Brief to the Legislative Committee on Bill C-39 (Building Canada Strong Act)

Submitted by the Office of Religious Congregations for Integral Ecology (ORCIE)

Summary

Bill C-39 would let a small number of ministers approve, on a one-year clock, projects that will shape Canada's emissions, lands, and waters for decades. It would make that system permanent. ORCIE supports federal reviews that are coordinated. We do not support speed bought by weakening independent assessment, Indigenous rights, and Parliament's oversight. Bypassing rights does not deliver certainty; it delivers conflict and litigation, the opposite of what the bill promises.

We ask the Committee to amend the bill in six places:

1. Test every project, regional and national-interest decision against Canada's legislated climate targets, with published reasons.
2. Make the bill consistent with the *United Nations Declaration on the Rights of Indigenous Peoples Act*, including free, prior, and informed consent; stop the clock until consultation is complete; and delay Part 1's coming into force until its regulations are developed with Indigenous governments.
3. Restore joint review with the Impact Assessment Agency of Canada for pipeline and nuclear projects.
4. Require Parliament's approval before any region of national interest is designated, keep the Federal Court as the first court for challenges, and review the new system after five years.
5. Bar construction that starts before an assessment is finished, where the damage cannot be undone; and stop ministers from weakening a project's approval conditions after it is approved; require notice and published reasons before either power is used.
6. Remove economic feasibility as a ground for weakening conditions that protect species at risk and fish habitat and require that harm be avoided and minimized before it is offset.

Section 7 sets out each recommendation, with draft amendment language for the first, second and fourth.

1. Why we are writing

ORCIE brings together 20 Catholic religious congregations of sisters, brothers, and priests across Canada. For our congregations, integral ecology is a lens for discernment that asks of any relationship, and any law, whether it is life-giving or life-diminishing, and which structures make it so. Bill C-39 decides how Canada approves mines, pipelines, and whole industrial regions. As drafted, it reinforces an economy that treats places and creatures as units of production to be "claimed, controlled, mined to exhaustion, and then abandoned."[1]

Applied to major projects, integral ecology means assessment starts before a decision is made, not after it. It weighs environmental, social, economic, and cultural effects together. It is transparent. And the people who will live with a project's effects have a real say in it. Pope Francis' *Laudato Si'* sets out the

same standard. Bill C-39 moves away from each of these. It allows construction before an assessment is finished. It lets economic feasibility count against protections for species and fish. It lets ministers weaken approval conditions without notice or published reasons. And it shortens the time communities have to respond.

We share the government's goal of a stronger, more self-reliant economy. But strong policy is not enough on its own: it needs a quality of encounter and dialogue that creates cultural and political space for decisions to be accepted. Agreements made without the people most affected close that space, as B.C. chiefs said when Ottawa and Alberta signed a pipeline memorandum of understanding without the Indigenous communities who would bear its impacts.[2] Our test for Bill C-39 is simple: does it produce good decisions faster, or only faster decisions?

Canadians answered a version of that question this summer: the government's own summary of more than 26,000 emails and submissions found widespread agreement that reform should not come at the expense of environmental protection or Indigenous rights.[3]

2. Climate: a factor with no consequence

Bill C-39 lists a project's effect on Canada's climate commitments as one consideration among many, alongside markets, economic feasibility, and the applicant's finances. It sets no point at which a project's emissions would lead to refusal.[4] A factor that can never change the outcome does not protect anything.

Pipelines and power plants approved in 2027 will still be operating after 2050, the year the *Canadian Net-Zero Emissions Accountability Act* commits Canada to net-zero emissions. Approving them on a one-year clock without asking whether they fit that law sets Parliament's own targets up to fail.

The government's own backgrounder on the bill does not use the word "climate" at all, and Canada remains without a plan to reach its 2050 net-zero target.[5] Regions of national interest could become sacrifice zones in places like the Ring of Fire, the oil sands and B.C. pipeline corridors.

The fix is a duty to show the work: before approving a project, designating a region, or issuing a certificate, the decision-maker should state, with published analysis, whether the project is consistent with Canada's legislated targets. Investors gain certainty from that too, because it reduces the risk of stranded assets and later legal challenge. (Recommendation 1)

3. Indigenous rights: consultation on a clock

Bill C-39 compresses consultation into fewer, earlier stages, with fewer chances to raise concerns at the permit stage and builds in no consent-based process or decision-making role for Indigenous governments.[6] The new Crown Consultation Hub sits in the Impact Assessment Agency, but the energy and nuclear regulators would continue to run their own consultations.[7]

