June 9, 2022

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Dear Dr. Donner:

Re: Net-Zero Advisory Panel and the Canada's increasing oil production

We are writing to you in your capacity as a member of the Net-Zero Advisory Panel.

Our letter questions the highly constrained way the Net-Zero Advisory Body has defined the scope of its advisory responsibilities. Specifically, we address the decision by you and your colleagues to exclude yourselves from any comment on the government's recently affirmed plan to continue expanding Canada's oil production levels and your declared unwillingness to consider or publicly discuss the emissions implications of that plan, in terms of Canada's commitment to limit global warming to 1.5°C.

The Advisory Body's position

In late January 2022, Parliament's Standing Committee on Natural Resources began holding a series of hearings which it described as "A study of a plan to cap oil and gas sector emissions".

It was clear after the first few days of the hearings that none of the Conservative or Liberal members were prepared to entertain any suggestion that the proposed "cap" on emissions should be allowed to impair the industry's plans to *continue growing Canada's oil production*.

Based on their interventions, questions, and stated positions during the hearings, the position held by almost all the MPs (the Committee comprises 12 members) was that oil production in Canada will continue to increase and should continue to increase for another 20 or 30 years.

Only two members, Mario Simard who is the Bloc Quebecois MP for Jonquiere and Charlie Angus, the NDP MP for Timmins-James Bay in Ontario, questioned the wisdom of adopting a new climate plan for the oil and gas sector that seeks to cap emissions, but allows oil production levels to increase.

On February 9, 2022, the Committee called the two Co-chairs of the Net-Zero Advisory Body to testify. Dan Wicklum was questioned at length by the Committee members for his views on

whether the proposed cap on emissions in the oil and gas sector should be extended to include any future limit on production growth. Mr. Wicklum repeatedly assured the Parliamentary Committee that "*we (the Advisory Body) do not have an opinion on that"*; *"we are not going to talk about production"*; and *"that is not our mandate"*. Co-chair Marie-Pierre Ippersiel was also present. She did not dissent from Wicklum's testimony. It was clear that the Advisory Body had decided that it would not consider and would not recommend that there is any need for a cap on Canada's oil production when it provides policy "advice" to the Ministers.

On March 21, 2022, the Advisory Body publicly released its *Submission to the Government of Canada's 2030 Emissions Reduction Plan*. In a section described as the "Oil and Gas Line of Inquiry", you and the other ten members of the Advisory Body set out what you describe as your "key guiding principles to inform the development of the Government of Canada's quantitative five-year targets for emissions reductions in the oil and gas sector". Your guiding principles explicitly exclude any scrutiny or criticism of the Government of Canada's recently re-affirmed plans to continue increasing Canada's oil production for another 10 or 20 years.

You have chosen to delete from your mandate any responsibility to address the climate implications of the downstream emissions from Canada's rising volumes of exported oil. Your advisory role as you define it is limited only to emissions released into the atmosphere during extraction and processing activities. Here is how you describe your "guiding principles":

> *They are designed to apply to scope 1 and scope 2 emissions from the oil and gas sector. Applicable scope 3 emissions are addressed through other NZAB lines of inquiry. Consistent with the CNZEAA definition of net-zero, exported emissions are excluded.*
>
> — Net-Zero Advisory Body, *Submission*, March 2020, page 20 (emphasis added)

The Advisory Body offers several justifications for choosing to exclude any consideration of the climate implications of current plans by government and industry to continue increasing Canada's oil production for another 10 or 20 years. The Submission refers to the formal "request for advice" set out in the Ministers "joint letter" dated November 1, 2021:

> *This request for advice was focused on reducing emissions associated with the production of oil and gas products, rather than their use, and, rather than reducing emissions specifically by reducing production. It was also specific to targets rather than caps.*

It is astonishing that the Advisory Body would allow its advisory role to be defined by the narrow scope of the task assigned to it by the two cabinet ministers, Wilkinson and Guilbeault, in their letter dated November 1, 2021. The Ministers don't want you to talk about reducing production. But you have a responsibility to all Canadians. You raise, improbably, that "the CNZEAA definition of net-zero" prevents you from talking about oil production. You appear to be referring to the meaning of "net-zero emissions by 2050" in s. 20 (1) the *Canada Net-Zero Emissions Accountability Act*. We will address that point further at the conclusion of this letter. It suffices to say that if the legislation that created the Advisory Body truly created a Body whose independence is so circumscribed that it is not permitted to speak publicly about oil production, you should never have agreed to serve as a member.

