

To: Rt. Hon. John Horgan, Premier and President of the Executive Council

CC: Hon. George Heyman, Minister of Environment and Climate Change Strategy; Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations, and Rural Development; Hon. Michelle Mungall, Minister of Energy, Mines, and Petroleum Resources, Hon. Lana Popham, Minister of Agriculture, Hon. Claire Trevena, Minister of Transportation and Infrastructure

19 November 2018

Dear Premier Horgan,

Thank you for your commitment to improving British Columbia's environmental assessment (EA) process. Environmental assessments are one of the few tools that we have to *prevent* harm to the environment. We, a group of independent academic environmental scientists, agree that there is an urgent need for reform that helps to rebuild public trust and protect the environment. Yet, we are concerned that the proposed process lacks scientific rigour, with significant consequences for the health and environment of all British Columbians.

As scientists based in British Columbia, we know how important it is for environment-related decisions to be made carefully. Rigorous, transparent, and objective science is a critical foundation for effective environmental decision-making. Science that is biased or limited in scope will not adequately reflect the benefits and risks of a project, nor accurately inform decision-making. As exemplified by the Mount Polley tailings pond collapse,¹ there are real ecological and economic consequences when industrial-scale projects fail.

After careful review of your government's recently introduced legislation,² we conclude that the proposed environmental assessment process will fall short of your stated goal – to protect the environment and restore public confidence. In particular, the proposed legislation retains three deficiencies of current practice that are at odds with the foundations of science-based decisions, namely, a lack of scientific independence, of peer-review, and of transparency.

1. Lack of scientific independence. Under the proposed EA process, project proponents would continue to oversee, collect, and present the vast majority of evidence used as the basis for environmental assessment. In other words, the information required to assess environmental risk would continue to be gathered and analysed by those with a vested interest in project approval. This lack of independence can create a culture susceptible to biased data collection or interpretation, and will continue to erode the public's trust in a process that they expect to be fair and evidence-based.

Recommendation. Information used to assess risk must be collected and interpreted independently of project proponents. Assessing the risk or impact that a project may pose to the environment must be rooted in information collected and interpreted by qualified, independent,

professionals who do not stand to gain or lose from the assessment's conclusions. Concurrent with your government's ongoing revisions to the use of certified professionals³ (external to the public service), such professionals must work independently from the project proponent. Furthermore, such a process must seek and act on the best available evidence, including peer-reviewed studies.

2. Lack of peer-review of evidence. Under the proposed EA process, there are no requirements for independent peer-review of the evidence about a project's environmental risk. Evidence would be evaluated by a Technical Advisory Committee, whose composition would in large part include provincial ministry staff that need not be experts on the proposed work. This status quo approach fails to require those responsible for evaluating a project's environmental risk to have the necessary expertise to adequately assess the evidence.

Recommendation 2. Evaluation of a project's risk to the environment must be conducted by independent experts in relevant fields, at arm's length from the government, proponent, and the Environmental Assessment Office. Independent evaluation of evidence is standard scientific best practice.

3. Lack of transparency. Under the proposed EA process, there is no requirement that all data generated by the proponent, or the evaluation of evidence by the Technical Advisory Committee, be made available to the public. This has been identified as a major flaw of the current EA process in BC.⁴ Neither is there inclusion of criteria for how Ministers' final assessment decisions will be made, which will undermine public confidence. Without such transparency, it is impossible to verify conclusions that are drawn regarding the project's risk to the environment.

Recommendation 3. Make *all* records and information related to an assessment permanently and publicly available, develop explicit decision-making criteria, and require transparent rationale of factors considered in the final decision. All raw data, results, analyses, and rationale of factors considered in the evaluation of environmental risk from a proposed project should be readily available to the public and experts. This is modern scientific best practice. Sharing information means that conclusions can be verified – helping to build public trust – and that means the data can be used as benchmarks for future studies, including assessing cumulative effects. While we acknowledge that some information (e.g., culturally sensitive or private) must be protected, sharing all other relevant information in a free, searchable, provincial registry should become a condition of the new EA process.

While we are encouraged by the stated intent of reform to the EA process, and believe that British Columbians will applaud many of the proposed changes, the continued lack of scientific independence, peer-review, and transparency in the evaluation of a given project's risk to the environment will serve only to further undermine public confidence. We offer our consensus opinion, representing a diverse range of scientists, as a starting point for further engagement with you or your staff. We are keen to meet with you and your staff, and be a resource for strengthening scientific integrity in British Columbia's environmental assessment process.

Respectfully,



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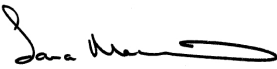
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Co-signed,

[List will be updated on Monday, 19 November via <https://earthtoceansfu.com/open-letter-on-environmental-assessment/>

¹ Province of BC. 2015. Report on Mount Polley tailings storage facility breach: independent expert engineering investigation and review panel. <https://www.mountpolleyreviewpanel.ca/final-report>

² Province of BC. 2018. Bill 51 - British Columbia's Environmental Assessment Act. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>.

³ Haddock, M. 2018. Professional reliance review. The final report of the review of professional reliance in natural resource decision-making. https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional_Reliance_Review_Final_Report.pdf

⁴ Murray, C.C., Wong, J., Singh, G.G., Mach, M., Lerner, J., Ranieri, B., St-Laurent, G.P., Guimaraes, A., & Chan, K.M.A. 2018. The insignificance of thresholds in environmental impact assessment: an illustrative case study in Canada. *Environmental Management* 61: 1062-1071.

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