On October 8, the Chiefs of Ontario, the Assembly of First Nations Quebec-Labrador, the BC Assembly of First Nations and Nishnawbe Aski Nation jointly rejected Bill C-39 and called on Canada to withdraw it, under the banner "Rights Cannot Be Fast-Tracked." They make three points this Committee should weigh directly. The bill was drafted without First Nations at the table. Free, prior, and informed consent

cannot be fitted into a federal timeline; if consultation needs more time, the timeline must give. And a regional designation must never be read as blanket consent for projects in First Nations territories.[8]

The bill's text bears this out. The one-year clock can be paused for consultation, but the Crown decides when, and the bill gives Indigenous governments no new authority or resources.[9] Shorter timelines leave less time and fewer openings to raise concerns once a review starts.[10] The legislative process compounds the problem: this Committee and a Senate special committee are studying the bill at the same time, with Royal Assent targeted for December.[11]

The Assembly of First Nations has also warned against rushing the bill.[12] Fifteen First Nations are part-way through a regional assessment of the Ring of Fire with the Impact Assessment Agency; under this bill, that same process could become the first step toward pre-approving mines in the Hudson-James Bay Lowlands.[13]

Canada committed in the *United Nations Declaration on the Rights of Indigenous Peoples Act* to bring its laws into line with the Declaration, including free, prior, and informed consent. Indigenous peoples must be the main partners in any decision about large projects on their lands.[14] A bill this large, touching this many Nations' territories, should meet that standard in its text, not leave it to the Cabinet Directive. Projects built with consent are also the projects least likely to end up in court.

Our member congregations have committed to the Declaration as the framework for their own reconciliation with Indigenous peoples, in answer to the Truth and Reconciliation Commission's Call to Action 48. We are not asking Parliament to meet a standard we have not accepted for ourselves. We are asking that Canada's laws not fall below it.

Bypassing rights does not deliver certainty. It delivers conflict and litigation, the opposite of what this bill promises investors and Canadians. Ontario Regional Chief Abram Benedict and his colleagues have made this point plainly.[15] We share their central concern: legislation of this weight should not be finalized before the Indigenous governments it affects have shaped it. This Committee can act on that concern within its mandate. It can hear directly from First Nations rights holders before clause-by-clause consideration, adopt the amendments in Recommendation 2, and delay the coming into force of Part 1 until the regulations and consultation arrangements it depends on have been developed with Indigenous governments.

4. Independent assessment of pipelines and nuclear projects

A September regulation already moved pipelines, power lines, and offshore renewable projects out of joint review with the Impact Assessment Agency, which reports to the Minister of the Environment. Bill C-39 writes that shift into law and ends joint review for nuclear projects too; it is unclear what happens to the proposed Bruce C nuclear station on Lake Huron, now under joint review.[16]

The Canada Energy Regulator and the Canadian Nuclear Safety Commission would assess these projects alone; both report to the Minister of Energy and Natural Resources.[17] These are the projects with the largest and longest-lived climate and land impacts. During the government's engagement, making the energy regulator the sole assessor was one of the proposals the public objected to most consistently, and Indigenous representatives asked that both regulators be held to the same standard as the Agency.[18] An assessment run by the body that regulates the industry, under the minister responsible for

growing it, does not look independent to the public. The same compressed timelines shrink the public's role. Communities near a project will have less time to read the studies and comment before a decision is made.

The Nuclear Safety Commission knows about nuclear safety. What it lacks is the Impact Assessment Agency's broader expertise in a project's environmental, health, social and economic effects, including its effects on Indigenous peoples.[19] Keeping the Agency involved would not slow anything down: a joint panel can meet the same one-year deadline. Parliament should also write joint review for pipelines into the law itself, instead of leaving it to a regulation the government can change on its own. (Recommendation 3)

5. Regions of national interest and Parliament's role

The new "regions of national interest" extend fast-tracking from single projects to whole areas. Cabinet could designate an energy corridor, an industrial area or a region chosen for future development, and eligible projects inside it would be treated as pre-approved, subject to listed conditions. At the same time, the bill removes the five-year limit that Parliament built into last year's *Building Canada Act*, making the national-interest regime permanent.[20]

The government got one thing right: a regional assessment by the Impact Assessment Agency must come before any designation, covering the cumulative effects of current and foreseeable activity and involving Indigenous consultation.[21]

The problem is accountability. A region-wide pre-approval is a decision about land, water, and rights on the scale of legislation, yet it would be made by order in council, with no vote in either House. The five-year limit was the safeguard Parliament accepted in exchange for extraordinary powers granted during a trade emergency. Removing it should come with a different safeguard, not none, and Parliament should review the whole new approvals system after five years. The bill also narrows the courts' role: challenges to Cabinet orders naming a national-interest project or region would go straight to the Federal Court of Appeal, skipping the Federal Court, where evidence is heard. That leaves one hearing on the existing record, with little room for First Nations to bring evidence that is not already in it.[22] (Recommendation 4)

