

Court File No. T-211-20

Leave to amend granted December 13, 2023 by  
Judgment of the Federal Court of Appeal  
in Docket A-289-20

Leave to further amend granted December 13, 2024,  
by consent and Order of Case Management Judge Ring

Leave to further amend granted September 26, 2025 by  
Judgment of the Honourable Madame Justice McVeigh

## **FEDERAL COURT**

Between

DINI ZE' LHO'IMGGIN, also known as ALPHONSE GAGNON,  
on his own behalf and on behalf of all the members of MISDZI YIKH and  
DINI ZE' SMOGILHGIM, also known as WARNER NAZIEL,  
on his own behalf and on behalf of all the members of SA YIKH

PLAINTIFFS

and

HIS MAJESTY THE KING IN RIGHT OF CANADA

DEFENDANT

## **REPRESENTATIVE PROCEEDING**

## **SECOND FURTHER AMENDED STATEMENT OF CLAIM**

### **FACTS**

#### **A. Overview**

1. Global warming is an existential threat to all human societies and to many other life forms worldwide. It is caused by the release and accumulation of greenhouse gases (“GHGs”) in the atmosphere by human activity in the industrial era, principally from the burning of fossil fuels. The effects of global warming are not

merely hotter lands and seas but include a host of extreme weather and climate effects ranging from droughts and wildfires to floods and rising sea levels.

2. The plaintiffs are the two Wet'suwet'en House groups of the Likhts'amisyu Clan governing themselves and their *yintah* or land territories under their own indigenous laws. The plaintiffs experience global warming in two ways – as a threat and as a responsibility. It is a threat to their identity, to their culture, to their relationship with the land and the life on it, and to their food security. It is a responsibility because large fossil-fuel infrastructure projects are being built across their territories. Under the Wet'suwet'en legal order, a House group is responsible to other Wet'suwet'en, to other peoples and to the spirit in the land for all acts on its territories.

3. The defendant His Majesty the King in right of Canada (“Canada”) has repeatedly failed, and continues to fail, to fulfil its constitutional duty to not infringe on the plaintiffs’ constitutional rights and freedoms by, among other things, failing to (a) amend existing laws and (b) enact and implement the laws, policies and actions needed to meet the international commitment made by Canada in Paris in 2015 to keep mean global warming well below 2 °C above pre-industrial levels (the “Temperature Commitment”). These failures, including its ongoing failure to meet the Temperature Commitment, unjustifiably infringe and interfere with the plaintiffs’ rights to life, liberty and security of the person under s. 7 of the *Charter* in a manner inconsistent with the principles of fundamental justice.

4. Since at least 1988, Canada has assured the plaintiffs and all Canadians that it would establish laws and policies to meet its international climate commitments, including the Temperature Commitment, to keep global warming to tolerable levels. It failed and continues to fail to do so. Such laws and policies were either not implemented or, where implemented, were not enforced or were overruled. The effect of these past and continuing failures has been an alarming rise in Canada’s emissions of GHGs, causing and contributing to serious climate effects that have and continue to interfere with the life, liberty and security of the person of the plaintiffs.

5. Up to the date of this filing, Canada has chosen – either purposefully or inadvertently – to adopt an inconsistent approach to addressing GHG emissions. On the one hand, it has enacted legislation that codify into law its climate change policies aimed at reducing or limiting GHG emissions, including its international commitments like the Temperature Commitment. On the other, Canada has enacted or continued legislative initiatives that encourage investment in and/or the operation of GHG emitting projects. As discussed further below, these conflicting statutory instruments and the discretionary actions permitted under them represent the measures taken by Canada pursuant to the diffuse scheme it has adopted to regulate GHG gas emissions in Canada. The tension within this scheme has undermined any positive efforts that Canada has made to meet its Temperature Commitment and has resulted in Canada continuing to materially contribute to climate change in Canada, and beyond, through ongoing and increasing GHG emissions.

6. When the plaintiffs commenced this claim in February, 2020, the mean global surface temperature was approximately 1°C above pre-industrial levels. At the time of filing of this Second Further Amended Statement of Claim, the mean global temperature has risen to 1.45°C above pre-industrial levels. If the current trend continues, the mean global temperature will soon be more than 1.5°C above pre-industrial levels. In other words, the mean global temperature will soon approach the Temperature Commitment that Canada made at the Paris Conference and which has been subsequently adopted into domestic legislation. Between 2000 and 2025, Canada’s annual GHG emissions have generally remained within the range of 700 to 750 megatons, except for two temporary dips following the 2008 financial crisis and the 2020 COVID epidemic. Based on current evidence, it appears unlikely Canada will achieve its 2030 Nationally Determined Contribution goal of reducing its GHG emissions by over 200 megatons.

7. Like many indigenous peoples in Canada and across the globe, the Likhts’amisyu Houses’ identity, culture, legal order and sustenance is bound up with their land and fishing territories. They cannot be who they are at some other place. The consequences of the changing climate caused by Canada’s ongoing and

increasing GHG emissions include forest insect infestations, wildfires, and a decline in forest food animals within the plaintiffs' territories.

8. In particular, the decline in the salmon fishery, a fishery that was the heart of the plaintiffs' food security resulting from the global warming caused by GHG emissions has meant that the plaintiffs have been unable to fish their preferred salmon species for over two decades. These harms are predicted to increase as the earth's climate continues to warm beyond the current 1.45 °C above pre-industrial levels.

9. The existential nature of the threat posed by continued GHG emissions imposes a constitutional duty on Canada under s. 7 of the *Charter* to (a) ensure that it meets its Temperature Commitment; and (b) keep Canada's fair share of greenhouse gas emissions within levels that contribute to the global temperature rise of well below 2 °C above pre-industrial levels in order to halt and prevent further deprivation of the plaintiffs life, liberty and security of the person.

10. To fulfill this duty, Canada must take positive steps to fulfill the Temperature Commitment including, among other things:

- (a) amend its existing legislation to limit and reduce Canada's GHG emissions in a manner consistent with the Temperature Commitment, including to permit Canada to rescind or withdrawal approval of existing GHG emitting projects if Canada determines that:
  - (i) it is, or will be, unable to meet the Temperature Commitment without terminating such projects, or
  - (ii) global warming from GHG emissions constitutes a national emergency requiring the termination of such projects;
- (b) enact new legislation to limit and reduce Canada's GHG emissions in a manner consistent with the Temperature Commitment; and
- (c) establish an ongoing independent accounting of Canada's cumulative greenhouse gas emissions to inform the defendant whether it is meeting the Temperature Commitment.

