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Summary of the Meeting of the Technical Advisory Committee on Science and Knowledge September 18-19, 2019 Ottawa

Meeting Objectives

The objectives of the second meeting of the Technical Advisory Committee were to review and provide initial feedback on outlines for two documents that the Agency is developing to support the implementation of the *Impact Assessment Act*: (1) Regional Assessment Policy; and, (2) Assessing Social, Economic and Health Impacts. The Committee also discussed and provided input on the framework for the review of impact assessment science, which is being led by the Chief Science Advisor of Canada. Members were to provide written feedback on all three items after the meeting.

These topical discussions were preceded by an update by the Agency on the use of the input from the Committee's previous meeting and a discussion on the Committee's forward work plan.

Day 1 – September 18, 2019

Welcome and Debrief

The Agency's non-voting Ex-Officio member of the Committee welcomed members and opened with an acknowledgement that the meeting was being held on unceded Algonquin and Anishinabek territory.

The Ex-Officio member informed the Committee that the summary of the last meeting would soon be posted on the Agency's website. The Committee agreed that meeting summaries would be approved via email, rather than discussed at meetings, unless there was a disagreement.

The Ex-Officio member debriefed on the first meeting of the Indigenous Advisory Committee. The Technical Advisory Committee welcomed the interest expressed by the Indigenous Advisory Committee in working collaboratively.

Update on Recent Developments

The Ex-Officio member gave a brief overview of the Agency's work since the Committee's first meeting and the coming into force of the *Impact Assessment Act*, noting the publishing of new guidance documents on the Agency's website, that the Agency's name had changed to the Impact Assessment Agency of Canada and that the Agency was headed by a new President, David McGovern. The Ex-Officio member also spoke to how the Committee's input was used to improve the Agency's guidance documents on sustainability. In addition to that, the Agency's Chief Science and Knowledge Officer provided an update on the Tailored Impact Statement Guidelines and projects that would be assessed under the *Impact Assessment Act*:

- The Committee's feedback on the Tailored Impact Statement Guidelines and Sustainability guidance was used to improve the documents.

- Following the coming into force of the *Impact Assessment Act*, the Agency received an initial project description for one new project and has rolled another two into the new system based on the CEAA (Canadian Environmental Assessment Act) 2012 screening.
- The Agency referenced the new Canada-British Columbia Impact Assessment Cooperation Agreement, a consolidation and update of earlier agreements between the British Columbia Environmental Assessment Office and the Canadian Environmental Assessment Agency (now the Impact Assessment Agency of Canada), that have been in place since as early as 2004. The agreement sets out ways the jurisdictions will work together on impact assessments of projects that require an assessment by both levels of government.
- Several guidance documents have been posted on the Agency's website; more will be made available this fall.

Revision of the Committee's Terms of Reference

The Co-chairs led a discussion on the Terms of Reference leading to the agreement that the current version would be interim and that the Committee would review it in a year. For clarification and effectiveness, the Committee proposed the following changes to the current draft:

- The Ex-Officio member (i.e. the Agency representative) be given a "non-voting" member status; and
- The minimum quorum requirements be modified to allow opportunities for participation via videoconference or teleconference.

Agenda item: Forward Work Plan

The Agency's Vice-President of External Relations and Strategic Policy participated in this session. The Vice-President thanked the Committee for its contribution to improving guidance that the Agency is developing.

Emphasizing the importance of leveraging relationships, the Vice-President noted that the Agency has been taking an adaptive approach to support a learning process within the Agency.

The Committee placed emphasis on understanding the Agency's needs and constraints so that it could produce effective advice, both reactively and strategically. For the forward work plan, the Committee highlighted the need for identifying broader subjects and issues relevant to Agency's mandate and to deal with them based on urgency. Some of the broader issues could capture new aspects of the Act, including: aspects of early planning that may pose implementation challenges, aspects of the impact assessment neglected in past practice, and lessons learned by impact assessment practitioners.

The Committee noted other considerations that would be useful in determining priorities for the TAC (Technical Advisory Committee) forward agenda including: urgency, items new to the Act, current state of knowledge, long standing gaps, and whether or not the TAC (Technical Advisory Committee) is positioned to support. This led to a discussion of other resources.

- The Agency has a small research fund that the Committee could use to commission research.
- In order for the Committee to understand the Agency's priorities, the Committee needs to have access to the full list of guidance and policy documents that the Agency plans to develop. The list will help the Committee to set up forward agendas. The Committee may also want to revisit past guidance documents to examine their relevance.
- The Committee could address some concerns and fears people have about the new Act. The Agency can support it by providing the

Committee with the information gathered during the development of the Act.

