

BACKGROUND

David Suzuki Foundation, Ecojustice enter legal fight to support carbon pricing

What's happening today?

Today, lawyers from Ecojustice, representing the David Suzuki Foundation, will submit an application to intervene as a “friend of the court” in the Saskatchewan court reference case concerning the federal price on carbon pollution. Intervener status is granted at the discretion of the court and allows third parties to participate in court proceedings and provide arguments on the legal issues being considered in a case.

Ecojustice will file the application with the Saskatchewan Court of Appeal in Regina shortly after a news conference on Parliament Hill, November 30, 2018 at 10 a.m. ET. After the application is filed, it will be on the public record and available online, or contact Catharine Tunnacliffe at Ecojustice (ctunnacliffe@ecojustice.ca) to request a copy.

Why is the David Suzuki Foundation seeking intervener status?

The Foundation is seeking to intervene in support of the federal law that ensures a price on carbon pollution will be in place in all parts of Canada, starting in 2019 ([The Greenhouse Gas Pollution Pricing Act](#)). The government of Saskatchewan has asked the court to rule on the constitutionality of the federal law and is arguing that responsibility for carbon emissions falls under provincial, not federal, jurisdiction. Several other groups and the [Province of British Columbia](#) intend to apply for intervener status in support of the federal carbon-pricing law.

The David Suzuki Foundation believes everyone in Canada deserves the security of a stable climate, and no province should put that at risk through inaction. The World Health Organization has declared climate change the biggest health threat of this century, and tackling it could be the greatest health opportunity. Earlier this week, a Canadian report from the leading medical journal *The Lancet* identified carbon pricing as an essential part of the prescription to address climate change and protect human health. Since greenhouse gas pollution and climate change know no boundaries, this requires a national response.

If the David Suzuki Foundation is granted intervener status, lawyers from Ecojustice will argue that the damage climate change is causing to human health and well-being and the Canadian environment, as well as the lack of time to reduce emissions to mitigate that damage, constitute a national emergency. A pan-Canadian price on carbon responds to the national emergency by allowing Canada to fulfil its commitment to reduce emissions under the Paris Agreement and prevent premature deaths due to climate change.

What happens next?

- The court will hear oral arguments about whether to grant intervener status to the David Suzuki Foundation on December 12, 2018.
- If the David Suzuki Foundation is granted intervener status, lawyers from Ecojustice representing the Foundation will submit arguments and appear before the court when the case is heard on February 13 and 14, 2019.
- Ontario has launched a distinct reference case challenging the federal carbon pollution pricing plan, after cancelling its signature “cap and trade” program to reduce greenhouse gas emissions. Ecojustice plans to request intervener status in the Ontario case on behalf of the David Suzuki Foundation in December.

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For more information, please contact:

Brendan Glauser, David Suzuki Foundation: bGlauser@davidsuzuki.org, 604-356-8829

Catharine Tunnacliffe, Ecojustice: ctunnacliffe@ecojustice.ca, 416 368-7533 x: 542