



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

The Senate of Canada
Ottawa, Ontario
Canada, K1A 0A4

VIA EMAIL: enev@sen.parl.gc.ca

November 26, 2023

Re: Bill S-14 *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations*

Dear Honourable Members of the Senate Standing Committee on Energy, the Environment and Natural Resources,

On behalf of the Canadian Association of Physicians for the Environment ([CAPE](#)), I present for your consideration, proposed amendments to [Bill S-14](#), *Protecting Canada's Natural Wonders Act*. We believe these would better strengthen the Act through the protection of the natural environment and the health of people in Canada.

CAPE is a national physician-led organization working to better human health by protecting the planet. CAPE collaborates with other organizations, nationally and internationally, to work effectively and build power together. We support physicians to be advocates for healthier environments and ecosystems. We take action to enable health for all by engaging with governments, running campaigns, conducting research, and drawing media attention to key issues.

I make these proposals following the invitation from the ENEV Committee to do so after my [appearance on November 23, 2023](#) as a witness to provide testimony in the study of Bill S-14. I thank you for this invitation and for your careful study of this Bill.

In making the proposed amendments to the *Protecting Canada's Natural Wonders Act* I would reinforce the importance of human health and environmental justice considerations. For example, the right to a healthy environment and principles of environmental justice have recently been added to the [Canadian Environmental Protection Act](#) and therefore consideration of these as they apply to the lands and duties covered by this Act are important. Citizen

enforcement and removal of any barriers to citizen reporting on deposits could strengthen protection of the natural environment and human health. Ensuring consistency with the [United Nations Declaration on the Rights of Indigenous Peoples Act](#) and free prior and informed consent with Indigenous Peoples is critical to reconciliation and effective environmental stewardship.

We offer some specific amendment proposals for your consideration, and follow with some additional points for consideration.

1. In Section 32 of the *Canada National Parks Act*, under "Duty to notify and take reasonable measures" (2) it currently states:

"...any person who has charge, management or control of the substance and any person who caused or contributed to the discharge or deposit must

- (a) notify the superintendent without delay; and
- (b) take reasonable measures to prevent, mitigate or remediate harm and to prevent or minimize danger, as the case may be."

We recommend the addition of a positive duty through language and powers speaking to mechanisms for enforcement of the identification of any discharges or deposit and the obligations to take measures.

2. In Section 17 of the *Rouge National Urban Park Act*, under "Duty to notify and take reasonable measures" (2) it currently states:

"...any person who has charge, management or control of the substance and any person who caused or contributed to the discharge or deposit must

- (a) notify the superintendent without delay; and
- (b) take reasonable measures to prevent, mitigate or remediate harm and to prevent or minimize danger, as the case may be."

We recommend the addition of a positive duty through language and powers speaking to mechanisms for enforcement of the identification of any discharges or deposit and the obligations to take measures.

3. In Section 32 of the *Canada National Parks Act*, under "Powers of superintendent and Minister", (3) these powers could be strengthened and offer greater protection of the natural environment and human health and public safety by changing the "mays" to "shalls":

"(3) If the superintendent of the park is of the opinion that a person is not taking the measures required by subsection (2)(b) , the superintendent ~~may shall~~ order the person to take those measures. If the person fails to take the measures that they are ordered to take, the Minister ~~may shall~~ take the measures on behalf of His Majesty in right of Canada."

4. In Section 17 of the *Rouge National Urban Park Act*, under "Powers of superintendent and Minister", (3) these powers could be strengthened and offer greater protection of the

natural environment and human health and public safety by changing the "mays" to "shalls":

"(3) If the superintendent of the park is of the opinion that a person is not taking the measures required by subsection (2)(b) , the superintendent **may shall** order the person to take those measures. If the person fails to take the measures that they are ordered to take, the Minister **may shall** take the measures on behalf of His Majesty in right of Canada."

5. We recommend adding a **"Public Participation"** section to the Act under each of the relevant Acts under Bill S-14, which would build in a **citizen enforcement mechanism**, as well as **remove any barriers to citizen participation in reporting discharges or deposits** that have not been identified by "any person who has charge, management or control of the substance and any person who caused or contributed to the discharge or deposit"

The addition of such provisions would enable people in Canada to hold polluters to account for violations of the Acts and any related regulations while simultaneously removing any legal limitations and cost barriers to citizens holding polluters accountable for their actions.

We offer the following considerations in any additional amendments to Bill S-14 that would serve to strengthen its ability to protect the natural environment and the health of people in Canada.

1. With regard to the obligations around discharge or deposit of substances and as they intersect with CEPA and the new right to a healthy environment, specify how they will be implemented
2. Specify where and how free, prior and informed consent with Indigenous Peoples was obtained and obtained for the purposes of the changes Bill S-14 would make to the specified Acts
3. As per the *UNDRIP Act*, specify what measures been taken to ensure the Bill and the Acts being modified is consistent with the Declaration

Thank you for considering the proposed amendments and recommendations to strengthen Bill S-14. We thank and encourage the ENEV committee in its work to improve the natural environment and for human health protection.

Sincerely,

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