A comparison of the basic needs for improvement of the Canadian Environmental Assessment Act with the substance and implications of amendments proposed in Bill C-9

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Summary

This paper reviews the proposed amendments to the Canadian Environmental Assessment Act (CEAA) included in Bill C-9, the Budget Implementation Act, 2010, also know as the Jobs and Economic Growth Act. Two analyses are presented.

The first analysis focuses on four problems with the current environmental assessment law and its application that appear to have been motivating concerns underlying the current CEAA amendment proposals in Bill C-9. The review presented in Table 1 identifies the contributing causes of these problems and finds that the C-9 proposals would address few of these contributing causes and, as a consequence, not likely resolve the problems.

The second analysis is a more comprehensive review considering all the core categories of requirements for effective environmental assessment law. Table 2 lists these requirements categories, sets out the essentials of how these should be addressed in drafting an improved Canadian Environmental Assessment Act, and summarizes the contrasting substance and implications of the currently proposed changes.

Together, the analyses suggest that the CEAA amendments proposed in Bill C-9 proposals would add to the weaknesses of the current law while failing resolve the problems they are meant to address. The findings point to the need for a more complete and better integrated initiative to re-examine CEAA and its record of application, and to design renewal steps through amendments and policy and administrative changes that promise establishment of much more effective, efficient and fair assessment in Canada.

Introduction

CEAA and its implementation need improvement. All serious participants have known this for some time. Many of the most serious weaknesses were identified when the current law was introduced and a variety of efforts to address them have been undertaken over the years, with greater and lesser success. As a result, the base of experience is now certainly deep enough that the most significant continuing deficiencies and opportunities are quite evident. It is at least possible that the various major interests – proponents of undertakings, federal government agencies responsible for reviews and approvals, provincial and territorial authorities, Aboriginal governments, public interest groups and concerned citizens – would agree on the list of major assessment issues, though they would have understandably different perspectives on the priorities for action. It is also now evident that the problems to be addressed are deeply intertwined and cannot be addressed effectively by a few simple actions targeting a few of the most obvious symptoms.

What is needed and possible today is a serious public examination of the options for improving federal environmental assessment law and implementation, recognizing that there are strengths to be preserved and positive opportunities to be pursued as well as problems to be corrected, and recognizing that the opportunities and problems are interconnected and the solutions need to be identified, evaluated and designed as a package.

Probably the most promising venue for such an examination is the legislated seven-year review of CEAA that is scheduled to begin in 2010 under the auspices of the Standing Committee on Environment and Sustainable Development. If the recommendations from the Standing Committee's last review of CEAA are respected,[1] this review will also consider legislative requirements for environmental assessment at the strategic level (policies, plans and programmes), which are now set out in a Cabinet Directive. In other words, the Committee's seven year review would be, at least potentially, comprehensive enough to deal capably with the broad options for improving both the law and its implementation.

The government's introduction of a small collection of significant amendments to CEAA, buried in budget implementation legislation[2] just prior to the seven-year review, may not be intended to pre-empt the broad review expected from the seven-year

[1] House of Commons, Standing Committee on Environment and Sustainable Development (2003), Report 2 - Environmental Assessment: Beyond Bill C-9 (adopted by the Committee on May 1, 2003; Presented to the House on June 5, 2003)

[2] House of Commons, *Bill C-9, the Budget Implementation Act, 2010*, introduced for first reading 29 March 2010, especially part 20, http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Parl=40&Ses=3&Mode=1&Pub=Bill&Doc=C-9_1

review exercise. Arguably, the amendment proposals in Bill C-9 have played a useful role in drawing attention to some of the issues needing attention. But the proposed amendments take a fragmentary and symptomatic approach to problems that require more comprehensive and integrated responses. They also suffer from their emergence out of a secretive process that included no public consultation.

The discussion to follow examines the Bill C-9 proposals for CEAA amendments in light of two sets of considerations:
(i) the four main problems that the amendments seem intended to address, and
(ii) a more complete list of the core requirements for effective environmental assessment law.

The four problems are presented in Table 1 along with their contributing causes and the responses of C-9 to these contributing causes..

A full list of core categories of requirements for effective environmental assessment law is presented in Table 2 along with the essentials of how these should be addressed in drafting an improved Canadian Environmental Assessment Act, and the contrasting substance and implications of the changes proposed in Bill C-9.

