



MANITOBA ECO-NETWORK

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September 27, 2022

The Honourable Jonathan Wilkinson, Minister of Natural Resources

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The Honourable Steven Guilbeault, Minister of Environment & Climate Change

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Re: Access to Environmental Justice in Manitoba

In the last year, Manitoba Eco-Network (MbEN) has been engaging in the parliamentary process for [Bill S-5](#), the *Strengthening Environmental Protection for a Healthier Canada Act* and [Bill C-226](#), the *National Strategy Respecting Environmental Racism and Environmental Justice Act* as part of our [Healthy Environment, Healthy Neighbourhood Project](#). In a September 6, 2022 meeting organized by Environment and Climate Change Canada staff in regard to Bill S-5, it was suggested by Assistant Deputy Minister John Moffet that we bring our concerns about the lack of legal tools available to Manitobans to help address potential detrimental health and environmental impacts caused by industrial developments like scrap metal recycling facilities, sometimes referred to as urban mining, to Minister Wilkinson. The issue of toxic contamination and Canadians' current lack of environmental rights requires interdisciplinary solutions and collaboration between government departments at all levels, so we agree that these issues should also be addressed by the Department of Natural Resources.

Since 1988, MbEN has promoted positive environmental action by supporting people and groups in our community. MbEN's programming focuses on policy advocacy, engagement in consultation processes and developing capacity building tools that benefit the environmental non-profit sector and our member groups. We are a public interest environmental organization seeking to promote and facilitate good environmental governance and the protection of Manitoba's environment for the benefit of current and future generations.

MbEN supports the transition to a circular economy discussed in the recent *Discussion Paper for Canada's Critical Mineral Strategy*, but we stress the need for more focus and investment in effective and safe waste management and recycling processes. This requires going beyond the recycling of mining waste to consider the impacts of industrial waste management and recycling facilities that process products containing critical minerals at the end of their lifecycle. Our engagement with residents of inner-city and mature neighbourhoods in Winnipeg over the past few years has shown that community groups and concerned citizens are still struggling to find meaningful solutions that allow them to protect their health and surrounding environment from toxic contamination caused by nearby industrial recycling operations.

The provincial regulatory system and municipal planning/zoning regime has failed for these residents. They have faced a lack of transparency around environmental licensing decisions (e.g. no reasons for decision), a failure to require meaningful consideration of cumulative impacts, and a lack of independent testing and monitoring (air, soil and water), among other regulatory hurdles. There is a need for legal reforms at the federal level to improve their access to environmental justice, including:

- a recognized and meaningful role for the public in legal and policy processes related to the development and regulation of toxic substances;
- public access to detailed information such as investigation reports, medical information about potential health impacts, follow-up and monitoring data (air, soil, water), and compliance and enforcement activities;
- effective government regulation of a broader range of industrial activities, including industrial metal shredders;
- stricter regulation of toxic, persistent and bio-accumulative substances (e.g. lead, arsenic, cadmium, nickel, mercury, aluminum); and
- legal standing for citizens so they can better protect their legal rights and hold industry and government accountable for actions that threaten their health and surrounding environment.

There is a clear need for Canadian natural resource law and policy, like the Critical Minerals Strategy, to capture a broader range of scenarios involving toxic metal contamination, particularly in an urban context.

We do not support any efforts to “streamline” the regulatory process for natural resource development projects (such as mines extracting critical minerals) or other approval processes governing the materials management sector as this usually means that the role of the public is reduced, and public interests are not meaningfully considered. Mining developments cause significant impacts and the planning and approval processes for such projects should not be rushed. Instead of seeking to speed up the process, Natural Resources Canada should be focused on developing true partnership models with First Nations, Metis, and Inuit Governments. Building relationships take time and effort.

MbEN welcomes future opportunities to engage with the Department of Natural Resources to ensure federal laws and policies protect Manitoba’s environment and precious natural resources for the benefit of current and future generations.

Sincerely,

Heather M. Fast, J.D., LL.M., MbEN Policy Advocacy Director

Patricia Fitzpatrick, Ph.D., MbEN Policy Committee Chair

Cc: John Moffet, ADM ECCC

Terry Duguid, MP Winnipeg South