SUBMISSION TO:
Legislative Committee on Bill C-39
C/o Madeleine Martin,
Committee Clerk

REGARDING:
Bill C-39, The Building Canada Strong Act

Transmitting via e-mail to: *CC39@parl.gc.ca*

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Introduction

This document comes from the volunteer-run chapter of the national Council of Canadians located in Renfrew County, Ontario. We are known as the Kitchissippi-Ottawa Valley Chapter (KOV), ensuring we honour the original inhabitants of this area, the Algonquin Anishinaabeg who today are still without a treaty.

Details about KOV work are found on our website. [1] Briefly, we prioritize: protecting fresh water; climate change mitigation and initiatives that enhance community resilience; antiracism and decolonization projects that enhance Indigenous wellbeing; and, effective nuclear waste management and long-term storage. We also support our sister chapters and the national organization on their initiatives as much as possible (e.g., human rights campaigns, repairing universal health care, fair trade, workers rights, etc.).

As you can imagine from the above paragraphs, KOV often makes submissions to federal authorities, such as the Impact Assessment Agency of Canada (IAAC), the Canadian Nuclear Safety Commission (CNSC), Senate and House of Commons Standing Committees, and governmental "Engagement" Coordinators. We appreciate these opportunities. We always hope our efforts will make a difference, towards a kinder, safer, saner, more ecologically balanced world where past wrongs (such as the centuries of attempts to eradicate "the Indian problem" [2]) are addressed.

In the past 18 months, since the 2025 federal election, we have made four written submissions on matters raised herein, and collaborated with other groups on several other submissions. The current version of Bill C-39 is of great concern to KOV because of how it impacts many local issues here in the Upper Ottawa Valley.

Other voices are already speaking up on many of the issues with Bill C-39 that are of great concern to KOV. Herein we will concentrate on three topics:

1. ensuring Indigenous Peoples rights are upheld;
2. the undemocratic and creeping authoritarian provisions sprinkled through Bill C-39 intend to seal the radical reshaping of our federal government that began with passage of Bill C-5 in June 2025;
3. the *Gazette* notice that your government is moving to approve NWMO's proposed northwest Ontario DGR "holus-bolus" as a top natonal priority.

1 Our chapter's website is found here: https://kovcouncil.wordpress.com/
2 Quote reference link: https://parks.canada.ca/culture/designation/personnage-person/duncan-campbell-scott

In this document, we use the term *'Build Canada' (project)* to signify the entire 16 months of federal efforts to fast-track resource development. You primarily rationalize 'Build Canada' as essential because of relationship issues with our erratic, former, major trading partner.

Your government's gigantic project gallops ahead, apparently without looking at the collateral damage it wreaks. By collateral damage, we mean to the participatory democratic personality of decades of prior Canadian governments, which respected non-Indigenous, and more recently Indigenous, populations of this land cherish its natural beauty, its diversity of peaceful beings, and have a profound hope to pass a liveable environment down to future generations.

Traditional Indigenous Knowledge is Priceless

In this age of escalating climate change and chaos, pervasive industrial toxins, and associated biodiversity loss, what Indigenous Peoples bring to the table is extremely valuable. This knowledge is widely recognized within Canada's environmental movement and elsewhere including Natural Resources Canada. [3] The Indigenous nations' culture and customs familiar to our KOV chapter are from the eastern Mi'kma'ki to the western Oji-Cree, and other cultures such as the members of the Haudenosaunee Confederacy. Each highly values respect and reciprocity in caring for "all our relations", also expressed as relationships that come "before all else" or "walking in beauty" (the latter borrowed from the Diné). These social values are respected today for what they encompass as well as the hard work of overcoming colonization.

