

# Policy Discussion Paper

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

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## Recommendations

1. *Enacting* Bill C-226
  2. *Creating* an office of environmental justice that adheres to a collaborative multi-jurisdictional governance model
  3. *Adopting* an intersectional planetary health lens to guide future environmental justice regulatory developments and administrative programming
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**Figure 1:** Aamjiwnaang children celebrate Indigenous peoples' day on the community baseball field across from Ineos Styrolution. *Image: Laurence Butet-Roch*

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## Summary

There is a lack of policy and programs focused on addressing environmental racism and advancing environmental justice in Canada.<sup>1</sup> Meanwhile, racialized communities in Canada from coast-to-coast-to coast and across the country suffer due to their disproportionate proximity and exposure to environmental harms. The passage of Bill C-226 will support directly affected communities with the capacity to address their adverse environmental health concerns and prevent future exposures through the promotion of environmental justice. Addressing environmental racism requires the meaningful input of racialized communities in decision-making and policy development. Many communities have been systematically excluded from environmental policy-making in Canada. Future environmental justice programming should adhere to an intersectional planetary health approach to account for the uneven impacts of environmental harms such as chemical spills and toxic sites and consider human and more-than-human impacts. This policy discussion paper recommends: 1. *Enacting* Bill C-226. 2. *Creating* an office of environmental justice that adheres to a collaborative multi-jurisdictional governance model. 3. *Adopting* an intersectional planetary health lens to guide future environmental justice regulatory developments and administrative programming.

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<sup>1</sup> In contrast, the United States Environmental Protection Agency has an established program focused on addressing environmental racism and promoting environmental justice.

## 1. Enacting Bill C-226

The swift passage of Bill C-226 will enrich the capacity of communities directly affected by environmental hazards to improve their health and wellbeing while systematically addressing current policy failures to address environmental racism. This is a national matter of interest to all of Canada.<sup>2</sup> As such, it requires a coordinated federal strategy, one that is co-developed by directly affected community leaders and demonstrates the federal government's capacity to listen to their concerns, perspectives and solutions. This bill builds upon the precedent set by Bill C-69 *Impact Assessment Act* and S-5 *Strengthening Environmental Protection for a Healthier Canada Act*, as well as federal mandate letters for the Ministry of Environment and Climate Change Canada. Bill C-226 aligns with the right to a healthy environment in Canada. The federal government is currently working on an implementation framework for Bill S-5 and this is also an important moment for more meaningful engagement with directly affected communities to consider environmental racism and environmental justice from an intersectional planetary health lens.

Environmental racism exists in Canada. The ENRICH project highlights these along with the EJ Atlas – Global Atlas of Environmental Justice, of which there are many Canadian examples across the country.<sup>3</sup> Examples include in Aamjiwnaang, Asubpeeschoseewagong Netum Anishinabek First Nation, West Moberly, Pictou Landing – and the list goes on.<sup>4</sup> Historical events and the legacy of colonial laws in Canada reveal the multidimensional ways that environmental policy is not neutral. The lived-experiences of community-members from the Aamjiwnaang Nation highlight how this has come to be the case.<sup>5</sup> Their concerns, which include exposure to elevated rates of benzene and sulphur, reveal the impact of environmental racism while surrounded by Canada's Chemical Valley and the need for systemic, legislative change.<sup>6</sup> Going forward, as Bill C-226 underscores, affected communities must be involved in co-creating a collaborative and coordinated national strategy to achieve environmental justice. Implementation must be informed by existing law, including UNDRIP internationally and Indigenous law.

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<sup>2</sup> This Policy Discussion Paper draws upon some of the lived-experiences of Indigenous communities; however, it is imperative to note that numerous Black communities have also documented similar experiences.

<sup>3</sup> Environmental Noxiousness, Racial Inequalities & Community Health Project (ENRICH), see: <https://www.enrichproject.org/> and also Global Atlas of Environmental Justice: <https://ejatlas.org>.