The result is that the Advisory Body has in fact removed itself entirely from having any responsibility or role in advising the government, or informing the Canadian public, on the climate implications of continuing to expand our oil production to 2030 and 2040.

Canadas's 2030 Emission Reduction Plan (ERP) publicly released March 29, 2022

The *2030 Emissions Reduction Plan* (ERP) document published on March 29, 2022, confirms that none of the government's proposed new policies, including plans to subsidize large-scale deployment of Carbon Capture, Utilization, and Storage (CCUS) technology in the oil sands industry, are intended to bring about any decline in the currently projected growth of Canada's oil production. Indeed, the text of the ERP affirms that the aim of government policy will be to continue to maximize production:

> *The government will work closely with the provinces and the sector to manage competitiveness challenges, remain attuned to evolving energy security and climate risk considerations, maximize opportunities for ongoing investment in the sector, and minimize the risk of carbon leakage. The intent of the cap is not to bring reductions in production that are not driven by declines in global demand. Mechanisms like the CCUS investment tax credit will help support decarbonization.*
>
> — *2030 Emissions Reduction Plan*, March 29, 2022, p.53 (emphasis added)

The government's plan is clear: Canada's oil production will only start to decline when – and if – other countries begin to consume less oil. In the meantime, Canada's production levels will be guided solely by "global demand". A strategy allowing Canada's oil production to grow unchecked, subject only to the constraint of how much foreign countries choose to buy, is not a climate policy.

The new ERP, in its discussion about the "assumptions" that will shape the growth path of Canada's economy to 2030, includes details about the expected growth of Canada's oil production to 2030. Table 6.2 of the ERP presents data showing a 22% increase in oil sands and conventional oil production over the next nine years, rising from 4.4 million barrels per day (bpd) in 2019 to 5.5 million by 2030. The data is taken directly from the *Canada's Energy Future 2021* report, published by the Canada Energy Regulator (CER) on December 9, 2021:

Figure A: Future oil production – conventional oil and oil sands, millions of barrels per day (bpd)

	2019	2030	2040	2050
Current Policies Scenario	4.4	5.4	5.7	5.5
Evolving Policies Scenario	4.4	5.0	4.6	4.0

Source: *Canada's Energy Future 2021*, Canada Energy Regulator, December 9, 2021.

At a press conference on April 4, 2022, Canada's Minister of Environment Steven Guilbeault confirmed that Canada's new climate plan is "based on" increasing oil production:

> *… the plan we presented last week, the Emissions Reduction Plan, was based on the Canadian Energy Regulator projections that oil and gas production would increase in Canada between now and 2030 …*

Built right into the ERP is this presumption, and acceptance, that our oil production will continue to increase to 2030 and beyond. It is also significant, and deeply troubling, that the Liberal Government's new ERP is based not merely on the CER's recent projections "that oil and gas production would increase in Canada between now and 2030" (quoting the words spoken by Minister Guilbeault on April 4), but that it adopts the significantly higher level of production growth shown in the CER's Current Policies Scenario.

The CER 2021 report explains that this Current Policies Scenario assumes "energy and climate policies that are currently in place" around the world will remain unchanged: it represents a continuation of the current high-level dependence of the global energy system on fossil fuels to 2050. In contrast, the CER's "Evolving Policies Scenario" assumes the world will adopt "steadily more ambitious climate policies" and it projects a slightly slower rate of oil production growth in Canada. The ERP adopts the more aggressive growth path shown in the Current Policies Scenario, which is not remotely aligned with the 1.5°C goal.

