
Pathways to Victory: The Creation of Canada's Emissions Accountability Law (Bill C-12)

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Abstract

After three decades of international climate action gridlock and domestic target failures, there is an emerging policy focus on the passage of national emissions accountability legislation. Emissions accountability legislation is an attempt to safeguard science-based emissions reductions plans from changing political winds. This article presents a peer-reviewed case study of Bill C-12, Canada's first emissions accountability legislation, passed in June 2021. While Bill C-12 was strengthened through the amendment process, the final legislation remained significantly weaker than the "gold standard" UK Climate Change Act (2008). The author analyzes the interests, institutions, and political context that enabled Bill C-12's passage, tracking the ways in which these forces interacted to both weaken and strengthen the legislation.

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Introduction

Canada has failed to meet every climate target it has ever set (Croome 2019). In an attempt to correct this poor track record, on June 29, 2021, the House of Commons passed Bill C-12, an Act respecting transparency and accountability provisions to support Canada's climate target of net-zero emissions by 2050. Emissions accountability legislation is designed to ensure that current and future governments commit and implement a science-based emissions reductions plan. This article treats Bill C-12 as a single case study that analyzes the interests, institutions, and political context that enabled its passage, tracking the ways in which these forces interacted to both weaken and strengthen the bill. I argue that the strengthened provisions in Bill C-12 were a result of policy access from a professionalized Environmental Non-Governmental Organization (ENGO) coalition, as well as half-hearted advocacy from the Conservative Party and oil and gas industry, while its weaknesses are best explained by key political interests, procedural dynamics, and a lack of public interest. I begin by providing an overview of the paper's analytical framework and methodology. In the following sections, I analyze the role of lobby groups, characteristics of government institutions, and Member of Parliament (MP) advocacy, primarily drawing on the Hansard record of committee discussion and House debate as well as anonymous interviews with key policy stakeholders. I conclude this paper by discussing the broader implications of this case study.

Overview of Bill C-12

Bill C-12 is the first-ever emissions accountability legislation in Canada, preceded by a failed attempt at a similar bill by former NDP Leader Jack Layton in 2009. From that point, the political context evolved to support the creation and passage of Bill C-12. For instance, Bill C-12 aligns with Canada's obligation to report its Nationally Determined Contribution (NDC) to the Paris Agreement targets. Further, in the 2019 Federal Election, the Liberals promised

to legislate a net-zero carbon by 2050 target, with a set of legally-binding five-year targets (Croome 2019). This net zero accountability legislation was also mentioned in the mandate letter for the Minister of Environment and Climate Change (Jonathan Wilkinson), requiring him to set “...legally-binding, five-year emissions-reduction milestones based on the advice of experts and consultations with Canadians” (Government of Canada 2019).

Bill C-12 requires the Minister of the Environment to set increasingly ambitious national GHG reduction targets for 2030, 2035, 2040 and 2045. This holds future governments to a higher level of accountability to mitigate climate change. To support the Minister in achieving net-zero emissions, Bill C-12 includes an advisory body with representatives from Indigenous, ENGO, industry, and climate science communities. Bill C-12 requires the Commissioner of the Environment and Sustainable Development to audit and report on the federal government’s progress on climate change mitigation every five years. The emissions reduction plan for 2030 must include an interim greenhouse gas emissions (GHG) objective for 2026, to be comprehensively reviewed in 2026. This 2020 emissions reduction plan, announced on March 29, 2022, set this interim GHG 2026 objective to 20% below 2005 levels by 2026. Bill C-12 was introduced in the House of Commons through a first reading on November 19, 2020, then was debated and amended through the Environment and Sustainable Development (ENVI) committee from May 17 to June 9 (a total of eight public meetings). Committee discussions were followed by a second (June 11, 2021) and third reading (June 22, 2021). Bill C-12 finally became law on June 29, 2021.

Bill C-12 was criticized by political parties (Bloc Québécois (BQ), New Democratic Party (NDP) and Green Party) and ENGOs for having “no teeth” or mechanisms to ratchet early ambition (Hansard HC Debate., 25 November 2020; WCEL 2021). Prior to

the committee amendment process, their major recommendations were: the first milestone target to be 2025; binding provisions; carbon budgets and provincial responsibility designation¹¹⁹; a more ambitious emissions target for 2030; more power and funding for the Commissioner of the Environment and Sustainable Development; and greater advisory body independence. While none of these recommendations were included in the final Act, important amendments included: the incorporation of Indigenous knowledge in the Net-Zero Advisory Body; more frequent progress reports; a 2026 emissions “objective”; stronger report requirements; and a plan due in early 2022 for how the 2026 emission objective and 2030 target will be achieved (Woodside 2021). These amendments fell short of advocate’s expectations, failing to create binding provisions (i.e., serious accountability) and delaying milestone targets, both of which are essential to supporting the deep cuts in emissions needed in this decade. Despite the clear compromise of these amendments, an examination of these policy gains and losses will help inform future federal climate policy advocacy.

