

Brief to the Special Legislative Committee on Bill C-39

Submitted by Northwatch – October 26, 2026

Introduction

On September 21, 2026 the Government of Canada introduced Bill C-39, the *Building Canada Strong Act*, in the House of Commons, claiming that it would “bring greater speed, certainty, and predictability to infrastructure project reviews”. In the real world, it will do the opposite. It introduces different assessment regimes for different sectors and invites variance from a predictable and consistent approach to project review and evaluation.

The media release boasts that “Bill C-39 is the most comprehensive and ambitious reform to Canada’s ability to get big things built in a generation. It will reshape the regulatory approvals process, maintain Canada’s rigorous standards and uphold Indigenous rights.”

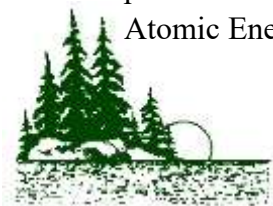
We do not dispute that it is comprehensive and ambitious and will reshape the regulatory approvals process. We wholly reject the claim that these changes will maintain rigorous standards or uphold Indigenous rights.

As stated, the Bill is extremely broad and will bring profound changes to Canada’s environmental assessment and protection regimes. While many – perhaps all – aspects of the Bill are of interest to Northwatch and have the potential to adversely impact the lands, water and people of northeastern Ontario, Northwatch will rely on others to address most aspects of the Bill and will focus in this submission on the proposed changes to the review and assessment of nuclear projects.

Northwatch’s Interests

Northwatch is a regional environmental non-governmental organization operating in northeastern Ontario since 1988. Northwatch has a dual mandate of advocating for environmental protection and supporting public participation in environmental and social decision-making. Northwatch’s area of focus includes energy, mining, forestry, waste and toxics.

Northwatch has been intensively and extensively involved in project reviews and assessment processes for mines, pipelines, waste facilities and forestry operations under provincial and federal legislation and regulation, including – federally - under the Federal Environment Assessment Review Process Guidelines Order, the various iterations of the Canadian Environmental Assessment Act, and under the Impact Assessment Act. We have also engaged in provincial and federal permitting processes, and as an intervenor in licensing processes under the Atomic Energy Control Board and its successor, the Canadian Nuclear Safety Commission.



Since 2010 Northwatch has been supporting residents in northern Ontario in assessing the risks and impacts of the Nuclear Waste Management Organization's evolving concept for a Deep Geological Repository project for nuclear fuel waste and associated activities during NWMO's investigation of multiple communities in the northwest including Manitouwadge, Schreiber, Nipigon, Red Rock, Ignace and Ear Falls and in northeastern Ontario, including in Spanish, Township of the North Shore, Elliot Lake, Blind River, Wawa, White River and Hornepayne.

Northwatch and Northwatch's membership are resident along the two routes for radioactive waste transportation through northeastern Ontario (Highway 11 and Highway 17) and have a high-level of concern with respect to the prospect of the NWMO transporting nuclear fuel waste through the region, including an estimated 2-3 trucks per day for fifty years or more. Concerns relate to the low-levels of radiation bystanders and fellow-travellers will be exposed to during "normal" operations and the risk of a container breach during an accident or other upset condition resulting in larger releases or longer exposures. Northwatch is an intervenor in the impact assessment of the NWMO's DGR project currently underway.

May 2026 Discussion Paper *Delivering on Big Projects in Canada*

On Friday, May 8th the federal government released a Discussion Paper *Delivering on Big Projects in Canada* outlining proposed changes to the federal impact assessment regime. Overall, the changes would shorten and reduce all assessments, but nuclear projects would be particularly affected by the proposal to transfer the assessment process from the Impact Assessment Agency to the Canadian Nuclear Safety Commission.

The discussion paper was a precursor to Bill C-39, outlining broad and fundamental changes which are now being delivered through Bill C-39.