6. Early works, species at risk and fish habitat

The bill would let the Minister of the Environment authorize construction and other early works before an assessment is finished, where the Minister believes this is in the public interest.[23] Clearing forest, draining wetland or dredging a river cannot be undone if the assessment later finds the project should not proceed. Early work also raises the cost of saying no, which tilts the final decision before the evidence is in. Site investigation and other reversible work are reasonable; irreversible works are not. Indigenous governments also lose leverage: once work begins, changing or stopping a project becomes harder.[24] The bill does not even require that Indigenous governments be consulted before early works are allowed.[25]

The bill does require the proponent to remedy any harm early works cause,[26] but remedy after the fact does not bring back a spawning ground. The Nuclear Safety Commission would hold the same early-

works power for nuclear projects, which is troubling given the history of nuclear development for many affected communities.

A second change has drawn less attention. Today, the Minister may amend or remove an approval condition only if doing so will not increase the adverse effects identified in the assessment. Bill C-39 would let Cabinet, or the Minister with a designated minister, amend or remove conditions whenever they consider it in the public interest.[27] Conditions often record what communities and Indigenous governments were promised during consultation. They should not become negotiable once the project is built.

Separately, the bill directs ministers to weigh economic feasibility when setting conditions on permits under the *Species at Risk Act*, the *Fisheries Act,* and the *Canadian Navigable Waters Act*, giving commercial interests more weight when conditions are set.[28] It also lets some companies harm fish and fish habitat by paying into the Environmental Damages Fund to offset it.[29] Asking whether a condition is technically workable is sensible. Weighing it against a proponent's margins is not: a species' survival does not change with the economics. Offsetting should also be a last resort: the federal nature strategy, *A Force of Nature*, calls for avoiding, minimizing, and mitigating harm first, but the bill does not write that hierarchy into law.[30] Where offsetting is paid in cash, the habitat should be restored in the same watershed; otherwise, the river that was damaged is never restored. (Recommendations 5 and 6)

7. Summary of recommendations

Where we offer wording, it is a basis for legislative counsel, not final drafting.

1. **Test decisions against Canada's climate law.** In Part 1, in the amendments to the *Impact Assessment Act*, the *Building Canada Act* and the *Canadian Energy Regulator Act*, add:
    - *"No decision statement, certificate, approval or designation order may be issued unless the decision-maker has published an estimate of the greenhouse gas emissions of the project, or of the projects eligible in the region, over their operating life, and a determination, with reasons, of whether they are consistent with Canada's national emissions targets and with achieving net-zero emissions by 2050 under the Canadian Net-Zero Emissions Accountability Act."*
2. **Uphold the UN Declaration and delay coming into force.** Add a coming-into-force provision for Part 1:
    - *"This Part comes into force on a day to be fixed by order of the Governor in Council, which may not be earlier than the day on which the Minister tables in each House of Parliament a report describing the consultation and cooperation with Indigenous peoples on the regulations and consultation arrangements required to implement this Part, as required by section 5 of the United Nations Declaration on the Rights of Indigenous Peoples Act."*
    - Amend Part 1 so that it is applied consistently with the *United Nations Declaration on the Rights of Indigenous Peoples Act*, including free, prior and informed consent; so that time limits stop running while consultation and accommodation are incomplete, as determined with the affected Indigenous government rather than by the Crown alone; and so that participant funding is guaranteed in every process the bill creates.

    - Before clause-by-clause consideration, hear from First Nations rights holders whose territories are most affected, including those taking part in the Ring of Fire regional assessment.
3. **Restore joint review for pipelines, power lines, and nuclear projects.** Amend Part 1 so that any pipeline, designated power line, or nuclear project that is a designated project under the *Impact Assessment Act* is assessed by a review panel established jointly with the Impact Assessment Agency, within the bill's time limits. Guarantee a minimum public comment period at each stage of an assessment, and participant funding for Indigenous governments and local communities, so that shorter timelines do not shut the public out.
4. **Give Parliament the final say on regions of national interest.** In Part 1, in the amendments to the *Building Canada Act*, add:
    - *"An order designating a region of national interest must be laid before each House of Parliament and does not come into force until approved by a resolution of each House."*
    - Also require the free, prior and informed consent of Indigenous governments whose territories a region would include; make the regional assessment's recommendations binding conditions unless Cabinet publishes reasons for departing from them; and keep a five-year limit on each designation in place of the expiry the bill removes.
    - Add a statutory review of Part 1: *"Within five years after this Part comes into force, a review of its provisions and operation, including their effects on the rights of Indigenous peoples, the environment and Canada's greenhouse gas emissions, must be undertaken by a committee of the Senate, of the House of Commons or of both Houses, which must report to Parliament within one year after the review begins."*
    - Delete the amendments to the *Federal Courts Act* that send challenges to national-interest and region orders directly to the Federal Court of Appeal, so that affected Indigenous governments and communities can put evidence before the Federal Court.
5. **Exclude irreversible harm from early works and protect approval conditions.** Amend the early-works power so it cannot authorize clearing forest, draining wetlands, destroying critical or fish habitat or any other irreversible activity, or any work on an Indigenous Nation's lands without its consent, and require financial assurance for restoration. Delete new subsection 68(2.1), the public-interest power to amend or remove approval conditions, so that the *Impact Assessment Act* continues to bar changes that would increase a project's adverse effects. Require public notice, an opportunity for affected Indigenous governments and the public to respond and published reasons before any early-works order or change to approval conditions takes effect.
6. **Protect species and fish habitat on science.** Remove "economic" from the feasibility test as it applies to conditions under the *Species at Risk Act* and the *Fisheries Act* and require that offsetting paid through fees or credits restore habitat in the same watershed, with public annual reporting. Require that harm be avoided, minimized, and mitigated before any offsetting is allowed.

