

# Modernizing Environmental Protection in MB:

The *Environmental Bill of Rights*  
as one component of  
environmental reform

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# Presentation

- Confessions of a reluctant EBR proponent
- What should EBR accomplish?
- How does Bill 20 measure up?

# Confessions of a reluctant EBR proponent

# October 15, 2015

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October 16, 2015 7:51 pm

## Manitoba NDP government promises environmental bill of rights

By Steve Lambert The Canadian Press

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## Province signs environmental bill of rights

Posted on October 16, 2015 by MyToba in [Environment](#), [Featured](#), [LIFE](#) with [No Comments](#) on [Province signs environmental bill of rights](#)



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The province has signed a declaration to introduce an environmental bill of rights.

# My reluctance

- Where was the meaningful consultation?
- Why not take care of longstanding issues relating to the *Environment Act* and water governance?

# Modernizing the *Environment Act*

2.6 . . . **mandatory** requirement that decision-makers consider the **input of the public** at all decision-making stages . . .

6.7 **Mandatory considerations . . . : Need** for the development; Consideration of **Alternatives; . . Cumulative effects;.**  
Aboriginal **Traditional Knowledge**

9.1 **mandatory post-licensing requirements . . .**

10.1 . . . discretionary power to require **SEA/RSEA**

11.1 . . . discretionary power to require **NEAT**



## Modernizing Water Governance

Deadheads on the Nelson River  
Photo credit- Will Braun

# Modernizing Water Governance

But if we cannot return to a system that follows a fully natural water regime, we must, to the best of our ability, **protect and enhance what remains, (CEC, 2015, 147)**



# Modernizing Water Governance

2.1 . . . set **specific management goals** and policy objectives for Lake

Winnipeg, against which projects within the watershed can be **assessed**.

9.1. . . evaluate the current licensing regime for hydro projects and ensure that legislation and regulation is consistent with **modern legislative, consultation and environmental standards**.

9.2. . . require **relicensing** of hydro projects to be done **under The Environment Act**

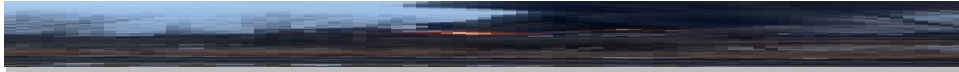
10.1 . . . **alternative approaches to system**

# Missed opportunities

- A modern *Environment Act*
- A modern water governance regime less heavily tilted towards Manitoba Hydro

# My repentance

- Move past anger at the somnolent approach to modern environmental assessment and water governance
- Acknowledge EBR important



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8. The Licencee shall prior to processing scrap metal assemblies and components:
- a) carry a thorough and continuous program of inspection of the scrap metal to discover potentially explosive components;
  - b) remove or render safe all tanks, pressure vessels or other potentially explosive components



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23. The Licencee shall collect ASR from the shredder in a covered bin to minimize dust emissions.



## Moun- tains of ASR

24. The Licencee shall dispose of ASR from the shredder regularly each second or third day, unless approved by the Director.





ASR  
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9. The Licencee shall minimize dust emissions from the shredder by use of skirts installed on all dropping chutes of the shredder.



