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Written Submission to the Legislative Committee on Bill C-39

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Environmental Defence Canada is extremely concerned about Bill C39, *the Building Canada Strong Act*. If passed, it will implement the single worst weakening of Canada's environmental law safety net in Canadian history.

We urge the government to withdraw Bill C-39 in full and failing that, we are calling on Members of Parliament to vote against the bill at third reading.

While we share the goal of ensuring good projects get built, we are concerned that the approach set out in Bill C-39 will put Canada's environment, waters and most vulnerable species at risk – without ensuring that projects are better built or confer net benefits to Canadians. If allowed to proceed, Bill C-39 will lead to outcomes in which nature suffers, wildlife is driven to extinction, and human health and safety is put at risk – all while project decision-making becomes less transparent and more politicized.

A majority of Canadians oppose weakening environmental protections. [Polling commissioned in September](#) revealed that a majority of respondents would be less likely to vote for an MP who supported the approach in the bill.¹ According to a [Léger poll commissioned by Équiterre](#), 66% of Canadians – and 80% of Liberal voters – want Canada's environmental requirements maintained or strengthened, despite the trade war with the United States, compared with just 20% who want them reduced.²

The government's claim that environmental regulations delay major projects remains unsubstantiated. Evidence shows that it is economic factors such as unviable market conditions, not regulatory, that delay project timelines.³ Furthermore, the narrative that Canada wasn't building isn't accurate. According to Natural Resources Canada, in 2024 there were 504 energy, mining and forestry projects — worth a combined \$632.6 billion — planned or under construction as of September 2024 in the energy, forest and mining sectors.⁴

1 Environmental Defence (September 2026) New Polling Shows Federal Pipeline Plans Hurting Government's Popularity. Available: <https://environmentaldefence.ca/2026/09/16/new-polling-shows-federal-governments-pipeline-plans-hurting-popularity/>

2 Equiterre (October 2026) Views on Deregulation - Survey of the Canadian Population. Available: <https://cms.equiterre.org/uploads/%C3%89quiterre-Le%CC%81ger-poll-C-39-ENG.pdf>

3 Collard et al. (2024) Does regulation delay mines? A timeline and economic benefit audit of British Columbia mines. FACETS. Available: <https://www.facetsjournal.com/doi/10.1139/facets-2024-0083>

4 Natural Resources Canada (2024) Natural Resources: Major Projects Planned or Under Construction 2024 to 2034. Available: <https://natural-resources.canada.ca/science-data/data-analysis/natural-resources-major-projects-planned-under-construction-2024-2034>



Impact assessment isn't just about saying no to dangerous projects, it is one of the most important tools governments have for making smart decisions about major projects to ensure that best projects move forwards, in ways that benefit Canadians. It is common sense that before approving a project, governments should understand the risks to communities, wildlife, water, Indigenous rights and the climate.

We are concerned that the Bill C-39 would:

1. Enable harmful projects to proceed without understanding the risks

The proposal to create "regions of economic interest", which allow for projects to be "pre-approved" based on regional assessments, is reckless. Once a region is established, eligible projects in these environmental deregulation zones would be exempt from the need to obtain standard permits and authorizations, thus allowing them to skirt environmental laws designed to keep our communities, water, ecosystems and wildlife safe. This broad "pre-approval" regime would eliminate the requirement for individual project reviews, therefore projects would proceed before biodiversity, ecological, climate, social, economic and cumulative risks are adequately understood, leaving Canadians in the dark about impacts.

Furthermore, the bill grants the Canada Energy Regulator Commission the power to exempt a pipeline of any length from the need to undergo an environmental review and obtain a certificate, therefore allowing the Commission to pre-approve pipelines of any length if they are in the "public interest" (currently that power only exists for pipelines up to 40 km long). This means that a pipeline could be pre-approved without any consideration of environmental impact, or without any input from the public.