Analytical framework and methods

This section develops an analytical framework to assess the enabling socio-political factors that strengthened and weakened Bill C-12 (Table 1), drawing on scholarship on Canadian environmental policymaking. This paper will focus on the role of interest groups, adopting an understanding of climate policy as the result of distributive conflict and the relative influence and effectiveness of interest groups (Aklin and Mildemberger 2020; Harrison 2010). In Canada, the interests of the oil and gas industry have been particularly powerful in constraining climate policy (Carter 2021).

¹¹⁹The provinces, territories and federal government have varying jurisdiction to regulate GHG emissions, all levels of government have the power to impose a carbon tax for instance. Provinces are primarily responsible for the regulation of natural resources (e.g. fossil fuel production), which has challenged the federal government’s ability to effectively regulate emissions and meet climate targets.

However, as Harrison suggests, well-resourced oppositional forces (such as ENGOs) can gain influence particularly when public opinion is aligned with their interests (Janzwood 2021). The interests of MPs can also bolster this environmental coalition, with progressive, climate-focused ridings electing MPs that embody these interests and are often held accountable to this type of issue representation.

As a federation, institutions have a powerful effect on Canadian politics. Harrison’s (1996) book stresses the hesitancy of the federal government to test the boundaries of their jurisdiction on environmental issues, often “passing the buck” to provinces with vested interests in growing their extractive industries. Harrison’s discussion on the contributing factors toward the federal government’s symbolic but hollow environmental action offers vital lessons for my study on Bill C-12, specifically in my analysis of government institutions. Winfield and Macdonald (2020) develop Harrison’s arguments through terms such as the “cooperative federalism norm”, which describes the federal government’s tendency to favour intergovernmental harmony over policy effectiveness. In doing so, they outline the limitations of Canadian climate policy in the context of federalism.

Table 1: Influencing factors in the development of Bill C-12

| Source | Description | Key Literature |
|--|--|---|
| 1. Interests <i>NGO and industry groups and coalitions</i> <i>House debate, MP advocates and</i> | The relative strength and effectiveness of actors external to the state, engaged in the policy development process. Measures include: organizational | <ul style="list-style-type: none"> ● Carter (2020) ● Harrison (1996) ● Hansard and interview |

| | | |
|--|---|---|
| <i>opposition</i> | <p>networks, number of government lobby meetings, and policy impact on C-12.</p> <p>Identification of Bill C-12's MP champions, based on their frequency of committee and debate participation, and positional power to influence outcomes.</p> | data |
| <p>2. Institutions</p> <p><i>Government bodies</i></p> | The facilitative, or inhibitive, properties of federalism and the committee amendment process. | <ul style="list-style-type: none"> ● Harrison (2010) ● Harrison (1996) ● Winfield and Macdonald (2020) |

This article uses process tracing as its primary method, which allows for causal inferences (e.g., Collier 2011). Interviews with constituency office staff and Canadian climate organization staff involved in Bill C-12 helped inform my research question (3 interviews total, conducted in August 2021). I rely on the Hansard (Standing Committee on Environment and Sustainable Development (ENVI) and house debate) and federal lobbyist registry data. For the federal lobbyist registry, I quantify the number of Bill C-12 lobby meetings from opposition and advocate groups. This approach has some methodological weaknesses, as not all groups include the

names of policies discussed in their monthly communication report; however, since the registry was cross-referenced with interviews and media statements, this method still provides a strong indication of the policy community involved in the development of Bill C-12.

Findings

Interests — NGO and industry groups

The political context was that all parties, the federal government, and environmental and business coalitions were unable to effectively focus public attention on Bill C-12, which resulted in a more concentrated and polarized policy-making environment (Canadian climate organization staff person, personal communication, August 10, 2021). However, the political space for this type of legislation was favorable; during final House Debate of C-12, Abacus Data and Clean Energy Canada (2021) reported that almost three out of four people in Canada (72%) think that countries which set more ambitious climate targets will end up with a stronger economy than those who let weak targets.