In face of this extraordinary and gravely dangerous course of action, you and your ten colleagues on the Advisory Body have declared that you *"are not going to talk about production."*

Bay du Nord offshore oil project approved: April 6, 2022

On April 6, 2022, the Federal Government announced the approval of a major new offshore oil field in Newfoundland which is expected to come into production by 2028. Known as Bay du Nord, it will contribute an additional 200,000 bpd to 300,000 bpd to Canada's oil production level. The approval came just one week after the *Emissions Reduction Plan* was published.

The Bay du Nord decision does not come as a surprise. Four months earlier, as we have seen, the government's energy agency, the CER in its December 2021 *Canada's Energy Future* report confirmed under its Current Policies Scenario that Canada's oil production will continue growing to 2040, rising about 1.3 million bpd above the 2019 level. The new offshore project will provide up to 25% of that projected growth.

Bay du Nord is a massive offshore undersea oil operation which when it is completed in 2028 will produce for 30 years. It is true the emissions during the extraction stage off the coast of Newfoundland will be much lower per barrel compared to the oil sands production process. The environmental review concluded that the annual level of emissions for the initially planned output of 200,000 bpd will be in the range of 177, 770 tonnes to 257,790 tonnes of CO_2eq. The amount per barrel is in the range of 8 kg CO_2. But that is just the share of emissions released at the production stage, which is the share counted in Canada's domestic emissions.

That figure does not include the "downstream emissions" that will be released once the Bay du Nord oil is exported, refined, and ultimately combusted as fuel in vehicles, in foreign markets. The downstream emissions will be approximately 470 kg CO_2 for every barrel we produce and

export. In the case of Bay du Nord, the downstream emissions are the big problem, in terms of significant amounts of CO_2 released into the atmosphere.

The downstream emissions in the case of Bay du Nord will be about 55-times larger per barrel than the share of domestic emissions that will be released within Canada during the production process. Those downstream emissions will be released into the atmosphere year-after-year, for another 30 years once Bay du Nord comes into production in 2028.

Yet during the four-year environmental assessment for Bay du Nord, the government did not consider the emissions implication of the downstream emissions from this project. A slim four pages of the environmental assessment report tallied the expected 8 kg CO_2 per barrel that will be released at the production site and concluded that amount (the emissions released within Canada's borders) are "not likely to cause serious environmental impacts as a result of GHG emissions." But that conclusion did not take into account the climate impact of the downstream emissions.

The pervading silence about the global implications of the downstream emissions from Canada's increasing oil production is now distorting and corrupting public discourse about climate policy in our country.

Downstream emissions

In Parliament, on May 19, 2022, Elizabeth May, MP for Saanich – Gulf Islands, asked the Parliamentary Secretary to the two Ministers (the Minister of Natural Resources and the Minister of Environment and Climate Change) to explain how the government can justify recent decisions that will facilitate the expansion of Canada's oil production for another 10 to 20 years and which are clearly aimed to support continued high production levels to 2050. Ms. May pointed specifically to the Bay du Nord project which will provide 200,000 to 300,000 barrels per day (bpd) of new oil production once it is completed in about 2028. The substance of Ms. May's question focused on the incompatibility between the government's decision approving the Bay du Nord offshore oil project (announced April 6, 2002) and Canada's Paris commitment to act to limit warming to 1.5°C.

