



Environmental Defence's response to the Government of Canada's "Getting Major Projects Built in Canada" discussion paper

Environmental Defence Canada is extremely concerned about the proposed "Getting Major Projects Built" legislative, regulatory and policy reforms.

We oppose this proposal in full and insist that the government does not move ahead with these reforms.

While we share the goal of ensuring good projects – such as renewable energy projects, grid infrastructure, public transit, clean manufacturing – get built, we are concerned that the approach set out in the discussion paper risks putting Canada's environment, waters and rarest and most vulnerable species at risk – without ensuring that projects are better built or confer net benefit for Canadians.

The proposed reforms present significant risks for biodiversity, species-at-risk, fish and fish habitat, migratory birds, carbon-rich ecosystems, cumulative effects management, and Indigenous rights and responsibilities.

The government's proposed direction is not aligned with the values Canadians hold. [A recent paper found that 71% of Canadians believe](#) economic growth and nature protection should be balanced to ensure both security and sustainability for future generations. Only 7.4% of respondents believed that economic growth and national security should come first, even if nature suffers. [In May 2026, Ekos polled Canadians](#) and found that 61% of respondents, including 92% of Liberal Party supporters, believe that the government has a responsibility to prevent species from going extinct in Canada. If implemented as proposed, these changes would undoubtedly lead to outcomes in which nature suffers, and species are driven to extinction – all while project decision-making becomes less transparent and more politicized.

We are concerned that the proposed approach would:

- Enable projects to proceed before biodiversity, ecological, climate, social, economic and cumulative risks are adequately understood.
- Put species, like the iconic Southern Resident Killer Whale, at grave risk of extinction
Increase the risk of costly and impactful environmental disasters.
- Erode trust in project approvals and government's ability to look out for Canadians' best interest.
- Make it easier for projects to harm lakes, rivers and fish.
- Put Canada afoul of constitutional and international law, increasing likelihood of investment-detering litigation.
- Further politicize major project approvals.
- Undermine the federal government's duty to consult Indigenous nations.

The central barrier to timely and durable major project decisions is not the existence of permitting safeguards, but the failure to identify and address ecological risks, cumulative effects, Indigenous rights and responsibilities, and reasonable alternatives early enough to shape project siting, sequencing, design, conditions, and, where necessary, the viability of particular project pathways. Canada will not build a faster and more durable major projects system by moving ecological risk out of view.

The discussion paper suggests, without evidence for need, that Canada should sacrifice our most sensitive species and ecosystems. The proposed changes to industrial project decision-making represent nothing less than an assault on the much needed environmental protections Canadians worked so hard to build over the years. Sound decision-making and government oversight of projects that pose serious risk to communities and the environment is essential.

If approved, the changes would amount to an unprecedented deregulation of projects like mines, dams, pipelines and polluting industries. We will have no way of evaluating or understanding the human health and environment impacts of projects being approved. Our overall position on the proposed changes is that they would amount to one of the most significant rollbacks of environmental legislation by any recent Canadian government. **We urge the government to abandon the proposal in full.**

Specifically, we call on the government to:

- Abandon the proposal to allow for the "Pre-approval" of pipelines and other energy projects before any environmental or safety reviews, and not proceed with the creation of federal economic zones
- Leave the Species at Risk jeopardy test intact
- Ensure robust impact assessments of major projects, like pipelines, are carried out by the Impact Assessment Agency of Canada
- Not allow the use of more "offsetting" for fish habitat

The government's proposed approach to major projects would:

1) Undermine Indigenous Rights

Despite commitments to Indigenous consultation, the combined effect of proposed changes is likely to undermine Indigenous rights and make it practically impossible for the government to meaningfully consult Indigenous communities as constitutionally required.

- Shortening the impact assessment process to one year to conduct both federal assessment and all permit reviews is likely to strain the capacity of both government and Indigenous communities to engage as necessary.
- Giving authority to cabinet to make a decision about lengthy pipelines before a review is completed by the Canada Energy Regulator undermines free, prior and informed consent as it predetermines the outcome of the consultation before consultation has occurred.
- Enabling federal "economic zones" where government selects areas across the country and pre-approves massive and complex projects within them raises serious concerns about the government's commitment to consulting with Indigenous Peoples on the question of whether and where such zones should be established as well as the local details of "pre-approved" projects within the zones. Consultation is an ongoing duty of the Crown; engaging in consultation at the outset of a zone's establishment and then giving carte blanche to projects within it does not fulfill that duty. The pre-approval of projects effectively limits the ability of Indigenous Nations to intervene, even in cases of irreparable cultural or ecological harm to their traditional territories.
- Granting cabinet the power to exempt projects from the application of the SARA jeopardy requirement may severely undermine Indigenous rights, and it is unclear if the government would consult when exemptions are considered.
- Allowing early construction before an impact assessment is substantially underway suggests a final decision to approve the project has already been made before the duty to consult has been fulfilled, and hence threatens Indigenous rights where rights could be affected by that construction.

2) Enable Harmful Projects to Go Ahead Without Understanding Risks

The proposed changes would dismantle decades of progress on environmental protections by restricting the government's ability to conduct thorough project reviews, moving decision-making behind closed doors and further politicize major project approvals,

The proposal to create federal economic zones, which allow for projects to be "pre-approved" based on regional assessments, is reckless; as is the proposal to allow Ministers and Cabinet to authorize pipelines (ie decide it is in the public interest) at the beginning of the process, before reviews and routing details are completed.

