

ENVIRONMENTAL ACT CONSULTATION: PUBLIC HEALTH RESPONSES

Context

Public Health participates as part of the Technical Advisory Committee. The key contact is the Medical Lead for Environmental Health in the provincial office but the reviews are largely conducted by the regional Medical Officers of Health with the assistance of the Medical Lead for Environmental Health for complex projects. Capacity to conduct these assessments at both the regional and provincial level is limited. Given the importance of these assessments, Public Health has been reviewing our current involvement in the process with a view of making our response more effective and efficient. More recently we have engaged the Health Equity Unit in Public Health Branch for more complex projects such as the mercury and fish dialogue with the Keeyask Partnership.

Public Health has also been involved in climate change adaptation sessions and projects related to the built environment and its importance to human health. Public Health has, as a primary goal, the prevention of human exposure to health hazards. Therefore, since the Environment Act includes mention of human health and protection of human health into the future, Public Health and the Ministry of Health, Healthy Living and Seniors has an interest in enhancing policy and legislation which will improve the future health of Manitobans.

Below you will find responses to the questions outlined in the consultation document. These are summaries of individual responses. Overall, we recognize this as very important and would like to optimize our input. We recommend an internal consultation with the TAC members. In addition, we request assistance to help us review our program to enable us to become more effective and efficient and to meet the expectations of potential new legislation. We look forward to working with you.

Individual Public Health Responses Summarized

Purpose: To collect public feedback on the existing environmental assessment, licensing and enforcement processes, in order to undertake an effective and targeted review of The Environment Act

Questions	Comments / Suggestions	
	Categories	Specifics
Environmental Assessment		
<i>Environmental assessment guidelines</i>		
1. How can the EIS guidelines be improved to facilitate thorough environmental assessment of proposed developments?	Equity	Identify health equity considerations Have an equity-focused Health Impact Assessment, which recognizes that socially and economically disadvantaged communities experience poorer health outcomes
	Socioeconomic determinants of health	Ensure socioeconomic determinants of health are identified Health impact assessment conducted through a social determinants of population health lens
	Criteria	Include criteria, specifically, for when to do human health risk assessment
	Specificity to proposal	Make proposal-specific guidelines, known expectations in proposals and how they can be met
	Format	Establish standard format for large proposals and for comments from TAC members
	Cumulative effects	Cumulative effects of proposals are reviewed and long-term impact on community health
	Contingency plans	Include boom-and-bust mitigation plans, climate change extreme weather plans
	Jurisdictional scan	Know what other jurisdictions have done
Human health aspect	Strengthen human health aspect and not just the environmental aspect	
2. How should the content of the existing guidelines be enhanced in ways that provide a clear environmental protection benefit?	Equity	Identify health equity considerations Maximize expected positive population health impacts and their equitable distribution among population groups
	Jurisdictional scan	Know what other jurisdictions have done Adopt an environmental justice policy similar to those of the US Environmental Protection Agency and the California Energy Commission http://www.energy.ca.gov/public_adviser/environmental_justice_faq.html
	Opportunities	Emphasize opportunities to improve human and environmental health not just maintain Formalize a strategic environmental assessment within Manitoba to provide an opportunity to institutionalize consideration early on in the development of policy, planning and programming levels of long-term implications for the health of the environment. http://www.unep.ch/etu/publications/textONUbr.pdf
	Criteria / benchmarks	Include criteria and benchmarks and provide TAC with decision trees and checklists that show how industries meet guidelines
	Human health aspect	Strengthen human health aspect and not just the environmental aspect
	Socioeconomic determinants of health	Ensure socioeconomic determinants of health are identified
Precautionary principle	Recognize that “lack of scientific certainty must not be used as a reason to ignore or postpone preventive or remedial actions when there are other good reasons to do so” and make reference to it in the Environment Act and any relevant policy documents ¹	

¹ We would like further discussion on this issue.