Julie Dabrusin, Parliamentary Secretary to the two Ministers, began her reply with a vague assurance that "we are making progress". After several digressions, Dabrusin turned to the question which concerned the approval of Bay du Nord:

> *The federal government accepted the environmental assessment of the Impact Assessment Agency regarding the Baie du Nord project after four years of consideration and scrutiny by scientific experts. The projected emissions from Baie du Nord are 10 times less than the oil sands on average and five times less than the average oil and gas project. Ultimately, I am going to highlight this, because it is something important to me as I look at all this: the atmosphere sees emissions, but it does not see production barrel numbers.*

It is true that In December 2021 the Federal Government published an "Environmental Assessment Report" for this offshore oil project. It did examine the volume of greenhouse gas

emissions that will be released into the atmosphere *at the offshore production site during the extraction process* (which it found to be a relatively small amount, as we note above). But the 225-page environmental assessment report did not consider at all or even mention the massive volume of emissions that will be released into the atmosphere during the next 30 years, once we begin exporting this oil and it is burned as fuel in foreign markets. The environmental assessment the Parliamentary Secretary cited to Parliament is entirely silent about the downstream emissions. The Parliamentary Secretary of course did not mention that at all.

A point of fundamental importance, which you fully understand, concerns the life-cycle emissions of crude oil. Total life-cycle emissions for all types of oil produced around the world range from a low of about 450 kg CO_2 per barrel up to a high end of about 650 kg CO_2 per barrel. Total life-cycle emissions per barrel (also sometimes called "well-to-wheels emissions") comprise all emissions released during the entire production and consumption cycle of the product. In the case of Canadian oil sands, total lifecycle emissions rank at the higher end of that range, above 550 kg CO_2 per barrel (averaging as much as 588 kg CO_2 according to one recent study) including emissions from the production process in Alberta, refining the product (which mostly occurs in the U.S. after we export our raw bitumen), shipping and distribution, and final consumption as fuel. Oil sands extraction emissions average 80 kg CO_2 per barrel ("upstream emissions"). That share of the emissions released during production activities in Alberta accounts for less than 15% of the total life-cycle emissions released by each barrel we produce.

Over 85% of the life-cycle emissions (about 470 kg CO_2 per barrel or more) occur *after the extraction process is completed*, after we export our oil, when it is burned as fuel in cars and trucks ("downstream emissions") and released into the atmosphere as tailpipe emissions. There is no existing technology that can "remove" those downstream emissions from the atmosphere once they are released.

In truth, what the atmosphere "sees" (let us adopt here the language used by the Parliamentary Secretary, Julie Dabrusin) are the *total emissions*, comprising both the "upstream emissions" during extraction (whether in the oil sands or offshore in Newfoundland) and the "downstream emissions" after our oil is exported and it is burned in cars and trucks. The atmosphere does not see national borders. And that was precisely the point of Elizabeth May's question to Julie Dabrusin: if the atmosphere counts the downstream emissions, why doesn't the Government of Canada?

Why is the Advisory Panel unwilling to talk about the downstream emissions from our exported oil?

The environmental review processes: 2014 to 2022

The core question for the past nine years has been whether the continued expansion of Canada's oil sands production to 2030 and 2040 is compatible with our commitment under the Paris Agreement to limit the increase in global average temperature to "well below 2°C" and make our best efforts to limit the increase to 1.5°C. No environmental assessment or public inquiry process in Canada has ever answered that question, either at the Federal level or at the provincial level.

Between 2014 and 2016, as you well know, Canadians had an opportunity to examine that important question during the lengthy inquiry process that preceded the final decision by the Federal cabinet authorizing the construction of the Trans Mountain Pipeline (TMX) Expansion.[1] That opportunity was tragically lost. The original document that legally authorized the project was the Order in Council dated November 29, 2016.[2] The Federal Government also at that time authorized the construction of a second pipeline expansion, known as "Line 3".

The construction of Line 3 was completed in 2021. By late 2023, when TMX is also completed (assuming it is completed), the two projects will provide a combined 910,000 bpd of new shipping capacity. The government based its authorization of the TMX project on a multi-volume report by the National Energy Board (NEB), which recommended on May 19, 2016, that the project proceed. The NEB's report was portrayed to the Canadian public as a thorough environmental review. It did examine the risks of oils spills in B.C.'s tidal waters and the threats to salmon at river crossings, etc. It claimed to be exhaustive, and Canadians were assured the project was safe. It was clear then that TMX would operate for 40 years.