- The Committee will approach the Indigenous Advisory Committee, via the Agency, to identify and work collaboratively on issues of common interest.

The Committee also discussed the question of how many items should be included in a meeting for discussion. It would probably be more effective to focus on fewer rather than more issues and allow sufficient time for full discussion.

Agenda Item: Regional Assessment Policy Outline

An Agency official presented the background on the proposed approach for the Agency's regional assessment policy. According to the *Impact Assessment Act*, the Minister may set up regional assessments based on specific considerations or in response to requests from the public.

The Committee was given the following questions for guiding the discussion:

- Based on your experience, what makes a successful and useful regional assessment? Does the draft policy outline cover the elements needed to both identify the best candidate regions and conduct successful regional assessments?
- What are examples of best practices that could be used to inform the Government's regional assessment approach? What aspects in particular could be useful in informing this policy?
- One important objective of regional assessments for the Government of Canada is informing project assessments. How can regional assessments best be developed/conducted to achieve this?

The Committee offered the following ideas:

- Defining the scope of regional assessment should be the first step in the policy document. An operational definition of regional assessment is imperative to distinguish it from strategic assessment, cumulative effects assessment, and class assessments as well as to manage the expectations of proponents and stakeholders. Every type of assessment has regional boundaries, but not every assessment qualifies as a regional assessment. A strategic assessment usually focuses on a particular activity or sector. Cumulative effects assessment, on the other hand, considers impacts from multiple sources and could be part of regional, strategic or project assessment. Strategic assessments can be completed at a range of spatial and temporal scales. The policy document should define each of the three terms, regional assessment, strategic assessment and cumulative assessment and clarify how they differ from one another. Regional assessment could be a good place to embed cumulative effects assessments.
- The point of departure of the policy should be the Act since it outlines the requirement. But the policy would also need to clarify how the Agency views the three types of assessment – regional, strategic, and project– and where they fit. It will be important to outline how the outcomes of regional assessments will be used by the government.
- The relationship between regional assessment and project assessment also needs clarification so as to avoid potential confusion if project assessment and regional assessment go side-by-side within a region. Results from a regional assessment are useful to demonstrate potential impacts which individual project assessments fail to capture., Regional assessment contributes to the efficiency of project assessments and vice versa. Conversely, project assessments can also inform regional assessments or identify the need for future regional

assessment. In practice, the link from project assessments to regional assessments is more common than the link the other way around.

- Clarify the anticipated benefits of regional assessment. The TAC (Technical Advisory Committee) raised concerns with creating false expectations that regional assessment would lead to project level exemptions. It is unrealistic to expect regional assessment to have sufficient granularity to make project level decisions / assessments (e.g., exemptions from project level assessment). However, regional assessment can provide us with better information, enabling more efficient and effective project level assessment and ultimately better guidance.
- The policy should clearly set out the desired outcomes of regional assessment. Expectations from regional assessment could range from simple to complex. It should be clarified to what extent a regional assessment can foster sustainability and create positive effects. Its value in mitigating risk from project activity also deserves attention.
- The policy should specify criteria for selecting regions for regional assessment. Development of appropriate criteria depends on the Agency's definition of regional assessment and the desired objectives. The TAC (Technical Advisory Committee) suggested a number of possible criteria for consideration including: sensitive regions (e.g. the coast of British Columbia), development pressure, ecological and social importance, multiple activities, overlapping issues (e.g., St. Lawrence), areas with limited current impact which provide the opportunity to 'get it right' (e.g., Arctic), capacity (arguments to be made for and against selecting regions with/without sufficient capacity), and established thresholds to inform the assessment. The committee suggested that it might be useful to establish primary and secondary criteria for selection.

- The policy should specify conditions under which a regional assessment will be undertaken by the Agency or a committee.
- The policy should delineate roles for current and potential proponents as well as industry associations.
- The timing of regional assessments is an important consideration. Ideally a regional assessment would be done a few years in advance of the development of a project.
- Cooperation agreements with other jurisdictions (e.g., federal and provincial) will be key to having successful regional assessments that can be acted upon.

