

June 5, 2019

The Honourable Bill Morneau, P.C., M.P.
Minister of Finance
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Morneau:

As you know, business leaders and associations representing every sector of the economy have been collaborating with your government to make Bill C-69 workable for businesses so they may, in turn, achieve the technical and social, cultural and economic goals the bill proposes.

Through this collaboration, businesses and other associations have proposed a set of amendments that we believe are fair and practical and still respect the spirit and intent of the bill.

The Canadian business community is increasingly concerned that the dwindling number of sitting days may lead your Government to consider moving ahead with the bill as drafted, or with minor amendments.

Without significant amendments, C-69 will not only further drive out investment from Canada's resource sector, but will also limit Canada's ability to create essential trade-enabling infrastructure, such as ports, transportation corridors, and modernized energy grids. Additionally, the spirit of compromise and collaboration that has characterized the relations between industry and government since Confederation would be severely undermined.

To be clear: our goal is not to defeat Bill C-69. It is apparent to many industry associations and businesses, that the status quo of CEEA 2012 is untenable. For this reason, we welcomed the Government's attempt to build a regulatory system that would ensure our major infrastructure projects continue to be developed responsibly and would restore confidence in the projects that build communities and create opportunities.

Yet, despite the collective efforts of many fellow associations, the business community in Canada is growing increasingly concerned about the path the government is taking on this bill.



We are urging your government to consider the 187 amendments proposed by both the ISG and CPC senators of the Energy, Environment and Natural Resources committee. Without these amendments Canada's business community and the Canadian Chamber of Commerce cannot support this bill.

In equal measure, we cannot support a return to CEAA 2012. We have five areas of focus that we believe will allow this bill to achieve its objectives while balancing the urgent need to restore Canada's major resource projects as attractive for global investment.

1. It is imperative that the scope currently given to ministerial discretion in the bill is reduced. The power currently ascribed to Ministers to stop or suspend a project puts the regulatory process at risk of becoming highly politicized.
2. There is a need to ensure, quite rightfully, that public participation gives priority to the groups most affected by a project's development. There needs to be a mechanism in place to ensure that consultation proceeds in a way that allows for clear dialogue between project proponents and those most impacted by a proposed project.
3. Government must be financially accountable for its role in project development. Companies that adhere fully and comply with the regulatory process but find their project does not proceed because of errors made by the Government in consultation and assessment must be compensated for the money and resources they have invested in the regulatory process. In addition, communities relying on these projects for employment, investment and opportunities should also be compensated.
4. Section 22 includes an array of impact factors that will be used to assess the project. These factors are intended to ensure the assessment process considers technical and social, cultural and economic impact factors. We support the spirit of a more holistic approach but have significant concerns about the lack of clarity around these impact factors, how they will be weighted and how project proponents will comply. Without greater certainty on how these factors will be assessed and a clear pathway for compliance, section 22 has the potential to be a gateway to persistent and unjustified judicial interventions.
5. We would also like to ensure that amendments that allow impact factors to be scoped and tailored to the nature of the project are adopted. This will ensure project proponents are not assessed by criteria that is not relevant to their project and reduce the work of regulators.



These areas are addressed in part by some of the amendments put forward by both the ISG and CPC amendments. We strongly encourage you to examine and consider those amendments amongst the Senate's package of recommendations that address these issues.

We believe that your government does want to work collaboratively with the business community on Bill C-69. We trust that our belief is not misplaced, and we hope that the Government will not confine its consideration of amendments to solely those proposed by the ISG. Without amendments to address these serious concerns, which we have expressed clearly on several occasions, we will be forced to oppose passage of the bill.

Sincerely,

Hon. Perrin Beatty, P.C., O.C., President and CEO, Canadian Chamber of Commerce

Renée Comeau, Executive Director, NWT Chamber of Commerce

Dennis Darby, President and CEO, Canadian Manufacturers and Exporters

Chuck Davidson, President and CEO, the Manitoba Chambers of Commerce

Stéphane Forget, President and CEO, Federation of Quebec Chamber of Commerce

Ken Kobly, President and CEO, Alberta Chambers of Commerce



Sandip Lalli, President and CEO, Calgary Chamber of Commerce

Val Litwin, President and CEO, BC Chamber of Commerce

Sarah Mackenzie, President of the Board, Medicine Hat Chamber of Commerce

Gary Mar, President and CEO, Petroleum Services Association of Canada

Steve McLellan, CEO, Saskatchewan Chamber of Commerce

Paul Murphy, Senior Vice President, Pembina Pipeline Corporation

Sheri Somerville, CEO, Atlantic Chamber of Commerce

Rocco Rossi, President and CEO, Ontario Chamber of Commerce

Wendy Zatylny, President, Association of Canadian Port Authorities

c.c. *Minister Mélanie Joly*
Minister Marc Garneau
Minister Jonathan Wilkinson
Minister François-Philippe Champagne



Minister Jim Car
Minister Mary Ng