

**The Proposed
New Brunswick Environmental Bill of Rights:
An Act to Protect Children, All New Brunswickers and Nature**

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Developed by the NB Environmental Rights Caucus
(a Caucus of the New Brunswick Environmental Network)
<https://nben.ca/en/groups-in-action/environmental-rights.html>

Caucus Representatives

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New Brunswick Environmental Bill of Rights: An Act to Protect Children, All New Brunswickers and Nature

Goal

That the Province of New Brunswick will enact, as soon as possible, the proposed ***New Brunswick Environmental Bill of Rights: An Act to Protect Children, All New Brunswickers and Nature***.

Objective

That an all-party committee of government will usher this Bill through the legislative process, from tabling it in the Legislature to having it enacted.

The NB Environmental Rights Caucus

The NB Environmental Rights Caucus is affiliated with the New Brunswick Environmental Network and has been promoting children's right to a healthy environment since 2009. Recently it was awarded the UN Human Rights Prize in recognition of its participation in a global coalition endorsing the [Global Call for the universal recognition of the right to a clean, healthy and sustainable environment](#) in 2020.

Jurisdictional Scan

United Nations

On July 28, 2022, the United Nations General Assembly adopted a resolution recognising that everyone, everywhere, has a human right to live in a clean, healthy and sustainable environment¹.

Canada

On June 13, 2023, the Government of Canada passed Bill S-5, *Strengthening Environmental Protection for a Healthier Canada Act*², as part of a comprehensive modernization of the Canadian Environmental Protection Act, recognizing - for the first time in federal law - *the right of every Canadian to a healthy environment*.

Provinces and Territories

To date, three Canadian provinces (Ontario, Quebec and Prince Edward Island) and three territories (Yukon, Northwest Territories and Nunavut) have enacted Bills which recognize the human right to a healthy environment.

New Brunswick's Vulnerabilities

Industrial Presence

A growing number of New Brunswick communities have an industrial presence. Since 1995, the National Pollutant Release Inventory has gathered information on Canadian companies that release one or more of over 300 listed substances to the air, water or land³. Between 1995 and 2006 in New Brunswick, the

highest volume of carcinogens released to the air occurred in five communities: Dalhousie, Belledune, Saint John, Miramichi and Edmundston, and cancer rates were higher in those communities⁴.

The Climate Crisis

Hurricane Fiona in September 2022 blew down swaths of trees in our neighbouring provinces, creating fuel for wildfires, which occurred to a tragic extent in Nova Scotia this spring. That is an example of one climate disaster leaving us more vulnerable to the next.

Climate Change and Wildfires

Currently, the wildfire picture in the province is changing rapidly. Over the 10 year period between 2013 – 2022, there was an average of 390 hectares of forested areas burned. Comparatively, in 2023 to date there have been 856 hectares burned⁵, some of which occurred a short distance north of Saint Andrews, NB, a tourism mecca of the province.

New Brunswick is comprised of roughly 85% forested lands⁶, much of them forests that have been intensively managed and harvested. This leads to a dominant representation of softwoods which are more susceptible to fire. This forest composition, coupled with extreme wind and rain events that topple trees, creates deadfall that dries out under increasing temperatures. Thus, the conditions are created that make our province vulnerable to wildfires. According to Community Forests International traditionally, New Brunswick forests consisted of the naturally diverse and resilient Wabanaki forest. Today, however, less than 1% of the forested landscape on the east coast remains in that biodiverse and resilient state, making it increasingly likely that forest fires will impact our communities.

Climate Change and Temperatures

In New Brunswick, our average *temperatures* have already increased by 1.5 degrees Celsius and are projected to warm by an average of 2-3 degrees Celsius before 2050⁷.

Climate Change and Flooding

In a study of communities in Lower Wolastoq (Lower St John River Basin), residents identified their greatest concerns as being freshet flooding, inland flooding from intense rain events and increased heat events and their related hazards⁸.

In any case, communities all along the province's coastlines and within the vast forested areas of the province share a common threat – their vulnerability to the climate crisis.

Rationale for a New Brunswick Environmental Bill of Rights

The **NB Environmental Bill of Rights: An Act to Protect Children, all New Brunswickers and Nature** will recognize that children, and therefore all our people and future generations have the right to a healthy environment.