## **B. The Parties**

### ***The Plaintiffs***

11. The plaintiffs, Misdi Yikh and Sa Yikh, are each a *yikh* or House group under Wet'suwet'en indigenous law. The two Houses comprise the Wet'suwet'en Likhts'amisyu *didikhni* or Fireweed Clan. The plaintiff Lho'imggin is the *dini ze'* or Head Chief of Misdzi Yikh. The plaintiff Smogilhgim is the *dini ze'* or Head Chief of Sa Yikh. Each *dini ze'* speaks for his House and is responsible for the welfare of his House members and for the protection of his House's possessions, including its territories. The membership of a Wet'suwet'en House and the responsibilities of its Chief and members arise out of the interaction of kinship and contractual relationships.

### ***Kinship***

12. Every Wet'suwet'en person is born into his or her mother's lineage, which will belong to one of five Clans: C'ilhts'ekhyu (Big Frog); Likhsilyu (Small Frog); Gidimt'en (Wolf/Bear); Likhts'amisyu (Fireweed); and Tsayu (Beaver).

13. A person may also be adopted as a child or as an adult from one lineage into another lineage, usually of the same Clan.

14. A person may not marry a member of his or her own Clan. Marriage is thus a contractual relationship that is not only an alliance between two individuals, but is also an alliance between their two lineages, each from a different Clan.

15. A House is comprised of one or more lineages.

16. The House has a unique set of possessions under Wet'suwet'en law, which it manages for the benefit of the House as a whole. These possessions and attendant responsibilities include:

- (a) exclusive land and riverine fishing territories;

- (b) a set of *cin k'ikh* or oral histories, which record the House's identity, its relationships with other Wet'suwet'en and foreign groups, and how it acquired its other possessions, including its territories;
- (c) a set of *nitsiy* or crests, which are images depicted on poles, on worn regalia, and on other articles, and which encapsulate events recorded in the oral histories; and
- (d) a set of feast names, which the House may bestow on qualified members and will announce at an appropriate feast hosted by the House and the Clan to be witnessed and validated by the guests from Houses of the other Clans.

17. Each Wet'suwet'en House is also responsible for any harm that may come to others because of the actions of House members or of third parties on its territories.

18. Each Wet'suwet'en House group has a *dini ze'* or Head Chief who has a duty, among other things:

- (a) to protect the welfare and health of House members;
- (b) to protect the House's possessions, including its territories;
- (c) to speak for the House to other Wet'suwet'en Houses, to other indigenous groups, and to non-indigenous entities;
- (d) to ensure that the House meets its legal obligations; and
- (e) to enhance the House's standing among the Wet'suwet'en and other peoples.

19. A Head Chief does not have a power of command over the members of his or her House. He or she leads by example, showing generosity, restraint and good judgement. For major decisions, a Head Chief may embark on a consensus-building process within the House, including consulting with other Chiefs within the House, known as Wing-chiefs. The Head Chief cannot, however, breach his or her duty to protect House members and House possessions.

20. If a Head Chief speaks or acts on matters contrary to the House interests, he or she will lose support of the House's members at the feast and the House will lose standing within the Wet'suwet'en. For repeated disregard of the House interests or for breach of the duty to protect the House members and territories, a House may remove a holder from the Head Chief position.

21. There is no overarching authority in Wet'suwet'en law above that of the House through its Head Chief and other Chiefs of the House. Where a House's actions effect its whole Clan or Wet'suwet'en Houses of other Clans, they will be consulted. There are no Clan Chiefs and there is no Chief or council governing the Wet'suwet'en as a people.

22. A House's consensus decision may be validated by the Wet'suwet'en Houses as a whole at a *balhats* or feast. A feast is a publicly announced gathering to which the members and, particularly, the Head Chiefs of other Houses are specifically invited. The feast itself is a public event usually hosted by a particular House, supported by the other Houses in its Clan. The host House provides food and gifts to the members of the guest Houses from the other Clans. The host House announces the particular decision it has made. The guest Houses, through their Head Chiefs or speakers, will then formally speak to validate the host's legal ability to make and act on its announced decision. Those guests who do not speak validate the host House's decision by accepting the food and gifts offered by the hosts.

23. In practice, before any feast, there are a many informal and semi-formal meetings at which ideas are introduced, discussed and a consensus built within the host House and among the other Wet'suwet'en Houses.

24. The most common feast currently held among the Wet'suwet'en is the announcement of a House's decision to appoint a successor to its Head Chief name after the death of the previous holder of the name. For the succession to a Head Chief's name, a series of public feasts may be held, beginning with the funeral feast of the deceased name-holder and culminating with the new Head Chief assuming his or her full range of duties.

25. Once a House's decision has been validated by the Houses of the other Clans, it cannot be revisited except at a subsequent feast.

### *Alliances*

26. One form of contractual alliance between lineages and between Houses is marriage that, as noted above, is properly between members of different Clans, thus cross-cutting matrilineal descent lines.

27. A practical result of the marriage alliance is that each child of the marriage is born into the lineage, House and Clan of their mother. The father's lineage, House and Clan contribute to that person's status, education, and assist the person's House and Clan at the feasts on the person's death.

28. In addition, both the spouses and the children of a House member may be granted use rights on the House's territories and fishing sites.

### *The Likhts'amisyu Houses*

29. The succession of Alphonse Gagnon to the name of Lho'imggin, Head Chief of Misdzi Yikh (Owl House) of the Likhts'amisyu Clan was validated by the Houses of the other Wet'suwet'en Clans at a feast in Witset (formerly Moricetown) on October 5, 1998.

30. Misdzi Yikh has one land territory, Tselh Tse K'iz, located on the south side of the western end of Francois Lake.

31. The succession of Warner Naziel to the name of Smogilhgim, Head Chief of Sa Yikh (Sun House) of the Likhts'amisyu Clan was validated by the Houses of the other Wet'suwet'en Clans at a feast in Witset on October 15, 2016.

