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To: EA Review / Examen EE (CEAA)
Subject: Comments on Expert Panel's Draft Terms of Reference

Comments on Expert Panel's Draft Terms of Reference

The proposed definition of environmental assessment. Currently, the “Context” section of the Terms of Reference gives a very narrow description of environmental assessment. The Panel should think expansively about environmental assessment solutions. **The Review should be tasked to set up mechanisms that make it necessary for any project to guarantee that the project does not interfere with the right of all Canadians to clean, healthy water, clean healthy air and the protection of arable land from pollution.**

- **Any project should also be required to guarantee that it does not add to the risk of climate change.**

The Panel should examine how to effectively assess and manage cumulative effects of any project on the environment, the potential role of Indigenous co-management bodies, and who should be doing assessments and making final decisions.

- **Commission discussion papers by leading thinkers.** Discussion papers by experts in the field that explore leading-edge solutions to key issues can provide innovation, direction and a focus for discussions on law and policy reform.
- **Show how comments are considered.** The Terms of Reference require the Panel to summarize comments received in its report, which is good. Even better would be for the Panel to have to show how it considered the input it received during the course of the review, for transparency and accountability.
- **Provide a public review of the draft report.** To help ensure that the Panel's report best reflects public and stakeholder comments, the outcomes of government-to-government engagement with Indigenous peoples, and expert opinion, **the Terms of Reference should provide for a public comment period and Indigenous consultation on a draft of the Panel's report.**
- **Given the already tight time lines for the review, the January 31st deadline for the final report should be changed to a deadline for the draft. And a**

final report should be completed only after an adequate amount of time has been provided to consider comments on the Draft Report and to incorporate any necessary changes to the report.

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