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Press Statement

For immediate release

Contact: NB Environmental Network EIA Working Group

English media Juli Abouchar 506-458-8747

Julie Dingwell 506-672-0435

French media Ron Fournier 506-246-5572

Environmental Impact Assessment Process Under Fire

A report released to the public today by the NB Environmental Network Environmental Impact Assessment (EIA) Working Group criticizes the current EIA process in New Brunswick. The report summarizes concerns raised at consultations with communities in Saint John, Fredericton, Eel Ground, Edmunston, Shippagan Bathurst, and Moncton and makes recommendations for improvement of the EIA process.

"Dissatisfaction with the EIA process was echoed again and again at our community meetings" says Julie Dingwell, Chair of the Working Group. "The public is frustrated with a process that seems to be no more than a rubber stamp for development."

The Report states two overall concerns with the process; too much Ministerial discretion and Cabinet having final decision-making results in a process that favours political rather than environmental decisions. In addition, taking an approach that treats the symptoms and not the cause of a disease, the EIA process assesses public and private sector activities, but not government policy.

Other concerns relate to specifics of the Screening and Assessment process. Because the screening process lacks criteria and is not public, many potentially environmentally significant activities are "screened out" entirely. For example the decision to store high level nuclear waste in canisters at Lepreau never underwent an EIA. Other activities that have potentially serious environmental effects, like forestry and aquaculture, are excluded entirely from the EIA process.

Even the EIA process, once triggered came under fire, especially the public meetings. Citizens felt that concerns voiced at public meetings were largely ignored, that the

public meetings come too late in the process to have any meaningful effect, and that government and the proponent of a project are so bent on defending the project that they do not honestly answer citizens' concerns.

Citizens also raised the concern that while industry and government have significant resources to participate in consultation, citizens and public interest groups do not. The resulting imbalance makes it impossible for the public to effectively research and present their views. "You don't see the proponent raising money by going door to door or holding community events, which is what we spend a good deal of our time doing." says Marlene Ross, Chairperson of the River Road Action Team.

The EIA process was also criticized for giving the proponent a right of appeal, but not others who could be seriously affected by the proposal. "A citizen's right to object is extremely important, because the courts are always hesitant to interfere with a government decision, especially one that involves such specialized knowledge," says environmental lawyer Juli Abouchar.

The Report's recommendations bring accountability, transparency and equity to the EIA process, and will ensure that development decisions are made with the environment and future generations in mind.

Summary of Recommendations:

1. The public should be consulted throughout the screening and EIA process, by way of public notice and comment periods, and a requirement that the comments be considered.
2. The Minister, should be legally required to consider certain environmental criteria in the screening decision.
3. Funding should be made available for public participation in the EIA process upon provision of a budget for: independent research, independent experts, writers to prepare briefs, networking activities such as workshops and newsletters, child care, accommodation, travel, telephone, photocopies, fax and internet use.
4. The Government Committee that reviews the completeness of EIA reports should include representatives from the provincial and federal levels of government, First Nations, and a member of the environmental community.
5. A formal public meeting presided over by an examiner who has the power to call witnesses and hear sworn testimony should be held for all projects (except for major projects or those which evoke significant concern) early enough in the planning

process to allow for substantial changes to be included in the examiner's recommendations.

6. An Independent Panel should review major projects, or those which evoke significant public concern. The Panel should have the power to call witnesses under oath, and make recommendations to the Minister.

7. The Environment Minister, not Cabinet should make the final decision. The decision and reasons for decision should be made public.

8. An Independent Panel should hear appeals from citizens when their concerns have not been reasonably addressed, or when the EIA process has not been followed.

We strongly urge the Government to live up to its 1993 promise and amend the EIA process to better protect the environment and future generations of New Brunswickers.