ORCIE would welcome the opportunity to appear before the Committee or to answer members' questions. We urge the Committee not to finalize Part 1 before the Indigenous governments it affects have shaped it.

Notes

1. Norman Wirzba, *Agrarian Spirit* (2022), 36, quoted in Sue Wilson and Darlene O'Leary, *Integral Ecology: How the Concept of Integral Ecology is Evolving in the Canadian Context* (Office of Religious Congregations for Integral Ecology, April 13, 2026), 14. orcie.org
2. Wilson and O'Leary, *Integral Ecology*, 23.
3. Carl Meyer, "Canadians warned Carney not to sideline scientists. Bill C-39 does just that, critics say," *The Narwhal*, September 23, 2026. thenarwhal.ca
4. Meyer, *The Narwhal*.
5. Jon Milton, Hadrian Mertins-Kirkwood and Rachel Pettigrew, "Bill C-39 is a massive corporate giveaway," Canadian Centre for Policy Alternatives, October 2, 2026. policyalternatives.ca
6. JFK Law, "One Year, One Consultation, One Decision: Overview of the new Building Canada Strong Act (Bill C-39)," 2026. jfklaw.ca
7. Meyer, *The Narwhal*.
8. Chiefs of Ontario, Assembly of First Nations Quebec-Labrador, BC Assembly of First Nations, and Nishnawbe Aski Nation, "First Nations Leaders Reject Bill C-39 and the Rush to Force it Through: Rights Cannot Be Fast-Tracked," October 8, 2026. chiefs-of-ontario.org
9. Milton, Mertins-Kirkwood and Pettigrew, CCPA.
10. Corey Shefman, Aashish Oberoi, Zac Smith, Rachael Carlson, and Rhea Murti, "A Time of Crisis and Opportunity: Understanding Amendments to the Impact Assessment Act (Part 2 of 4)," Olthuis Kleer Townshend LLP, October 9, 2026. oktlaw.com
11. Chiefs of Ontario et al., "Rights Cannot Be Fast-Tracked."
12. Milton, Mertins-Kirkwood and Pettigrew, CCPA.
13. Meyer, *The Narwhal*.
14. Pope Francis, *Laudato Si'* (2015), 146.
15. Chiefs of Ontario et al., "Rights Cannot Be Fast-Tracked."
16. Shefman et al., OKT.
17. Meyer, *The Narwhal*.
18. Meyer, *The Narwhal*.
19. Shefman et al., OKT.
20. Meyer, *The Narwhal*.
21. Meyer, *The Narwhal*.
22. JFK Law, "One Year, One Consultation, One Decision"; Osler, Hoskin & Harcourt LLP, "Bill C-39 aims to speed up federal reviews and project decisions," 2026 osler.com; Bill C-39, clauses 114 and 115, amending section 28(1) of the *Federal Courts Act*.
23. Shefman et al., OKT.
24. Milton, Mertins-Kirkwood and Pettigrew, CCPA.
25. JFK Law, "One Year, One Consultation, One Decision."
26. Shefman et al., OKT.
27. Bill C-39, clause 53(1), amending section 68 of the *Impact Assessment Act*; Shefman et al., OKT.
28. Milton, Mertins-Kirkwood and Pettigrew, CCPA.
29. Meyer, *The Narwhal*.
30. Tony Morris, "Is Bill C-39 Really in the National Interest?" Ontario Nature, October 14, 2026. ontarionature.org

About ORCIE

The Office of Religious Congregations for Integral Ecology (ORCIE; in French, BCRÉI) is a network of 20 Catholic religious congregations across Canada, established in June 2021. Drawing on *Laudato Si'*, its members work together for social and ecological justice, including through public policy dialogue. ORCIE's priorities are climate action, reconciliation with Indigenous peoples, education on integral ecology, and engaging people of faith in public life.