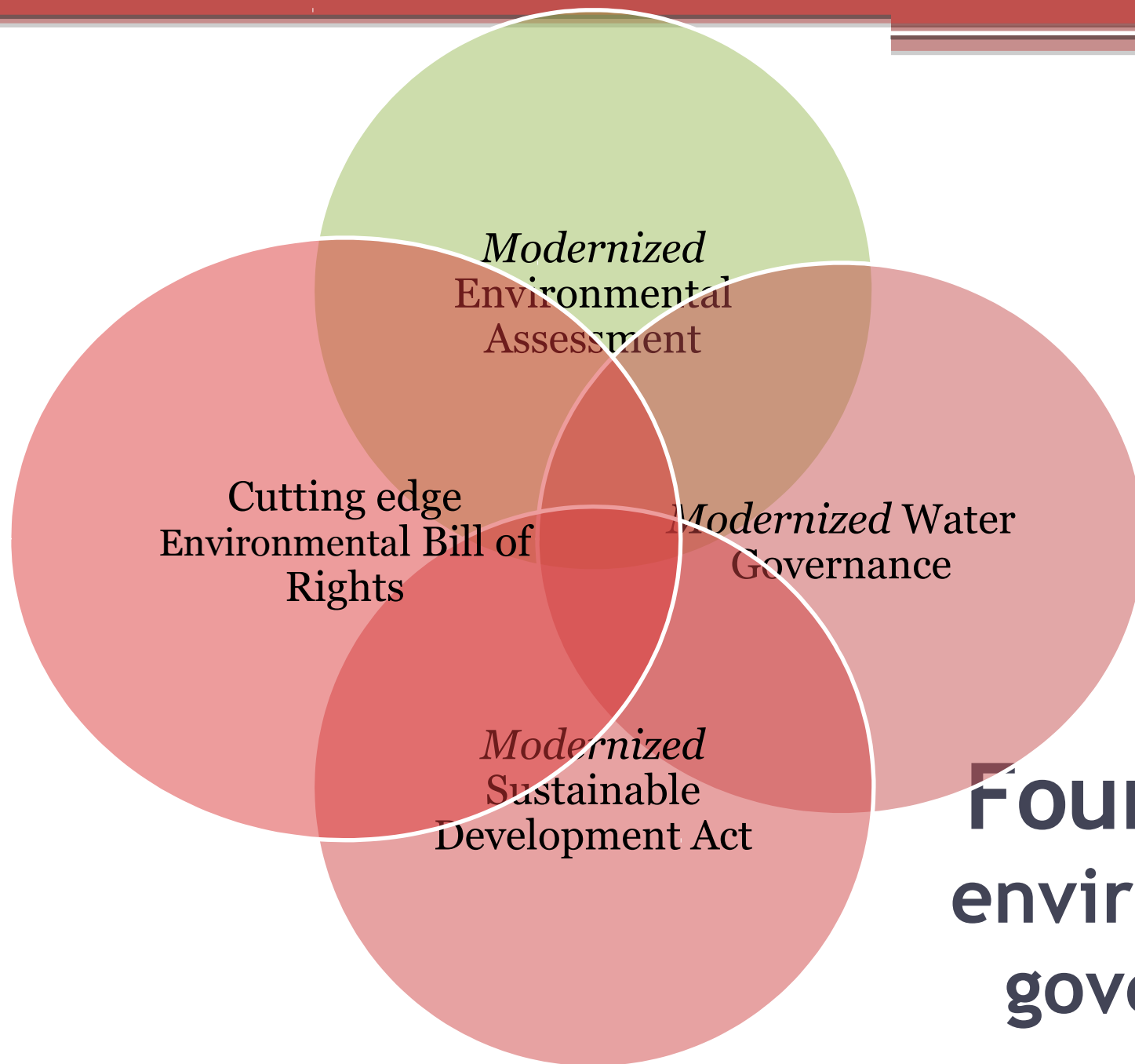
Objects that have pierced walls or been found on Versac old property

*The concern is that the innate violence of the process can send projectiles flying from the mouth of the shredder. IM's response is that, as the facility is surrounded by chain-link fence, this could not happen. They added that, **if this were a legitimate concern, their employees, including the operator, could be in danger. They would not do this.** – August 18, 2009 CEC Report*



# Why the EBR matters

- Public trust
- Enforce against bureaucrats



**Four pillars  
environmental  
governance**

# What should EBR accomplish?

A series of horizontal lines in red, white, and grey extending across the bottom of the slide.

# Context

- Environmental human rights vs. rights for the environment
- Focus on Canadian experience

# What should environmental rights legislation accomplish?

## 1. Substantive Rights

- “Right to a healthy environment”
- Associated legal obligations
  - Environmental Standards
  - Statement of Environmental Values

# What should environmental rights legislation accomplish?

## 1. Procedural Rights

- Right to information
- Right to participate
- Right to a review
- Right to an investigation

# What should environmental rights legislation accomplish?

## 1. Procedural Rights (*continued*)

- Ability to go to court
- Support for procedural rights
  - Independent oversight
  - Cost recovery or participant funding
  - Whistleblower protection

# What should environmental rights legislation accomplish?

## 1. Other aspects

- Indigenous Communities  
(e.g. UNDRIP)



# How did Bill 20 measure up



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