Northwatch summarized key concerns with the May 8 discussion paper as follows:

- The paper uses terms that are not defined within the paper or within the Impact Assessment Act, such as "major project"
- Overall, the paper lacks the facts and information required to support an initiative which such significant reach and effect and it overall fails to provide a rationale for the proposed changes beyond rhetorical generalities
- The paper purports to be attempting to solve problems without establishing whether the problem actually exists, the degree to which it exists, or why it exists (such as the how long it takes to have a project approved, which is discussed in more detail in our comments below); in many instances the paper seems to have adopted opposition party talking points, with the same lack of evidence or substance to support those talking points
- The discussion paper completely fails to identify areas where improvement is actually needed in the delivery of impact assessment at the federal level, including addressing the challenges created by proponents' having the sole ability to suspend time and using that sole ability to cause repeated and protracted time suspensions which result in

inefficiencies and duplication of effort for the agency, federal departments and interveners; to improve the functionality of the public registry, to establish clear and consistent mechanisms and requirements for proponent responses to information requests, and to increase transparency of the process

- the proposals outlined in the discussion paper will not improve regulatory efficiency or effectiveness; rather, they will result in a less efficient and less effective review process, create uncertainties with respect to the review process and its timeline and requirements, create inconsistencies of approach across industrial sectors and between projects and even within the same sector, and cause a loss of public confidence in the review processes and government oversight more generally

In contrast the proposals outlined in the Discussion Paper, Northwatch commented that proponents require a clear set of consistent rules and regulations. Indigenous people require that their inherent and treaty rights be respected. The Canadian public requires – and deserves – a government that makes decisions based on the public interest, including environmental protection, climate action, and environmental justice.

Discussion paper statement: *In the past, it has often taken more than five years for a project to receive the federal decisions necessary to begin construction.*

We agree that project reviews often become long and protracted. Our observation is that this is most frequently the case because proponents enter the review process with an immature project proposal or description, or their consultation with Indigenous people has been inadequate, or because the proponent makes significant changes to their project during the assessment process for market or other reasons. For example, the Marathon Mine project review commenced in 2010, the guidelines were issued in 2011, the impact assessment statement submitted in 2012 and then the proponent – which was one in a series of proponents – requested that the review process be suspended. It was restarted in 2021 with a significantly altered project, and the hearing held and decision issued in 2022. Of that 12-year process, more than eight of those years were due to the “suspension” requested by the proponent, and the lengthy suspension and major alteration of the project created not only a large delay but very sizeable inefficiencies. Currently, the Upper Beaver gold project is heading in the same direction. The review commenced in 2021 and in 2021 Agnico Eagle requested the first in a series of time suspension with the current time limit for the assessment now “extended to March 27, 2027 as requested by the proponent and granted by the Agency.” Six years into the review process and four years after the notice of commencement, the majority of time has been under a “time limit suspension” at the proponent’s request. This not only creates inefficiencies for all involved and uncertainties for public interest and Indigenous review participants, but this extended timeline is then weaponized by the industrial lobbyists to inappropriately and falsely claim that these long-time frames are the fault of the regulatory framework rather than at the choosing of the proponents.

Changes to the review framework must be based on real experience and respond to real problems. The problem in the case of “slow” review processes is proponents entering the review process prematurely or in bad faith and extending the time frames at their sole convenience.

Discussion paper statement: *CNSC would handle reviews for nuclear and uranium projects.*

The CSNC does not have the expertise or the independence from the nuclear industry to be the “single project authority” for nuclear projects

Discussion paper statement: *For nuclear and uranium projects, CNSC would be responsible for conducting the impact assessment under the IAA. The CNSC would also determine whether the project would cause significant negative federal effects. If the effects are considered significant, the project would be referred to the GIC through the Minister of Energy and Natural Resources to decide if it is in the public interest to go ahead.*

With this proposal the discussion paper is repeating mistakes of the past that have already been tried (under CEAA 2012) and at least partially corrected (with IAA 2019), albeit only partially because the drafters rejected the advice of an expert panel which had found that the assessment process for nuclear projects should be wholly delivered by the IAAC, that the CER and CNSC should not be the agencies to conduct impact assessments or have final decision-making authority under the IAA.¹

There are multiple reasons why the CNSC is not the appropriate body to deliver the IAA for nuclear projects, including:

- It lacks the necessary expertise
- It does not include social impacts in its consideration
- It is not recognized or accepted by the public as a trustworthy regulator for a number of reasons such as being overseen by nuclear industry insiders (e.g. the current and past president), a track record of promoting the nuclear sector and self-identifying as being part of that sector, the interchange of staff being industry and the regulator, and the questionable distinction of never having refused a license application

Discussion paper statement: *For nuclear projects already in progress: If a project is still in the planning phase (notices have been issued, but full studies haven't been submitted), the decision process will shift to CNSC.*