CEAA has many strengths and limitations that affect the effectiveness, efficiency and fairness of federal-level environmental assessment and the ability and inclination of federal authorities to build cooperative relations with the complementary overlapping assessment processes of other Canadian jurisdictions. As is usual in the design and implementation of environmental law, the factors that influence effectiveness, efficiency and fairness are many and deeply intertwined. Both the strong and weak aspects of CEAA and its application are the products of multiple contributing qualities and deficiencies. While these intricacies are not explored in any detail here, the approach taken in the analyses reported in this paper is meant to respect the richness of the interrelationships involved, to avoid simplistic conclusions, and to focus on a positive agenda of overall renewal and improvement of environmental assessment at the federal level.

Four key problems in current federal environmental assessment and the C-9 responses

Table 1, below, considers four problems that appear to have been recognized by the federal government and to have been motivating concerns underlying the current proposals in Bill C-9 to amend CEAA. The analysis lists the main contributing causes of the identified problems and considers the extent to which the amendments proposed in Bill C-9 address these evident causes.

Table 1 Four problems, contributing causes and proposed responses in C-9

The problem	Contributing causes	C-9 response
Delays and inefficiencies due to overlap and duplication, especially with provincial assessments	• Late triggering of federal environmental assessment, due to reliance on the law list trigger that recognizes environmental assessment requirements at the licensing stages and the failure of RAs to push anticipatory assessment initiation • Slow case by case negotiation of environmental assessment scope due to inconsistent/negotiable environmental assessment scope requirements (inclusion of social-economic effects, consideration of alternatives, etc.) and limited capacity and commitment of RAs • Wide variation of environmental assessment requirements across Canadian jurisdictions, and failure to establish a best practices standard for environmental assessment in Canada • Failure to emphasize the complementary benefits of interjursidictional environmental assessments and Inadequate use of tools already available to strengthen interjurisdictional assessment cooperation, including coordination	• Exempt many undertakings from federal environmental assessment (defer to the provinces, despite wide variation in provincial process strengths and weaknesses, limited provincial ability to deal with matters of federal responsibility,[3] and the general inadequacy of provincial provisions for ensuring effective public engagement) • Assign more coordination and negotiating responsibility to the Canadian Environmental Assessment Agency • Provide a new opening for case by case negotiation of narrowed project scope to cover only particular component or components (likely to add to negotiation delays related to scoping decisions, undermine assessment effectiveness, and reduce pressures for interjurisdictional cooperation to ensure a broadly effective and efficient assessment process) • No attention to law list trigger or negotiable scoping, or interjurisdictional harmonization

[3] See Arlene Kwasniak (2009), "Environmental assessment, overlap, duplication, harmonization, equivalency, and substitution: interpretation, misinterpretation, and a path forward," *Journal of Environmental Law and Practice*, 20:2, pp.1-35.

	of individual cases	
Too much attention to minor undertakings and issues and too little attention to big issues and opportunities, especially cumulative effects, broad alternatives	• Failure to consolidate minor assessment to address cumulative effects • Reliance on project level assessments to address cumulative effects • Lack of an effective strategic level assessment process to address cumulative effects and broad alternatives and to provide authoritative guidance to project level assessment (leaving inappropriate burdens on proponents and other participants in reviews of individual undertakings to address cumulative effects and larger policy and planning issues) • Inadequate interjurisdictional harmonization to deal with overlapping cumulative effects and broad alternatives concerns • Generally mechanical approach to assessment of apparently minor undertakings, usually with little effort to engage public interests that are most likely to identify unexpected concerns and promising alternatives	• Exempt some categories of smaller undertakings • No attention to strategic level assessment or consolidation of minor undertakings or interjurisdictional harmonization
Lack of clear authority, responsibility and accountability, plus administrative complexity and weak enforceability	• No credible central authority for environmental assessment decision making • Reliance on departments with limited mandates and questionable impartiality to make the relevant process and approval decisions • Lack of a specific and enforceable decision under CEAA	• Assign more coordination and negotiating responsibility to the Canadian Environmental Assessment Agency (which is not traditionally respected by proponent departments or Responsible Authorities and not in a central position in government) • Increased substitution of regulatory authority