We are also concerned about the proposal to allow "early construction" to begin before assessments are finished, which could create irreversible environmental impacts and effectively predetermine approval.



2. Make exceptional powers permanent

When the *Building Canada Act* passed in under three weeks in June 2025, it came with an end date - i.e. an automatic "sunset clause" of five years unless formally renewed by Parliament. Removing the sunset clause one year after the BCA passed is a significant step backwards in terms of accountability and Parliamentary oversight.

3. Rush project decision making

The arbitrary one-year time frame suggested for project reviews would make it impossible to adequately consider a project's potential impacts. 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

4. Undermine Indigenous Rights

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. The Crown's duty to consult and accommodate cannot be sidelined for federally imposed project timelines. First Nations must have sufficient time, information, and capacity to understand potential impacts on their territories, engage their citizens, undertake technical and legal review, and make decisions according to their own laws and governance processes. In fact, nowhere does Bill C-39 reference the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration Act, or free, prior and informed consent.



5. Put vulnerable species at risk

Bill C-39 gives Ministers sweeping powers to change or remove project conditions of approval and requires Ministers to consider economic impacts on the proponent when setting conditions on projects to mitigate environmental harms or impacts on wildlife. These changes, along with the ability to bypass legal protections in the *Species At Risk Act* in regions of national interest, will put vulnerable wildlife like the Southern Resident Killer Whales at grave risk of extinction.

The Bill also alarmingly allows the Minister to remove existing project conditions of approval that have been previously applied. For example, the Minister could remove conditions of approval placed on the Roberts Bank Terminal 2 port expansion related to protecting the Southern resident killer whale that were imposed under the *Canadian Environmental Assessment Act*.

6. Put Canada's waterways and fish habitat at risk.

Allowing the Minister to exempt waterways from legal protections. Creating a "pay to slay" fund which would allow companies to destroy critical fish habitat to pay a fee to "offset" the damages – and skip more effective mitigation measures.

7. Increase the risk of costly environmental disasters.

- 8. Erode public trust in project approvals:** Overall, the proposed changes make project decision making less transparent and more political – and therefore more vulnerable to legal risk and public opposition.

Environmental Defence is in solidarity with union representatives and Indigenous leaders who are also expressing their concerns with Bill C-39, which include undermining workers' right to strike in Canada and overriding the inherent, Treaty, and constitutionally protected rights of First Nations.



Lack of Meaningful Parliamentary and Public Oversight

In addition to the contents of the bill, the process being used to move the legislation forwards is also concerning.

At more than 240 pages, Bill C-39 amends 19 laws plus four regulations, repeals a law and creates an act. It was for this reason that civil society groups urged the government to divide the bill into its distinct parts to be studied by the relevant House of Commons Standing Committees.⁵ For example, the Standing Committee on Environment and Sustainable Development (ENVI) should study Part 1 of the bill.

Instead, the government has chosen to refer the bill to a special legislative committee, bypassing the existing expert standing committees and fast-tracking Parliamentary review.

The timeline the government is proceeding on makes it impossible to have proper due diligence of this far-reaching and consequential bill.

There are no amendments that can fix this bill.

If approved, the changes would amount to an unprecedented deregulation of projects like mines, dams, pipelines and polluting industries.

Canada will not build a faster and more durable major projects system by moving ecological risk out of view.

Environmental laws are not red tape. They exist to protect Canadians and the environment we love and rely on from irreversible ecological harm.

Environmental Defence is a leading Canadian environmental advocacy organization. We work with government, industry and individuals to defend clean water, a safe climate and healthy communities. We envision a future where everyone in Canada can live and thrive in a healthy environment—protected for generations to come.

⁵ Civil Society Groups Demand Meaningful Parliamentary Review of the Bulldoze Nature Bil (2026)
<https://environmentaldefence.ca/2026/10/07/civil-society-groups-demand-meaningful-parliamentary-review-of-the-bulldoze-nature-bil/>