32. Sa Yikh has five land territories:

- (a) Cas Nghen, located in the Suskwa River watershed;
- (b) Ggusgi Be Wini, located north of Houston;

- (c) C’idi To Stan, located in the lower Morice River watershed;
- (d) Lho Kwah, located in the upper Clore River watershed; and
- (e) Misdzi Kwah, located on the north side of the western end of Francois Lake.

33. In addition to river and lake fishing sites on its land territories, each Likhts’amisyu House holds discrete fishing sites on the main stem Bulkley-Morice river, especially at the canyon at Witset. Here, the river’s narrowing causes migrating salmon to swim near the canyon walls and thus be susceptible to shore-based fishing methods. All salmon species are caught here, but the Wet’suwet’en have preferred sockeye due to their nutritious oil content and their superior flavour.

### ***The defendant***

34. The defendant, His Majesty the King in the Right of Canada, is named as prescribed by s. 48(1) of the *Federal Courts Act* and its Schedule. The defendant is referred to as Canada in this Statement of Claim, which may refer to Parliament or the executive depending on the context.

### **C. Global Warming**

35. Global climate change is an urgent and imminent threat to humanity. GHGs discharged in the atmosphere by human activity, accumulate and enable global warming, causing climate change and creating national and international risks to human health and well-being.

36. Burning fossil fuels releases GHGs into the earth’s atmosphere, where they accumulate, causing global climate change. GHGs trap solar energy in the earth’s atmosphere. Higher levels of GHGs trap more energy, increasing air and water temperatures, which are significantly affecting global climate. Carbon dioxide (CO<sub>2</sub>) is the most abundant GHG emitted by human activity. Atmospheric CO<sub>2</sub> levels are higher now than at any time in the last 14 million years – and are still climbing. GHG

emissions, and the global warming they cause, create a material and increasing risk to human health and the environment upon which life depends.

37. The climate effects of long-lived GHGs, such as CO<sub>2</sub>, are proportional to the cumulative emissions of those gases. The long-term effects of CO<sub>2</sub> emissions therefore depend only on the cumulative amount of those emissions and not on the rate or the intensity of the emissions at any particular time or in any particular period.

38. A carbon budget defines the total CO<sub>2</sub> that can be emitted over all times in order to limit warming to a mean global temperature target, such as the Temperature Commitment. For a 50 percent likelihood of limiting global warming to less than 1.5 C above pre-industrial levels, total cumulative global CO<sub>2</sub> emissions need to remain below about 2,800 billion tonnes. As of 2020, approximately 2300 billion tonnes of CO<sub>2</sub> had been emitted globally during the industrial era and remain in the atmosphere.

39. Canada's share of the remaining global carbon budget may be allocated on the basis of Canada's share of current global emissions (called an emissions-based carbon budget) or, more equitably, allocated on the basis of Canada's share of the world's population (called an equity-based carbon budget). Canada's allocation of the global carbon budget – its Cumulative Emissions Target – is the most accurate measure of the country's contribution to limiting global warming.

#### **D. Canada allows GHG emissions that cause global warming**

##### ***Canada has jurisdiction to regulate GHGs***

40. Parliament has the jurisdiction to regulate GHGs as part of its shared jurisdiction over the environment which derives from both its jurisdiction over certain subject matters, such as navigable waters, fisheries and criminal law and its residual power to legislate for the peace, order and good government of Canada under s. 91 of the *Constitution Act, 1867*. With respect to the latter, the cumulative effect of GHG emissions is a matter of national concern under s. 91 because, regardless of their origin, GHG emissions have Canada-wide and global impacts.

41. Canada has direct jurisdiction to regulate GHG emissions from road vehicles, fossil-fueled electrical generation, and fossil fuel developments offshore, in the Arctic and in the Northwest Territories.

42. Canada has indirect jurisdiction to regulate GHG emissions by:

- (a) subsidising or taxing fossil fuel production and fossil fuel use;
- (b) approving the construction and operation of oil and gas processing facilities and pipelines that fall under federal jurisdiction; and
- (c) investing in fossil fuel infrastructure.

43. In particular, Canada has had, and continues to have, the jurisdiction to regulate GHGs through the federal environmental assessment review and approval processes that many high GHG-emitting projects such as natural gas pipelines and liquefied natural gas (LNG) infrastructure are subject to under federal environmental assessment legislation, including the *Canadian Environmental Assessment Act*, S.C. 1992, c. 37, the *Canadian Environmental Assessment Act, 2012*, S.C. 2012, c. 19, s. 52 (“*CEAA, 2012*”), and the *Impact Assessment Act*, S.C. 2019, c. 28, s. 1 (“*IAA*”). None of these statutes, currently permit the government executive to unilaterally withdraw or fundamentally alter its approval of a GHG emitting project in the face of a climate emergency, or to comply with other obligations such as the Temperature Commitment.

***Canada has failed to meet its international commitments to reduce GHGs***

44. Canada has made numerous international commitments to reduce or limit its GHG emissions, including commitments made at: (a) the 1988 International Conference on the Changing Atmosphere, (b) the 1992 United Nations Framework Convention on Climate Change, (c) the 1998 Kyoto Protocol, (d) the 2009 Copenhagen Accord, and (e) the 2010 Cancun Agreement.

45. None of the prior international commitments made by Canada, as listed above, even if satisfied, would have enabled or will enable Canada to make its

equitable contribution to reducing or limiting global warming to non-catastrophic levels.

46. In December, 2015, Canada and 194 other countries adopted the *Paris Agreement* in which the signatory nations committed to strengthen the global response to the threat of climate change. The parties formally recognised “that climate change represents an urgent and potentially irreversible threat to human societies and the planet and thus requires the widest possible cooperation by all countries, and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global emissions.”

47. The stated aim of the *Paris Agreement* is to hold “the increase in global average temperatures to well below 2 °C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels.” Each signatory nation must report and account for its progress towards achieving a nationally determined contribution to reduce its annual GHG emissions by 2030 (“Nationally Determined Contribution”). The *Paris Agreement* requires each party’s Nationally Determined Contribution to “reflect its highest possible ambition.”

48. Each signatory nation made two material commitments in signing the *Paris Agreement*. The first is to take steps, individually and collectively, to hold global temperature increases to between 1.5 °C and 2 °C above pre-industrial levels. This is the Temperature Commitment. The second commitment made is for each signatory to establish and follow its Nationally Determined Contribution – what might be called an Annual Emissions Target. The use of an Annual Emissions Target is a less accurate and less fair measure of a country’s contribution to meeting its Temperature Commitment than the Cumulative Emissions Target or carbon budget described above in paragraphs 38 and 39. Notwithstanding this, Canada’s Nationally Determined Contribution – its Annual Emissions Target – is the measure prescribed by the 1992 United Nations Framework Convention on Climate Change to assess whether it will meet its Temperature Commitment.

