



## Submission on Bill C-39, the *Building Canada Strong Act* to the House of Commons Legislative Committee on Bill C-39 and the Special Senate Committee on the *Building Canada Strong Act*

MiningWatch Canada  
October 26, 2026

### Introduction

MiningWatch Canada is pleased to make this submission on Bill C-39, the *Building Canada Strong Act*. MiningWatch is the only national organization in Canada solely dedicated to preventing and ameliorating mining's impacts on communities and ecosystems alike. We support communities and Indigenous peoples affected by mining and advocate for policies that reflect the true environmental and human cost of mining, and embody respect for communities and the free, prior and informed consent of Indigenous Peoples.

MiningWatch Canada was created in 1999 as a co-ordinated public interest response to the threats to public health, water and air quality, fish and wildlife habitat, and community interests posed by irresponsible mineral policies and practices in Canada and around the world. We are supported by twenty-two Canadian environmental, social justice, Indigenous, and labour organisations. We have participated in the environmental assessments of dozens of mining projects, directly and in collaboration with affected communities and other groups and experts – both Indigenous and non-Indigenous. We have worked consistently to improve environmental assessment law, policy, and practice, working with administrative and legislative bodies and even litigating, when necessary, to protect the public interest and the integrity of the environmental assessment process, winning a landmark ruling at the Supreme Court of Canada in 2010. For as long as MiningWatch has been around, we have worked on environmental assessment policy and practice as an active member of the Environmental Planning and Assessment (EPA) Caucus of the Canadian Environmental Network (RCEN). Over this time, we have seen examples of environmental assessment processes working well, when they integrated community concerns and technical advice to make projects safer and more sustainable. We also have seen assessments fail to respond to, or even receive, public and technical concerns, leading to social and economic harm to communities, unacceptable risks to watersheds and endangered species, and long-term environmental and public health liabilities. Drawing from this extensive experience, we have consistently tried to identify and advocate ways to make the process work better.

This submission focuses on Part 1 of Bill C-39, the *Building Canada Strong Act*, labelled “Build Canada Now.” Based on our extensive experience in environmental assessment policy and practice, we find that it contains a large number of deeply concerning and inadvisable elements that dismantle, in whole or in

part, established legal safeguards aimed at protecting the public interest and preventing socio-economic and ecological damage, replacing them with accelerated approvals that lack the transparency and accountability mechanisms needed to prevent significant and even disastrous unintended negative effects. We do not attempt a systematic review, but rather address several key provisions.

We note that Part 2, “Keep Canada Moving,” and Part 3, “Canada Strong for All,” also contain serious erosions of transparency and accountability, and provisions that run counter to the public interest. These issues are well addressed by other interveners from civil society,<sup>1</sup> Indigenous peoples,<sup>2</sup> and organised labour.<sup>3</sup> We urge Parliament to take them very seriously.

Part 1 of Bill C-39 is intended to expand the government’s “national interest” regime meant to speed up major projects and overhaul federal environmental scrutiny of industrial activity. It builds and expands on the direction of Bill C-5, the *Building Canada Act*. That *Act* is facing multiple legal challenges for its negation of transparency and accountability and its abrogation of the Crown’s responsibilities towards Indigenous Peoples. MiningWatch Canada is an intervener in one of those cases.<sup>4</sup> Its damage to the sustainability, equitability, and resilience of Canadian economy and society is also already being felt by communities across the country experiencing development pressure, anxiety, and conflict as a result of projects being fast-tracked without adequate assessment and consultation, and without Indigenous consent. Its impacts are also being felt in the diversion of government attention and resources away from pressing needs in housing, education, health care, and other public infrastructure as the government focuses instead on attracting foreign investment and building major projects than on pressing social and economic needs.

Bill C-39 seeks to expand and entrench the same measures to ‘streamline’ environmental assessment and regulation, restricting the public’s ability to participate in such processes and reducing their already-limited effectiveness in protecting the public interest. These measures will further damage the fabric of Canadian democratic governance, undermining the very elements the country needs to build a resilient, diversified, and sustainable economy in the face of rapidly increasing climate impacts and global economic and political uncertainty.

On the many occasions where it has defended the fast-tracking measures contained in the *Building Canada Act* and expanded in Bill C-39, the government has repeatedly assured the public it will uphold its Indigenous consultation obligations, while implementing safeguards to limit environmental and socio-economic impacts. However, the provisions of the proposed legislation meant to implement those commitments and safeguards remain ill-defined and vague.