Day 2 – September 19, 2019

Agenda item: Assessing Social, Health, and Economic Effects

An Agency representative outlined the objective of a planned guidance document covering social, health and economic factors. These factors are not new in impact assessment; they are considered in some provincial legislation as well as in some international jurisdictions. CEAA (Canadian Environmental Assessment Act) 2012 required the analysis of these factors with respect to Indigenous peoples. The requirement under the *Impact Assessment Act*, however, is more expansive and includes both positive and negative effects. The Agency is considering two options for the development of a guidance document: (1) three separate documents – one each on health, social and economic effects; and (2) one comprehensive document.

The Committee was asked to consider the following questions:

1. What methods/approaches could be recommended to ensure that impacts are considered holistically, including interactions between

effects?

2. How can proponents best integrate qualitative and quantitative data to determine effects on valued components that may not be amenable to quantification?
3. Is the proposal to focus the guidance document around the concept of “well-being” useful? Should some other concept be used to ground the analysis (for example, the “Human Environment”), or does the focus on “well-being” risk obscuring the objectives of the guidance?
4. In gathering data, how should proponents address issues of confidentiality (for example, if local residents are unwilling to share information on sensitive issues, such as domestic violence)?
 - In these situations, and in cases where detailed data is not available, what metric could the Agency employ to determine whether the issue has been adequately assessed?
5. What are other best practices that the Agency should be aware of for assessing social, economic, and health effects?

The Committee provided the following ideas:

- The process should begin by identifying the needs of the decision-makers and then decide on methods and approaches by working backwards. One approach would be to create bundles of effects (e.g., social, environmental, climate change, health) and determine what the net effects of a particular bundle are and what areas need the attention of decision makers. There should either be accepted methodologies for determining the net effect on the bundle, or a suitable process for reaching agreement on this (such as in case of net effects on a community). Understanding the different bundles will require different methods of inquiry. A trade-off with this approach is that it is somewhat at odds with the desire to be more holistic.

- Begin by asking what outcome you are trying to achieve (e.g., sustainable social and economic development). The analysis should contribute to achieving the outcome.
- From an operational perspective, it would be more effective to create one guidance for economic assessment and another to cover social and health impacts, particularly given the differences in methodology and geographic scope. Another alternative is to create an overall guidance document and append the different factors as annexes.
- Views on economic impacts are different for different groups. For proponents it may be well paid jobs, but communities may have different perspectives. Many communities are wary of resource projects as they may bring drugs and alcohol to the community.
- Impacts and benefits may occur at different scales (local, regional, and national). Adversely, impacted peoples should have preferential access to benefits; however this is often not the case. The ability to take advantage of benefits may not be equitable.
- GBA+ (Gender-based Analysis Plus) is key to understand impacts on different sub-groups holistically. This includes considering intersectionality and the multiple ways people may be affected.
- The proposed focus of the guidance document on well-being is appropriate but challenging. Well-being is a difficult concept to define, and the views of Indigenous communities will vary from those of non-Indigenous communities. It was noted that well-being is not limited to physical health. For example, the definition of health by the World Health Organization goes beyond physical health and covers social and psychological dimensions. There is a need for introducing a public health perspective into impact assessment because historically the health component in impact assessment has been weak and neglected the broader determinants of health.

- In the context of decision making, the concept of well-being needs to be considered with caution. Proponents may not always build an appropriate connection between a project and the community's well-being. In the past, the public interest criterion has been used to benefit the majority, disregarding impacts on the minority. Proponents tend to suppose that the investment or money will improve the well-being of the community – it doesn't necessarily reflect the perspective of the communities. The guidance document should also bring forth the issue of distributive effects of projects to ensure that all social groups in the community benefit from the activity.
- Any changes affect community well-being and all projects bring about changes. What changes affect well being is a key question for local populations in terms of adapting to change and adopting mitigation measures.
- The document should clarify what the Act requires proponents to do. It is not the proponent's job nor place to define the culture of the community or to define wellbeing for the community. The guidance document should provide enough direction so that proponents involve communities in articulating their aspirations as early in the process as possible. In the case of Indigenous communities, closing the prevailing socioeconomic gaps is the responsibility of the Crown, not of proponents.
- The document should focus on guiding principles and desired outcomes instead of on methods. One view was that an overemphasis on methods should be avoided. Proponents would benefit more from guidance on information sources, examples and case studies rather than detailed methodologies. It should be the proponent's responsibility to choose appropriate methods. Another view was that

the methods should be prescribed. Specific direction on methodologies provides certainty to proponents about information requirements.