In this section, I show how ENGOs participated extensively in the development of Bill C-12, whereas the only major opponent, fossil fuel industry associations (e.g., the Canadian Association of Petroleum Producers (CAPP)), were relatively weak in their lobbying efforts (Standing Committee on Environment. Minutes of Proceedings; Canadian climate organization staff person, personal communication, August 10, 2021). ENGOs participated in Bill C-12 through the ENVI committee amendment process (meetings 32-34), and did not list any meetings with MPs and public servants in the federal lobbyist registry, unlike fossil fuel industry actors. In these ENVI committee meetings, there was strong ENGO representation from groups such as West Coast Environmental Law (WCEL), Equiterre, Climate Action Network Canada (CAN-RAC), David Suzuki Foundation, The Transition Accelerator, and Mothers Step In. However, within this group there was a clear alliance among a

professionalized class of ENGOs including, CAN-RAC, WCEL, Equiterre and EcoJustice, exhibited by their joint brief submission to the ENVI committee. 38 environmental groups, not including individuals, submitted briefs for the ENVI committee's consideration, contrasted by the meagre participation from industry, submitting only nine briefs. These industry groups included: CAPP, Saskatchewan Mining Association, Ontario Power Generation Inc, Fertilizer Canada, Canadian Nuclear Association, Prospectors and Developers Association of Canada, Canadian Electricity Association, Chemistry Industry Association of Canada, and the Global Automakers of Canada. However, most of these briefs were from industry associations, which collectively represent a larger number of groups than the proponent side. That said, the lack of coordination among industry through a centralized coalition signals a lower interest in weakening C-12.

There was clear unity in demands among environmental groups involved in the committee amendment process, which strengthened Bill C-12 in the revision process. In their brief, the ENGO coalition put forward 22 amendments, three of which were directly incorporated. The coalition successfully advocated for a provision that requires the Net-Zero Advisory Body to hold expertise in climate change science and energy policy, Indigenous knowledge, and relevant technologies. While relatively insignificant, their recommendation to include immediate and ambitious action language into the purpose of the Act was also adopted. The oil and gas lobby made numerous language recommendations for the Act's purpose and preamble, but none were adopted, a further indication of the ENGO coalition's greater policy influence on C-12. During the second reading, before the committee amendment process, it became clear that despite multi-party pressure, the Liberals were unlikely to move on a 2025 target. In response, the ENGO coalition abandoned their advocacy on this target, and instead recommended in their brief that future climate plans state the emissions levels for each year, as

well as an expectation for where emissions should be in 2025. The Liberal's pivot on this point contributed to the amendment made by a coalition of Liberal and NDP MPs that established the 2026 "objective" target (Canadian climate organization staff person, personal communication, August 10, 2021). The ENGO coalition also laid out ways to strengthen the section on reporting, which led to the addition of four subsections on report detail requirements. In their brief, the coalition also recommended progress reports in 2023 and 2025, both of which were included in the final Act. Ecojustice's Alan Andrews claimed this as "a major improvement" (Woodside 2021).

While none of the initial major recommendations progressed (e.g., 2025 target, binding provisions), the success factors that led to the inclusion of stronger language are worth examining. I argue that the leading success factors were the cultivation of policy access through climate legislation expertise, coalition capacity and unified demands from a diversity of groups across civil society. Several members involved in the lobby process remarked that a key success factor on the ENGO side was the legal expertise of WCEL, positioning environmental advocates as valued advisors in the eyes of the government (Canadian climate organization staff person, personal communication, July 15, and August 10, 2021). Further, CAN-RAC's Catherine Abreu was well-respected and influential in the process, as she was selected by Minister Wilkinson to serve on the Net-Zero Advisory Body, even prior to the committee amendment process. This policy access allowed for a timely mobilization for the committee amendment process. For example, in House Debate, Green MP Paul Manly stated that many of the ENVI committee briefs were received after the committee amendment process was over, and expressed concern about this hollow citizen engagement process (Hansard HC Debate., 22 June 2021). However, the joint ENGO submission appeared at the committee one week before other environmental group submissions, indicating their

insider status and strong position to shape C-12. The ENGO coalition was also a professionalized group, with paid staff lobbyists and policy experts, which helped level the playing field. The coalition-based organizational structure of CAN-RAC was also seen as a key asset by an ENGO staff member involved in the lobby process, as it catalyzed the swift participation of a diverse range of organizations (e.g. faith, business-focused clean energy, and youth climate groups). This ENGO resourcing, expertise and policy access enabled the coalition to wield significant influence over Bill C-12.

