

CBA ENVIRONMENTAL, ENERGY AND RESOURCES LAW SUMMIT

MAY 4 & 5, 2023 | OTTAWA (ON)

CBA Environmental, Energy and Resources Law Summit

Presented by the [CBA Environmental, Energy and Resources Law Section](#)


May 4 & 5, 2023 | OTTAWA ON

Agenda subject to change

THURSDAY, MAY 4

TIME	EVENT
7:45 am – 8:30 am	Registration and Breakfast
8:30 am – 8:45 am	Welcome and Introduction Co-Chairs: Terri-Lee Oleniuk , Blake, Cassels & Graydon LLP (Calgary, AB) Marc McAree , Willms & Shier Environmental Lawyers LLP (Toronto, ON)
8:45 am – 9:30 am	What Does a Right to a Clean, Healthy Environment mean? <ul style="list-style-type: none">• What does the U.N. Declaration say and mean?• The greening of human rights with a focus on select countries around the world that are enshrining the declaration into law• Identifying the gaps in environmental justice through three case studies, one each from Canada, the USA, and the Netherlands• Potential effects of the right to a clean, healthy environment on various interests including civil, commercial, Indigenous, and international investment• Exploring the intersection of environmental and human rights. International and Canadian rights initiatives will be

THURSDAY, MAY 4

TIME	EVENT
	<p>considered and the practical implications of such rights will be discussed.</p> <p>Moderator: Tony Crossman, Blake, Cassels & Graydon LLP (Vancouver, BC)</p> <p>Speaker(s): Professor Heather McLeod-Kilmurray, University of Ottawa (Ottawa, ON)</p>
9:30 am – 10:00 am	<p>Networking Break</p> <p>Sponsor</p> 
10:00 am – 11:00 am	<p>Climate Change & Updates Post-COP27 (Climate Change) and Post-COP15 (Biodiversity)</p> <ul style="list-style-type: none">• What are scientists now saying about the trajectory the world is on with respect to climate change? What does this mean for the planet, for society, and for business?• How far does the Sharm el-Sheikh Implementation Plan agreed at COP27 move the needle forward on tackling the global challenge of climate change? What commitments has Canada made with respect to climate action? What does the growing acceptance of concepts such as 'climate justice', a 'just transition' and 'ecocide' mean for climate change law?• Why is biodiversity conservation important in addressing climate change?• Did COP15 held in December 2022 in Montreal move the needle forward on protecting biological diversity? What actions can we expect from Canada and its Provinces/Territories in response to the Global Biodiversity Framework agreed at COP15?• Hear first-hand accounts from COP27 and COP15 conference attendees

THURSDAY, MAY 4

TIME	EVENT
	<p>Moderator: Marisa Beck, Canadian Climate Institute (Toronto, ON)</p> <p>Speakers: Sabrina Spencer, Fasken LLP (Vancouver, BC) Selina Lee-Andersen, Miller Thomson LLP (Vancouver, BC) Dr. Carol Aziz, Achieve Sustainability Inc. (Mississauga, ON)</p>
11:00 am – 12:00 pm	<p>Climate Change Planning, Adaptation and Disclosure</p> <p>Hear about the latest developments and learn what's new in:</p> <ul style="list-style-type: none">• Climate change adaptation efforts in Canada's North• Corporate disclosure obligations in an era of climate change• Climate scenario analysis and integration of scenario analysis into business planning• Emerging claims against architects, planners, engineers, and other construction professionals <p>Moderator: Alegria Rosales Ruiz, Osgoode Hall Law School (Toronto, ON)</p> <p>Speakers: Bruce McRae, McRae Law (Ottawa, ON) Janet Bobechko, WeirFoulds LLP (Toronto, ON) Diana Weir, Norton Rose Fullbright (Toronto, ON) Gregory Flato, Director of Climate Research Division, Environment and Climate Change Canada (Victoria, BC)</p>
12:00 pm – 1:15 pm	<p>Luncheon & Speakers</p> <p>The Shifting US Landscape</p> <p>Join leaders of the American Bar Association as they discuss US environmental initiatives and developments.</p> <p>Speakers: Jonathan Kahn, Blake, Cassels & Graydon LLP & Chair, American Bar Association Section on Environment, Energy and Resources (Toronto, ON) Jonathan Nwagbaraocha, Environment, Health, Safety and Sustainability Counsel, Xerox Corporation, and Vice-Chair, American Bar</p>