Awareness about the need for Indigenous-led reconciliation has heightened since *Idle No More* in 2012. Other important developments include:

- The reports of the *Truth and Reconciliation Commission* and the *Public Inquiry into Murdered and Missing Women.* Their "Calls to Action" and "Recommendations" (respectively have certainly informed anyone who has read them.
- Federal authorities have learned more about Indigenous rights through the debate and adoption of the *Declaration on the Rights of Indigenous Peoples, 2021.*
- *Federal staff, politicians, and all manner of other Canadians as well as Indigenous Peoples have* been exposed to the vast compendium of legal interpretation and case law re: Section 35's "Duty to Consult," which is closely connected to the LandBack movement.
- The current societal debate on honouring the survivors and the deceased from *Indian Residential Schools* human rights abuses *versus* what is known as "Residential School Denialism".

Now that Indigenous societies are healing themselves and working full-out to restore their own traditional governance systems, Bill C-39 shows the government of Canada is still ignoring recent legal and social changes.

3 For Our Future: Indigenous Resilience Report

Despite general recognition of the value of Indigenous Traditional Knowledge AND the deep responsibility of the Government of Canada to practise reparative reconciliation, the architects of Bill C-39 have outlined disingenous processes for “engaging” with Indigenous Peoples that are not culturally appropriate. Neither do they take into account and address capacity issues, and nor do they offer engagement plans that are in keeping with recent jurisprudence on Section 35’s “*Honour of the Crown”* responsibility or the intent of federal *DRIPA (2021)*. This is especially true in regards to projects and regions designated under C-39 as National Interest priorities. The Government of Canada is facing valid criticism that the failure to do valid consultation is a form of coercive assimilation. Past experience informs that firm voicing of Indigenous dissent will be punished. Indigenous Peoples are already expressing their outrage. [4] If not resolved, there will be court cases because the longstanding prohibition preventing Indigenous Peoples from taking rights cases to court has been expunged from *The Indian Act.*

Climate Mitigation Matters!

Not mentioned in the official rationalizations for the upheaval of government mission and customs, is the OTHER major crisis Canada is facing. Climate change is quickly undermining the ecological balance of our country at a faster rate than most parts of the world. Much of the nasty mess it is creating will be with us for the foreseeable future. Those truths are upheld in a report published very recently by your own Minister of Environment & Climate Change. [5] Overall, C-39 and the other building blocks of ‘Build Canada’ clearly value a positive relationship with corporate interests over protecting the air, water, land, natural habitats, and humans. One prime example is your walk back from the new fugitive methane emission regulations your government developed that were quickly put on “pause” because of it is deemed in the “national interest’ to quickly create LNG export capacity. Among other specific anti-environment steps in the ‘Build Canada” project, this stands out as truly terrible: science is clear that methane is way and above the worst GHG in the first few decades it hits the stratosphere. But, there is so much more than the methane debacle. Another example is that your government has changed the rules about corporate messaging to limit critique of “greenwashing”, virtually legalizing fake news for resource and other corporations.

We reckon climate action discourse is mute in your ‘Build Canada’ promotion because what ‘Build Canada’ promotes either worsens or ignores climate change impacts. Various civil society organizations and journals have compiled a list of the havoc your government has unleashed against decades of environmental protections. We have footnoted one such compendium, because this eradication has been so rapid, it’s hard to keep it all in mind. [6]

Canada’s efforts on climate mitigation matter! It is next to impossible to accurately measure Canada’s position globally as a GHG emitter. Various sources say we are in 12th place among the worst emitters internationally, and if measured per capita the 3rd worst. It is our

4 First Nations Leaders Reject Bill C-39 and the Rush to Force it Through: Rights Cannot Be Fast-Tracked
5 Canada’s Changing Climate Report 2026
6 “Tracking the Carney government’s environmental deregulation” (Ecojustice). This document is not totally up-to-date, so it does not include empowering the CNSC to approve the totality of nuclear industry projects. Nor does it highlight that entire regions of Canada can be designated ‘national interest’ areas, or what we consider environmental sacrfice zones, in perpetuity. With those and other omissions, it does provide a useful resource on the ‘Build Canada’ fast-tracking.

understanding that the CO2 emitted from all our climate change-enhanced wildfires , forestry practices, the melting permafrost, and military emissions is not calculated in our national totals. Regardless, whichever way you look at it, it's bad. For the sake of our own populations and future generations we need to pull up our socks and speed up climate mitigation in Canada. That is how to 'Build Canada' for current and future generations.