There are currently four major nuclear builds undergoing impact assessment: [Bruce C Nuclear Project](#), [Peace River Nuclear Power Project](#), [New Nuclear at Wesleyville Project](#), and [NWMO's Deep Geological Repository \(DGR\) for Canada's Used Nuclear Fuel Project](#). The public and Indigenous people have invested thousands of hours participating in these processes in good faith, with the understanding that they were contributing to an independent impact assessment

¹ [Expert Panel Report: Building Common Ground: A New Vision for Impact Assessment in Canada \(2017\)](#)

process delivered by the Impact Assessment Agency (with the CNSC already playing a significant role). For these projects to now be shifted to the CNSC will be a breaking of trust with those thousands of participants, and will introduce further delays, uncertainties and inefficiencies into each review process. Further, it will erode the independence of the process, the social and holistic consideration of the project which are fundamental to impact assessment and greatly reduce public confidence. These projects are already contentious and facing various levels of opposition; handing the assessment process over to the CNSC will negate any opportunity for proponents to argue that an assessment gives them a social license, and is predicted to lead to greater levels of conflict and longer delays due to public and Indigenous opposition on the ground. If the government's objective is to enable "timely" project startup this is almost certain to have the opposite effect.

Discussion paper statement: *If a project is already in the more advanced impact assessment phase (all the necessary information and studies have been submitted), or if the project proponent prefers to continue with the existing process, it will continue under the current impact assessment process coordinated by IAAC.*

Again, the discussion paper promotes proponent preference as the basis for decision-making, rather than decisions being information-based, in the public interest, and in conformance with the rights of Indigenous people (including the right to grant – or not grant – Free, Prior and Informed Consent to projects).

It is reasonable to expect that the four current proponents of major nuclear builds will not all choose the same option, i.e. one or more will choose to continue with the existing process and one or more will choose to transfer the process to the CNSC (we note again that these and all decisions should be evidence-based, consider the public interest and Indigenous rights, and be made with public input and Indigenous consent, rather than simply on the basis of the preference of the proponent-of-the-day). This notion of allowing proponent preference to determine the impact assessment process will predictably lead to there being different processes applied to projects which are of a generally similar nature (e.g. Bruce C and Peace River; both for 4,800 mw nuclear builds taking a multi-technology approach) being subject to quite different assessment processes. The industry – in general – has for decades been repeating the mantra that they will follow the rules, they just need to know what they are. Under the scenario presented in this discussion paper the "rules" would be inconsistent and unknown from project to project. This uncertainty is certainly a disservice to the public interest, but also likely to be a disincentive to the very (as yet only conceptual) investors the paper purports to be wooing.

Discussion paper statement: *The Government will also direct Natural Resources Canada to review Canada's regulatory and legislative framework for nuclear projects to identify areas for improvement, including streamlining processes and reducing decision timelines.*

It is wholly unclear how this review intersects with the many other current federal initiatives related to the promotion and the regulation of the nuclear sector.

There are currently five federal nuclear related initiatives / announcements: “[Getting Major Projects Built in Canada - Discussion Paper on Proposed Legislative, Regulatory, and Policy Reforms](#)” announced May 8th (the subject of these comments); the electricity strategy “[Powering Canada Strong: A National Strategy for an Electrified Canadian Economy](#)” which was [announced](#) May 14 with comment invited but no deadline; the Standing Committee on Natural Resources and the Environment [electrification study](#) with the deadline – and the study – now extended to mid-September; the [Nuclear Energy Strategy](#) for Canada [announced](#) June 22 with no comment; and the June 24 [announcement](#) of the potential “[listing](#)” of the NWMO DGR [under the Build Canada Act \(aka Bill C-5\)](#), also no public comment period (other than being listed on [Gazette I](#) which does allow public comments, albeit after the fact).

These several announcements and initiatives are variously overlapping, contradictory, and duplicative, and are creating a chaotic policy and regulatory environment.

What We Heard Report

On September 9 the undated *What We Heard — Proposals for Getting Major Project Built in Canada* was [posted](#) to the [One Canadian Economy](#) web page. Purportedly to summarize what the Government of Canada heard from the 403 written submissions from stakeholders and Indigenous Peoples, and over 26,000 emails from the general public (including letter writing campaigns) and through 30 meetings with Indigenous groups and 30 stakeholder meetings. The report did not clarify the distinction between “stakeholders” and “public” and whether those deemed to be “stakeholders” included public interest and non-governmental organizations, or if that status was limited to industry and provinces.