<sup>4</sup> Ingrid Waldron, *There's Something in the Water: Environmental Racism in Indigenous and Black Communities*, Halifax & Winnipeg: Fernwood Press, 2018. Sarah Marie Wiebe, *Everyday Exposure: Indigenous Mobilization and Environmental Justice in Canada's Chemical Valley*. Vancouver: UBC Press, 2016; Diana Lewis et al., "Governmental Fiduciary Failure in Indigenous Environmental Health Justice: The Case of Pictou Landing First Nation," *International Journal of Indigenous Health*. Vol. 15(1): 61-72; Amanda Buchnea et al., "The Wellbeing of Women-Identifying Nunatsiavut Beneficiaries in and around Happy Valley-Goose Bay," 2022. Canadian Research Institute for the Advancement of Women. Accessed online: <https://www.criaw-icref.ca/publications/the-wellbeing-of-women-identifying-nunatsiavut-beneficiaries-in-and-around-happy-valley-goose-bay/>.

<sup>5</sup> Sarah Marie Wiebe, Jen Bagelman and Laurence Butet-Roch, "Bodies Exposed: Reframing the Geopolitics of Dilution in Canada's Chemical Valley," *Toxic News*. February 2019. Available online: <https://toxicnewsdotorg.files.wordpress.com/2019/07/14.4-bodies-exposed-reframing-the-geopolitics-of-dilution-in-canadae28099s-chemical-valley.pdf>. See also Wiebe, 2016.

<sup>6</sup> Cathy Dobson, "Benzene and sulphur dioxide serious concerns for South Sarnia," *The Journal*. November 20, 2023. Available online: <https://www.thesarniajournal.ca/news/benzene-and-sulphur-dioxide-serious-concerns-for-south-sarnia-7973788>. See also: Tashauna Reid, Alice Hopton, "The movement to address environmental racism is growing. This bill could provide the data it needs," *CBC News*. March 25, 2021. Available online: <https://www.cbc.ca/news/science/environmental-racism-bill-c-230-1.5954082>.



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**Figure 2:** The Aamjiwnaang Talons play baseball in their community. *Image: Laurence Butet-Roch*

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Researchers document how environmental contamination is a form of environmental violence that affects environmental health, including gendered dimensions, along with reproductive and mental health.<sup>7</sup> During his 2019 visit, United Nations Special Rapporteur on toxics and human rights Baskut Tuncak emphasized the importance of international law and governance to redress this situation, along with cooperation, collaboration and shared jurisdiction.<sup>8</sup> He notes how interjurisdictional collaboration on the management of toxic chemicals under the *Canadian Environmental Protection Act* sets a foundation. Meaningful collaboration involves going beyond consultation with Indigenous nations towards partnership to address issues related to toxic exposure. UNDRIP is core to this approach. Tuncak also noted the need for environmental justice socio-economic mapping of affected Indigenous communities and their proximity to environmental hazards to obtain more precise information.

There are many examples of environmental racism and environmental justice policy in the U.S. and globally. For instance, we can look to the Environmental Protection Agency which has an Office of Environmental Justice and External Civil Rights.<sup>9</sup> Canada would benefit from creating an office of

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<sup>7</sup> Donna Mergler, Aline Philibert, Myriam Fillion and Judy Da Silva, “The Contribution across Three Generations of Mercury Exposure to Attempted Suicide among Children and Youth in Grassy Narrows First Nation, Canada: An Intergenerational Analysis,” *Environmental Health Perspectives*. Vol. 131(7). July 19 2023; Constanze A. Mackenzie, Ada Lockridge and Margaret Keith, “Declining Sex Ratio in a First Nation Community,” *Environmental Health Perspectives*. 2005. Vol. 113(10): 1295-1298; Diana Lewis et al., “If only they had accessed the data: Government failure to monitor pulp mill impacts on human health in Pictou Landing First Nation,” *Social Science & Medicine*. 2021. Vol. 288 (113184); Women’s Earth Alliance, “Violence on the Land, Violence on our Bodie”, July 18, 2016 report. Accessed online: <https://womensearthalliance.org/updates/violence-land-violence-bodies-report-published/>.