THURSDAY, MAY 4

TIME	EVENT
1:15 pm – 2:30 pm	<p>Association Section of Environment, Energy and Resources Law (Rochester, NY)</p> <p>Clean Energy: An Overview of Key Projects and Developments Across Canada</p> <p>Sponsor</p>  <p>Osler, Hoskin & Harcourt LLP</p> <ul style="list-style-type: none">• Cross Canada Update on OSW, Tidal and Hydrogen• Accord Acts and Strategic Assessment in NL and NS enabling OSW• Off-Shore Renewables: A Breeze in Atlantic Canada? Developer Insights: Project Development Opportunities and Challenges <p>Moderator: Mohammad Ali Raza, Cox & Palmer (Halifax, NS)</p> <p>Speakers: Elisa Obermann, Executive Director, Marine Renewables Canada (Halifax, NS) Griff Roberts, Cox & Palmer (St. John's, NL) Matthew Dorreen, Cox & Palmer (Halifax, NS) Adrienne Downey, Country Manager for US & Canada, Hexicon Group (New York, NY) Anne-Marie Belliveau, Offshore Development Manager, DP Energy Canada (Halifax, NS)</p>
2:30 pm – 3:15 pm	<p>Update on Federal Environmental Enforcement Across Various Federal Statutes</p> <ul style="list-style-type: none">• Hear about search warrants and the increase in statutory penalties• Learn how Courts are dealing with statutory minimum penalties• Are fines higher in western Canada than in the east?

THURSDAY, MAY 4

TIME	EVENT
	<ul style="list-style-type: none">• Does the level of environmental enforcement vary across provinces and territories? <p>Moderator: Michael Fortier, Torys LLP (Toronto, ON)</p> <p>Speaker(s): Michael Manhas, Norton Rose Fulbright Canada LLP (Vancouver, BC)</p>
3:15 pm – 3:45 pm	Networking Break
3:45 pm – 5:00 pm	The ABCs of ESG (Environment, Social and Governance)!
	Sponsor
	
	<ul style="list-style-type: none">• What ESG is and what it's not• What are key requirements of ESG reporting?• Of the many, is there a preferred reporting standard for ESG?• What do the latest U.S. Securities and Exchange Commission rules say about ESG?• How does a company measure its own ESG performance and how does the market measure a company's ESG performance?• Why the Anti-ESG Push in the U.S. and Canada?• Update on ESG Case Law including key Greenwashing Claims
	<p>Moderator: Erik Homenick, Homenick Law (Sussex, NB)</p>
	<p>Speakers: Alex MacWilliam, Dentons (Calgary, AB) Jennifer King, Gowlings (Toronto, ON) Elizabeth Dawson, Crowell and Moring (Washington, DC) Claire Bennett, PwC Canada (Ottawa, ON)</p>

THURSDAY, MAY 4

TIME	EVENT
5:30 pm – 7:30 pm	Reception
7:30 pm	Dine Around

FRIDAY, MAY 5

TIME	EVENT
7:30 am – 8:00 am	Registration and Breakfast
8:10 am – 9:00 am	Discussion with the Commissioner of the Environment and Sustainable Development A discussion with the Commissioner regarding his newly tabled reports in Parliament on issues related to climate change and biodiversity, following by a Q&A session. Moderator: Marc McAree , Willms & Shier Environmental Lawyers LLP Speaker: Commissioner Jerry DeMarco , Commissioner of the Environment and Sustainable Development
9:00 am – 9:45 am	Understanding Canada's <i>Fisheries Act</i>: Practical Insights and Key Developments Since the 2019 Amendments <ul style="list-style-type: none">• Overview of the 2019 amendments to the <i>Fisheries Act</i>• The regulatory process for issuing DFO project approvals under the federal <i>Fisheries Act</i> (FA) and the <i>Species at Risk Act</i> (SARA):<ul style="list-style-type: none">○ Understanding the prohibitions of the FA and SARA that protect habitat and listed species and navigating through the regulatory process to acquire permits.○ What are the requirements of the "Authorizations Concerning Fish and Fish Habitat Protection

FRIDAY, MAY 5

TIME	EVENT
	<p>Regulations”, the “Aquatic Invasive Species Regulations” and the “Marine Mammal Regulations” for project proponents?</p> <ul style="list-style-type: none">• Understanding the 2021 Teck decision focusing on sentencing and due diligence. <p>Moderator: Stuart Chambers, McLennan Ross (Edmonton, AB)</p> <p>Speakers: Alex Pike, Davies Ward Phillips & Vineberg LLP (Toronto, ON) Peter Davidson, Fisheries and Oceans Canada Legal Services (Ottawa, ON)</p>
9:45 am – 10:30 am	<p>Renewable and Distributed Energy: Legal Updates and Opportunities</p> <ul style="list-style-type: none">• An overview of legal and policy drivers for the development of renewable energy in Canada• Current political climate for major project development and treatment of project approvals, including a review of Provincial renewable energy programs:<ul style="list-style-type: none">○ Alberta: Renewable Electricity Program○ Ontario: O. Reg. 121/19: Transitional Matters - Renewable Energy Generation Facilities (under Ontario’s Planning Act) and O. Reg. 122/19: Renewable Energy Approvals Under Part V.0.1 Of the Act (<i>Ontario’s Environmental Protection Act</i>)• Role and impact of power purchase agreements, and offtake arrangements on future renewable energy development <p>Moderator: Liv Desaulniers, Cassels Brock & Blackwell, LLP (Calgary, ON)</p> <p>Speakers: Jason Chee-Aloy, Power Advisory LLC (Toronto, ON) Brandy Giannetta, Canadian Renewable Energy Association (Mississauga, ON) Scott Jeffers, TransAlta (Calgary, AB)</p>