How does the new federal legislation (Bill S-5) impact our work toward a provincial Environmental Bill of Rights? The federal Bill is a huge step forward in declaring the right to a healthy environment for Canadians. It provides a platform for provinces and territories to use in their own pursuit of

Environmental Rights legislation. But it is limited in its scope of processes and remedies to protect those rights. Its primary focus is strengthening chemicals management, while it also addresses new substances, products of biotechnology, and information-gathering related to pollution. The new federal Environmental Registry allows the federal government to compel persons to provide information on activities that may contribute to pollution⁹.

Therefore, it is important for New Brunswick to use this moment in time to bring a comprehensive Bill of Environmental Bill of Rights to New Brunswickers that, if enacted, would:

- 1) Ensure that **children**, and therefore all New Brunswickers and future generations, have the right to a healthy environment.
- 2) Spell out **government's duties** to protect New Brunswickers' environmental rights.
- 3) Ensure all New Brunswickers have **access to necessary environmental information** and be able to fully and meaningfully **participate in environmental decision-making**; and
- 4) Provide mechanisms for New Brunswickers to obtain **legal remedies** to prevent or redress environmental harm.

The New Brunswick Bill would address *all* categories of environmental harms, not only the impacts of pollution.

UN Special Rapporteur on Human Rights and the Environment, David R Boyd, has identified the categories of environmental harm that affect children's rights: air pollution, water pollution, climate change, chemicals, toxic substances and waste and the loss of biodiversity and access to nature.

When legislation is designed to address these harms, Boyd asserts that a Bill such as our proposed Bill "has the potential to become a powerful catalyst for accelerating progress toward a sustainable future"¹⁰.

Why Children?

The Earth is our children's only home. Children and youth of today must have a sustainable planet on which to live, work, play and raise their families. Internationally, putting children at the centre of planetary sustainability has gained traction^{11,12}. The global Children's Environmental Rights Initiative (CERI), under the auspices of the UN Special Rapporteur on Human Rights and the Environment, David R. Boyd, strives to make sure that children's fundamental right to a safe and healthy environment is recognized and fulfilled. New Brunswick's proposed Bill appeared in CERI's blog⁹.

Canada has obligations under the United Nations Convention on the Rights of the Child to protect children's rights and freedoms, including the inherent right to life (Article 6) and the right to enjoy the highest standard of health (Article 24.) Canada also has obligations under the ***United Nations Declaration on the Rights of Indigenous Peoples*** to protect the right of Indigenous people to equal access to all health and social services; and to recognize their right to their enjoyment of the highest attainable standard of physical and mental health. (Article 24).

Children are uniquely vulnerable. Children's exposures are proportionally *far* greater than adults. Exposures occur from contamination of the air, water, soil, food and consumer products. Proportionally by body weight, children drink more water, eat more food and breathe more air compared to adults, therefore ingest more contaminants. Children have the additional exposure pathways of the placenta and breast milk. Children's physiology is less developed to metabolize and excrete contaminants. Children's age-related behaviours tend to magnify the intake of toxic chemicals: they are more active, explore their environment orally, and play lower to the ground where contaminants like lead and pesticides settle¹³.

Children are born pre-polluted. A pioneering 2005 study by the Environmental Working Group¹⁴ found an average of over 287 industrial chemicals in infant cord blood, many of which injure the developing brain and cause birth defects. A further 2009 study confirmed and expanded on these findings¹⁵.

Chronic diseases related to environmental exposures have replaced infectious diseases as the major causes of morbidity and mortality among children in the world's industrially developed countries¹⁶, e.g., asthma, birth defects, brain cancer and injury, leukemia, testicular cancer in young men, and childhood obesity.

Conclusion and Recommendation

Given:

- that children are uniquely vulnerable to the effects of air and water pollution, climate change, chemicals, toxic substances and waste and the loss of biodiversity and access to nature
- that there are at-risk communities in NB that suffer a burden of environmental pollution;
- that the Climate Crisis poses a real and immediate threat to human survival and planetary sustainability;
- that New Brunswick is vulnerable to severe effects from the Climate Crisis;
- that many New Brunswickers are already involved in creating community-generated climate change adaptation plans through funding from the NB Environmental Trust Fund;
- that the window is rapidly closing for a liveable and sustainable future for all,
- and that our children deserve a healthy and environmentally sustainable province in which to raise their children and nurture future generations,

Therefore, the Environmental Rights Caucus recommends that an all-party approach be undertaken immediately to enact the NB Environmental Bill of Rights: An Act to protect Children, all New Brunswickers and Nature.