		proceedings (NEB and CNSC) for environmental assessment processes (despite the relative narrowness of regulatory traditions and capacities, and their poorer record in facilitating public engagement) • No attention to the lack of a specific and enforceable decision
Environmental assessment treated as an approval hoop requirement rather than a serious opportunity and requirement to incorporate environmental considerations in the planning of undertakings	• Environmental assessment often initiated too late to be integrated into basic selection and design of proposed undertakings • Uncertainty of environmental assessment scope due to negotiable components and other openings for avoidance of standard requirements • Emphasis on mitigation of adverse effects as a regulatory licensing matter, rather than attention to overall contributions to lasting gains (thus little basis or incentive for integration in core decision making) • Frequent political investment in the approval of undertakings prior to completion of environmental assessment work	• More emphasis on regulatory focus (substitution of NEB and CNSC processes) • Focus on mitigation of adverse effects rather than expectation that undertakings make a positive contribution to sustainability • No attention to consistent broad scoping or early process initiation

As will be discussed below, the problems addressed in C-9 and considered in Table 1 cover only some of the concerns and opportunities that merit attention in renewal of CEAA. Even within this limited ambit, however, the changes proposed in C-9 do not recognize or address many of the main factors contributing to the problems that have been tackled. Moreover, some of the amendments may exacerbate problems they are intended to resolve (e.g. the provisions for scoping projects to include only some component or components introduce a new topic for scope negotiation when such negotiations are already a cause of delay and a barrier to harmonization with the timing of provincial processes). The clear implication is that the narrowly focused and fragmented

nature of the proposed amendment agenda will not strengthen the federal environmental assessment process, or even resolve the immediate concerns that evidently underlie the proposed package of amendments. This in turn suggests that a broader and more comprehensive approach is needed.

Core requirements for improving CEAA and the C-9 responses

The first environmental assessment regimes were put in place over forty years ago. Today most jurisdictions apply assessment requirements of some kind and many have done so for several decades. Nevertheless, there are still basic problems of regime design and implementation. Processes in place today vary widely and probably every one of needs significant improvement according to some participants in its application. Typically, assessment regimes are criticised for being too onerous and too weak, for failing to meet reasonable objectives and for imposing undue costs, delays and other aggravation. These criticisms often come from opposing interests – the proponents and critics of assessed undertakings, for example – and on the surface they appear to demand very different responses. Beneath the surface, however, are common underlying difficulties and the potential for solutions that can meet expectations to ensure much more enlightened decision making while respecting the practical needs for workable application.

The basic objective of environmental assessment law has been to force and guide careful attention to environmental considerations in the development, approval and implementation of undertakings that may have important effects. While most attention has been focused on approvals implications, environmental assessment is not meant to be regulatory exercise. Instead assessment is properly a constituent part of deliberations from the initial conception of purposes and options through to the eventual decommissioning or renewable of the undertaking. Also, even where assessments obligations are centred on biophysical aspects of the environment, these considerations are to be integrated into the overall decision making, recognizing the interactions and interdependencies of social, economic and ecological factors. Accordingly, environmental assessment has been consistently identified by international authorities as a crucial tool of sustainable development.

Over the years, environmental assessment theory and best practice have evolved in light of learning from experience within and beyond assessment application. Generally, assessment regimes have become

- more mandatory and codified in law and accompanying guidance;
- more widely applied to strategic undertakings (policies, plans and programmes, etc.) as well as physical projects and activities;
- more attentive to application earlier in planning, especially where critical attention to purposes and alternatives can be helpful;
- more open and participatory, in part through timely electronic access to documents and funding for public intervenors;

- more comprehensive of environmental concerns, including social, economic and cultural and biophysical factors and their interrelations, with attention to cumulative as well as individual effects and covering the full lifecycle of undertakings;
- more integrative, recognizing ecosystem and socio-ecological system behaviour;
- more accepting of different kinds of knowledge and analysis, including local and traditional knowledge;
- more carefully monitored as overall regimes as well as individual undertakings;
- more sensitive to complexity, uncertainty and the need for precaution;
- more often adopted beyond formal environmental assessment processes; and
- more ambitious, particularly in requirements to identify best options in light of positive as well as adverse effects and aims for positive contributions to sustainability as well as avoidance of significant adverse effects.

At the same time, environmental assessment regimes have become increasingly a focus of criticisms about process inefficiencies and unduly burdensome requirements. To some extent, these criticisms are a predictable response to obligations that demand new thinking and expertise, favour unfamiliar options, and impose new costs. Any requirements that are meant to challenge established practice are likely to be resisted. In the case of environmental assessment, the usual difficulties are exacerbated by conflicts with narrow economic motives and specific agency mandates, by the open ended complexity of systemic interactions and cumulative effects, and by the deep divide between business as usual and what might be sustainable in the long run.