FRIDAY, MAY 5

TIME	EVENT
10:30 am – 11:00 am	<p>Networking Break</p> <p>Sponsor</p> 
11:00 am – 12:15 am	<p>Environmental/Impact Assessment in Canadian Jurisdictions: What Has and Has Not Worked</p> <ul style="list-style-type: none">• Brief review of the history of EA/IA in Canada• IA learnings from high profile major projects from across Canada• Perspectives on the future of EA/IA <p>Moderator: Lino Contini, Department of Justice (Ottawa, ON)</p> <p>Speakers: Justyna Laurie-Lean, Mining Association of Canada (Ottawa, ON) Sam Adkins, Blake, Cassels & Graydon LLP (Vancouver, BC) Joshua Ginsberg, Ecojustice Environmental Law Clinic (Ottawa, ON) Mira Gauvin, Dentons Canada LLP (Montreal, QC)</p>
12:15 pm – 1:00 pm	<p>Luncheon</p>
1:00 pm – 3:00 pm	<p>Zibi Tour</p> <p>Sponsor</p>  <p>COX & PALMER The difference is a great relationship</p> <p>Zibi is the Algonquin Anishinabe word for “river”. Zibi is a new mixed-use development situated on islands near the Chaudière Falls on the Ottawa River where, for over 150 years, E.B. Eddy produced wooden matches and paper products. When fully built, Zibi will be home to over 5,000 people and over 6,000 jobs. The development team says that Zibi is the “most sustainable community in Canada” adhering to all 10 principles of the world-class One Planet Living Framework developed by Bioregional and the World Wildlife Fund. Zibi will develop the region’s</p>

FRIDAY, MAY 5

TIME	EVENT
------	-------

first zero-carbon district cooling and heating system. Zibi is a site of significant importance to the Algonquin Anishinabe. They have been and will remain fully engaged in the collaborative process that is key to the development. The CBA NEERLS Planning Committee is pleased that conference participants will have the opportunity to have guided tours of portions of the 34-acre community including the District Thermal Plant and the One Planet Living Centre.

3:00 pm – 4:15 pm

Cross-Canada Hot Topics

- UN Treaty on Plastic Pollution - Canada's Ban on Single-Use Plastic Bags by Designating Plastic Manufactured Items under CEPA, and Where is Canada at with the Shipping of Plastic Waste
- Donkin Coal Mine Approval in Cape Breton Nova Scotia
- British Columbia Watershed Security and Fund
- Court of Appeal First Review of Pest Management Regulatory Agency's Pesticide Authorization: *Safe Food Matters Inc. v. Canada (Attorney General)*
- Supreme Court of Canada Decisions of Note including *Nevsun Resources Ltd. v. Araya*, *Resolute FP Canada Inc. v. Ontario (Attorney General)*, and other major cases

Moderator:

Martin Thiboutot, McMillan LLP (Montreal, QC)

Speakers:

John Stefaniuk, K.C., Thomson Dorfman Sweatman LLP (Winnipeg, MB)

Barry Weintraub, Weintraub Erskine Huang LLP (Toronto, ON)

Michael P. Simms, McInnes Cooper (Halifax, NS)

Sabrina Spencer, Fasken Martineau DuMoulin (Vancouver, BC)

Howard Mains, TAC TIX (Ottawa, ON)

4:15 pm – 5:30 pm

Ethics and Environmental (In)Justice in Canada

- What does it mean for lawyers to understand that Indigenous peoples, people of colour, and people of lower socio-economic means are more likely to suffer adverse

FRIDAY, MAY 5

TIME	EVENT
	<p>effects from major environmental permitting decisions than society-at-large?</p> <ul style="list-style-type: none">• Examples of Environmental (In)Justice in Canada<ul style="list-style-type: none">○ First Nations Drinking Water / Boil-Advisory Crisis Across Canada○ Chemical Valley Residents Charter Challenge○ Pulp mill effluent having been pumped into Boat Harbour, NS○ Mercury pollution of the river in Grassy Narrows First Nation in Ontario○ Toxic waste having been dumped in the community of Africville in Halifax, NS• Obligations in Rules of Professional Conduct• Obligations beyond the Rules of Professional Conduct<ul style="list-style-type: none">○ Representing the interests of the client○ Understand special circumstances○ Listening to the needs of the client○ Law Society of Ontario Guide for Lawyers Working with Indigenous Peoples• Bill C-226 - An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice. <p>Moderator: Professor Wendy Parkes, Lakehead University (Thunder Bay, ON)</p> <p>Speakers: Dr. Elaine MacDonald, Healthy Communities, Ecojustice. (Toronto, ON) Richard Lindgren, CELA (Toronto, ON) Elizabeth May, Member of Parliament for Saanich-Gulf Islands and Parliamentary Leader of the Green Party of Canada</p>
5:30 pm – 5:45 pm	Closing Remarks

FRIDAY, MAY 5

TIME	EVENT
------	-------

Co-Chairs:
Terri-Lee Oleniuk, Blake, Cassels & Graydon LLP (Calgary, AB)
Marc McAree, Willms & Shier Environmental Lawyers LLP (Toronto, ON)