But the NEB Inquiry *did not look at climate and the emissions implications*.

The approval process for the project by the National Energy Board (its name has since been changed to Canada Energy Regulator) was started by the Harper government in 2013, but when the Liberals took power in late 2015 the hearings had not been completed.

The NEB issued its final report recommending approval of the Trans Mountain expansion project on May 19, 2016, after a lengthy inquiry through 2014 and 2015 which was continuing when the Liberal Government took power following the October 2015 election. The NEB inquiry was a public hearing process and it had full powers to call evidence. However, the NEB took the view that "upstream emissions" released into the atmosphere at oil sands production sites in Alberta did not fall within the scope of the inquiry. And it also excluded any consideration of the much larger volume of "downstream emissions" from the exported oil. Accordingly, the inquiry excluded all evidence about greenhouse gas emissions from expanding oil sands production in Alberta – and it excluded all scientific evidence about the impact of emissions on the climate system.

Two years earlier, in April 2014, when it issued the Hearing Order for the Project which included the "List of Issues", the NEB *excluded* from the List of Issues the environmental effects associated with upstream activities and development of the oil sands, including greenhouse gas emissions. The City of Vancouver at that time applied for an order expanding the List to include those issues. Other intervenors made submissions supporting the City of Vancouver's motion.

The NEB panel in a ruling on July 23, 2014 (NEB Ruling 25) rejected the application by the City of Vancouver to expand the List of Issues, which would have permitted intervenors to call expert

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[1] The TMX expansion will provide 540,000 bpd of additional pipeline capacity when it is completed, if it is completed.

[2] Order in Council P.C. 2016-1069, NAT. ENERGY BD. ACT (Nov. 29, 2016), http://www.gazette.gc.ca/rp-pr/p1/2016/2016-12-10/html/sup1-eng.html.

evidence about emissions and climate change. The substance of the ruling is that environmental impacts of that kind are not "directly related" to the Project:

> *The Project does not include upstream production and is not dependent on any particular upstream development and, therefore, any link to environmental changes caused by such upstream production is indirect and not necessarily incidental to Project approval.*
>
> — NEB Ruling 25, July 23, 2014, p. 3

The City appealed the NEB refusal, but the Federal Court of Appeal dismissed Vancouver's appeal on October 16, 2014.[3]

As a result, the NEB during its inquiry did not consider at all the emissions implications of the additional volume of oil sands production that would be facilitated by its construction. The NEB excluded all evidence about climate science and climate change. The final report released on May 19, 2016, was silent on those questions.

The second "review process" in 2016 was the *Trans Mountain Expansion Project Review of Related Upstream Greenhouse Gas Emissions Estimates* (informally known as the "upstream emissions assessment"). It released its final report on November 25, 2016. It too astutely avoided making any determination of whether the then planned expansion of Canada's crude oil production would be compatible with the Paris Agreement commitment to limit average temperature rise to well below 2°C and pursue efforts to limit the increase to 1.5°C. Instead, it offered only this highly equivocal answer:

> *A number of studies have considered scenarios where global warming is limited to 2°C. However, these scenarios utilize different modelling frameworks and can have vastly different assumptions around technological and economic progress. The role of technological innovation, policy design and stringency, and consumer and business behaviour, both in Canada, and globally, can have significant implications on Canadian oil sands production in these scenarios. As a result of the differing treatment of these variables, conclusions across scenarios are not uniform, and the impact on Canadian oil sands production is not clear. However, a common result of modelling efforts to analyze a 2°C world is that overall global crude oil production declines relative to the status quo.*
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> — *Review Upstream Emissions,* November 25, 2016, B.2.6. at p. 28 (emphasis added)