---

<sup>1</sup> For example, Stuart Trew and Kyla Tienhaara, “Bill C-39 could lead to massive investor lawsuits against Canada”, Canadian Centre for Policy Alternatives (CCPA), October 15, 2026, <https://www.policyalternatives.ca/news-research/bill-c-39-could-lead-to-massive-investor-lawsuits-against-canada/>, viewed October 25, 2026.

<sup>2</sup> For example, Chiefs of Ontario (COO), Assembly of First Nations Quebec-Labrador (AFNQL), British Columbia Assembly of First Nations (BCAFN) and Nishnawbe Aski Nation (NAN), “First Nations Leaders Reject Bill C-39 and the Rush to Force it Through: Rights Cannot Be Fast-Tracked”, October 8, 2026, <https://www.nan.ca/news/first-nations-leaders-reject-bill-c-39-and-the-rush-to-force-it-through-rights-cannot-be-fast-tracked/>, viewed October 25, 2026.

<sup>3</sup> For example, Canadian Union of Public Employees (CUPE), “CUPE will defy Bill C-39’s unconstitutional limits on the right to strike if passed”, September 23, 2026, <https://cupe.ca/news/cupe-will-defy-bill-c-39s-unconstitutional-limits-right-strike-if-passed>, viewed October 25, 2026. See also Fred Wilson, “Bill C-39 won’t “modernize” labour relations in Canada”, Canadian Centre for Policy Alternatives (CCPA), October 22, 2026, <https://www.policyalternatives.ca/news-research/bill-c-39-wont-modernize-labour-relations-in-canada/>, viewed October 25, 2026.

<sup>4</sup> Quebec Environmental Law Centre (Centre Québécois du droit de l’environnement, CQDE) v. Canada, Quebec Superior Court, docket no. 500-17-135406-257

There are certainly shortcomings in the planning, assessment, and regulation of major projects in Canada. Better coordination between agencies, better use of planning processes, and especially improved preparedness and engagement for all parties – proponents, government agencies, affected communities, experts and public interest groups, and Indigenous Peoples – would go a long way to addressing these shortcomings. Previous governments have made improvements in these areas, adding internal capacity within the Impact Assessment Agency and offering training and capacity-building opportunities and support for affected communities and Indigenous groups, but there is much more to be done. The *Building Canada Act* damaged this work by cutting out the early planning part of impact assessment for “projects of national interest, reducing the potential for building trust between proponents (voluntary stakeholders) and host communities and Indigenous Peoples (involuntary stakeholders). Bill C-39 would go even further, applying those changes to all project assessments, and will create increased tension and conflict around many of the projects it is purported to expedite. In many cases, it will create greater uncertainty and delay, not less.

While this legislation may have the desired effect of attracting attention from investors, given its practical implications, that attention is unlikely to lead to actual substantial, sustained investment. At the same time, while this legislation may enable some projects to proceed in the face of public concern, without Indigenous consent, and despite serious environmental damage, the related legal and social costs will be significant. Other projects will fail that could have proceeded if such factors had been properly addressed. Some projects will deservedly fail.

The damaging effects of this Bill cannot be rectified by amendment, though specific amendments may make it somewhat less harmful. It must be withdrawn and reconsidered, or else defeated. We explain the reasons below, starting with how Bill C-39’s approach departs from established impact assessment principles, then focusing on Indigenous rights, “regions of national interest” and regional assessments, timelines, and arbitrary powers.

## On Impact Assessment

The federal environmental impact assessment regime, initially established as the Environmental Assessment and Review Process in 1973, has been repeatedly degraded and diminished since the 2010 *Jobs and Economic Growth Act*. Successive governments have sought to limit the application and effectiveness of the assessment process, to make it less onerous for project proponents, ensure projects would not be rejected, and ostensibly to speed up development – with little concern for the environment, affected communities, or the public interest more broadly.

The *Impact Assessment Act (IAA)* of 2019 broadened the factors to be considered in assessment and decision-making. However, it did not address the fundamental flaws in the 2012 *Environmental Assessment Act*, including restricting assessments to projects designated in regulations or by ministerial order. This flaw led to the Supreme Court of Canada’s 2023 ruling that the “federal impact assessment scheme is largely unconstitutional.”<sup>5</sup> Subsequent amendments to comply with that ruling also added increased reliance on provincial measures – not limited to environmental assessments – to address “adverse federal effects.”<sup>6</sup> This has led to a series of bilateral agreements between the federal and provincial governments that allow the federal government to rely on provincial regulatory and assessment regimes to address impacts in federal jurisdiction. This is allowed despite the lack of equivalency between federal and provincial assessment processes in several key technical and procedural aspects – and in the

---

<sup>5</sup> Supreme Court of Canada, “Case in Brief “Reference re Impact Assessment Act”, updated February 23, 2026, <https://www.scc-csc.ca/judgments-jugements/cb/2023/40195/>, viewed October 25, 2026.