49. On October 5, 2016, Parliament ratified the *Paris Agreement*. Canada confirmed that its Nationally Determined Contribution is to reduce its annual GHG emissions by 30 percent below 2005 levels by 2030.
50. On June 17, 2019, Parliament passed a non-binding declaration that “Canada is in a national climate emergency which requires, as a response, that Canada commit to meeting its national emissions target under the Paris Agreement and to making deeper reductions in line with the Agreement's objective of holding global warming below two degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius.”
51. Canada’s Temperature Commitment, as made in the Paris Agreement, was reaffirmed by Parliament in the preambles to the *Greenhouse Gas Pollution Pricing Act* (S.C. 2018, c. 12, s.186) and the *Canadian Net-Zero Emissions Accountability Act* (S.C. 2021, c. 22).
52. Canada has further incorporated its Nationally Determined Contribution into domestic law as, among other things, part of the *Canadian Net-Zero Emissions Accountability Act*, S.C. 2021, c. 22.
53. Canada’s Nationally Determined Contribution will be insufficient to meet its Temperature Commitment. To achieve contribution to the Temperature Commitment, Canada would have to reduce its annual GHG emissions to about 300 million tonnes of CO<sub>2</sub> equivalent (Mt CO<sub>2e</sub>) by 2030. Canada has not implemented measures to achieve this target. Instead, in 2021 Canada defined its Nationally Determined Contribution as 401 to 438 Mt CO<sub>2e</sub> a year by 2030, representing a 74 to 111 Mt CO<sub>2e</sub> a year deficit from what is required to meet the Temperature Commitment.
54. The Paris Conference noted in 2015 that the participants’ collective Nationally Determined Contributions were insufficient and that much greater emission reduction efforts will be required in order to hold the increase in the global average temperature to less than 2°C above pre-industrial levels.

55. In any event, Canada appears unlikely to meet its Nationally Determined Contribution. Canada's GHG emissions in 2005, the target's baseline, were 730 million tonnes of CO<sub>2</sub> equivalent (Mt CO<sub>2</sub>e). The 2021 Nationally Determined Contribution target is 40 to 45 percent reduction of that baseline or 443 Mt CO<sub>2</sub>e/year by 2030. Under Canada's current policies, including measures that may not yet be fully implemented, Canada projects that its GHG emissions will decrease to 491 Mt CO<sub>2</sub>e/year by 2030, representing a 34 percent reduction from the 2005 emissions baseline. None of these projections consider any positive or negative effects on climate change from land use and deforestation or reforestation.

56. Canada's 2024 National Inventory Report states that Canada's 2022 emissions, the most recent dataset publicly available, were 708 Mt CO<sub>2</sub>e.

57. In October, 2016, the federal government presented a pan-Canadian benchmark for carbon-pricing, which it said was a foundational element of Canada's approach to fighting climate change. Canada estimated then that the annual GHG emissions reduction due to carbon-pricing throughout the country would be 50 to 60 Mt CO<sub>2</sub>e a year by 2022.

58. Carbon-pricing is insufficient for Canada to meet its Nationally Determined Contribution. Complementary GHG emission reduction measures are outlined in the *Pan-Canadian Framework on Clean Growth and Climate Change* agreed among federal, provincial and territorial governments in December, 2016. Proposed reduction measures include: phase-out of coal-fired electrical generation; energy-efficient buildings and industrial processes; vehicle emission standards; and fugitive methane reduction. None of these measures had mandatory, enforceable GHG targets or other mechanisms that could be used to demonstrate how they might collectively achieve the Nationally Determined Contribution.

59. The critical commitment made by Canada under the *Paris Agreement* is the Temperature Commitment. The best measure of compliance with this commitment is Canada's fair share of the remaining global carbon budget or global Cumulative Emissions. Canada and the other parties to the Agreement chose the less transparent

Annual Emissions as the target and reporting metric. On either measure, Canada is not on pace to meet and, in fact, is well short of the GHG emissions target required to meet its Temperature Commitment or its Nationally Determined Contribution.

60. There are no existing or planned legislative or policy initiatives, including carbon-pricing, which would enable Canada to achieve the GHG emission reductions required to meet its Temperature Commitment or its Nationally Determined Contribution by 2030.

61. Schedule A to this Second Further Amended Statement of Claim contains a summary of the existing federal statutes and regulations which either (a) support, either directly or indirectly, investment in activities or projects that produce GHG emissions; or (b) purport to regulate, either directly or indirectly, GHG emissions in Canada including through the imposition of standards, emission limits or economic disincentives (e.g. through taxation, among other things).

62. The statutory instruments listed in Schedule A are grouped by broad subject area and coded to identify which represent efforts taken by Canada which (a) support meeting the Temperature Commitment (Yellow shaded entries in Schedule A); (b) undermine its efforts to meet the Temperature Commitment by promoting development, industry or initiatives which increase GHG emissions (Grey shaded entries in Schedule A); or (c) may support or undermine Canada's efforts depending on the terms and conditions imposed by any authorization issued under the indicated provisions (unshaded entries in Schedule A).

63. Where applicable, Schedule A also identifies the impugned provisions at issue in this proceeding and the purpose of each of the impugned statutes.

64. The statutes and regulations summarized in Schedule A represent, collectively, the measures taken by Canada pursuant to the scheme it has adopted for the regulation of GHG emissions in Canada in order to meet its Temperature Commitment.

*Environmental Assessment as a GHG reduction mechanism*

65. Canada has jurisdiction to regulate and manage high GHG-emitting fossil fuel infrastructure developments through its environmental assessment legislation. The oil and gas sector accounts for 28 percent of Canada's current territorial GHG emissions and Canada projects that the sector's emissions under current policies will increase from the 2005 Nationally Determined Contribution baseline. Management of projects in this sector presents a material and significant opportunity for managing GHG emissions in a manner that will achieve Canada's Temperature Commitment and its Nationally Determined Contribution.

