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To the Department of the Environment and the Department of Health,

I appreciate the opportunity to participate in this consultation on the draft Clean Electricity Regulations (CERs) introduced in Canada Gazette, Part 1, Volume 157, Number 33 on August 19, 2023. I am pleased to see the government moving forward on implementing these regulations, as they have many benefits. For brevity, I will focus on areas where I believe there needs to be improvement. I am concerned that these draft CERs do not go far enough to ensure that Canada has a net-zero electricity sector by 2035 and a net-zero economy by 2050.

I offer several recommendations in this consultation for the federal government to take into consideration. I am confident that these changes will strengthen this legislation and enable Canada's electricity to be affordable, reliable and sustainable for generations to come. I am grateful for this opportunity to voice these concerns, many of which I am echoing on behalf of individuals and organisations in my riding of Saanich-Gulf Islands as well as from across Canada. Canadians in every province and territory are in support of strong CERs. We must not waste this chance to create an east-west clean electricity grid that centers First Nations, Inuit and Métis leadership and decision-making in energy projects.

Public engagement:

While my team and I are grateful for this opportunity to participate in this consultation, there has been little outreach to the public to encourage their engagement on these regulations. There has been significant lobbying on the part of fossil fuel industry representatives advocating for the legislation to include subtle loopholes, extensions



and exemptions. Key government staff and ministers have met with fossil fuel lobbyists more than 400 times in the first six months of 2023 alone. These, if not addressed, could enable producers to continue polluting until 2035, damaging ecosystems and communities alike. I am also concerned by the public engagement strategy being deployed by the Government of Alberta, which is misleading Canadians on the future impacts of these regulations.

Indigenous participation in clean electricity projects:

Part 2 of the 92nd call to action of the Truth and Reconciliation Commission (TRC) states that Canada should endeavor to ensure “Aboriginal communities gain long-term sustainable benefits from economic development projects.” Indigenous participation in clean electricity activities has generated thousands of direct jobs for Indigenous workers in recent years and boosted the economies of many communities. Despite this, Canada’s system of fragmented governance means that clean electricity development on sovereign Indigenous territory faces significant jurisdictional issues. For example, there are discussions of constructing hydroelectric transmission lines between eastern Manitoba and western Ontario. All development will require extensive consultations with First Nations whose territories overlap with the lines. I stress that Indigenous perspectives are often enveloped into the existing paradigm of policy development and project management, and they are often not consulted with meaningfully or heard if they do not provide their informed consent being provided before projects are approved. Additionally, there are comparatively few clean electricity projects that are fully owned by First Nations, Inuit or Métis nations and communities.

Environmental Concerns and Remote/Arctic Development

I am further deeply concerned by the lack of attention given to the environmental consequences of clean electricity development and the broader impacts on remote northern Inuit communities in the Arctic. The Intergovernmental Panel on Climate Change (IPCC) has reported that warming will surpass 1.5 degrees Celsius by 2052 and as early as 2030. While the International Energy Agency and Natural Resources Canada are assuming the costs of lower fossil fuel electricity production will decrease over time as the grid shifts. With the measures currently in place, electricity derived from oil and natural gas will dramatically increase even as wind, nuclear and hydro are diversifying the grid. Canada is currently approving liquid natural gas (LNG) exports to begin in the late 2020s.

Canada has nearly 300 remote communities, over half of which are Indigenous, that are considered off-grid. Many countries are pursuing projects based in remote, northern regions to minimise impacts on southerners and those in more populated urban areas. While it is positive to see clean electricity being pursued over continued fossil fuel development, clean electricity projects still encroach on Indigenous territories. If a



community is not agreeable to the project initially, they often can become the targets of pro-development interest groups.

Windmills, hydroelectric dams and other forms of green energy require accompanying industrial and community infrastructure (e.g., towns, roads, communications towers) that damage and degrade sensitive northern ecosystems such as boreal forests. This also has negative health consequences for wildlife like caribou, migratory birds, and aquatic species, even though Canada's judicial system has made it clear that Indigenous hunting and fishing rights are protected by treaties. It must not be assumed that these projects are beneficial for all Indigenous communities solely because they are clean, even though they may be a source of political and economic sovereignty for some communities. A risk of these projects is the presence of so-called "man-camps", which threaten the wellbeing of individuals, particularly Indigenous women and 2SLGBTQ+ people.