What will be our Province's legacy to our children and future generations?

Our children and grandchildren will ask us, "What did you do about the environmental crisis?"

What will be our answer?

Respectfully submitted,

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ENDNOTES

- ¹ United Nations. UN News. July 28, 2022. *UN General Assembly declares access to clean and healthy environment a universal human right*. <https://news.un.org/en/story/2022/07/1123482> .
- ² Government of Canada. LEGISinfo. June 13, 2023. <https://www.parl.ca/legisinfo/en/bill/44-1/s-5>
- ³ Government of Canada. National Pollutant Release Inventory. <https://www.canada.ca/en/environment-climate-change/services/national-pollutant-release-inventory/report/requirements-fact-sheet.html#>
- ⁴ Milewski, I. 2012. Identifying At-risk Communities for Action on Cancer Prevention: A Case Study in New Brunswick (Canada) Communities. In *New Solutions: A Journal of Environmental and Health Policy*. Pp 79-107.
- ⁵ Government of New Brunswick. Department of Environment and Local Government. Accessed June 19, 2023. https://www2.gnb.ca/content/gnb/en/news/public_alerts/forest_fire_watch.html
- ⁶ Government of New Brunswick. Provincial Archives of New Brunswick. Accessed June 19, 2023. <https://archives.gnb.ca/Exhibits/archivalportfolio/TextViewer.aspx?culture=en-CA&myFile=Forest>
- ⁷ Government of New Brunswick. Department of Environment and Local Government. Accessed June 19, 2023. https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/climate_change/content/climate_change_indicators/indicators/climate/temperature.html#:~:text=Temperature%20has%20been%20recorded%20every,over%20the%20last%20thirty%20years
- ⁸ Voices for Sustainable Environments and Communities. March 2023. *ETF Project 220370 Report - Climate Change Adaptation Plan for Lower Wolastoq-Saint John River Region*, p.16-17.
- ⁹ Government of Canada. Bill S-5, Summary of Amendments. June 2023. <https://www.canada.ca/en/services/environment/pollution-waste-management/strengthening-canadian-environmental-protection-act-1999/bill-c-28-strengthening-environmental-protection-healthier-canada-act-summary-amendments.html#toc34>
- ¹⁰ Boyd, David R. 2018. Ibid. p. 25. <https://books.google.ca/books?hl=en&lr=&id=-pxdDwAAQBAJ&oi=fnd&pg=PR7&ots=5kL8eaZmdj&sig=cE0lrckJlqlxMtSIAGh9byXrHg#v=onepage&q&f=true>
- ¹¹ Clark, H. et al. *A future for the world's children?* WHO-UNICEF-Lancet Commission. Vol. 395, February 22, 2020. <https://www.thelancet.com/commissions/future-child>
- ¹² Children's Environmental Health Initiative. (A global coalition of governments, NGOs) <https://ceri-coalition.org/who-we-are/> and Blog by Marg Milburn and Bonnie Hamilton Bogart. Accessed May 4, 2023: <https://ceri-coalition.org/2021/06/01/environmental-bill-of-rights/>
- ¹³ Landrigan, P and Etzel, R. 2014. *Textbook of Children's Environmental Health*. New York: Oxford University Press. 18-27.
- ¹⁴ Environmental Working Group. 2005. *Body Burden: The pollution in newborns*. <https://www.ewg.org/research/body-burden-pollution-newborns>
- ¹⁵ Environmental Working Group. 2009. *Pollution in People: Cord Blood Contaminants in Minority Newborns*. https://static.ewg.org/reports/2009/minority_cord_blood/2009-Minority-Cord-Blood-Report.pdf?_gl=1*_1oprsx6*_ga*MTMyOTYxMDgzNy4xNjgzMjQ4NTcx*_ga_CS21GC49KT*MTY4Mzi0ODU3Mi4xLjEuMTY4MzI1MDE4Ni4wLjAuMA..&_ga=2.43261093.1491573823.1683248571-1329610837.1683248571
- ¹⁶ WHO. 2020. Air pollution. https://www.who.int/health-topics/air-pollution#tab=tab_1