<sup>6</sup> West Coast Environmental Law, “Brief: Amendments to the Impact Assessment Act”, August 28, 2024, <https://www.wcel.org/sites/default/files/publications/2024-08-28-Brief-IAA-amendments-web.pdf>, viewed October 25, 2026.

extreme, as in Ontario, a provincial assessment process that doesn't even apply to private-sector proponents.

The government is not limiting itself to the powers it granted itself under the *Building Canada Act*. Just this September, the government used its regulation-making powers under the *Impact Assessment Act* to remove a swath of major energy and fossil fuel projects from the IAA's designated project list, the Physical Activities Regulations.<sup>7</sup>

Why does this matter? These actions are progressively reducing the application and effectiveness of an assessment process that was created to promote, if not ensure, adequate care is taken in planning and executing industrial development to prevent unanticipated and unjustifiable harm to communities and the environment. Crucially, this robust approach to decision-making helps build public trust as well as more technically and economically sound projects, and can reduce the likelihood of failure – projects that are approved and even built, but never operate; unforeseen impacts; and/or massive health and environmental liabilities.

The *Building Canada Act* proposes measures to build public trust and ensure public and environmental safety. But those measures are either inadequate and misapplied – as with the proposal to use regional assessments of “regions of national interest” to effectively replace project-specific assessments – or they are arbitrary and vaguely defined, devoid of meaningful accountability and transparency measures, as with the proposal to allow ministers to revoke or modify projects' existing conditions of approval based on “consultation” with other ministers.

Even before last year's *Building Canada Act*, only a handful of federal assessments were being initiated annually, against hundreds of projects with potentially serious detrimental impacts, including a growing number of requests for projects to be designated for assessment. The few assessments that are being carried out are so limited in scope and methodology that the public is left with no opportunity to participate meaningfully in the decision-making process. Bill C-39 would go further in treating IAA requirements as little more than references to inadequate or non-existent provincial processes and deeply compromised federal agencies like the Canadian Energy Regulator and the Canadian Nuclear Safety Commission, effectively shutting the door on the possibility of meaningful public engagement.

Environmental assessment processes are meant to ensure predictability and accountability in decision-making, building public trust and “social licence.” Bill C-39 does not “build Canada strong”; it fractures public trust and risks allowing irreparable environmental harm and massive financial, health, and environmental liabilities for future generations.

## Indigenous Rights

Bill C-39 does commit to upholding the rights of Indigenous Peoples to consultation and accommodation under the *Constitution Act*. However, it includes no specific provisions describing how that is to be accomplished within the time limitations it sets out for various processes. It also makes no reference to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which Canada has endorsed and implemented through the *UN Declaration Act*, or the right of free, prior, and informed consent that is a core element of the UNDRIP.

---

<sup>7</sup> Government of Canada, “Regulations Amending the Physical Activities Regulations”, Canada Gazette, Part II, Volume 160, Number 18, September 3, 2026, <https://gazette.gc.ca/rp-pr/p2/2026/2026-09-09/html/sor-dors185-eng.html>, viewed October 25, 2026.

## Regions of National Interest

Bill C-39 would allow Cabinet to establish “regions of national interest” where omnibus approvals documents issued by the Minister of One Canadian Economy exempts eligible projects from having to obtain standard permits and authorizations. The Bill recognizes the potential for disaster in such blanket deregulation, and sets out safeguards.

A region of national interest can only be designated where a regional assessment has taken place, and a number of factors are identified that the Governor in Council may consider.<sup>8</sup> However, such consideration is entirely discretionary (“may consider”) and there are no criteria to be met, or even to be established by regulation.

Projects within a region of national interest can only be issued an approvals document if they meet the criteria listed in Schedule 3. There are no criteria – Schedule 3 is blank – and no process is specified for setting any criteria.

Likewise, the Minister of One Canadian Economy is required to consult with other relevant ministers with respect to the conditions that should be set out in the decision document (8.4.2). The Minister is not required to follow their advice and none of this is made public.

### Regional Assessment

Bill C-39 would require a regional assessment to have taken place before a region can be designated as a “region of national interest.” This is important because the regional assessment is taken as the basis on which all subsequent project assessments, if they are done at all, are deemed to have been approved and all their conditions met.

The government’s own regional assessment policy clearly states that regional assessments are intended to assist with subsequent project assessments.

