

# Environmental Impact Assessments:

## ARE THEY ANOTHER FORM OF GREENWASHING?

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### Environmental assessment in Nova Scotia

Companies often use Environmental Impact Assessment (EIA)\* to showcase the “environmental awareness” of their projects. EIA, also known as an Environmental Assessment (EA)\* in Nova Scotia, is an evaluation framework used to determine the environmental impacts of a development. An EA provides a project description, a description of the existing environment, predictions of the project’s impacts, and plans to mitigate any suspected effects. When implemented properly, the EA process promotes sustainable development, provides more environmental awareness for industries, and encourages transparency, confidence, and community involvement throughout the planning process.

*\*Not to be confused with Environmental Site Assessment (ESA) which is used to determine if previous land use has led to property contamination.*

People are beginning to question the legitimacy of the EA framework. Nova Scotia has approved an increasing number of projects despite being under scrutiny from local ecologists.

In Nova Scotia, EAs are divided into two classes of assessment. The assessment framework is dependent on many factors, including the size, scope, and location of the project.

#### Class I Undertakings

Small-scale projects that may or may not cause significant impacts.

#### Class II Undertakings

Large-scale projects that have potential to cause significant impacts.

A photo showcasing the present ecosystem at Eisner Cove Wetlands. PHOTO: Zane Woodford (2022)



### Changes to legislation

Currently, the EA framework is based on the federal *Impact Assessment Act (IAA)* (2019) and the Nova Scotia *Environment Act* (1994). After an overhaul of the *Canadian Environmental Assessment Act (CEAA)* (2012), IAA (2019) aims for a more holistic and integrated approach to assessing both the negative and positive impacts of a project. Environmental impacts tend to be the major focus, although these assessments include social, economic, and health impacts. Gender-based analysis has also been introduced to determine how these impacts affect genders differently. The guidance of these assessments is also based on local evidence, indigenous knowledge, and scientific information. There is a greater emphasis on the engagement of Indigenous communities throughout the entire development process.

### The process as greenwashing

Greenwashing is the process companies use when providing misleading (or false) information about a project’s environmental impact. Although there have been some improvements from CEAA’s bare-bones legislation, there are many factors of the EA process that are lacking.

### Loopholes

#### Project Exemptions

Some projects are completely excluded from the EA process, like maintenance or repairs on existing facilities, and projects for fill pits and quarries. This seems like a quick and easy way to make less work for the government, and contributes to a lack of accountability in the EA process.

#### Weak Environmental Regulations and Definitions

Although the Environment Act (1994) defines many terms, it lacks important values. For example, the term “significant” is defined as an “adverse effect” on various parameters (such as magnitude, area extent, duration, frequency, degree of reversibility, and possibility of occurrence). The definition may be present, but there is major room for interpretation on what is considered adverse. People cannot understand and comply with regulations with ill-defined and inconsistent definitions.



A group of signs in protest of the housing development on Eisner Cove wetlands. Protests and public outcry have been ignored by Timothy Halman and his decision to dismiss the appeals.

PHOTO: Zane Woodford (2022)

## TAKE ACTION

Join the Nova Scotia environmental assessment mailing list! Members are updated on new environmental assessment project registrations and Ministerial decisions. To subscribe, send an email message with your name in the body of the email to [join:ea@lists.gov.ns.ca](mailto:join:ea@lists.gov.ns.ca)

## Time scale

The length of the EA process in Nova Scotia is very short. The Minister of Environment and Climate Change has approximately 50 days to respond for Class I projects, and 275 days for Class II undertakings. This small amount of time is certainly not enough to determine all the direct, indirect, and cumulative impacts on the environment. To truly grasp the important factors in the ecosystem, in-depth monitoring and ecosystem analysis is necessary, and it can't be completed that quickly. These quick turnover times are certainly the government's attempt to speed up the development process. Although it may slow the overall schedule of developments, it's more important to understand the impacts they will have.

“There's fairly steeply sloping land on either side of it, and that's the land they are developing, so I don't think it's got a chance ... it's just not going to survive as it is. You can't filter that out with a buffer; (salt) just goes through everything.”

– David Patriquin, Former Biology Professor; Dalhousie University, Member of Nova Scotia Wild Flora Society.

## Public participation

### The Minister's Decision

The final approval of an undertaking is left to the Minister of Environment and Climate Change. According to section 138(2) of the Environment Act (1994), the Minister's final decision cannot be appealed by the public, placing little-to-no value on public opinion.

### “Meaningful” Consultation

When it comes to new developments in our communities, our voices deserve to be heard! Nova Scotia EA Regulations state that there are many opportunities to engage with proposed projects. Despite these chances, it seems no one is listening no matter how much push back there is. Without placing more value on public participation, these actions are strictly performative.

The degree of public consultation also varies depending on the size of the project and the decisions by the Minister. Does this mean the communities' opinion is only valid sometimes?

### Is Anyone Listening?

The Eisner Cove wetland development is a prime example of the government's disregard for opinions from environmentalists and Indigenous communities. The fate of Dartmouth's largest wetland ecosystem is up in the air with the dismissal of the appeals to the proposed housing development in the area. Two appeals were submitted to Timothy Halman, the Nova Scotia Minister of Environment and Climate Change, opposing the project's go-ahead due to the sensitive ecology in the area. The appeals included asks for why this development did not undergo an EA.

Currently there have been no formal ecological studies to determine the biodiversity present at the site, but it is speculated that this area provides suitable habitat for wood turtles, an endangered species in Nova Scotia, and houses many rare plants and waterbird species. The planned 45-hectare housing development will damage a relatively untouched old growth forest, and 12 hectares of highly biodiverse wetland. The public is begging to have their voices heard, to tell the Minister that this project has more in opposition than favor. Despite the outcry, Clayton Developments has already begun to clear out the land.

The Nova Scotia EA process has a lot of work to do. We need more strict regulations to implement ecological studies throughout the process, more value in Indigenous and community engagement, and in-depth studies on the short and long-term impacts of projects throughout each sector and industry. The government needs to ensure that they're developing our province in a way that fits the needs of all Nova Scotians, not just those with deep pockets. We need true sustainable action now, or we're going to continue to pay for it later.

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