New Brunswick Anti-Shale Gas Alliance – Comments on Bill C-69

While there are many good things to applaud in Bill C-69 concerning process, and the language stating the legislation’s intentions, the actual nuts and bolts are at times in direct conflict with the stated goals, and sometimes render those goals unobtainable.

When it attempts to combine political decisions with scientific reality, the act exposes some real cognitive dissonance.

The New Brunswick Anti-Shale Gas Alliance has two mandates. The first is to end the exploitation of unconventional oil and gas and the second is to promote the move to a clean economy to combat cataclysmic climate change. Therefore, I will limit my remarks to these areas. (The use of *italics* and “quotes” highlight language from the act itself.)

Specifically, the fact that unconventional oil and gas production through the use of hydrofracturing is not covered in this act is an absurdity that cannot be overlooked. Let us first examine it under the context of climate change.

In its explanation of C-69 the government claims to "*start with an understanding of the "big-picture“ so we can consider impacts of development in the early planning stages and make evidence-based choices to guide the path forward.*” A good example of the government’s intent to consider the big picture was demonstrated when it released the report stating that Canada was warming at twice the rate of the rest of the world, and three times as fast in our northern territories.

With that as our first assumption, next we have study after study showing that the gas industry’s fugitive emissions of methane – a greenhouse gas 86 times more effective as a greenhouse gas than CO2 – make it worse than burning coal. The industry also produces a large amount of additional CO2 through the burning of large quantities of diesel and gasoline in the process of fracking.

That’s the second assumption, which is further emphasized by wide acknowledgement that the main reason that greenhouse gas goals cannot be met whether in Alberta, British Columbia, Saskatchewan or in Canada as a whole, is because of the oil and gas industry itself.
Next, we have all the justices in the Appeals Court of Saskatchewan reference case on carbon pricing unanimously stating that climate change is caused by manmade greenhouse gas pollution that affects both the national and global commons, and passes over all borders. It cannot be limited to any single jurisdiction that produces them. This principle has also been upheld in courts around the world.

Thus, the unconventional oil and gas industry clearly is responsible for "cross-border changes to the environment" - one of the criteria for justifying the federal governments entry into regulating this area.

Indeed, the federal government cannot have the authority to price carbon, yet not have the authority to regulate it.

Yet climate change is not the only area where the industry pollutes across borders. The air pollution produced by the industry has been documented affecting public health hundreds of kilometres from the source.

The billions of gallons of toxic wastewater produced by modern fracking often must be disposed of across borders. The method of disposing of this water by use of pressurized injection wells is responsible for earthquakes felt 50 kilometres away. The fracking process itself also causes earthquakes.

C-69 also says, "the nature of those adverse environmental effects will be characterized, including examining the magnitude, extent, frequency, duration and reversibility of their impact." The unconventional oil and gas industry consists of hundreds of thousands of wells covering vast sections of the earth. The lease area in New Brunswick is 40% of the province’s landmass.

While the duration of these wells in their active state is often measured in years, their impact on the landscape may last decades and indeed centuries.

While some wastewater is removed from each well, much of it remains beneath the surface and no one knows where it will show up. World-renowned Canadian groundwater expert, Dr. John Cherry, told us back in 2014 that no studies had ever been done to see where the water, chemicals or methane gas went when leaked from a well.

To our knowledge only one such study has been done since, and it showed that over time the gas migrated far from the well,
water and affecting chemistry, before escaping into the atmosphere and adding to climate change. The eventual fate of the toxic wastewater underground is unknown.

Likewise, seismologists have said that fracking and wastewater disposal may cause earthquakes decades later.

Finally, in what can only be considered a failure of government, this industry employs large amounts of hundreds of known toxic and carcinogenic chemicals, and hundreds more that have simply never been tested. These chemicals remain in the air, water, soil, and underground for no one knows how long.

If the Precautionary Principle, which is supposedly observed in Canadian environmental law, were in fact employed, this industry would not have been granted leave to exist. In its 2013 report on fracking, the Council of Canadian Academies listed concern of the unknown effects of this multitude of chemicals as one of its greatest concerns. Little has changed since then.

Last month British Columbia, which has hosted the industry for over a decade, released a report on it. On one topic after another the report said that there was simply not enough evidence or research to reach any conclusions.

This should scare both the public and the federal government that has ceded oversight of this industry to the provinces, which obviously have failed miserably in conducting any oversight.

Recently, the Ombudsman in New Brunswick stated that many provincial environmental regulations were so poorly enforced that they might as well not exist.

Thus, the magnitude of unconventional oil and gas is enormous, its extent vast. Its very nature requires constant drilling of new wells meaning its frequency is constant and its duration long lasting.

To judge the reversibility of their impact, one need only examine the auditor generals’ reports from Alberta, Saskatchewan and BC to see it will take hundreds of billions of dollars to decommission and remediate abandoned wells.

C-69 says, “Following the above approach, the government will determine whether a particular project type should be listed”. 
By those criteria, by its “big picture” impact, and by its “cross-border” effects, it is obvious that the unconventional oil and gas industry should be listed. This industry is the poster child for needing strict federal oversight as.

Therefore, Bill C-69 should be amended to reflect that obvious fact.

Respectfully, Jim Emberger
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