The upstream emissions assessment therefore declared that the answer to this fundamental question was "not clear'. The issue was buried. It was not a public inquiry. It was a closed process with no hearings. The government and the pipeline company controlled the flow of information. Incredibly, the procedure required that only *"publicly available data provided by*

[3] The Federal Court of Appeal decided in its ruling on October 16, 2014, that the NEB's jurisdiction did not require that it examine the emissions implications of the pipeline. After assuming power from the Harper Government in October 2015, the Trudeau Government had the full opportunity and the legislative power to amend the law to require that the NEB look at emissions and climate before the inquiry ended. The Trudeau Government chose not to do so. The very limited scope of the NEB's environmental examination of the pipeline project (allowing it to exclude climate science) was the deliberate choice of the Trudeau Government.

the proponent will be used". The "proponent" was the pipeline company. No representatives of the public could participate or demand the right to call evidence.

A proper inquiry must be *public*, because that is our guarantee that the evidence will not be pre-selected or "cherry-picked". The integrity of the process must be protected by the basic principles of judicial independence, so we can be confident that decision makers are not being influenced by pressures, discussions, or other sources of information that have not been tested in the hearing room, in public view. The upstream emissions assessment failed to meet any of these basic standards, quietly deciding behind closed doors what evidence it would look at, and what lines of inquiry it would ignore.

The third "review process" in 2016 was the Ministerial Panel. It was not a formal hearing process. It had no powers to hear evidence, or to make findings or to offer recommendations to the government. It was a perfunctory exercise by the Trudeau Government aimed to give the illusion that it was listening to citizens in Western Canada. Nevertheless, at a series of informal meetings it heard from many decent people. The three panel members turned out to be honourable people. Your colleague at UBC, Kathryn Harrison, warned in her submission to the Ministerial Panel that a "transitional period" of rising oil demand for another 30 years is *"an economic bet on a world of catastrophic climate change*."[4]

You, Simon Donner, in your submission to the Ministerial Panel addressed the same concern. You challenged the government's assumption that global oil production can safely continue to increase up to 2040. You specifically criticized the conclusion (published in the May 19, 2016, draft version of the *Review of Related Upstream Greenhouse Gas Emissions Estimates*) stating that even if Canada were to curb the expansion of its oil sands production, "*investments would be made in other jurisdictions and global oil consumption would be materially unchanged in the long term*…."[5]. You vehemently disagreed with that argument. The Ministerial Panel in its report published on November 1, 2018, included the following summary of your criticism of that answer:

> *Donner described this as typical of the tragedy-of-the-commons analysis in which, if everyone in the world decides that the impact of their contribution is irrelevant in a global context, then everyone will continue to expand.*[6]

The point is clearly that if the world's major oil producing countries that have large enough oil reserves to substantially increase their production levels during the next twenty-five years all decide to do so (there are about six big producers, including Canada, that have the capability to do that), the world will have no chance of keeping the increase in global temperature below the 2°C threshold.

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[4] Ministerial Panel, *Report from the Ministerial Panel for the Trans Mountain Expansion Project*, NAT. RES. CAN. 32 (Nov. 1, 2016), (emphasis added) (quoting Kathryn Harrison, Professor of Political Science at The Univ. of B.C.).

[5] Trans Mountain Pipeline ULC – Trans Mountain Expansion Project Review of Related Upstream Greenhouse Gas Emissions Estimates, ENV'T & CLIMATE CHANGE CAN. 33, 35 (May 19, 2016).

[6] Ministerial Panel, *Report from the Ministerial Panel for the Trans Mountain Expansion Project*, NAT. RES. CAN. 33 (Nov. 1, 2016).

Canada is now repeating the tragic failures of 2016. This time the Net-Zero Advisory Body is complicit.

The tragedy of the commons

The evidence is now unequivocal that to stay on a pathway to 1.5°C, global oil production must decline by about 25% below the 2019 level by 2030 – and decline about 50% by 2040. On that point, most members of the Advisory Body will be aware of the findings set out in the International Energy Agency's (IEA) "Net-Zero by 2050" scenario published on May 18, 2021. The *Production Gap Report* released on October 20, 2021, also examined in detail the fundamental contradiction between the currently projected oil production growth to 2030 by the world's 15 leading oil producers (including by Canada) and any remaining chance to limit the temperature increase to 1.5°C.