- The document should show how the assessment of the factors corresponds with the phases of impact assessment, especially early planning. It will also be important to separate out impacts related to federal jurisdiction. The document also should not lose sight of the fact that in the process some groups have roles and responsibilities, whereas some others need to be considered in terms of opportunities.
- There was a discussion on the ethical collection and use of socioeconomic information. Proponents may use a third party, which may be selected by the community, to create a firewall between communities and proponents to protect the confidentiality of information provided by the community. Some communities also have established protocols which may be used to protect confidentiality. Research ethics protocols may also provide models (e.g., the Tri-Council policy statement).
- In terms of best practices, the guidance document could borrow from other methodologies and practices (e.g., SWOT analysis, ISO/1400, Health Canada guidance, biophysical impact assessment (IA (impact assessment))) and cumulative effects assessment (CEA (cumulative effects assessment)).

Agenda item: Evaluation of the Science used in Impact Assessments

This session was held as part of ongoing consultations by the Office of the Chief Science Advisor of Canada (OCSA (Office of the Chief Science Advisor of Canada)) on the Review of impact assessment science. The first Review is to be conducted within three years of the coming into force of the *Impact Assessment Act* and every three years thereafter. To initiate discussion, the

Researcher in Residence at the OCSA (Office of the Chief Science Advisor of Canada) introduced the review framework, highlighting its three performance criteria, namely scientific integrity, scientific credibility and scientific transparency. The questions suggested by the OCSA (Office of the Chief Science Advisor of Canada) for guiding the discussion were as follows:

- Is the proposed review scope and list of deliverables considered for the review appropriate?
- Is the set of three science evaluation criteria (scientific integrity, credibility and transparency) appropriate? If not, what should be added/deleted, and why? Are there others that should be added?
- Is the proposed set of integrity, credibility and transparency indicators appropriate? If not, which ones should be eliminated, and why? Are there others that should be added? Why?

The discussion resulted in the following clarifications and points for consideration:

- The Committee suggested that the OCSA (Office of the Chief Science Advisor of Canada) consult broadly on its review.
- In view of the Committee, including project assessments being conducted by Review Panels would be beneficial because these are often the largest and most complex projects and the lessons learned would be useful for future panels.
- The Committee asked that the scope of the report be made clear. The proposed focus of the review will be the science and analysis provided into the impact assessment process by federal experts. It will capture the science provided by proponents and others indirectly.
- The Committee asked to what extent Indigenous knowledge would be captured in the report and asked that the OCSA (Office of the Chief

Science Advisor of Canada)'s proposed approach be clarified in the beginning of the framework document.

- The Committee asked how professional judgement would be considered in the context of the review.
- The Committee sought clarification on whether all the impact assessment phases, including the post-decision phase and specifically follow-up programs and monitoring results, would be included in the review. The proposed approach is to focus on the first three phases in the first review; additional phases and topics may be examined in subsequent reviews.

Agenda item: Next Steps

- The co-chairs invited members to suggest ways in which the management of meetings could be improved in the spirit of continuous improvement and the path forward to the next meeting on December 3-4, 2019 in Ottawa.

Technical Advisory Committee on Science and Knowledge Action Items

Secretariat Action Items

- The Secretariat is to provide the Committee with a list of guidance and policy documents as well as a summary of comments received on the Act.
- A table of potential forward agenda items will be circulated to members to solicit their input on priorities.

Members' Action Items

- Committee members were encouraged to provide any further written comments on the Regional Assessment Policy Outline to the Agency by October 4, 2019.
- The committee also expressed interest in revisiting the document at a later date.
- The Committee will provide any further comments to the Agency in writing on Assessing Social, Health and Economic Effects.
- The Committee requested that it review the guidance document once it has been drafted.
- The Committee will provide any written comments on the Evaluation of the Science used in Impact Assessment to the OCSA (Office of the Chief Science Advisor of Canada). .

Attendees

Co-Chairs

Kevin Hanna

Darcy Pickard

Committee members

Alistair MacDonald

Bill Ross

Colin Webster

Gillian Donald

Glennis Lewis

Helga Shield

Hugo Mailhot Couture

Marie Lagimodiere

Mark Shrimpton

Meinhard Doelle

Michel Bérubé

Office of the Chief Science Advisor

C. Scott Findlay

Impact Assessment Agency of Canada

Christine Loth-Bown

Brent Parker

Miriam Padolsky

Jennifer Saxe

Steve Chapman

Kevin Blair

Robyn Whittaker

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