<sup>8</sup> Baskut Tuncak, “End-of-visit statement by the United Nations Special Rapporteur on toxic and human rights,” visit to Canada 24 May – 6 July 2019. Accessed online: <https://www.ohchr.org/en/statements/2019/06/end-visit-statement-United-nations-special-rapporteur-toxics-and-human-rights>. See also November 27 2020 report: <https://www.ohchr.org/en/documents/country-reports/ahrc4512add1-visit-canada-report-special-rapporteur-implications-human>.

<sup>9</sup> About the Office of Environmental Justice and External Civil Rights, “What We Do,” Environmental Protection Agency. Accessed online: <https://www.epa.gov/aboutepa/about-office-environmental-justice-and-external-civil-rights>. By way of an international example, the Senate of Hawai’i passed Senate Bill 2386 to prevent landfills from further encroaching on the homes of Native Hawaiians along the O’ahu coast of Wai’anae by establishing a half-mile buffer zone between residential areas and waste facilities. This shows how senate-supported legislation can improve the lives of racialized communities to enhance community wellbeing and environmental justice. Prior to the passage of this bill, local zoning ordinances enabled a disproportionate siting of hazardous waste facilities near Native Hawaiian communities. See: Cassandra Kometani, “Environmental Justice for Native

environmental justice to assess, prevent and address environmental racism in Canada. The mandate of the office could include further investigating linkages between race, socio-economic status, gender, ability and environmental risks from an intersectional planetary health lens. Bill C-226 calls for a strategy that involves affected communities in environmental policy-making. This can take shape through participatory research that gathers quantitative, qualitative and other forms of situated knowledge to produce findings and measures that enhance and promote environmental justice while dismantling environmental racism.<sup>10</sup> In practice, this could result in amending federal laws, policies and programs and set an example for other legislative bodies across the country and globally.

As Dr. Waldron explains in her book *There's Something in the Water*, environmental racism must be dismantled for environmental justice to come into being.<sup>11</sup> Environmental racism and environmental justice are distinct but related concepts that require further definition and elaboration (See Appendix A as a starting point). While this is a new emphasis for the Government of Canada, there is much expertise held by community leaders, planetary health experts and grassroots organizations with vital knowledges that should guide future policy development. In carrying out a regulatory strategy and related programming, governing bodies convened by the Government of Canada must work with directly affected communities and organizations who bring their lived-experiences and expertise to the topics of environmental racism and environmental justice to inform and co-develop this strategy.

Environmental justice is a policy approach with distributive, procedural and discursive facets. This lens examines the uneven distribution of environmental hazards across society with impacts for Indigenous and racialized communities. It addresses asymmetrical power relations to ensure that those directly affected have meaningful input into the design of collaborative environmental governance mechanisms for more just policy outcomes. Further, the voices of those directly affected must be considered at all stages, from problem definition through to the design of environmental policy strategies.



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### ***Moving Forward***

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**Figure 3:** Aamjiwnaang community members paddle downstream to their home along the St. Clair River.  
*Image: Laurence Butet-Roch*

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Hawaiians: Preventing Landfill Expansion on the Waianae Coast,” March 3, 2022. Environmental Law Education Centre. Accessed online: <https://elecenter.com/1143/environmental-justice-for-native-hawaiians-preventing-landfill-expansion-on-the-waianae-coast/>.

<sup>10</sup> For examples of participatory community-engaged research, see: Leah Levac and members of the CVI Steering Committee, the Canadian Research Institute for the Advancement of Women’s Community Vitality Index (2018), accessed online:

<https://www.criaw-icref.ca/wp-content/uploads/2021/12/CVI-Overview-Dec.-2021.pdf>.

<sup>11</sup> Waldron, 2018.