	Cumulative effects	Cumulative effects of proposals are reviewed and long-term impact on community health
Importance of the Technical Advisory Committee		
3. What should be included in the roles and responsibilities of the TAC?	Conflict of interest	Declare conflict of interest
	Transparency	Report to public
	Research	Ability to request environmentally responsible research to be guided with current information and best practices (e.g. emerging and unusual industries where information is not available)
	Legislations	Legislating is worrisome if capacity is lacking
	Government support	Have enhanced support / engagement by Approvals Branch and resources within areas that are responsible for reviewing proposals Meet with the TAC to discuss its role and get recommendations from TAC members Increased awareness and support for the TAC role within government
	Terms of Reference	Have a terms of reference which is reviewed by the TAC and the Approvals Branch regularly and posted on line
	Expert consultation	Have the ability to recommend further expert consultation in specific content areas as needed
4. Are there any other agencies that should be included as representatives on the TAC?	Academe	Include grad students from relevant university/college program as they will be on the cutting edge of technology
	Other experts	Include experts on social determinants of health, health equity and public engagement
	As needed	Depends on the development, specialized expertise may be necessary
Licensing Process		
<i>The current licensing process: classes of development</i>		
5. Should we maintain the current Classes of Development? If not, what other system should be considered?	Suggested additional systems	Organization size, carbon footprint, potential for GHG, mineral and petroleum exploration, transportation of hazardous materials, road source emissions from traffic
	Jurisdictional scan	How do other jurisdictions set categories?
6. Should there be flexibility as to how developments are categorized to allow for the inclusion of new developments that are the result of emerging technological advancements? If yes, how can this be accomplished?	Amenable	Must be flexible to accommodate emerging technologies or adapt to new issues Ensure enough existing categories so new developments can fall under one of them or on a subgroup
7. Which activities should be included in the licensing process?	Suggested additional activities	Mineral and petroleum exploration
	Jurisdictional scan	What are other jurisdictions doing, then which can be adapted to increase our influence on the built environment?

<i>A process for updating the terms and conditions of existing licences</i>		
8. Under which circumstances should a licence be reviewed, renewed or altered? Should the circumstances be related to time, changing conditions or other factors?	Suggested circumstances (Time (varying opinion: 3 – 5 yrs, 5 – 10 yrs), change in ownership, facility upgrade/expansion, critical incidents, changes in accepted standards or scientific knowledge, unanticipated environmental or human health impact Need to consider financial implications
<i>Appeal process</i>		
9. How do we ensure that the appeals process remains effective for the greater benefit of society?	Suggested approaches	Allow for reasonable time frames for responses, add criteria requesting benefits to human health and the environment, review Environment Act every 15 years, widely publicize, aggressive identification of potential barriers to participation (e.g., geographic or economic impediments)
	Equity	Identify inherently underrepresented groups and strategically plan to enable more proportionate level of participation
	Jurisdictional scan	Have concerns with appeals processes reflecting on MB as being too lenient if only province to have this process. Under what circumstances has it been used?
Enforcement		
<i>Compliance tools</i>		
10. How can Manitoba more effectively enforce the provisions of The Environment Act?	Suggested approaches	Dissemination information re consequences (e.g., increased fines, exposure in media), have adequate staff to ensure good follow-up, consider incentives (e.g., tax breaks); provide measurable and graduated endpoints, tie human health impact mitigation to enforcement
11. What do you think about the expansion of penalty provisions in the act? Please explain.	Amenable	Depends on environment impact of infraction If shown to be effective in achieving compliance and improved outcomes
Public Engagement		
<i>Public consultation</i>		
12. Are current forms of communication (e.g., local newspaper advertisements and public registry) effective at conveying information to the majority of Manitobans? Are there any other effective forms of communication?	Radio	Have wider audience Effective in the North Particularly important for those who are literacy-challenged NCI reaches a wide audience in Northern Manitoba, including First Nations communities
	Internet	Have wider audience Local ethnic media sources not only have print newspapers but often also have their own websites Dedicated page in the provincial government website for advertising public consultations
	TV	Have wider audience
	Local community messaging	

13. Are there any other ways to enhance public engagement? Please explain.	Community advisory groups	To regularly review and publicly post proposals May be university/college based to foster student involvement May be subcommittee of TAC May be for larger projects only Seek out groups that are underrepresented / disproportionately affected
	Giving proponents greater responsibility	With respect to soliciting public input
	Jurisdictional scan	Adopt an environmental justice policy similar to those of the US Environmental Protection Agency and the California Energy Commission, in which second round of “targeted” consultations may be done if certain groups are not proportionately represented the first time around