66. Notwithstanding this, Canada has not used the discretionary decision-making power available to it under its environmental assessment legislation to withhold or to place conditions on approval of high GHG-emitting projects that would help bring Canada's GHG emissions in line with the Temperature Commitment or its Nationally Determined Contribution.

67. The defendant has directly or, in the alternative, indirectly fettered its discretionary authority under its environmental assessment by failing to enact provisions in its environmental assessment legislation that would allow the executive branch to cancel or amend its approval of a high GHG-emitting project in the event that Canada can demonstrably not meet its international global warming commitments, including the Temperature Commitment, or its constitutional obligations to the citizens of Canada, including the plaintiffs.

68. Liquefied natural gas export schemes are among the higher GHG-emitting oil and gas developments in Canada. One such LNG scheme is currently under development in areas within or overlapping with the Likhts'amisyu Houses' territories. This project is the LNG Canada Export Terminal Project. The facility is located in Kitimat, BC and is fed by the Coastal GasLink Pipeline Project. The project has undergone review and received approval under both federal and British Columbia environmental assessment legislation.

69. Canada approved the LNG Canada Export Terminal Project under s. 54 of *CEAA, 2012* through a June 17, 2015, Decision Statement following an environmental assessment completed by the British Columbia Environmental Assessment Office under a substitution agreement with Canada. The results of that assessment were reported in a May 6, 2015 Assessment Report which noted that the LNG Canada facility would produce 4 Mt CO<sub>2</sub>e/year, which was a significant residual adverse effect in the context of existing global GHG emissions.

70. On May 27, 2016, LNG Canada received approval from the National Energy Board to extend the term of its LNG export licence from 25 to 40 years.

71. British Columbia approved the Coastal GasLink Pipeline Project in October 2014, after completing an environmental assessment under provincial legislation. Canada did not require the project to undergo a federal environmental assessment. The Office of the Wet'suwet'en actively participated in the British Columbia environmental assessment on behalf of all Wet'suwet'en House groups, including the Likhts'amisyu Houses.

72. The British Columbia assessment found that the pipeline project would produce about 3.5 Mt CO<sub>2</sub>e/year, which would have a "significant residual adverse effect on GHG emissions." The approval acknowledged that the project would have significant adverse effects with respect to GHG emissions.

73. In January, 2016, Canada issued a policy document (the "Interim Approach") setting out its approach to the environmental assessment of major projects. It included five principles that it said would guide its discretionary environmental assessment decision-making. One of these principles required the assessment of GHG stating: "Direct and upstream greenhouse gas emissions linked to the projects under review will be assessed." In the case of LNG liquefaction facilities, upstream GHG emissions would include those from natural gas extraction and collection, gas-fuelled pipeline compression stations, and fugitive methane emissions from all these operations.

74. To date, Canada has applied its Interim Approach to one west coast LNG proposal – the now abandoned Pacific NorthWest LNG Project. Canada’s September, 2016 environmental assessment report found that the project’s anticipated GHG emissions would be 4.5 Mt CO<sub>2</sub>e/year and that the associated upstream emissions, including pipeline operations, would be about 9 Mt CO<sub>2</sub>e/year, for a total of 13.5 Mt CO<sub>2</sub>e/year. The assessment report concluded that the Pacific NorthWest LNG Project would likely cause significant adverse environmental effects as a result of GHG emissions. In September, 2016, Canada approved the project, stating that the significant adverse environmental effects were “justified in the circumstances” without identifying those circumstances or providing reasons.

75. The need for a federal environmental assessment to consider sources of direct and upstream GHG emissions to a project was indirectly continued under the *Impact Assessment Act*, S.C. 2019, c. 28, s.1, which replaced *CEAA, 2012* in August, 2019.

76. The *IAA* requires that a review consider, “the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change.” Canada’s 2020 policy paper, *Strategic Assessment of Climate Change*, requires the assessment of upstream GHG emissions.

#### **E. Global Warming Impacts on the Plaintiffs**

77. Present mean global temperature has risen to about 1.4°C above pre-industrial levels. Global warming impacts in Canada, however, are already significant. While climate change encapsulates far more than warming temperatures, it is predicted that Canada’s temperatures will continue to rise at a faster rate than the world as a whole.

78. Existing and anticipated impacts of climate change in Canada include:

- (a) changes in extreme weather events such as droughts, floods, longer wildfire seasons, and increased frequency and severity of heat waves;
- (b) degradation of soil and water resources; and

(c) expansion of the ranges of vector-borne diseases.

79. The adverse impacts of climate change will become more serious as mean global temperature rises to 1.5°C and 2°C above pre-industrial levels. It is projected there will be a global increased risk to unique and threatened ecosystems, of extreme weather events, of distribution of impacts, and of large-scale, singular events.

80. Observed and projected mean temperature increases in Canada are about twice the global mean. Even greater increases are projected for northern Canada in winter, resulting in more frequent floods, reduced snowpack, less predictable stream flows, temperature and nutrient regimes, and shifts in salmon distribution and productivity.

81. Already, the plaintiffs have experienced significant warming effects on their territories. These effects include pine bark beetle infestations, forest fires, and significant salmon population declines, all in part attributable to climate change.

82. The experienced and anticipated effects of global warming on the plaintiffs' yintah include further reduction of their forest cover due to increased wildfire and insect infestations. These climate effects will be exacerbated by past and current clearcut logging practices and land-clearing. These forest-cover reductions will, in turn, lead to lower populations of forest fur-bearing animals and forest food-animals, such as moose.

83. The experienced and anticipated effects of global warming on the plaintiff's salmon fisheries include further reduction of salmon run numbers, their predictability and fish size due to, among other things, sea temperature rise, ocean acidification, long-term shifts in the marine distribution of salmon prey and predators, freshwater temperature rise, and more frequent and more intense precipitation events. These climate effects will be exacerbated by the high by-catch of Bulkley-Morice sockeye in the marine commercial fishery that targets enhanced Babine Lake sockeye stocks. Since 2001, the plaintiffs and the other Wet'suwet'en Houses have voluntarily not

fished for Bulkley-Morice sockeye for food as part of their ongoing efforts to restore those stocks to their former abundance.