Canadians have a responsibility to listen to and learn from those directly affected by environmental racism in their everyday lives. This act of witnessing carries a responsibility for accountability. The federal government is charged with this responsibility through the enactment of Bill C-226. Governing bodies can “work in a good way”, borrowing from the words of University of Victoria Indigenous public administration scholar Dr. Susanne Thiessen.<sup>12</sup> This involves “efforts to ensure that the voices and stories of Indigenous peoples are heard and represented in the development of organizations and policies, programs and services, reflecting a commitment to cultural inclusivity and empowerment.” This is especially critical for the administration of environmental justice in alignment with the Truth and Reconciliation Commission’s Calls to Action.<sup>13</sup>

## **2. Creating an office of environmental justice that adheres to a collaborative multi-jurisdictional governance model**

Bill C-226 cites the importance of conducting a study 3(a) and 3(b) measures to advance environmental justice and “assess, prevent and address environmental racism” through legislative, policy and program amendments, as well as involving community groups in policy-making and collecting information and statistics relating to health outcomes in communities located in proximity to environmental hazards. The bill thus advocates for a collaborative approach to governance. This is essential to the success of the proposed strategies.

Like the Environmental Protection Agency in the U.S., Canada needs to have a mechanism to facilitate meaningful progress and accountability towards environmental justice. Bill C-226 can help make this possible. To realize C-226, Canada – through the Ministry of Environment and Climate Change Canada – should create an Office of Environmental Justice to act as a convening mechanism, to listen and learn from directly affected communities and co-create solutions. The role of the Office of Environmental Justice will be to witness, listen and learn.

Principles of design justice and policy justice elaborate how directly affected communities must be at the policy-making table for environmental justice policy to take shape.<sup>14</sup> As Elizabeth May stated during the committee stage, HOC, November 1, 2022: “It’s really important for communities to have their own agency to be able to contact epidemiologists; to have their own studies done; to have evidence-based decisions around what can be done for cleanup.”<sup>15</sup> Collaborative governance is critical to this approach. There are numerous examples of collaborative governance in Canada.

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<sup>12</sup> Susanne Thiessen, “An Indigenous Perspective on Working ‘in a Good Way’ in the Public Service”, March 4, 2024. IPAC Victoria. Accessed online: <https://www.ipacvictoria.com/news/an-indigenous-perspective-onnbsp-working-in-a-good-way-in-the-public-service>.

<sup>13</sup> Truth and Reconciliation Commission of Canada: Calls to Action. 2015 report.

<sup>14</sup> Sasha Costanza-Chock. *Design Justice: Community-Led Practices to Build the Worlds We Need*. Massachusetts: MIT Press, 2020; Leah Levac and Sarah Marie Wiebe. *Creating Spaces of Engagement: Policy Justice and the Practical Craft of Deliberative Democracy*. Toronto: University of Toronto Press, 2020.

<sup>15</sup> Elizabeth May, House of Commons, November 1, 2022. Accessed online: <https://www.ourcommons.ca/DocumentViewer/en/44-1/ENVI/meeting-34/evidence#Int-11899270>.

Many Indigenous communities are at the forefront of these innovative approaches. Canadian society has much to learn from their governance strategies.<sup>16</sup> There are examples and models for which administrators involved in the implementation strategy for Bill C-226 may consult, review and assess.<sup>17</sup> There are some examples of collaborative governance when it comes to multifaceted policy arenas such as forestry, housing and marine management.<sup>18</sup> A paradigm shift from hierarchical, top-down command and control governance towards collaborative governance is needed. In British Columbia, this paradigm shift is emerging through DRIPA legislation to implement UNDRIP.<sup>19</sup> Collaborative policy development is also evident in practice, as indicated in the Biodiversity and Ecosystem Health Framework, the Tripartite Framework Agreement on Nature Conservation and the conservation financing mechanism.<sup>20</sup> This shift demonstrates a commitment to co-developing laws and policies.

