



Comments from APEGBC Staff on the Expert Panel Terms of Reference Regarding the Modernization of the NEB and Review of Environmental Assessment Processes

Disclaimer: Due to the very short timeline given for comments (30 days), the comments contained herein have not been considered by APEGBC Council. Therefore, these comments are not necessarily the official positions of APEGBC Council.

Background

The Association of Professionals Engineers and Geoscientists of BC is the regulatory body established under the *Engineers and Geoscientists Act* for engineers and geoscientists in the Province. The Association has the mandate to establish, enforce and maintain standards of practice for its over 24,000 professionals.

As part of its regulatory function, APEGBC works with the municipal, provincial and federal levels of government to enhance public protection and provide leadership in addressing issues relating to the practice of professional engineering and geoscience. Recognizing that legislation and regulations from federal, provincial and municipal jurisdictions overlap in a complex manner, APEGBC takes an active role in commenting on legislation, regulations and guidelines from these jurisdictions that impact the practice of its professionals. Recent efforts include:

1. APEGBC's feedback on Environment and Climate Change Canada's (ECCC) proposed methodology for estimating the upstream greenhouse gas (GHG) emissions associated with major oil and gas projects undergoing federal environmental assessments
2. APEGBC's feedback on Engineers Canada's draft National Guideline on Sustainable Development and Environmental Stewardship for Professional Engineers
3. APEGBC's review of the draft 2016-19 Federal Sustainable Development Strategy, which outlines how federal government departments and agencies are working to create a sustainable economy and protect the environment

This response has been prepared with input from APEGBC's Climate Change Advisory Group, Sustainability Committee and the Division of Environmental Professionals, which includes professionals who are directly or indirectly involved in the environmental assessment processes and whose professional practice could be influenced by the changes to the National Energy Board and Environmental Assessment Processes.

Position on Climate Change

The Association has established several ground-breaking professional practice documents and position papers related to sustainability and climate change, which lay out commitments that the Association makes to the public, as well as the Association's expectations of how its members conduct their practice. These include a position paper entitled "A Changing Climate in British Columbia: Evolving responsibilities for APEGBC and APEGBC Registrants"¹, adopted in 2014, and a second position paper, just adopted by Council and shortly to be published, entitled "APEGBC's Position on Human-Induced Climate Change", which states that APEGBC members have the potential to influence greenhouse gas emissions through their professional activities, and are expected to consider the impact of their work on the climate.

The Association has an evolving portfolio of practice guidelines on the topic of climate change adaptation and mitigation to support its members, including:

- Legislated Flood Hazard Assessments in a Changing Climate in BC
- Professional Practice Guidelines – Developing Climate Change Resilient Designs in the Design of Highway Infrastructure in BC (in development)
- Building Energy Modelling Guidelines (in development)

APEGBC's professionals work closely with the Provincial government to provide expert advice on environmental and energy-related matters or the impacts of climate change on the professional practice of its members. Examples include: the development of a "Stretch Code" for buildings, an aspirational code that sets performance targets for buildings above the BC Building Code, to enable the development of ultra-low emission buildings in the Province, assisting in the

¹ APEGBC, 2014. "A Changing Climate in British Columbia: Evolving responsibilities for APEGBC and APEGBC Registrants". Available at: <https://www.apeg.bc.ca/About-Us/Commitment-to-Community/Climate-Change>

development of municipal climate resilience plans, actively participating in the consultation process in the development of the Provincial Climate Leadership Plan and the development of professional practice guidelines to ensure climate change resilience is considered and incorporated in engineering design. *BC Ministry of Transportation and Infrastructure's* Technical Circular entitled "Climate Change and Extreme Weather Event Preparedness and Resilience in Engineering Infrastructure Design" which kick-started the climate resilience efforts in the Province can be found here: <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/2015/t06-15.pdf>.