The record of evidence is comprehensive and unforgiving. A new study[7] published May 17, 2022, concludes that 40% of the world's existing fossil fuel production sites will need to be shut down prematurely if global heating is to be limited to 1.5°C. The new study calculates that Canada's already developed oil reserves represent 21.2 Gt CO_2 of cumulative future emissions, assuming they are all extracted and burned – the 6th largest among the world's oil producers. The committed emissions from the developed oil reserves of all producers are 323 Gt CO_2. Only a portion of these developed oil reserves can ever be produced and burned as fuel – if we are to avoid the unfolding tragedy.

We enclose a paper dated May 10, 2022, which addresses in more detail the process that resulted in the approval of the Bay du Nord offshore oil project on April 6, 2022. The entire review process and the accompanying political discussion in Parliament ignored entirely the problem of downstream emissions (what the Advisory Body calls our "exported emissions").

Failure – Conclusion

Global emissions from burning fossil fuels are driving the warming of the atmosphere. That includes the massive volume of the downstream emissions released by our exported oil, which the government is planning to increase for another 10 or 20 years. The fact that the Government of Canada does not "count" them does not halt the warming. Downstream emissions from our oil contribute directly to climate change in Canada – to the same extent as if those emissions were released in Saskatchewan or in Nova Scotia.

The severe time constraints that limit our remaining options are indicated, as you well know, by the fact that the atmospheric carbon concentration level reached 413.2 ppm CO_2 in 2020. The UK Met Office forecasts the annual average at Mauna Loa in 2022 will reach 418.3 ppm. To stay within the 1.5°C warming threshold, the atmospheric carbon concentration level must be kept

[7] *Existing fossil fuels extraction would warm the world beyond 1.5°C*, Kelly Trout *et al*, Environmental Research Letters, Volume 17, Number 6, May 17, 2022: https://iopscience.iop.org/article/10.1088/1748-9326/ac6228

below 430 ppm. It is now rising at an average rate of 2.5 ppm per year and is on track to exceed 430 ppm CO_2 by 2028. That rate of increase reflects the ongoing rise of total global emissions which, as the *UN Emissions Gap Report 2021* confirmed on October 26, 2021, are currently projected to keep increasing to 2030. That increase will not be halted without immediate action to curb the further expansion of global oil production and deep production cuts by 2030.

The Advisory Body in its Submission in March 2022 argued that under the Act it has no legal authority or right to offer advice on whether Canada's plan to continue increasing our oil production levels and the resulting growing volume of our exported emissions are consistent with our climate commitments under the Paris Agreement. Even if that argument were legally sound, given what is at stake that is not an answer that can justify your remaining silent on this issue. In fact, section 20 (1) mandates that you may give "independent advice with respect to achieving net-zero by 2050". The Preamble to the Act explicitly states that the net-zero objective is "the key to keeping the rise in global-mean temperature to 1.5°C". 1.5°C is clearly our overarching obligation and goal. If the government's declared policies allowing the untrammelled expansion of Canada's oil production are antithetical to meeting the 1.5°C goal, it is implausible that you are bound to remain silent by the statutory language of your mandate.

The Advisory Body is choosing to remain silent on the most salient issue in Canada's climate policy, namely the future path of our oil production, the one issue that, in terms of Canada's contribution to global emissions, will more than anything else determine our fate. You are the only climate scientist among the members. We urge you to break your silence and speak with absolute candour on this issue. Or resign from the Advisory Body.

David Gooderham Jennifer Nathan

Encl.: *Canada's New 2030 Emissions Reduction Plan: An Unforgivable Deception*, May 10, 2022, David Gooderham and Jennifer Nathan.