The central objective of regional assessments under the IAA is to improve the effectiveness and efficiency of future federal impact assessment processes and decisions, which includes improving the understanding of cumulative effects in a region. Regional assessment may lead to different outcomes, as described further below. In general, regional assessments may:

- Contribute to the management of cumulative effects in a region.

---

<sup>8</sup> Bill C-39, *Building Canada Strong Act*, Part 1, Division 1, s. 103, adding new *Building Canada Act* ss. 8.1(5) and (6).

#### **Regional Assessments**

- (5) Before the Governor in Council may exercise any power under subsection (1) or (3),
- (a) a relevant regional assessment in the region of national interest must have been conducted under section 92 or 93 of the Impact Assessment Act or under any applicable territorial law; and
  - (b) the Governor in Council must take into account any report that results from that regional assessment.

#### **Factors**

- (6) In deciding whether to make an order under any of subsections (1), (3) and (4) in respect of a region, the Governor in Council may consider any factor that the Governor in Council considers relevant, including the extent to which projects of an eligible type within that region can
- (a) strengthen Canada’s autonomy, resilience and security;
  - (b) provide economic or other benefits to Canada;
  - (c) have a high likelihood of successful execution;
  - (d) advance the interests of Indigenous peoples; and
  - (e) contribute to clean growth and to meeting Canada’s objectives with respect to climate change.

- Enhance understanding of the socio-economic and ecological contexts in which development has occurred, or may occur, so that proponents and regulators are better placed to evaluate and mitigate effects of a project.<sup>9</sup>

Regional assessments are not linked to project assessments, with the specific exception of “physical activities that could be subject to this exclusion are those referred to in sections 34, 44 and 45 of the Physical Activities Regulations, which are offshore exploratory wells and offshore wind power generating projects.”<sup>10</sup> In this case, the regional assessment effectively acts as a class assessment, setting out conditions for a class or group of projects.

The requirement for a regional assessment is likely to have limited impact. It does give a veneer of objectivity to the designation of “regions of national interest,” which could otherwise be seen as a completely arbitrary and political decision. Certainly, a rigorous, participatory, and comprehensive regional assessment can take years, but a perfunctory one could be completed in less time than it takes proponents to complete their initial project descriptions, much less their feasibility studies.

Attempting to derive appropriate conditions for specific projects from a regional assessment would be difficult if not impossible; Bill C-39 resolves this difficulty by deeming them to be fulfilled *a priori*, making them irrelevant. The government may indeed impose conditions to protect against significant socio-economic and ecological harms, but there is no requirement or mechanism to do so. In this context, it does not seem to be hyperbole to call “regions of national interest” more appropriately “sacrifice zones.”

## Timelines

The misdirection of blaming project delays on assessment and regulatory processes is well recognized and exposed. There are certainly opportunities for improved coordination between various authorities and processes, but any such delay suffered by large projects is swamped by financial delays.<sup>11</sup> We can point to projects like the Sisson tungsten mine project in New Brunswick, approved in 2017 but only recently completing a feasibility study (and still struggling to meet its conditions of approval), with the lowest ore grade in the world. Another example is the Marathon platinum-palladium mine project in Ontario, approved in 2022 after a seven-year suspension of its environmental assessment while the company tried to find a backer. The project is still not in operation.

What proponents really object to is that assessment and regulatory processes can, indeed, be onerous. It does take time and money to gather the necessary information and do the necessary technical work, analysis, public engagement, and regulatory filings, in addition to Indigenous consent processes. Attacking their timelines is one way to force those processes to become less rigorous, and less onerous, resulting in savings for the companies.

However, governments are aware, at least to some extent, that both sound technical plans and public and Indigenous information and engagement processes take time. The early engagement process in the IAA was intended to help all parties to prepare for an assessment in an organized and coordinated way, allowing assessments to proceed faster and more smoothly. Bill C-39 continues the *Building Canada*

---

<sup>9</sup> Government of Canada, “Policy Framework for Regional Assessment under the Impact Assessment Act”, modified December 18, 2025, <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/policy-framework-regional-assessment-impact-assessment-act.html>, viewed October 25, 2026.

<sup>10</sup> *Ibid.*

<sup>11</sup> Rosemary Collard, Jessica Dempsey, Youssef Al Bouchi, and Nathan Bawaan. “Does regulation delay mines? A timeline and economic benefit audit of British Columbia mines”. FACETS • Vol. 9 • pp. 1-12, Dec. 11, 2024. <https://www.facetsjournal.com/doi/full/10.1139/facets-2024-0083>

*Act's* move in the opposite direction. To meet the promise of shorter timelines, the entry requirements must be much higher. Proponents will have to do all the environmental and technical work as well as much of the public and Indigenous engagement on their own before they can enter the environmental assessment process. This creates additional risk for both proponents and affected communities. Unlike under the IAA's early planning phase, there is no independent supervision – no Impact Assessment Agency to provide support and guidance, to help build capacity and host meetings, and to hold documentation and ensure fair treatment. This amplifies the risk of misunderstandings, misrepresentations, and the seeds of conflict.