There were only three references to feedback received on the proposed changes in how nuclear projects would be assessed.

In the first, the report acknowledged that Indigenous participants were concerned by the consolidation of federal decision-making under a single project authority and subsequent reduction in Cabinet oversight and questioned whether the Canadian Nuclear Safety Commission (CNSC) would be able to address a full rights-based impact assessment, or if it would have the expertise to assess social, sustainability or environmental considerations. Some felt strongly that nuclear projects must remain with IAAC.²

In the second reference, the report acknowledge that other participants requested more clarity about how impact assessment would be fulfilled by CNSC assessments of nuclear projects that are already underway³

The third reference acknowledged that many stakeholders oppose transferring primary assessment responsibilities from broader federal assessment bodies to sector regulators such as

² **What We Heard** — Proposals for Getting Major Project Built in Canada, Page 15

³ **What We Heard** — Proposals for Getting Major Project Built in Canada, Page 15-16

the CNSC, arguing that “lifecycle regulators” have historically been focused on licensing, safety, compliance, engineering, and project operations and do not replace the multidisciplinary public-interest analysis provided through independent impact assessments and some also warned that combining regulatory and assessment functions within a single institution could reduce public confidence and diminish opportunities for meaningful public and Indigenous participation.⁴

While the *What We Heard* report acknowledged a subset of issues raised by Northwatch and others in our submissions on the May 2026 Discussion Paper, the report offered no resolution or response to those concerns.

Bill C-39

In our review of Bill C-39 we read carefully for indications that any of the issues raised or responses provided in our submissions on the Major Projects Discussion paper were reflected in changes in what was being proposed in the May Discussion paper and what is included in Bill C-39. Regrettably, we could discern no effect of the tremendous investment of time and effort by the public and Indigenous people in commenting on the May Discussion Paper in terms of the proposals and directions now set out in Bill C-39. Hence our inclusion of our comments on the Discussion Paper related to nuclear projects as presented in an early section of this submission.

As summarized in the [Introduction](#) to Bill C-39:

- (the reforms will) Give a clear mandate to the lead assessor (e.g. Impact Assessment Agency of Canada (IAAC), Canada Energy Regulator (CER), or Canadian Nuclear Safety Commission (CNSC)) to coordinate assessments and federal permitting processes, including Crown consultations ensuring they meet timelines. The CER and CNSC are experts in clean, conventional, and nuclear energy projects, and they will be empowered to conduct assessments on projects in their respective areas of expertise.
- For nuclear and uranium projects, the Canadian Nuclear Safety Commission (CNSC) will conduct impact assessments under the Impact Assessment Act, replacing the current integrated panel with the Impact Assessment Agency of Canada. The CNSC will continue to regulate these projects under the Nuclear Safety and Control Act.
- the CNSC will become the single assessor for conducting the impact assessment of nuclear and uranium projects that are subject to the *Impact Assessment Act*. Both the CER and CNSC will continue to apply existing review standards and safeguards, including consideration of environmental, health, social, economic, and Indigenous impacts.

Bill C-39 itself delivers on those transfers summarized in the background, including:

- Division 1 of Part 1 amends the *Impact Assessment Act* to, among other things to (a) provide that the Canadian Nuclear Safety Commission is to conduct the impact assessment of a

⁴ What We Heard — Proposals for Getting Major Project Built in Canada, Page 16

designated project that includes activities that are regulated under the *Nuclear Safety and Control Act*;

