

# Occasional Paper



Environment  
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No 1

Occasional paper (Canada.  
Federal Environmental  
Assessment Review Office)

## Pragmatism In Environmental Assessment

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Federal Environmental Assessment Review Office

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## PRAGMATISM IN ENVIRONMENTAL ASSESSMENT

Mr. Chairman:

The program might, by implication, suggest to you that I am going to describe to you the federal Environmental Assessment Process and the details of the Environmental Impact Statement on which it rests. I can do that, if you like, but it would be frightfully dull even if mercifully short. Also, it appears to me that these full details will be covered in the more alluring parts of subsequent addresses later today. With your permission, therefore, I would like to speak about something a good deal sexier, that is to say, environmental assessment as a whole subject, with particular reference to how it operates today.

First, let me say that I consider the whole idea to involve something of a paradox at the present time. Environmental assessment comes down to a determination of whether the residual environmental effects of an undertaking are acceptable to society. What society? Have we decided that we are going to maintain our present socio-economic system basically unchanged? If so, society will tolerate many environmental insults for the good of the GNP. Or have we decided to move towards a steady state of population, of economics, or of energy demand? This society will tolerate little, if any, environmental damage. It appears that we have done neither the one nor the other. We pay lip service to environmental concerns, about which we vow we really should do something some day, while still worshipping at the altar of economic progress. We are somewhat like the husband being urged to postpone his

nap until he mows the lawn. In this aura of uncertainty about the type of society for which we are striving, how does environmental assessment determine what is acceptable to society? It doesn't. It guesses. And usually in the view of large segments of the public, it guesses wrong.

With this discouraging preamble, I would like to proceed to discuss what the public think environmental assessment should be; what it is; and what it could be. There is no doubt that concern for the environment in Canada and in many other nations sprang not from the government but from the people. They have expressed this concern in a peculiar way. They have said to their governments something like this, "we know that we have elected you for a term of office, at the end of which you will be called to account for your deeds, your misdeeds and your 'deed nots', but this does not apply to the environmental field. In this area we shall hold you to a running account and you had better keep us informed on a regular basis and give us a voice in advising you on decision making". Why do the people insist that they be informed on an almost personal basis about how governments are tinkering with the environment and not about how they are tinkering with agriculture or with taxes? I don't know. It may be a bit of a fad. The in thing of the moment. More probably the people regard the environment as 'common property' in which the only vested right is that of the citizenry at large. Perhaps also they know enough history to be aware that the common fate of common property is to be taken from the poor and given to the rich. In any case they have definite ideas about the care and feeding of the environment. These become crystalized in the demands they place

on the procedures leading up to the so-called environmental impact statement and its assessment.

The Public Wants the Following Steps:

- 1) When a developer first plans a project, he should consult the public, giving them full details to the moment and asking for their input on environmental matters.
- 2) The developer then modifies his plans accordingly and goes back to the public with full disclosure and seeks their approval.
- 3) After a series of such meetings, the developer has a good idea of what he is going to do and of its environmental acceptability to the public.
- 4) The developer now applies to government for approval and/or licensing or financing.
- 5) Government demands an environmental impact statement which contains a complete design of the project, its potential effects on the environment, the proposed mitigating measures and the residual environmental effects.
- 6) Government then discusses this statement with the public.
- 7) On the basis of all this, government says, 'go', 'stop' or 'modify in this way'.
- 8) And everybody lives happily ever afterwards.

I believe this is a fairly good description of the public conception of what the process should be, except that certain environmentalists demand that the whole notion of public involvement and of public dissent be protected by law.

I would not quarrel extensively with this philosophy of environmental assessment as the ideal toward which we should aim. But I am acquiring considerable experience in 'environmental assessment as it is'. It does not adhere very closely to this model for pragmatic reasons which are a part of our society. If we want to progress rapidly towards ideal environmental assessment, then we must alter our society and thus alter the pragmatic reasons to which I allude. If we don't want to alter society, then we must accept the pragmatism, and must accept something less than perfect environmental assessment. What am I talking about?

In the first place, the 'developer' that I am mentioning so frequently, is more often than not, a Canadian businessman, small, medium or large. As such, he is a member of a competitive, free-enterprise system. As such, he is not going to tell the public or his competitors, anything of substance about his plans, until it is too late to overcome his headstart. As such, he is apt to consider his data as privileged material for which he has paid and which he is not about to share with anybody until he is forced to do so by government, not by the public. As such, he is apt to insist that management decisions in his company are made by management and not by the public. In short, he is apt to point out with considerable asperity, that a competitive free-enterprise economic system and full-running disclosure to the public of his planning are mutually incompatible. So much for the courtship stages.

What about the developer's attitude towards government interference? He is probably just as hostile to this idea, but recognizes the existence of laws of the possibility of their passage, which constrain him. He will therefore do what the government demands, but he will represent that certain demands are unreasonable. He will for instance assert that 'a complete design of the project' is a very expensive undertaking, that he will only commence after he has a 'go' decision. He will offer instead a project description and bits and pieces of design, where this seems critical. In short, he will offer the minimum of information necessary to get a 'go' decision, insisting all the while that the environmental-caused delays are ruining him financially. Government will be under pressure to approve his project based on sufficient technical detail and insufficient environmental information, a sort of preliminary environmental assessment. This is the way it is. It is not the way it should be. If you want to bridge that gap you must change the nature of the competitive economic system and of the society and the government that it supports. But what could it be within these constraints, given public support.

I believe the hope for improvement lies in the existence of three attitudes that I have previously ignored and probably raised some hackles thereby. In the first place, there is such a thing as good corporate citizenship in environmental as well as other matters. The company executive who worries about the effects of his plans is a reality in Canadian business. In the absence of law or of regulations he might not be able to afford this attitude, but in its presence he is happy to cooperate. As a counterfoil, and he exists, there is the governmental minister or official, who is not

interested in being officious but in being fair and firm. This individual is aware of all the constraints of the company's planning process and also all the constraints of the environmental protection process, and tries to match them. This individual cajoles the company into releasing to government and eventually to the public more information than it would like to release and probably less than the government or the public wants. This individual matches the timing of the two schedules so that neither the developer nor the government is forced into impetuous decisions. Finally, and perhaps most importantly, there exists the informed, rational citizen who realizes that neither Rome nor Utopia were built in a day, but who insists on seeing the foundations poured and the walls start to rise. A union of these three types of attitude will allow for meaningful environmental assessment within the constraints of the economic and governmental systems under which we operate. Whether or not this is good enough and whether or not we should change these systems would have to be the subject of another talk for which there is not the time nor a great deal of inclination just now.