12/Communities-in-Flux-%E2%80%93-Fracking-and-Health-Impacts.pdf>

¹⁹ <https://link.springer.com/article/10.17269/s41997-024-00860-2>

²⁰ <https://www.theguardian.com/world/2023/mar/10/athabasca-chipewyan-first-nation-imperial-oil-alberta>

²¹ https://x.com/ACFN_KaiTaile/status/1765195595059478863?s=20

²² <https://chatelaine.com/living/canada-environmental-racism/>

Extreme weather events like wildfires and floods stemming from warmer temperatures, longer, hotter summers with increased risk of forest fires and flooding from early ice breakup on reserve create barriers for access to health care services in northern Ontario. Forest fires also destroy many traditional medicines that are available to harvest and traditional foods that can be gathered, worsening the food security in the region. Chronic and persistent mercury exposure²³ is causing neurotoxicity of First Nations communities in the English River-Wabigoon system in Ontario.

Aamjiwinaang First Nation surrounded by Chemical Valley in Ontario, where petrochemical industries emissions are dominant, toxic exposures are thought to contribute to high rates of cancer, birth anomalies, learning disabilities and a skewed sex ratio²⁴. A recent report²⁵ on the air pollutants impacting the Nation connects the significant sources of sulphur dioxide with respiratory disease and, correspondingly a reduction of SO₂ levels with reduced impacts, fewer emergency department visits, hospitalizations and mortality for all respiratory causes. Benzene and 1,3 butadiene, also present in the airshed, have a similar carcinogenic risk endpoint of leukemia. Ongoing failures to reduce the air contaminants is attributed to system environmental racism.

In Windsor, Ontario²⁶, particularly the west end where a higher proportion of racialized people are residents, people live in the shadow of the truck traffic of the Ambassador Bridge and industrial emissions from both sides of the border and experience a range of higher than expected adverse health outcomes from asthma, to cancers, to neurodevelopmental impacts.

African Nova Scotians²⁷, living amidst hazardous exposures from landfills, incinerators, sewage treatment plants, refineries, pulp and paper mills, oil and gas extraction, and hazardous waste storage are also experiencing ill health.

The documented and observed human health impacts of environmental racism and other environmental injustices are a critical component of the urgent need to pass Bill C-226 into law. For physicians who have treated and advocated for people in impacted communities, the passage of Bill C-226 will be welcome news. They have long understood that health is more than an individual's personal choice or genetic predisposition and is substantially influenced by environments.

Despite the knowledge garnered in part in the practice of medicine in communities, the data documenting the extent of environmental racism in Canada has been lacking and in many cases only anecdotal evidence is available.

²³ <https://www.theguardian.com/global/2018/oct/16/canada-first-nations-ojibway-warrior-society>

²⁴ <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.8479>

²⁵ Compilation of Air Pollution Data, Perspectives and Recommendations for the Aamjiwinaang First Nation, February 2024, C&S Grant Environmental Consulting Inc. and Foley Environmental

²⁶ <https://windsorlawcities.ca/centring-environmental-racism-in-climate-work/>

²⁷ <https://www.enrichproject.org/resources/>

Bill C-226 requires the Government of Canada to act to adequately study and assess environmental racism, to address existing hazards, implement measures to prevent and address harms with the consultation of affected communities.

Environmental Justice

The National Strategy to redress the harms of environmental racism, and to enact both studies and introduce measures to address the links between environmental harms and factors such as racialization and socio-economics will be an important step in beginning to confront the toxic divide observed in Canada.

Legislation and funding is needed to support research that can address urban, rural and northern communities who are experiencing environmental racism in different ways. Furthermore, it will play a role respecting and honouring commitments made by Canada in the UNDRIP Act to support Indigenous peoples' exercise of the right to self-determination, to dismantle the persistence and harm of systemic racism and discrimination that Indigenous people face on a daily basis, to consult and cooperate with Indigenous peoples with action to address injustices, combat prejudice and eliminate all forms of violence and discrimination against Indigenous people, while deepening understanding and respect, while creating stronger and healthier Indigenous communities.

Recommendation

CAPE, based on the evidence, cases, and stories provided, recommend the passage of Bill C-226 and swift implementation of the strategy, furnished with the recognition that human health and environmental justice are intricately intertwined.