April 25, 2019

J.D. Irving, Limited appreciates the opportunity to provide a written submission to the Senate Standing Committee on Energy, the Environment and Natural Resources regarding Bill C-69, an “Act to enact the Impact Assessment Act and the Canadian Energy Regulations Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts”.

J.D. Irving, Limited is a broad-based company employing 16,000 people in Canada. We have operations in a number of sectors, including shipbuilding, marine services, forestry, retail, civil construction, etc.

We take our environmental responsibility very seriously. We have the longest and largest tree planting program in the country and will plant over 19 million trees this year alone. Our forestry team is protecting over 27,000 kilometers of waterways on lands we own or manage. We spend over $1.5 million a year working with scientists on research projects relating to deer, moose, birds and wild Atlantic salmon to name just a few.

We certainly appreciate and agree that Canada needs to develop its natural resources responsibly – environmental compliance and good stewardship are fundamental criteria. However, we compete on a global stage and we must ensure that our Canadian businesses remain competitive. Our environmental regulations should be benchmarked against global competitors while at all times balancing our environmental responsibility and sustainability. We are already facing a significant number of new government policies that impact competitiveness: carbon pricing, CPP increases, workers compensation increases, new statutory holidays, etc. None of these policy changes by itself is business-threatening, but together they result in the proverbial “death by a thousand cuts”.

Canada has seen a decrease in foreign investment, and our nation must not be seen as a place that is “closed for business”. We depend on continued investments, both national and international, to support jobs in Canada and our high standard of living. We must ensure that our government policies, especially national ones, do not drive investments and jobs out of our great country.

We are of the view that the current Canadian Environmental Assessment Act (“CEAA”) does not provide the required certainty for proponents to make investments in our resource sector. Unfortunately, the intended fix to this and other CEAA issues, Bill C-69, is highly troubling. We are very concerned that Bill C-69 actually increases uncertainty, which in turn will negatively impact resource development in the country.
A number of other companies and business organizations have provided comments on their concerns with Bill C-69. We share many of those concerns, and would like to highlight four in particular:

1. **Decision Making should be Science-based.**

We believe that an Impact Assessment (IA) should be based on scientific evidence, not more general policy consideration. The IA process should have as its goal a review of the environmental impact of the proposed project. Currently subsection 22(1) of the Act includes a number of public policy issues as factors to be considered. Factoring in public policy issues such as the intersection of sex and gender with other identity factors takes away from science-based decision making.

2. **Review Timelines**

The current maximum timeline to get a decision under CEAA is 18 months. With Bill C-69, this time period could be extended to 29 months – not including the 180-day early planning stage. This amounts to a significant increase to the timeline for project approval by the federal government. Lack of a timely and efficient process to government approval will negatively impact investor confidence in Canada.

3. **Limited Participation**

Under CEAA, participation in the Environmental Assessment process is limited to people who are directly affected by the project or who have relevant information and expertise. Bill C-69 removes this test for standing and therefore opens the door to anyone who wants to participate in the IA process. This could lead to a lengthy review process and hearing from individuals or groups that have no direct interest in the project. Watering down the standing requirement does a disservice to those individuals and groups who are directly impacted by the project.

4. **Offshore Oil and Gas**

As a marine service provider, it is important that we continue to develop our offshore resources in a responsible manner. In this regard we would recommend that Bill C-69 be amended to address the following key issues:

   (a) Bill C-69 should be amended to exempt offshore activities of short duration, for which there are well understood impacts and mitigations, from the Designated Project List.

   (b) Bill C-69 limits the number of representatives from the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) that can be on a review panel. This limitation should be removed. The C-NLOPB has specific expertise and experience and we believe these strong attributes would greatly benefit the review panel.
Conclusion

In conclusion we fully agree with the federal government’s desire to have an environmental regulatory regime that is timely, fact-based, and transparent. However, as currently drafted, we believe Bill C-69 does not achieve this goal. We would recommend that the Bill be amended to ensure the above goal is achieved.

We thank the Standing Committee for considering this written submission.

Yours truly,

J.D. IRVING, LIMITED

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