In federal nations and in international applications, environmental assessment faces additional challenges because of the constitutional reality of multiple overlapping jurisdictions. In Canada, every province and territory imposes environmental assessment obligations, sometimes in a variety of forms applied under a range of laws targeting different sectors and activities. Many land claim agreements with Aboriginal authorities include assessment provisions. Canadian international assistance activities and other undertakings outside the country often involve a sharing of assessment responsibilities with other partners and recipient nations. And essentially similar requirements have been incorporated in a host of other laws and processes centred on land use planning, resource management and other conflict resolution.

None of these difficulties is an excuse for ineffective, inefficient or unfair assessment practice. On the contrary, effectiveness, efficiency and fair practice are all crucial if environmental assessment is to have any hope of facing its challenges well enough to facilitate transition to more sustainable behaviour.

In the interests of open exploration of positive options for improving CEAA and its implementation, the following Table 2, below, identifies the core categories for requirements for effective environmental assessment law, sets out the essentials of how these should

be addressed in drafting an improved Act, and summarizes the contrasting substance and implications of the changes proposed in Bill C-9.

Table 2 Core requirements for improving CEAA and proposed amendments in C-9

Core categories of requirements for effective environmental assessment	**Needed contents of improved Canadian Environmental Assessment Act**	**What is proposed in the CEAA amendment portion of Bill C-9, the Budget Implementation Act, in combination with other recent assessment process changes**
Central purpose to ensure positive contribution to sustainability	• Purposes section including commitments to - ensuring every assessed undertaking makes a positive contribution to sustainability - avoiding significant adverse environmental effects - effective integration of environmental considerations from the outset of deliberations that may lead to an undertaking with significant implications for sustainability - effective public engagement in assessments - precaution - explicit sustainability-based rules governing trade-offs, including mandatory open justification and prohibition of displacement of significant adverse effects to future generations • Design of federal assessment regime as a sustainability-focused national standard - upward harmonization as a basis for inter- and multi-jurisdictional process cooperation or consolidation	• No direct attention to the purposes of the law • Implicit narrow regulatory focus on mitigation of adverse effects • Provision for narrowing the scope of assessments to portions of particular undertakings and portions of whole classes of undertakings [s.2155] - would frustrate attention to interactive effects and overall project implications for sustainability • Substitution of National Energy Board (NEB) and Canadian Nuclear Safety Commission (CNSC) processes [s.11.01(1)] - would encourage treatment of assessments as regulatory processes with reviews by bodies lacking the established capacities and inclinations to address broad options, cumulative effects and sustainability implications (see, for example, the NEB's proposal to ignore all of the broader

		recommendations of the Mackenzie Gas Project Joint Review Panel in the current hearings on licensing that project[4])
Comprehensive scope	• Definition of "environment" and "environmental effects" to include social, economic, cultural and ecological/biophysical factors and the interrelations, and to include attention to cumulative effects • Basic assessment process requirements to include - mandatory early announcement and consideration of purposes and the range of alternatives to be examined - attention to full lifecycle of alternatives and proposed undertakings - comparative evaluation of alternatives in light of sustainability-based criteria • Emphasis on use of strategic level assessments to address broad alternatives and cumulative effects • Inter- and multi-jurisdictional process cooperation or consolidation to ensure integrated attention across jurisdictional boundaries	• Scope of "environment" remains restricted, confusing and uncertain (usually but not always limited to biophysical effects and indirect socio-economic implications of biophysical effects) • Project definitions to be open to fragmentation, with assessment only of particular parts of a project or class of projects [s.2155] • General shift to a more narrowly regulatory treatment of the role of assessment, e.g. through substitution for NEB and CNSC hearings
Application	• Automatic coverage of all undertakings that may have significant implications for sustainability (including strategic level policies, programmes and plans as well as capital projects and physical activities) and fall within some federal area of jurisdiction	• General reduction of federal assessment application through - provision for exempting all but certain components of a project or class of projects, - associated likely reduction of comprehensive

[4] National Energy Board (2010), Letter to the Chair of the Joint Review Panel for the Mackenzie Gas Project, NEB-209A, 9 March 2010 https://www.neb-one.gc.ca/ll-eng/livelink.exe?func=ll&objId=603532&objAction=browse