Discerning What is "In The Public Interest"

The million-dollar question is HOW is it best to reinforce and build Canada given the exigencies of all our uncertain and troubling times? We advocate that a "both/and" governmental sensibility is existentially essential. **Address both the economy and the environment with new development that cares about all future generations of planetary life, as well as the current economic tensions accentuating the "affordability crisis."**

Many specifics about Bill C-39 concern us, in particular the multiple ways it gags civil society's nature conservationist and human rights proponents. Relying on the brains and effort of the very same advocacy, science, technical, and other experts Bill C-39 scorns through its avoidance and restrictive measures, the national *Climate Action Network* (CANRAC) has identified major priorities are "both/and" nation-builders. CANRAC has also identified 110 on-the-ground "both/and" projects in their YES AGENDA inventory. [7] The Council of Canadians is a proud supporter of this initiative at showing how "both/and" works for building Canada.

Within the large CANRAC network, what Indigenous Peoples bring to the table is extremely valuable. The customs of Indigenous culture familiar to our members traditionally place the highest value on caring for "all our relations." This is a broad concern, equating in many regards to what Canadians call "cumulative impacts" – a consideration that appears totally absent in Bill C-39. Those Indigenous values hold true today despite the government of Canada attempting to eradicate that very characteristic.

Value(s) for Gaining Public Trust: Government Consultation, Engagement, Transparency, Accountability

We very much appreciate being Invited to dialogue with government on what we think about radical changes in how government operates. At a minimum, this offers an opportunity for clarification on content and intent. Often what we advocate does not become part of government plans. Occasionally we notice our voice helped promote greater honouring of ecological and human health protection. In short, we treasure Canada as a participatory democracy, where our federal government takes responsibility for transparency and accountablity in its democratic use of powers.

However, with Bill C-39 we have the ominous sense that much of the government's vision is outside the range of the public's eye and what your government states that it seeks to accomplish. It feels like all of the staging and rhetoric is deliberately opaque.

7 Yes Agenda: Building Canada's Clean Energy Future

Our group participated in prior 'Build Canada' engagement processes, though we did not see that the followup "What We Heard" reports identified our group. Reading through the June 2026 "What We Heard" report, we see that staff assigned to condense input and write may have heard but they didn't listen to us nor our allies in the Indigenous, environmental, human rights, and other public interest movements. ("Heard but didn't listen" is an old folk maxim). Or perhaps they did listen, but higher-ups in your government didn't listen. Even things that appeared in reports as "heard" a year ago (E.g., public concern about undermining the *Species At Risk Act*) appear brushed to one side in the Fall 2026 iteration of the federal 'Build Canada' project evidenced in Bill C-39.

Your rush to streamline and fast-track projects deemed to be "National Interest" priorities in the "Public Interest", without due engagement to produce social licence, radically reduces public trust. This is in deep contradiction to the federal *Trust and Transparency Strategy* upheld by your government in Fall 2025, in which "public trust" is the first-mentioned of the Strategy's three core values. [8] To reiterate from our June 30, 2026 submission on the 'Build Canada' project "proceeding with a faux consultation process, or with no bona fide public participation, is a mistake." [9]

We have read the "What We Heard" papers your government produced following your stages of consultation/engagement on 'Build Canada' to date. Our critical synthesis is that your government has ignored much of what community submissions said about:

- "environmental accountability, scientific integrity, Indigenous rights, public confidence, or the long-term protection and recovery of species and ecosystems" ;
- "allowing early work before environmental assessments are complete could create irreversible impacts, predetermine approval outcomes, and undermine the purpose of assessment processes" ;
- "maintaining the mitigation hierarchy, with avoidance and minimization prioritized before restoration or offsetting" because "the economic cost of habitat and species recovery" is much higher than "the cost of protection".