Demand and Supply:

Canada currently has very limited connectivity on an east-west grid, with excess electricity in provinces and territories being transferred through a select few connections to U.S. states on a north-south grid instead. It is currently very difficult to remove institutional barriers to interprovincial and interterritorial transmission when each utility is working separately in a north-south grid. This constrains provinces and territories and limits their flexibility and ability to address interruptions in local generation and transmission.

One of my biggest concerns is the inclusion of a 20-year 'end of prescribed life' provision for units built by 2025. I am also concerned that new fossil fuel plants are permitted to be opened as late as 2034 under the draft CERs. These potential loopholes are cause for alarm, with fossil fuel giants potentially being able to approve and construct new plants as late as 2034 that will remain in operation for decades.

Recommendations:

The most important area for improvement is the overemphasis on increasing supply rather than addressing demand. There is ample supply of electricity for all Canadians, but it is not well stored, shared or distributed across the country. Jurisdictions must have sufficient storage and transmission options to increase system flexibility, particularly when utilities are facing increased pressure from natural disasters like wildfires, storms, heat waves and flooding.

There is a lack of short-term and long-term energy storage technology in Canada, which would help improve the resiliency of utilities to market shocks, strengthen local supply chains and increase the flexibility of regional transmission grids. This has to account for



additional electricity demand and index progress metrics for the changing levels of demand as the population grows and the electricity system transitions.

The government must provide a range of financial supports for consumers to maintain electricity affordability as the new regulations are introduced. An example is a low-cost heat pump program for low-income households. The government should also invest into researching short and long-term nuclear and hydro energy storage technologies. These will allow for greater flexibility of systems, as I previously mentioned. Maintaining affordability as these new regulations come into effect will require pairing the draft CERs with a wide range of federal funding measures and support programs.

In-shore and off-shore wind are very useful technologies that will assist with Canada's transition to a net-zero electricity sector. The Canada-Nova Scotia and Canada-Newfoundland and Labrador Offshore Petroleum Boards need to be granted an expanded regulatory capacity to approve offshore wind, where there is tremendous potential for wind-generated hydrogen. We need to phase out the use of coal power and LNG in all provinces and territories, particularly Nova Scotia, as soon as possible. Alberta, Saskatchewan and Nova Scotia represent the top three polluting provinces, even as their load represents approximately just 20-25% of demand. We also need to shift all Canadian bitumen from fuel to feedstock for the petrochemical industry by 2030 and implement a strong net-zero emissions intensity standards of 30 tCO_{2e}/GWh. All technologies receiving government support should meet clear criteria for future benefit.

The government must recognise the benefits and drawbacks of the diverse range of energy sources at its disposal. All emission reduction efforts receiving public dollars must be developed to maximise GHG reductions at lower costs while enhancing employment benefits with the lowest possible transactional costs and delays. Using such criteria eliminates nuclear plants, SMRs and mega dams from consideration. Therefore, the government should reject any proposals to build SMRs and cancel the ARC-100 project at Point Lepreau on the Bay of Fundy. The government's existing Impact Assessment process must be strengthened before it can be relied on to properly evaluate the risks of nuclear power. The health and safety risks clearly cannot be meaningfully addressed to safeguard the communities selected for these projects, many of which are Indigenous.

I urge the government to not inhibit the self-determination of Indigenous nations and communities by imposing clean electricity projects onto their territories without receiving their full and informed consent. Clean electricity projects have in the past been exploitative of Indigenous communities and projects should be assessed on a case-by-case basis. Any fossil fuel project undertaken in violation of Section 35 of the Constitution and/or in violation of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) must be cancelled. This includes the Trans Mountain



Pipeline. Indigenous women and 2SLGBTQ+ people must be represented and uplifted and the government must prioritise their safety and that of all others when reviewing this project proposals.

I implore the government to pursue clean electricity development with nations and communities as equal partners and support their rights to veto projects on their territories. Since remote and Arctic communities have electricity systems that are separate from the main grid in Canada, the government must provide financial and other assistance to facilitate the integration of these areas into an east-west clean electricity system. Ensuring that these are meaningful partnerships with First Nations, Inuit and Métis peoples from coast to coast to coast is a government priority and it is paramount that this is reflected in the final CERs.

Final remarks:

Thank you again for the opportunity to contribute to the draft CERs. I would be happy to meet with those drafting this legislation to discuss how Canada can best create a sustainable electricity grid. Thank you for your time and consideration.

Sincerely,



Elizabeth May, O.C.
Member of Parliament
Saanich-Gulf Islands
Leader of the Green Party of Canada