	• Use of strategic level assessments to address larger scale issues, guide applications at the project level and enhance overall process efficiency as well as effectiveness • Focus on (groupings of) undertakings with potentially significant cumulative effects • Pre-identification of application rules and assessment scope to facilitate early initiation of assessment work (no late triggering) • Emphasis on coordination with provincial, territorial and Aboriginal assessment regimes and harmonization upwards through consolidated processes	study cases to screenings - exemption of certain broad categories of undertakings, especially those receiving federal infrastructure funding, - exemption of additional projects involving constructed water bodies in addition to earlier exemption of "minor works and waters" cases under federal responsibilities for navigable waters • No steps to extend the law to cover strategic undertakings (policies, plans, programs, etc.) • No steps to consolidate assessment of smaller undertakings with cumulative effects • Continued reliance on the law list trigger - retains cause of late triggering of assessment requirements, undermining assessment effectiveness, contributing to delays, and frustrating interjurisdictional coordination
Streams	• Provision of multiple assessment streams (at the project and strategic levels) with more and less demanding requirements designed to match assessment rigour to the potential significance of potential effects - particular focus on cumulative effects and identification of broad alternatives with more positive contributions to sustainability • Mechanisms for open consideration of applications to bump-up an exceptionally significant or controversial case to more intensive review or to bump-down an exceptionally benign or insignificant case to less intensive review	• No change to existing streams - still restricted to assessment of projects - still limited application of requirements to consider purposes and alternatives and to consider the full range of environmental effects • Provision for limiting project assessments to particular project components adds a closed and indirect mechanism for down grading comprehensive assessments to screenings • Changes in the rules for comprehensive studies would seem to eliminate the Minister of the

	• Maintenance of broad basic scope (including attention to alternatives) and effective public engagement opportunities in all streams	Environment's role in determining whether federal comprehensive study projects should be subject to hearings or mediation [s.2156], leaving the decision on whether or not to have public hearings in the hands of the proponent authority - likely to reduce use of the public hearing stream
Good science	• Focus on cumulative and legacy effects • Recognition of interactions among factors in dynamic socio-ecological systems • Emphasis on making and monitoring specific, testable predictions and uncertainty estimates • Use of multiple forms of carefully developed understanding, including traditional ecological knowledge	• Not addressed
Decision criteria	• Overall goal: selection of option offering best promise of multiple, mutually-reinforcing, fairly-distributed and lasting benefits, while avoiding significant adverse effects, guided by evaluation and decision criteria section setting out - essential considerations for all judgments about sustainability effects - provisions for case- and context-specific elaboration of sustainability-based criteria - explicit rules for decisions on trade-offs	• Need for clearer, more consistent sustainability-based criteria not addressed • Narrower regulatory approach with limited focus on mitigation of project-specific adverse effects likely to result from substitution of NEB and CNSC processes [s.11.01(1)]
Accountability	• Clear delineation and credible location of authority and	• Increased role for the Canadian Environmental

	responsibilities for assessments, reviews, decisions, monitoring and enforcement • Open access to information and opening for public scrutiny and engagement from initiation of planning of all significant undertakings • Mandatory provision of explicit rationales for decisions in light of the legislated purposes	Assessment Agency to act as the responsible authority in non-energy comprehensive study cases [s.2154] could clarify some responsibilities in these cases but also delay initiation of comprehensive studies • Federal environmental accountability reduced by provisions - eliminating some categories of projects requiring assessment (especially those receiving federal infrastructure funding) - restricting assessments to components of projects (fragmentation of project assessment, review and associated accountability) - increased reliance on widely varying provincial and territorial processes to cover areas of federal constitutional responsibility
Process efficiency	• Establishment of standard application rules and requirements, and guidance for particular categories of undertakings, prior to planning of individual undertakings (no late triggering or extended scoping negotiations) • Allocation of categories of undertakings to more and less demanding assessment streams, with clear criteria for evaluating exceptions and exemptions • Use of law-based strategic environmental assessment to guide and streamline lower tier strategic and project assessments • Minimization of need for preparation of case-specific scoping guidance • Establishment of a best practice federal regime as the national standard basis for upward harmonization of processes of federal,	• Mixed efficiency effects of additional broad exemptions of categories of "minor" undertakings - would exclude some cases deserving careful attention while also eliminating assessment of some undertakings for which substantial assessment effort is not justified • Exemption of federally funded infrastructure projects removes all federal coverage of often significant undertakings that may not be subject to potentially equivalent assessment at the provincial or territorial level • Provision for limiting comprehensive studies to

