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NEB Modernization Panel report: The good, the workable and the ugly

VANCOUVER, BC, Coast Salish Territories - The report released today by the Expert Panel on the Modernization of the National Energy Board (NEB) contains a mixed bag of recommendations to significantly overhaul Canada's system for regulating pipelines and other energy projects – some are positive, while others are completely out of step with leading thinking, according to West Coast Environmental Law Association.

“The Panel clearly understood that the NEB is suffering a crisis of confidence, and that what was needed was a reconstruction, not a renovation,” said Eugene Kung, Staff Counsel. “We're pleased that the report recommends revamping the NEB and creating new bodies that could improve energy information and Indigenous decision-making. We're also glad to see that the Panel recommends establishing a clear and coherent national energy strategy, which gives us an opportunity to properly plan to meet international climate goals.”

However, the environmental lawyers say that the report completely misses the mark when it comes to how projects like oil pipelines should be assessed, and disagree with the Panel's approach to determining whether individual energy projects are in the national interest.

“The Panel has effectively recommended replacing environmental assessments – our main tool for publicly and thoroughly evaluating the risks and benefits of proposals – with a politicized ‘national interest determination’ made without all the information about a project's environmental implications,” said Staff Counsel Anna Johnston. “It is inconsistent with the recommendations by the Expert Panel appointed to review Canada's environmental assessment process, and totally out of step with leading-edge thinking.”

The Environmental Assessment Panel report was released April 5th, and followed the recommendations of many experts, academics, Indigenous groups and the general public.

"The NEB Panel's recommendation for determining 'national interest' is putting the cart before the horse. How can you determine whether or not a project aligns with policy objectives, respects Indigenous rights or carries unacceptable risks before a full impact assessment is conducted?" Johnston added.

The federal government is accepting public comments on the NEB Panel's report until June 14th, 2017. West Coast Environmental Law Association will continue to engage in this important work to strengthen Canada's environmental laws and regulatory processes.

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