The proposed national agency would have a decentralized, multifaceted interjurisdictional approach to governance, guided by principles such as: collaboration, interjurisdictional cooperation and participatory community-engaged research. As Bill C-226 outlines, government bodies need to gather data about environmental justice. This data must include community-led data so that quantitative, qualitative and community-engaged findings inform environmental policy-making. It is evident that there is a gap in this knowledge across the country, and good information is needed. Yet, statistics do not tell the whole story. Expanding evidence and expertise beyond numbers can amplify the knowledges of invisibilized or marginalized communities.<sup>21</sup> As such, sensory, embodied and felt

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<sup>16</sup> Inuvialuit Regional Corporation and Final Agreement: <https://irc.inuvialuit.com/about-irc/inuvialuit-final-agreement/>; First Peoples Cultural Council <https://fpcc.ca>; New Relationship Trust <https://newrelationshiptrust.ca>; Bioregional networks for Marine Protected Areas <https://www.dfo-mpo.gc.ca/oceans/publications/backgrounder-fiche/pacificnorthernshelf-plateaunord/index-eng.html>; Coastal First Nations Great Bear Rainforest Initiative: <https://coastalfirstnations.ca/our-sea/collaborative-governance-and-reconciliation-with-first-nations/>.

<sup>17</sup> For example, the constellation model: <https://socialinnovation.org/about/innovations-publications/constellation-model-of-governance/>; collaborative governance as elaborated in *Building Bridges: Case Studies in Collaborative Governance in Canada*, Claude M. Rocan, ed. Ottawa: University of Ottawa Press, 2018; adaptive co-management: <https://www.stockholmresilience.org/publications/publications/2016-04-20-collaborative-governance-for-climate-change-adaptation-in-canada-experimenting-with-adaptive-co-management.html>; a collaborative approach to treaty relations: <https://www.stockholmresilience.org/publications/publications/2016-04-20-collaborative-governance-for-climate-change-adaptation-in-canada-experimenting-with-adaptive-co-management.html>; the Great Lakes Water Quality Agreement's co-stewardship model, see Environmental Protection Agency: <https://www.epa.gov/glwqa>; the BC Watershed strategy on co-development with First Nations: <https://news.gov.bc.ca/releases/2023WLR0008-000267>; Indigenous Marine Protected and Conservation Areas: <https://www.wcel.org/ipcas>; along with the promises and perils of co-management, as elaborated by T. Swerdfager and D. Armitage, "Co-management at a crossroads in Canada: issues, opportunities, and emerging challenges in fisheries and marine contexts," *Facets*. Vol. 8, January 2023.

<sup>18</sup> Carey Doberstein, "Designing Collaborative Governance Decision-Making in Search of A 'Collaborative Advantage'", Homeless Hub, available online: <https://www.homelesshub.ca/resource/designing-collaborative-governance-decision-making-search-collaborative-advantage>. Zoë Yunker, "How BC Is Tackling a 'Paradigm Shift' in Its Forests," *The Tyee*. December 6, 2023. Available online: <https://thetyee.ca/News/2023/12/06/BC-Paradigm-Shift-Forests/>.

<sup>19</sup> Declaration on the Rights of Indigenous Peoples Act, 2019. Province of British Columbia; United Nations Declaration on the Rights of Indigenous Peoples.

<sup>20</sup> Draft B.C. Biodiversity and Ecosystem Health Framework, November 2023. Province of British Columbia. Available online: [https://www2.gov.bc.ca/assets/gov/environment/biodiversity-habitat-management/draft\\_biodiversity\\_and\\_ecosystem\\_health\\_framework.pdf](https://www2.gov.bc.ca/assets/gov/environment/biodiversity-habitat-management/draft_biodiversity_and_ecosystem_health_framework.pdf). Tripartite Framework Agreement on Nature Conservation, Canada, British Columbia, and the First Nations Leadership Council, available online: <https://www.canada.ca/en/environment-climate-change/services/integrated-nature-initiatives/nature-agreements/canada-british-columbia-nature-agreement.html>.