84. In addition to these adverse effects on Likhts'amisyu territories and on their salmon fisheries, global warming has and is anticipated to continue to cause illness and premature death to the plaintiff's members. These adverse health effects include:

- (a) increased exposure to air pollution from wildfires damaging the heart, lungs, and other organs;
- (b) increased frequency and severity of extreme weather events;
- (c) increased heatwaves, floods and droughts;
- (d) decreased food security, particularly of forest food animals and salmon stocks.

85. The links between climate change and mental health are highly socially and culturally mediated. For the plaintiffs, as for other indigenous peoples in Canada, their social and cultural context is the aftermath of the imposition of the *Indian Act* reserve system, of the banning of the potlatch, of land-speculator theft of their farmland and destruction of their farm homes, of the removal of children from their families into residential schools, of the removal of children from their families into non-indigenous foster homes (known as the Sixties Scoop), and ongoing racial discrimination. This previous conduct was in part carried out, or facilitated, by the defendant. This context makes the plaintiffs particularly vulnerable to further psychological and social trauma caused by global warming.

86. Global warming, including further losses of the Wet'suwet'en salmon fishery, changes to land and aquatic ecosystems, destructive alteration of land territories by wildfire, forest insect infestations and floods, and effects on individuals' physical

health will exacerbate the erosion of the plaintiffs' individual and social sense of identity, cohesion and well-being.

#### **F. Relief Sought**

87. The plaintiffs therefore claim as follows:

- (a) a declaration that the defendant has a constitutional duty to act consistently with its Temperature Commitment;
- (b) an order declaring that the defendant has breached and continues to breach its obligations under paragraph (a) by failing to act and take the necessary legislative steps required to manage Canada's greenhouse gas emissions in a manner that would meet the Temperature Commitment;
- (c) a declaration that the defendant's failure to meet its obligations under paragraph (a) has unjustifiably infringed and continues to unjustifiably infringe on the plaintiffs' members' rights under s. 7 of the *Charter*, including the s. 7 rights of future members of the plaintiffs;
- (d) an order requiring the defendant to develop and implement a climate action plan to manage Canada's greenhouse gas emissions in a manner that would meet the Temperature Commitment, including making amendments or such other changes, which may include repeal or replacement, as may be necessary to each of the statutes identified in Schedule A to this Second Further Amended Statement of Claim to make them consistent with its obligations under paragraph (a), including by amending, repealing or replacing each of its environmental assessment statutes that apply to extant high greenhouse gas emitting projects so as to give the Governor in Council the discretionary authority to cancel or vary the terms of Canada's approval, under any of those statutes, of the operation such projects in the event that the defendant is demonstrably not be able to, or does

not, meet the Temperature Commitment, or in the event that the defendant determines global warming to be a national emergency;

- (e) an order requiring the defendant to cause to develop and provide a complete, independent and timely annual account of Canada's cumulative greenhouse gas emissions, including emissions produced within Canada and emissions produced outside of Canada but imported into Canada in the form of tangible goods, in a format that permits the plaintiffs to compare these cumulative GHG emissions with Canada's fair carbon budget to meet its Temperature Commitment;
- (f) an order for this Court to retain jurisdiction of this proceeding until the defendant has fully complied with all the Court's orders;
- (g) costs, including special costs on a full indemnity basis and any applicable taxes on those costs; and
- (h) such further and other relief that this Court deems just.

## **G. Legal Basis**

### ***Canada has infringed the plaintiffs' rights under section 7 of the Charter***

88. Section 7 of the *Charter* states:

Everyone has the right to life, liberty and security of person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

89. The defendant has deprived and continues to deprive the plaintiffs of their right to life, liberty and security of person by making and continuing laws that facilitate the development and operation of high GHG- emitting projects and permitting such projects to operate now and into the future in breach of the Temperature Commitment and Canada's fair contribution to keep global warming to non-catastrophic levels.

90. Canada, by its conduct and its failure to discharge its obligation to adequately meet its Temperature Commitment, has and continues to knowingly cause, contribute to and exacerbate the impacts of climate change, thereby depriving the plaintiffs, their members and their future members of their constitutionally guaranteed right to life, liberty and security of the person under s. 7 of the *Charter*. The impugned actions or omissions by Canada consist of the following:

- (a) enacting or continuing the provisions identified in the grey shaded entries in Schedule A which have the effect, either directly or indirectly, of increasing GHG emissions in Canada, thereby undermining any positive efforts or initiatives by Canada to meet the Temperature Commitment;
- (b) failing to include terms and conditions in any project approvals, authorizations or permits issued under the statutes identified in the non-shaded entries in Schedule A sufficient to ensure that Canada would meet its Temperature Commitment; and
- (c) failure to ensure that sufficient, reasonable steps, consistent with the best available science, were taken in the measures implemented in the statutory instruments set out in the yellow shaded entries in Schedule A to ensure that Canada managed its greenhouse gas emissions in a manner that would meet the Temperature Commitment.

91. All current projections of global warming based on the defendant's current laws and policies deprive the plaintiffs:

- (a) of their right to life by increasing the risk of premature death from global warming, including air pollution, extreme weather events, and vector-borne disease;
- (b) of their right to liberty by increasing the risk to their individual and collective autonomy, including their freedom to choose where to move and live on their territories and in their communities, which is

exacerbated by their inability to collectively leave their territories and villages and yet retain their integrity as kinship-based and place-dependant legal entities; and

- (c) of their right to security of person by increasing the risk of injury, disease and mental health from global warming, including food security, air pollution, extreme weather events, vector-borne disease, and psychological and social trauma to an already vulnerable society and community.

92. These deprivations are not in accordance with the principles of fundamental justice.

93. The test for whether a law or state action accords with the principles of fundamental justice is to ask if the s. 7 deprivation is either arbitrary or grossly disproportionate. The deprivation is arbitrary if it is not necessary to further the law's objectives. This test, which focusses on consideration of the legislative objectives of the laws at issue is the barometer against which the measures implemented or continued by Canada in response to its Temperature Commitment, as summarized in Schedule A, must be assessed.

94. When, as in this claim, the deprivation manifests as existential harm to the plaintiffs and globally, the harm is of ~~this~~ a nature and magnitude that it is not necessary to further any relevant law's objectives. In particular, harm of this nature and magnitude is not necessary to further the objectives of the statutes and regulations identified in the grey shaded entries in Schedule A. Further, the deprivation is directly contrary to the objective of the statutes and regulations identified in the yellow shaded entries in Schedule A. Finally, the deprivation caused or contributed to by the failure of permits and authorizations issued under the statutes identified in the unshaded areas of Schedule A is not necessary to further the purpose of any of those statutes.