- The proposed Federal Economic Zones legislation seems likely to pose a grave threat to the rule of law in Canada. It would empower the Prime Minister and his Cabinet to exempt swathes of the country and projects like fossil gas pipelines from the federal laws that keep Canadians safe. They would allow Cabinet to bulldoze through projects without any due consideration not just of their environmental or climate impact — but also, seemingly their impact on public safety. Environmental assessments, labour laws, and health and safety requirements could all be set aside for designated projects and proponents. This would increase the risk of environmental harm, weaken oversight, and reduce public participation
- This broad "pre-approval" regime threatens to weaken public, democratic processes and undermine health and environmental safeguards.
- The federal government provides no clear, transparent or evidence-based criteria for identifying these economic zones, nor does it provide any mechanisms for ensuring environmental safeguards within them.
- Like Ontario's Bill 5, [which is currently the subject of litigation](#), the proposal to create economic zones could raise constitutional concerns by concentrating law-making authority in Cabinet and limiting legislative scrutiny. Given the broad nature of these, it is reasonable to anticipate court challenges to identified Federal Economic Zones or the regional assessments on which they depend. This could reasonably discourage investment by companies wary of having their project declared illegally permitted.

For lengthy pipelines, the changes would allow Cabinet to essentially pre-approve pipelines, before routing details are complete or their impacts can be understood. These projects would also be exempt from federal impact assessment. As a result, this decision-making will not adequately consider potential impacts on the environment, climate, Indigenous Peoples and communities lying along the pipeline route. Taking it all together, the designation of a pipeline as a national interest project under BCA, combined with the "single project authority" changes in the Discussion Paper, could mean the entire pipeline review and decision process – from the Governor in Council's preapproval public interest decision, to the CER's review on conditions and routing and related decision-making – could occur without any public input at all.

The one-year timeframe suggested for project reviews would make it impossible to adequately consider a project's potential impacts. Government claims that environmental regulations delay major projects remain unsubstantiated. Regulatory obstacles are rarely the reason for project slowdowns. [It is economic factors](#) such as unviable market conditions, not regulatory, that delay project timelines. It is irresponsible to impose arbitrary, truncated timelines to assess the environmental risks of large, complex projects and issue all necessary approvals and permits. Ultimately, the cost of this kind of expedited process will be borne by impacted communities and ecosystems.

The discussion paper also proposes to allow "early construction" to begin before assessments are finished, and to give ministers blanket authority to weaken conditions of approval. Economic considerations for the proponent should not be the basis for setting conditions on projects.

The proposal to relocate impact assessment of nuclear projects to the Canadian Nuclear Safety Commission (CNSC) and impact assessments for other energy projects, including pipelines, to the Canada Energy Regulator (CER) is concerning.

- The CNSC and the CER do not have the same mandate or depth of expertise on Species at Risk, fish habitat protection, and other environmental and social considerations. That creates a meaningful risk of decisions that do not adequately account for wildlife, critical habitat, and broader biodiversity values. IAAC is the only agency with this expertise that can credibly be responsible for project reviews.
- The CER is a politically appointed body.
- Though not explicit, it seems that the federal government is planning to eliminate impact assessments conducted by review panels. This is problematic because for decades, environmental assessments of the largest and most controversial projects in Canada have been conducted by review panels, which are staffed by independent experts rather than government bureaucrats and conduct public hearings allowing for oral submissions and cross-examinations on evidence. This transparent and truth-seeking process benefits both decision-making and public acceptance.

Overall, the proposed changes make project decision making less transparent and more political – and therefore more vulnerable to legal risk and public opposition.

3) Put vulnerable species at grave risk

The proposal would give Cabinet the power to allow projects like a pipeline or port expansion to cause species like southern resident killer whales to go extinct, by exempting projects from application of the jeopardy test for species at risk. This proposal would grant any company or projects the government chooses a blank cheque to drive entire species to extinction or extirpation.

The document states that a “high threshold must be met” and that a project must be in the public interest, but these terms are not legally defined and are therefore open to both accidental and wilful misinterpretation.

The proposed change turns a non-discretionary, science-based decision into a discretionary, political decision. It opens up the criteria to include “public interest” considerations, which are often ill-defined and too discretionary. It also falsely suggests that it can be in the public interest to drive a species to extinction.

In practice this would allow projects to proceed even if species survival and recovery are clearly going to be put at risk. Every proponent will have an incentive to pretend that the “jeopardy” their developments create is inevitable — and then demand a federal exemption. There is no reason to bypass the Species at Risk Act and jeopardy test, except to deliberately and willfully extirpate or drive a species to extinction.

4) Put Canada’s Waterways and Fish Habitats at Risk

The discussion paper proposes weakening both the Canadian Navigable Waters Act and the Fisheries Act, two other flagship environmental laws.

- The proposal includes weakening of the Fisheries Act to allow proponents to skip more effective mitigation measures and move directly to the use of offsets in order to receive permits. In practice, this would allow companies to destroy critical fish habitat based on promises of future “offsetting” and habitat replacement that simply can’t be reliable. Trying to “replace” habitat is a scientifically complicated, difficult process with a poor track record. Granting permits on the assumption that it will succeed is a recipe for disaster. This is inconsistent with the government’s recent Force of Nature Strategy, in which it committed to a “mitigation hierarchy” approach where offsets are meant to be a last resort.
- With respect to the Canadian Navigable Waters Act, the discussion paper proposes to narrow the types of activities that require a permit to impede navigation, but does not specify which activities the government plans to exempt. It is worth noting that until 2012, any project that impeded navigation required a permit and an environmental screening. Now, we could be looking at a small handful.

Environmental Defence urges the government to reconsider and withdraw the proposed changes in their current form

Prepared by
Julia Levin
Associate Director, National Climate
Environmental Defence
June 25, 2026