<sup>21</sup> Leah Levac, Jane Stinson, Susan M. Manning and Deborah Stienstra, "Expanding evidence and expertise in impact assessment: informing Canadian public policy with the knowledges of invisible communities," *Impact Assessment and Project Appraisal*. 2021. Vol 39(3): 218-228.

knowledges also require consideration.<sup>22</sup> Gathering data and knowledge about exposure to environmental hazards must be conducted in accordance with principles of free, prior and informed consent to support Indigenous self-determination. Resources must be redirected to support community-led leadership and solutions for the successful implementation of a strategy that aligns with Bill C-226.

### **3. Adopting an intersectional planetary health lens to guide future environmental justice regulatory developments and administrative programming**

Environmental and human health are inseparable, but they are often treated in silos. Reframing this is central to an intersectional planetary health approach, as elaborated recently by contributors to a panel at Guelph University on examining environmental justice through an intersectional lens.<sup>23</sup> An intersectional planetary health lens acknowledges the need to be accountable to human and more-than-human beings. Following Dr. Waldron, a multi-pronged strategy must unapologetically centre race and “how it intersects with class, gender, and other social identities to shape the experiences of communities disproportionately impacted by a web of inequalities and environmentally hazardous industries; environmental policy that acknowledges and addresses structural and environmental determinants of health and culturally relevant participatory democracy approaches; partnerships between white led environmental justice organizations and Indigenous and Black communities; and alliances and solidarities between Indigenous and Black communities.”<sup>24</sup> This lens is central to the flourishing of entire ecologies – waterways, plants, animals and atmospheres – alongside human health.

The ecocentric, intersectional planetary health lens advanced here underscores the vital contributions of Indigenous perspectives along with the principle that those directly affected by environmental hazards must have a voice in decision-making and policy development. Doing so requires a shift to “radical policy futures” that unsettles hierarchical modes of governance, and contributes to the transformation of administrative policies and programs to recenter the voices and perspectives of those who have been marginalized.<sup>25</sup> There are established legal examples of this ecocentric shift, such as legal personhood of the Muteshekau Shipu (Magpie River) in Québec and Whanganui River in Aotearoa (New Zealand) and the recognition of Indigenous worldviews in country’s Resource Management Act. Other examples around the world further draw into focus this planetary health perspective, including Ecuador’s constitutional enshrining of ecocentric norms and values.<sup>26</sup> Related to this, during her testimony to the Senate committee, Ellen Gabriel elaborated how environmental and human rights are connected. In her words: “Our medicines and our health are connected. It’s not just a matter of policy implementation.

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<sup>22</sup> Sarah Marie Wiebe, “Sensing policy: engaging affected communities at intersections of environmental justice and decolonial futures,” *Politics, Groups and Identities*. 2020. Vol. 8(1): 181-193; Dian Million, “Felt Theory: An Indigenous Feminist Approach to Affect and History,” *Wicazo Sa Review*. 2019. Vol. 24(2): 53-76.

<sup>23</sup> Environmental Justice through an Intersectional lens, Guelph University panel, March 8, 2024. For details see: <https://csahs.uoguelph.ca/events/2024/03/environmental-justice-through-intersectional-lens>.

<sup>24</sup> Waldron, 2018, pp. 131-132

<sup>25</sup> Alana Cattapan, Alexandra Dobrowolsky, Tammy Findlay, and April Madrona, “Power, Privilege, and Policy Making: Reflections on ‘Changing Public Engagement from the Ground Up,’” pp. 226-252 in Leah Levac and Sarah Marie Wiebe, eds. *Creating Spaces of Engagement: Policy Justice and the Practical Craft of Deliberative Democracy*. Toronto: University of Toronto Press, 2020, pp. 244-245.

<sup>26</sup> Rhys et al., 2022; Justine Townsend, Alexis Bunten, Catherine Iorns and Lindsay Borrows, “Why the first river in Canada to become a legal person signals a boon for Indigenous rights,” *The Narwhal*. June 11, 2021. Accessed online: <https://thenarwhal.ca/opinion-muteshekau-shipu-magpie-river-personhood/>.