95. Similarly, the deprivation is grossly disproportionate if it is so extreme to be disproportionate to any legitimate government interest. Again, laws that allow<sub>2</sub>

facilitate or encourage GHG emissions exceeding the “well below 2°C rise” standard are so extreme as to be grossly disproportionate to any relevant law’s objectives. The laws summarized in the grey shaded entries in Schedule A allow or encourage GHG emissions or GHG emitting projects resulting or contributing to Canada producing GHG emissions that exceed Canada’s Temperature Commitment and, as such, cause or contribute to the harm discussed at paragraphs 72- 81 and 86 above. This harm is grossly disproportionate to any of the objectives of those statutes.

96. Finally, the defendant’s conduct in implementing or continuing the statutory and regulatory instruments outlined in Schedule A is inconsistent with its international commitments, including its Temperature Commitment and its obligations under international law and agreements, including the *Paris Agreement* and the *United Nations Declaration on the Rights of Indigenous Peoples*. These international commitments by Canada inform consideration of the principles of fundamental justice engaged by the existential harm at issue in this proceeding, both to the extent they have been incorporated into domestic law and in interpreting the extent of protection offered by the Charter to prevent the deprivation caused by Canada’s failure to meet the Temperature Commitment.

***Canada’s conduct cannot be justified under section 1 of the Charter***

97. The Plaintiffs anticipate that Canada will assert as part of its defence that its failure to meet the Temperature Commitment is justified under s. 1 of the *Charter*. Without limiting their right of reply, the Plaintiffs plead the following.

98. Section 1 of the *Charter* states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be justified in a free and democratic society.

99. The infringements of the plaintiffs’ section 7 rights cannot be justified under section 1 of the *Charter*. The defendant has the burden of proof to show such justification. To show infringement, the government must show that the impugned law or any state action authorised by it has a pressing and substantial objective that

warrants overriding the claimed Charter right and that the means chosen are rationally connected, are minimally impaired by, and do not outweigh that objective. A threat of the highest order such as that manifest in the existential crisis represented by climate change is not rationally connected to, nor can it be outweighed by the objective of any of the statutory instruments identified in the grey shaded entries in Schedule A and is directly contrary to the objective of the yellow shaded entries in Schedule A.

***Statutory provisions relied on by the plaintiffs***

100. The plaintiffs rely on sections 24 and 32 of the *Charter of Rights and Freedoms*, section 52 of the *Constitution Act, 1982*, sections 17 and 48 of the *Federal Courts Act*, and other statutory provisions such as Counsel shall advise and this Honourable Court shall permit.

The plaintiffs propose that this action be tried in Vancouver, British Columbia.

Dated the 24th day of November 2025.

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**SCHEDULE A - Federal Statutes and Regulations impacting GHG Emissions**

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
<b>1. SUBSIDIES</b>			
<i>Income Tax Act</i> , RSC 1985, c 1			To raise revenue for the federal government
	Canadian Exploration Expenses, <i>ITA</i> s. 66.1	Oil & gas explorers may deduct 100% of CEEs in the year they are incurred.	To encourage taxpayers to explore for oil and gas in Canada.
	Canadian Development Expenses, <i>ITA</i> s. 66.2(2)(c)	Oil & gas producers may deduct 30% of CDEs each year on a declining balance.	To encourage taxpayers to produce oil and gas in Canada
	Flow-Through Share Deductions, <i>ITA</i> ss. 66(12.6), 66(12.61), 66(12.62), 66(12.63)	Unused CDEs and CEEs may be passed on to company shareholders.	To encourage taxpayers to explore for, and produce, oil and gas in Canada
	Canadian Oil and Gas Property Expense, <i>ITA</i> s. 66.4	Taxpayers may deduct up to 10% of costs to acquire or preserve rights to oil and gas wells.	To encourage taxpayers to acquire and preserve oil and gas well rights in Canada

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
	Foreign Resource Expenses, <i>ITA</i> s. 66.21	Canadian taxpayers may deduct up to 30% of a declining balance of oil & gas exploration expenses incurred in a foreign country	To encourage taxpayers to explore for oil and gas outside of Canada
	Accelerated Capital Cost Allowances, Income Tax Regulations, CRC c 945	CCAs are deducted from income to allow for the depreciation of capital property. When accelerated, they benefit the taxpayer due to the “time value of money”. For example: LNG capital costs incurred from 2015 to 2025 may be depreciated at 30% instead of the 8% base rate. Other oil & gas capital costs may be accelerated between 3% and 15% above the base rate.	To encourage taxpayers to invest in certain activities, including oil and gas production, refining and transport
<b>2. PUBLIC FINANCING</b>			
<i>Export Development Act</i> , RSC 1985, c E-20	<i>EDA</i> , ss. 10(1) and 10(1.1)	The Act facilitates business by providing direct financing, loan guarantees and investments ( <i>EDA</i> ,	To facilitate overseas trade by providing direct government financing, loan guarantees and

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
		ss. 10(1) and 10(1.1)). For example: it has financed the Trans Mountain Pipeline, Trans Mountain Expansion Pipeline Project, TransCanada Pipelines, and Enbridge.	investments to Canadian exporters, including of oil and gas.
<b>3. GHG EMISSION LIMITS</b>			
<i>Canadian Environmental Protection Act, 1999, SC 1999, c 33</i>			To contribute to sustainable development through pollution prevention
	Heavy-duty Vehicles and Engine Greenhouse Gas Emission Regulations, SOR/2013-24	Regulates GHG emission performance standards for heavy-duty vehicles and engines made or imported into Canada.	To reduce GHG emissions from heavy-duty vehicles and engines
	Marine Spark-Ignition Engine, Vessel and Off-Road Recreational Vehicle Emission Regulations, SOR/2011-10	Sets performance-based emission standards for small gasoline-fueled engines.	To reduce emissions of hydrocarbons, oxides of nitrogen and carbon monoxide from engines, vessels and vehicles