Comments

The Climate Change Advisory Group, the Division of Environmental Professionals and the Sustainability Committee offer the following comments on the draft Terms of Reference to create an Expert Panel for modernization of the NEB and review of the Environmental Assessment processes:

Comments on National Energy Board modernization: Draft Terms of Reference for Expert Panel

- The draft Terms of Reference indicates that "...Panel members should have sufficient expertise in fields such as environmental science, community development, and Indigenous traditional knowledge", which is laudable. However, we would also seek a commitment that the panelists should also have expertise in the areas of energy policy, climate policy, and a sound understanding of the science of climate change. It is recommended that the panel be comprised of, and/or seek input from, the professional engineering and geoscience associations, climate scientists and leaders in the fields of energy policy, greenhouse gas mitigation policy and climate adaptation;
- Size of the panel and the expertise and background of the Panel members must be established in the Terms of Reference;
- If significant changes are proposed to the Panel's TORs, the TORs should be provided to the public again to seek comments on the changes made;
- The Panel's mandate, as it relates to the issue of climate change, should be clarified in the Terms of Reference so that the public and other stakeholders are able to provide input, cognizant of Federal climate action goals;
- The Scope of Review by the expert panel on NEB modernization includes the potential to expand the mandate to cover renewable energy. As this has not been part of NEB's mandate in the past, significant time must be spent by the panelists to establish how the transition to a low carbon economy can be realized through the NEB modernization process;
- Clarity is required in the NEB's mandate, with respect to energy data collection, dissemination, information and analysis.

Comments on Environmental Assessment Processes: Draft Terms of Reference for Expert Panel

- To address the current perception that compliance with existing regulations is inadequate, the Environmental Assessment Processes must include discussions on how to address the issue of compliance/enforcement and how to adequately resource enforcement. This would bolster public confidence in the value of existing and updated regulations;
- There are many legacy, non-operating resource extraction sites in British Columbia (and throughout Canada), which appear not to have been sufficiently remediated/restored and/or have assets that have not been adequately decommissioned. The Environmental Assessment Processes must include discussions on how to ensure that decommissioning, remediation and restoration is consistently completed at a level to regain public trust.
- It is imperative that the Environmental Assessment Processes account for the cumulative environmental effects, both geographically and temporally, which result from the designated project. This accounting must include consideration of not only the impacts for the project but the impacts that the development of the project may also precipitate through further contemporary projects or related legacy projects.

- The Government of Canada has commitment to provide national leadership on climate action and join with the provinces and territories to establish a price on carbon and cut carbon emissions in accordance with Canada commitment under the Paris Agreement. To achieve this, to the extent realistically possible, the downstream greenhouse emissions must be considered in the environmental processes, whether they occur in Canada or outside the country.
- Climate change is impacting existing infrastructure and will, with doubt, impact future projects. Keeping in mind the precautionary principle, the review of Environmental Assessment Processes must discuss how to incorporate consideration of the climate change impacts *of* projects and the climate change risk *on* projects; in other words, it must include provisions for both mitigation of greenhouse gas emissions and adaptation to the impacts of climate change.
- The Environmental Assessment Processes should include an assessment of alternative scenarios, i.e., project alternatives that might still meet the project proponent's needs, but at lower environmental impact.
- The Environmental Assessment Processes must establish the need for ongoing monitoring of the environmental impacts of the project, to ensure they are within expected bounds, and to take remedial action should the impacts exceed those agreed upon when the project was approved.
- The Environmental Assessment Processes must also consider the human health impacts of projects. Currently the impact of projects on human health are overlooked, and in a changing climate human health and the environment cannot be separated, the role of Human Health Impact Assessment must be integral to the Environmental Assessment Processes.

The Association thanks the Federal government for the opportunity to comment on the draft terms of reference for these two Expert Panels, and joins Engineers Canada in requesting that members from professional associations with appropriate expertise be part of these Panels. For further information or any questions with regards to this submission please contact:

Harshan Radhakrishnan, P.Eng.
Practice Advisor, APEGBC

<contact information removed>