Despite ignoring the content of what was said in countless submissions in the drafting of Bill C-39, we appreciate that at least all the above points were mentioned in *What We Heard: Proposals for Getting Major Projects Built in Canada*. [10] Numerous other public/stakeholder concerns are mentioned throughout "What We Heard..." with which we concur. We highlight the above points as examples that illustrate how, in the end, Bill C-39 is determinedly not concerned with working for public trust by honouring the demand for action on those matters. In short, this is proof we all were heard but authorities didn't listen.

Discerning the "Public Interest" is a Path towards "Public Trust"

Ending "red tape" cannot be equated with minimizing or eliminating Indigenous territorial rights, workers' rights, or environmental protections. Although there is a majority government,

8 Annual Report on the Government of Canada's Trust & Transparency Strategy; Treasury Board, 2025-10-09

9 That submission covered both your May 8, 2026 "Getting Major Projects Built in Canada:Discussion Paper..." and the overlapping June 24, 2026 release "Canada Initiates Process to List Major Projects under the Building Canada Act"

10 *What We Heard: Proposals for Getting Major Projects Built in Canada*

this does not mean it has been mandated to form and fast-track new laws that fail to definea key term on which these changes rely: E.g., “public interest.”

The term “in the public interest” is used extensively in this *‘Build Canada’* avalanche of public service trimming, proposed and adopted deregulation laws, and public messaging. As things stand in Bill C-39, it allows for one individual Minister of the Crown to decide an industrial development is so important it must be “green-lit” (approved to start) without taking into account the civil society wisdom that led to the laws governing environmental and human rights. Futher, Bill C-39 closes almost all windows for Indigenous Peoples, environmental organizations, and concerned community members to offer expert and/or community perspectives on whether or not the exception being granted is truly “in the public interest.” [11]

Given the fragility of global ecosystems in the face of climate change and pervasive industrial toxins, why is Bill C-39 laden with time-limits and other restrictions enabling a single Minister of the Crown to advance or approve projects? If these projects were actually “in the public interest” it would not be necessary to construct this defensive suite of powers.

That is not how a true democracy works. For decades, respected, informed advocates presented the rationale and need for these protective laws and regulations. Ultimately, a diversity of governments shaped those grassroots recommendations into national laws, regulations, and processes. When these can be pushed aside to promote corporate goals, that is the thin edge of authoritarian governance. It cracks open the door for deepening control of our society. As is, this permission heralds a slide into even more dangerous power manifestations.

Right now, we have BIG problems. We need as much consensus as possible on what IS in the public interest. We, the “public,” ALL need to be ‘at the table’ on defining what is “in the public interest.” By ALL, we mean Indigenous and non-Indigenous people and organizations must be invited to engage in a public process. These frightening times are confirmed in news reports and your government’s recent climate assessment report (footnoted above). At a minimum, before Bill C-39 is approved, a bona fide, public, dialogical engagement with the real and true “owners of Canada” is required. [12]

This creeping authoritarian approach will generate social unrest that could easily become confrontational protest, leading to the use of state enforcement personnel against individuals who feel your approved proposals are NOT in the public interest. Here are some relevant thoughts about this from the 2016-17 Building Common Ground report. (BCG/2017) report:

> *“Public trust and confidence is crucial” because “without it... approval will lack the social acceptance necessary to facilitate project development. ...[T]he erosion of public trust... has created a belief among many interests that the outcomes are illegitimate. This, in turn, has led some to believe that outcomes are pre-ordained*

11 Speaking here of the various time frames of two months, 300 days, and the right for a Minister to foreclose these.

12 KOV members were “touched” by your reference to the “owners of Canada” in May 2025 (see this link). We have had to rethink that because Bill C-39 make it look like you think of major corporations as “the owners of Canada.” The content of “What We Heard” documents confirmed our analysis on this.

and that there is no use in participating in the review process because views will not be taken into account. The consequence of this is a higher likelihood of protests and court challenges, longer timeframes to get to decisions and less certainty that the decision will actually be realized – in short, the absence of social license."