There have to be true consultations with regard to how indigenous communities want to see an environmental racism bill really benefit us rather than just being told, ‘This is a bill. This is the law,’ when we know that the law has not been there for us.”<sup>27</sup> An ecocentric approach to planetary health grounded in Indigenous values, worldviews and knowledges highlights the “interdependent vitality of all natural and anthropogenic ecosystems.”<sup>28</sup> Principles of respect, responsibility and reciprocity are central to this way of understanding human/more-than human relationships.

There is precedent in Canada for intersectional policy and programming. Notably, Bill C-69 incorporates a GBA+ lens. Much of Canadian current legislative and policy activities now are expected to incorporate this lens.<sup>29</sup> As most of the policy briefs prepared for this Senate committee draw attention to, including submissions from the Women’s Healthy Environments Network and The Native Women’s Association of Canada, exposure to environmental hazards affect communities differently, across gendered, racialized and ableist life experiences.<sup>30</sup> All written submissions before this Senate committee refer to the importance of intersectional and gendered aspects of environmental policy-making to address environmental racism and justice. Ample evidence justifies the need for an intersectional approach to environmental policy-making in Canada. Dawn Hoogeveen and co-authors elaborate how to implement an intersectional GBA+ lens and their report offers relevant insight for policy-makers who will be involved with the implementation of Bill C-226.<sup>31</sup> There are meaningful policy and evaluation tools to assist with the implementation of this intersectional planetary health approach.<sup>32</sup> Such a lens, in order to achieve the successful implementation of Bill C-226, must dismantle a hierarchical understanding of human wellbeing at the expense of ecological wellbeing.

As indicated in the Federation of Canadian Secondary Students’ submission before this Senate committee: “In an era of climate crisis, we cannot afford to wait until someone is left behind to begin to act. Indigenous peoples and Canadians of colour have already been left behind by our environmental policies.” There is no time to waste in passing Bill C-226. This legislation presents an opportunity to meaningfully enact thriving decolonial and sustainable futures for human and more-than-human species now and for the generations to follow. Future policy and research must be grounded in community perspectives and priorities so this can happen.

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<sup>27</sup>Ellen Gabriel, witness testimony, November 1, 2022. <https://www.ourcommons.ca/DocumentViewer/en/44-1/ENVI/meeting-34/evidence#Int-11899270>

<sup>28</sup> Rhys Jones, Pappaarangi Reid, Alexandra Macmillan, “Navigating fundamental tensions towards a decolonial relational vision of planetary health,” Personal View, *The Lancet*. 2022. Vol. 6(10): E834-E841.

<sup>29</sup> Government of Canada, “Policy on Gender-Based Analysis Plus: Applying an Intersectional Approach to Foster Inclusion and Address Inequities,” accessed online: <https://www.justice.gc.ca/eng/abt-apd/pgbap-pacsp.html>; Levac et al., 2020; Susan M. Manning and Leah Levac, “The Canadian Impact Assessment Act and intersectional analysis: Exaggerated tensions, fierce resistance, little understanding,” *Canadian Public Administration*. Vol. 65(2): 242-260.

<sup>30</sup> ENEV – Standing Committee, Energy, the Environment and Natural Resources. Senate of Canada. Bill C-226. Briefs and Other Documents. Accessed online: <https://sencanada.ca/en/committees/enev/briefs/44-1/#?sessionFilter=44-1&OrderOfReferenceID=607568>.

<sup>31</sup> Dawn Hoogeveen, Kerri Klein, Jordan Brubacher, Dr. Maya K. Gislason, “Climate Change, Intersectionality and GBA+ in British Columbia,” Summary Report. March 2021. Available online: [https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/climate\\_change\\_gba\\_in\\_bc\\_summary\\_report.pdf](https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/climate_change_gba_in_bc_summary_report.pdf).