	provincial and other jurisdictions • Authoritative (enforceable) decision for comprehensive integration of approval terms and conditions • Mandatory follow-up for learning from experience • Provisions for engaging citizens and other stakeholders in monitoring	components of projects would reduce assessment obligations but would also - perpetuate delays due to case-specific negotiation of assessment scope - produce narrow assessments that miss the most significant effects, bringing no efficiency gain because assessment effectiveness is also sharply reduced • Late triggering problem remains • Assignment of comprehensive study responsibilities to Canadian Environmental Assessment Agency could shorten delays due to late triggering of law list cases and deliberations on comprehensive study scoping but the Agency may not have early knowledge of emerging projects requiring comprehensive assessment
Public participation	• Recognition of public engagement as key to the effectiveness and credibility of environmental assessments • Public as well as technical notification and consultation at key points throughout the proposal development and assessment process as appropriate for different assessment streams but generally including - the initial identification of purposes and potential alternatives - the scoping of an assessment and the identification of valued system components - the selection of the preferred alternative;- the application for approval - implementation monitoring and adaptation • Support, including resources, for important participants who	• Revision of provisions concerning public involvement in (perhaps significantly narrowed) comprehensive studies, would generally introduce more discretion - new language would include requirement for public notice of the commencement of comprehensive studies and opportunity to comment, but opportunity for public participation in the comprehensive study would be subject to open discretion on timing [ss. 2156 and 2157] - requirement for public consultation on the proposed scoping of comprehensive studies would be eliminated [s.2156]

	would not otherwise be able play an effective role in key steps through the process, including early deliberations and post-approval monitoring • Convenient and open access to assessment documentation • Public hearings on cases of particular public interest and significance for sustainability.	
Authoritative decisions	• Clear legislative authority for strategic and project level assessments • Enforceable decisions with terms and conditions of approvals • Provision for firm direction from strategic assessments to subsequent more specific undertakings • Specified enforcement powers and penalties	• Not addressed
Administrative impartiality	• Arm's length central agency for - preparing application rules - reviewing requests for exceptions and exemptions - maintaining the public registry - monitoring implementation • Auditing by Commissioner for Environment and Sustainable Development	• Additional role for the Canadian Environmental Assessment Agency in non-energy comprehensive studies would remove some responsibilities from proponent authorities • Provision for ministerial action to limit comprehensive studies to components of projects would add opening for arbitrary weakening of assessments and provision for delegating this power to responsible authorities adds opening for exercise of administrative bias • Eliminating the Minister of the Environment's role in determining whether federal comprehensive study projects should be subject

		to hearings or mediation [s.2156] would appear to leave the decision on whether or not to have public hearings in the hands of the proponent authority
Linkages to other and broader sustainability commitments and initiatives	• Integration of legislated strategic level assessment process • Incentives for upward harmonization with strategic and project level processes of provinces and other jurisdictions • Provision for adoption of guidance from other equivalent strategic level processes	• Not addressed

Overall, the table shows that the proposed amendments address few of the major needs for improvement of federal environmental assessment law and practice. Where important areas of deficiency are addressed, the proposed provisions have at best mixed effects – potentially reducing some problems while exacerbating others. Most of the amendments are focused on steps to reduce assessment obligations, presumably in the interests of speeding approvals of projects assumed to be desirable. But the amendments do not address some of the most serious causes of process inefficiency and delay (e.g. case by case determination of assessment scope, late application of assessment obligations due to reliance on law list triggers, absence of a national assessment standard despite the widely varying quality and requirements of provincial and territorial assessment regimes with which federal assessment overlap and must cooperate). Moreover, when efficiency objectives are pursued without parallel attention to effectiveness objectives the results are likely to feature faster but less useful work. That seems to be the probable effect of at least some of the proposed amendments, especially those that narrow assessments to mere components of projects (undermining attention to the likely more significant overall impacts) and that delegate assessment reviews to regulatory bodies (undermining attention to likely more significant cumulative effects and broad alternatives).

Conclusion

Quite aside from the inappropriate use of the budget implementation act as a vehicle for environmental assessment law reform, the current proposals do not offer an adequate response to the problems at hand and would make more comprehensive and effective change more difficult.