Concern about those common reactions informed some of the proposals in the *Impact Assessment Act, 2019 (IAA). The IAA provides for considering* social and economic matters, as well as environment, cumulative, and many other factors. It has this broad scope because that is what the public and engaged experts felt was in *the public interest*. Without getting into the content of recent court decisions about that Act, there is no research showing that today the public feels differently about the importance of this broad scope.

As residents of Renfrew County where a growing mountain of nuclear waste is "temporarily" parked, we do not think it is in the "public interest" for C-39 to vest ultimate authority powers in the Canadian Nuclear Safety Commission (CNSC). To provide one clear example of what makes *Building Common Ground* (footnoted above) relevant today, it was the first official document to set forth the issue that notable segments of the public lack confidence in the CNSC to be an impartial arms-length regulator of the nuclear industry (BCG/2017, 3.1.1.).

There is no evidence that the Canadian public has become more trusting of the CNSC's capacity to function at arm's length from the industry. A consultation process launched by Natural Resources Canada in 2021, reviewing the federal radioactive waste management policy, affirmed there is still little confidence in the CNSC as an arms-length regulator. [13] Identical concerns about the bias of the CNSC have emerged in the discourse about the location of the Nuclear Waste Management Organization's proposed Deep Geological Repository for reactor core waste, and in the ongoing issues about Canadian Nuclear Laboratories' Near Surface Disposal Facility plans for Chalk River, Ontario.

The upper echelons of the CNSC are populated by people who have built their careers in the nuclear industry, and that is where their expertise lies. From our point of view, as expressed in numerous submissions, the CNSC is far too closely tied to the objectives of the nuclear industry. Sadly, any member of the Indigenous and non-Indigenous public concerned with the chimerous holy grail of **safe** management of nuclear waste has learned this experientially. [14]

"Public interest" in management of the risks associated with the horrendously dangerous and unimaginably long-lived nuclear waste has been documented and redocumented now for a decade. It is NOT in the public interest to mandate the CNSC with sole and full approval authority for all proponent applications concerning nuclear generation, decommissioning, waste, re-licensing, refurbishments, etc., in the absence of any requirement for external expert input on environmental concerns.

13 See all the comments by a diligently-engaged organization, Northwatch, at this link, in particular the first paragraph on page three.

14 For example, see Chapter 4 in *Corporate Rules: The Real World of Business Regulation in Canada*, 2022.

For many years we have been asking for a total overhaul and reform of the CNSC. We want it to prioritize looking after the environment and our human communities, not just the plans of the nuclear industry. Given all this public concern, it is totally wrong to mandate the CNSC with absolute authority (in perpetuity) for managing its own environmental assessments and related matters.

Conclusion

In these frightening times, the "public" – by which we mean Indigenous and non-Indigenous people and organizations – must be invited to engage in a public process of defining what is "in the public interest". Everything written above points towards the need for the government to clarify both the meaning and the standards (or rubric) by which the "public interest" can be measured.

If done in the silo of government circles with hand-picked focus groups, the results will not be satisfactory for achieving public trust, and thereby not avoiding the pitfalls identified above. The goal is to achieve a sufficiently broad operational consensus, which requires identifying standards and ranking priorities by the Indigenous and non-Indigenous grassroots "owners" of Canada, including all elected politicians and much more. The process will doubtless require trade-offs, but must avoid the creeping authoritarianism of the current iteration of the federal 'Build Canada' project. Ours is a community-based chapter of a national organization that has been organzing and mobilizing in diverse regions for more than four decades, primarily by relying on grassroots community volunteers. Here is our one single proposal that we think could begin to start righting your omnibus Bill C-39:

> **DEFINE "PUBLIC INTEREST"** through engaging Indigenous Peoples' populations, environmental and human rights advocates and organizations, "citizen scientists," scholars, researchers, grassroots community members, and any other interested persons, in a comprehensive, valid, arms length, independent public dialogue on what is actually "in the public interest" regarding refurbishing and developing Indigenous Territories and Canada in this time of global instability, economic challenges, and the escalating climate crisis. When that is done, and a period for consultation on the outcomes of this participatory process has occurred, use the findings from the engagement for directly moving ahead with building Canada so it meets the needs of current and future generations.