- Section 5 (1) of Bill C-39 set out that (e) in the case of a designated project for which the Canadian Nuclear Safety Commission is the responsible authority, the Canadian Nuclear Safety Commission permits the proponent to do that act or thing, subject to any conditions that the Canadian Nuclear Safety Commission establishes, for the purpose of enabling activities that it specifies and considers that it is in the public interest that they be carried out before it issues a decision statement to the proponent under section 65. 1 in respect of that designated project.
- And under 5(6) If the Minister permits a proponent to do an act or thing under paragraph (3) (d), the Minister must establish any conditions that the Minister considers appropriate requiring the proponent to remediate any adverse effects within federal jurisdiction caused by the doing of that act or thing. If the Canadian Nuclear Safety Commission permits a proponent to do an act or thing under paragraph (3) (e), it must establish any conditions that it considers appropriate requiring the proponent to remediate any adverse effects within federal jurisdiction caused by the doing of that act or thing.
- And several subsequent sections which provide more detail and operationalize those significant changes.
- Bill C-39, the Build Canada Strong Act, launched the day Parliament resumed on September 21st. The bill delivers the May 8th discussion paper's threat of transferring impact assessment of nuclear projects from the independent Impact Assessment Agency to the nuclear industry led Canadian Nuclear Safety Commission. Bill C-39 also undoes sections of Bill C-5 passed by the same government the year previous.

We firmly oppose the transfer of impact assessments from the Impact Assessment Agency to the Canadian Nuclear Safety Commission.

Nuclear projects carry particular and long-term risks. Proponents for the current set of projects under assessment – three large nuclear builds and a proposed deep geological repository for high-level nuclear waste – have initiated the impact assessment process before their project design is complete. Each of the projects is complex, novel and without precedent. The risks – both social and environmental – are wide-ranging.

Consequences of a poorly designed or executed project can be catastrophic. In each of the assessments underway there is significant opposition to the project with public concerns ranging from safety to security to stigma. Decisions about these projects must be based on sound information that has been examined and tested by the public, independent experts and an independent review panel.

That is what impact assessment processes under IAAC are designed to do.

The CNSC is not a trusted regulator. Led by nuclear industry insiders, the CNSC licenses and regulates nuclear facilities in Canada, but has a track record of arguing against impact assessments and of never having refused a license application. Seen as a captured regulator, in past hearings for major nuclear projects under the Canadian Environmental Assessment Act the CNSC was perceived as often acting as a co-proponent with the nuclear company seeking an approval. Transferring impact assessment authority from IAAC to CNSC would severely undermine public confidence, diminish procedural fairness, and further concentrate authority within the sector regulator. Checks and balances would be gone. Under a CNSC-delivered review the public could lose the ability to question proponents' impact statements and supporting technical, scientific and social studies and reports.

At the time of introduction of Bill C-39, four major nuclear projects are in the second phase of impact assessments under the Impact Assessment Act.

Project	Start Date	Commence Date	Public Comments	Current status
Bruce C Nuclear Build	2024-08-12	2025-08-19	335	Participant Funding in place, Impact statement delayed from August to November 2026
Peace River Nuclear Build	2025-04-14	2026-04-20	1,150	Entered Impact Statement Phase, Guidelines revised
Wesleyville Nuclear Build	2026-01-12	2026-07-10	1,358	Entered Impact Statement Phase
NWMO's DGR	2026-01-06	2026-07-03	1,497	Impact Statement Workplan filed 2026-10-04

In the case of all four impact assessment review processes, and most definitely in the case of the NWMO's deep geological repository, the public and Indigenous people have engaged in good faith and invested tens of thousands of hours into the review process, reading and reviewing thousands of pages of filings on the respective public registries, holding community conversations and sharing sessions, and providing thoughtful and relevant comments and critiques, responding to the Impact Assessment Act's stated obligation of the federal government to provide meaningful public participation opportunities.

Conclusions and Requests

While this submission focussed on nuclear projects, we appreciate that Bill C-39 will erode environmental protections, Indigenous rights and important public safeguards. We request that:

- 1) Bill C-39 be withdrawn, and not proceed past the Committee review
- 2) Without prejudice to the above request, that should the Bill proceed all sections that singly and in combination transfer impact assessment of nuclear projects from the Impact Assessment Agency to the Canadian Nuclear Safety Commission be withdrawn.
- 3) Without prejudice to the two preceding requests, should the Bill move forward and should there be some transfer of assessment responsibilities from the Impact Assessment Agency to the Canadian Nuclear Safety Commission, those projects which are currently in the impact statement phase (phase 2) of the impact assessment process (i.e. Bruce C, Peace River, Wesleyville and NWMO's DGR, as referenced above) should remain with the Impact Assessment Agency until their completion.

Submitted on October 26th 2026 by Brennain Lloyd, Northwatch Project Coordinator, on behalf of Northwatch

For follow up communication please use email northwatch@northwatch.org and telephone 705 497 0373 or cell 705 493 9650.