<sup>32</sup> Astrid Brousselle et al., “Planetary Health: Creating rapid impact assessment tools,” *European Evaluation Society*. 2024. Available online: <https://doi-org.ezproxy.library.uvic.ca/10.1177/13563890241227433>



## Appendix A

### *Environmental Racism*

According to Benjamin Chavis, a Black civil rights leader from the U.S., environmental racism refers to: “racial discrimination in environmental policy-making, 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 leadership of the ecology movements”. In short, as Ecojustice explains, environmental racism is “a form of systemic racism, rather than individual racism.”<sup>33</sup>

It is a result of institutional policies and practices rather than individual beliefs and actions. This kind of systemic racism is embedded in the multifaceted laws, policies and institutions that govern our lives in Canada, many of which continue to perpetuate the legacy of colonialism. As the David Suzuki Foundation explains, environmental racism persists when “development policies or practices intentionally or unintentionally result in more pollution or health risks in Indigenous and racialized communities.”<sup>34</sup> We also see it in patterns of unequal access to environmental benefits like clean water and air and proximity to parks. Environmental racism has serious impacts on health and well-being.”



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**Figure 4:** An Eastern Cottonwood tree stands tall in Aamjiwnaang amidst fumes carrying sulphur dioxide.  
*Image: Laurence Butet-Roch*

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While speaking with this Senate committee on November 1<sup>st</sup> 2022, Dr. Jane E. McArthur offered a definition of environmental racism with reference to the ENRICH project<sup>35</sup> led by Dr. Ingrid Waldron, environmental racism: “refers to racial discrimination in the disproportionate location and greater exposure of Indigenous, Black, and other racialized communities to contamination and pollution from industry and other environmentally hazardous activities; the lack of political power these communities

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<sup>33</sup> Elaine MacDonald, “Environmental racism in Canada: What is it, what are the impacts, and what can we do about it?” September 1, 2020. Ecojustice. Available online: <https://ecojustice.ca/news/environmental-racism-in-canada/>.

<sup>34</sup> David Suzuki Foundation, “Environmental racism: What is it and what can we do about it?” October 20, 2021. Accessed online: <https://david Suzuki.org/expert-article/environmental-racism-what-is-it-and-what-can-we-do-about-it/>.

<sup>35</sup> ENRICH Project: <https://www.enrichproject.org/about/background/>

have to fight back against the placement of these industries in their communities; the implementation of policies that allow these harmful projects to be placed in these communities; the slow rates of cleanup of contaminants and pollutants in these communities; and the lack of representation of Black, Indigenous, and other racialized communities in mainstream environmental groups and on the decision-making boards, commissions, and regulatory bodies.”

### ***Environmental Justice***

The concept of environmental justice as explained by the U.S. Environmental Protection Agency “means the just treatment and meaningful involvement of all people, regardless of income, race, colour, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:<sup>36</sup>

- are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

**Meaningful engagement** means:

- providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes;
- fully considering public input provided as part of decision-making processes;
- providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate;
- seeking out and encouraging the involvement of persons and communities potentially affected by Federal activities by:
- ensuring that agencies offer or provide information on a Federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;
- providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in Federal decision-making; and
- addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face.”

This definition builds upon years of environmental advocacy and is documented in numerous Executive Orders, including Presidential Memorandum that accompany certain legal provisions to ensure that directly affected communities can live in healthy and safe environments. Executive Order 14096 for example adheres to a “whole-of-government approach to environmental justice” to support culturally vibrant, sustainable and resilient communities where every person has safe, clean and affordable options for housing, energy and transportation.<sup>37</sup> The U.S. government also refers to environmental justice to address a “government-wide approach to the climate crisis” in Executive Order 14008.<sup>38</sup>

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<sup>36</sup> United States Environmental Protection Agency, “Learn About Environmental Justice”, accessed online: <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.

<sup>37</sup> Executive Order 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” April 21, 2023. Accessed online: <https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all>.

<sup>38</sup> Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021. Accessed online: <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>.