Shorter and stricter timelines also increase the risk of inadequate and flawed assessments, as the opportunities to address gaps and inconsistencies are restricted. This is exacerbated by pre-approval, as it removes the failsafe of denying a project with unacceptable risks. The Mount Polley mine in British Columbia, the site of Canada's largest environmental disaster in 2014, did not undergo an environmental assessment and clearly illustrates how disastrous pre-approvals could be. Flaws in its geological baseline and engineering were not exposed and rectified, leading to the failure of the tailings dam and a spill of 25 million cubic metres of tailings sludge into Hazeltine Creek, Quesnel Lake, and the Fraser River. Contamination from the spill is still mobilized seasonally in Quesnel Lake.<sup>12</sup>

## Arbitrary Powers

Bill C-39 contains many provisions granting extraordinary powers to ministers and Cabinet. In many cases these have the potential to override determinations made by experts through regulatory processes, decisions made through deliberation based on expert and public participation in environmental assessments, and decisions arising from Indigenous-led impact assessments. Nowhere does the Bill specify criteria, limits, or accountability mechanisms for such decisions – or even commitments and processes to set out such conditions in regulation.

The Bill would grant the Minister of One Canadian Economy the power to remove or amend any condition of an authorization granted before a project was listed as a project of national interest.<sup>13</sup> Similarly, the Minister of Environment and Climate Change will be able to add, modify, or remove any conditions of approval issued under the *Impact Assessment Act*. Additionally, Cabinet, the Minister of Environment and Climate Change, and the designated minister will also have the power to decide that amending or removing an existing condition of approval is in the public interest even if doing so results in significant adverse effects.<sup>14</sup>

Finally, Bill C-39 would require decision makers to consider the “technical, economic and practical feasibility” of conditions imposed under the *Canadian Energy Regulator Act*, *Canadian Navigable Waters Act*, *Fisheries Act*, *Canadian Environmental Protection Act* and the *Species at Risk Act*.<sup>15</sup> This clearly puts return to investors ahead of both environmental protection and other socio-economic considerations, like community well-being. If a proponent cannot justify their project economically while meeting environmental standards, then the project is simply not viable. The health of workers, communities, and ecosystems is not for sale, regardless of this government's efforts.

---

<sup>12</sup> Owens, P.N., E.L. Petticrew, S.J. Albers, T.D. French, B. Granger, B. Laval, J. Lindgren, R. Sussbauer, S. Vagle. “Annual pulses of copper-enriched sediment in a North American river downstream of a large lake following the catastrophic failure of a mine tailings storage facility”. *Science of the Total Environment*. January 15, 2023.

<https://www.sciencedirect.com/science/article/pii/S0048969722060260>

<sup>13</sup> Bill C-39, *Building Canada Strong Act*, Part 1, Division 2, s. 101, adding new *Building Canada Strong Act* s. 8.01 (1)

<sup>14</sup> Bill C-39, *Building Canada Strong Act*, Part 1, Division 1, s. 53 (1) adding new *Impact Assessment Act* s. 68 (2.1)

<sup>15</sup> In their respective divisions of Bill C-39: *Impact Assessment Act* s. 65.1, *Canadian Navigable Waters Act* s. 9.01, *Canadian Energy Regulator Act* s. 65.1, *Canadian Environmental Protection Act* s. 129.1, *Species at Risk Act* s. 73.1, *Fisheries Act* s. 35.01

## Conclusion

Environmental assessment processes are meant to ensure predictability and accountability in decision-making, building public trust and “social licence.” The public relies on such processes, as well as vigorous and robust regulatory regulation and enforcement, to protect the environment, human health and social and economic well-being, and the public interest more broadly. Far from reinforcing these protections, the government has sought to speed up the development of major projects and attract investment by restricting, pre-approving, and expediting impact assessment and regulatory approvals. Bill C-39 does not “build Canada strong”; it fractures public trust and risks allowing irreparable environmental harm and massive financial, health, and environmental liabilities for future generations. The damaging effects of Bill C-39 cannot be rectified by amendment, though specific amendments may make it somewhat less harmful. It must be withdrawn or defeated.