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
	Multi-Sector Air Pollutants Regulations, SOR/2016-151	Sets standards for nitrogen oxide emissions from a variety of gaseous fuel-fired industrial applications.	To protect the environment and human health from nitrogen oxide emissions
	Off-Road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations, SOR/2020-258	Sets performance-based emission standards for new off-road diesel and large spark-ignition engines.	To prevent air pollution
	Off-Road Small Spark-Ignition Engine Emission Regulations, SOR/2003-355	Sets performance-based emission standards for new small spark-ignition engines.	To reduce emissions of hydrocarbons, oxides of nitrogen and carbon monoxide from small engines
	On-Road Vehicle and Engine Emission Regulations, SOR/2003-2	Sets air pollution standards for cars, light trucks and heavy trucks beginning with 2004 model year.	To reduce emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, formaldehyde and particulate matter from on-road vehicles and engines
	Passenger Automobile and Light Truck Greenhouse Gas Emission Regulations, SOR/2010-201	Sets GHG emission standards for cars and light trucks beginning with 2011 model year and, beginning in model year 2026, sets	To reduce GHG emissions from cars and light trucks

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
		standards that will result in all new vehicles being zero-emission by model year 2035.	
	Reduction of Carbon Dioxide Emissions from Coal-fired Generation of Electricity Regulations, SOR/2012-167	Sets a performance standard to reduce GHG emissions from coal-fired electricity generation.	To reduce carbon dioxide emissions from coal-fired electricity generation
	Regulations Limiting Carbon Dioxide Emissions from Natural Gas-fired Generation of Electricity, SOR/2018-261	Sets a performance standard to reduce GHG emissions from natural gas-fired electricity generation.	To reduce carbon dioxide emissions from natural gas-fired electricity generation
	Reduction in the Release of Methane and Certain Volatile Organic Compounds (Upstream Oil and Gas Sector), SOR/2018-66	Sets standards for upstream oil and gas facilities to reduce fugitive or venting emissions of methane.	To protect the environment and to reduce immediate and long-term effects of methane and certain volatile organic compounds emissions
<i>Greenhouse Gas Pollution Pricing Act</i> , SC 2018, c 12, s 186		Incentivises GHG emission reductions by an emission-pricing regime throughout Canada with increasing stringency over time.	To reduce GHG emissions

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
<i>Canada Emission Reduction Incentives Agency Act</i> , SC 2005, c 30, s 87		The Agency is intended to acquire eligible credits from GHG emission reduction or removal and thus to provide incentives for the reduction or removal of GHGs. The agency has yet to become operational.	To reduce or remove GHG emissions necessary to fight climate change
<i>Canada Shipping Act</i> , SC 2001, c 26			To protect health, promote safety, protect marine environments, and encourage marine transportation and recreation
	Vessel Pollution and Dangerous Chemical Regulations, SOR/2012-69	Sets emission standards for nitrogen oxides and sulphur oxides from ships.	To prevent pollution from ships
<i>Railway Safety Act</i> , RSC 1985, c 32			To provide for railway safety and security
	Locomotive Emissions Regulations, SOR/2017-121	Sets emission standards for nitrogen oxides and other pollutants from railway locomotives.	To protect the environment by reducing hydrocarbon emissions from railway locomotives

Statute or Regulation	Impugned or Relevant Provision(s)	Summary of Provision(s)	Statutory Object
<b>4. GHG EMISSION PERMITS</b>			
<i>Canadian Environmental Assessment Act</i> , 2012, SC 2012, c 19, s 52	Repealed (Included for completeness due to transition provisions of the <i>IAA</i> as noted)	Comprehensive studies, environmental assessments and decision statements started under <i>CEAA 2012</i> when the <i>IAA</i> came into force are continued under the <i>IAA</i> : s. 179(2), s. 179(3), s. 181(1), s. 182 and s. 184.	To achieve sustainable development and considers environmental quality
<i>Impact Assessment Act</i> , SC 2019, c 28, s 1	s. 22(1)(i), s. 63(e), s. 95(2).	An impact assessment and subsequent determinations must take into account, among other things, the extent to which a project hinders or contributes to Canada's ability to meet its climate change commitments.	To prevent or mitigate significant adverse effects caused by carrying out designated projects.
<i>Canada Energy Regulator Act</i> , 2019, c. 28, s. 10	s. 183(2)(f), s. 262(2)(f), s. 298(3)(f),	In making a recommendation, issuing a certificate, or issuing an authorisation, the Commission must take into account, among other things, the extent to which a project hinders or contributes to	To ensure energy projects are built and operated so as to protect people, property and the environment.

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
		Canada's ability to meet its climate change commitments.	
<i>Canada Oil and Gas Operations Act</i> , RSC 1985, c O-7	Canada Oil and Gas Certificate of Fitness Regulations, SOR/96-114	A certificate of fitness may be issued if the installation may be operated safely "without polluting the environment" (s. 4(2))	To promote safety, environmental protection, oil and gas conservation and accountability in oil and gas exploration and exploitation
<i>Canada Petroleum Resources Act</i> , RSC 1985, c 36	s. 29, s. 37(1)	Allows leasing of federal oil and gas rights on "frontier lands", which effectively allows fossil fuel projects to proceed.	To issue tenures for petroleum development and extraction in frontier and other federal lands
<b>5. GHG EMISSION STANDARDS</b>			
<i>Canadian Environmental Protection Act</i> , 1999, SC 1999, c 33			To contribute to sustainable development through pollution prevention
	Sulphur in Diesel Fuel Regulations, SOR/2002-254	Sets limits for sulphur in diesel fuel.	To reduce air pollution, particularly sulphur dioxide aerosols, which affect atmospheric

<b>Statute or Regulation</b>	<b>Impugned or Relevant Provision(s)</b>	<b>Summary of Provision(s)</b>	<b>Statutory Object</b>
			energy balance and hence global warming
	Sulphur in Gasoline Regulations, SOR/99-236	Sets limits for sulphur in gasoline.	To reduce air pollution, particularly sulphur dioxide aerosols, which affect atmospheric energy balance and hence global warming
	Ozone-depleting Substances and Halocarbon Alternatives Regulation, SOR/2016-137	Sets out rules for ozone-depleting substances.	To control ozone-depleting substances and to restrict hydrofluorocarbons, which are powerful GHGs.
<i>Alternative Fuels Act</i> , SC 1995, c 20			To better control GHG emissions from vehicles operated by federal bodies and Crown corporations
<i>Energy Efficiency Act</i> , SC 1992, c 36			To prescribe minimum energy performance standards for certain products