The oil and gas industry took a different approach with their advocacy, largely through personal meetings with MPs and government agencies, rather than through the transparent committee process. In total, the oil and gas industry submitted nine briefs to the committee (compared to the ENGOs' 38), and met with government officials approximately 12 times, whereas there were no registered ENGO meetings (Federal Lobbyist Registry 2021). As the representative of upstream oil and gas producers, the Canadian Association of Petroleum Producers (CAPP) generated the most substantial brief, detailing 23 proposed amendments to C-12. CAPP was concerned about the lack of clarity on how net-zero strategies would interact with existing provincial plans, advocating for the addition of a section that “acknowledges and respects the measures taken by provincial and territorial governments within their own jurisdiction to address [emissions]” (Joseph 2021, 2, 4). CAPP lobbied for the inclusion of economic performance targets alongside emissions targets, claiming that this would help decision-makers balance the positive and negative economic impacts of achieving its climate targets (Joseph 2021, 2). CAPP also advocated for the distribution of oversight power, removing the Minister of Environment as the sole entity responsible for the development of targets and supportive policies. CAPP further proposed a greater role for the Governor-in-Council and Minister of Finance, and a “balanced” membership on the Net-Zero Advisory Body (Joseph

2021, 2). While these amendments would have weakened C-12 specifically in its implementation, it is notable that most amendments offer minor reforms, rather than outright opposition or structural changes to emissions targets. Nevertheless, none of these language and policy amendments were passed by the ENVI committee. This is an interesting contradiction in the usual climate policy-making process, which typically privileges well-resourced oppositional forces (Harrison 2010, 172). However, the ENGO coalition was equally professionalized and had an enduring interest in strengthening the legislation, whereas industry was relatively toothless in their approach, opening a pathway for ENGO success. Considering the CAPP's relatively modest amendments and lobbying interactions, it also indicates that C-12 does not significantly challenge the fossil fuel production levels of industry. CAPP maintains the position that the Canadian oil and gas industry should expand production capacity through new pipelines, and claims their ability to meet emissions targets through other "green" reforms, such as the costly and unproven Carbon Capture Utilization and Storage (CCUS) technology (Hatch 2022; Hughes 2020). This "emissions decoupling" perspective is challenged by even historically moderate agencies, such as the International Energy Agency, who stated last year that there is no place for any new coal, oil or gas exploration or supply (IEA 2021; Muttitt 2016). Even Conservative MP Matt Jeneroux raised that "The energy sector is not pushing back against [Bill C-12, unlike] Quebec and environmental groups. It is essentially working toward this target already" (Hansard HC Deb., 26 November 2020). In summary, the oil and gas industry's lack of success on Bill C-12 appears to be a result of limited motive and dedicated resources. Since C-12 only addresses emissions, rather than supply-side fossil fuel production, the oil and gas industry is able to continue producing while evading any real accountability by referencing their aligned climate targets.

Interests — MP Advocacy

In this section, I will examine the role of MP champions to shape Bill C-12, as well as the relative strength of party-based opposition. To identify the most influential MP advocates on Bill C-12, I will select MPs with the highest participation in committee and house debate, as well as consider their positional power to influence outcomes. This discussion will be largely based on a comprehensive review of the Hansard transcript for House Debate and ENVI committee.

Members of the ENVI committee, responsible for the amendment process and engaging with stakeholders, held the largest degree of power over C-12. The 11-member committee held a balance of power favouring the Liberals, with five members, compared to the four Conservative members, 1 NDP member, and 1 BQ member, with the Greens notably excluded. The Liberal and Conservative members almost exclusively voted alongside their parties. While there was an appearance of unity among the Greens, NDP and BQ during the House Debate, this alliance splintered during the committee process. The NDP member established a strong voting alliance with the Liberals, whereas the BQ member had a mixed voting record. For several key amendments, passage hinged on the support of the NDP member. Many of the amendments passed when raised by the NDP member, supported by the Liberals, whereas the BQ's and Green MP Elizabeth May's amendments were consistently rejected. MP May and the BQ submitted the highest volume of amendments to the ENVI committee, which received very limited support (0-1 votes in favour), despite their alignment with NDP stated amendments during House Debate (e.g. 2025 target, more frequent reports) (Hansard HC Debate., 26 May 2021). The Greens and BQ amendments were largely supported by civil society, including the 2025 milestone target and carbon budgets. This enduring division across party lines illustrates the strength of the

NDP-Liberal voting alliance for C-12, within the context of a minority government.

Among Bill C-12 champions, there was a range of efficacy, based on their party status and positional power in committee. MP Laurel Collins, despite being absent for the committee review process, was a vocal advocate for strengthening Bill C-12. As NDP Environment Critic, she was allocated a major speech in the second reading, where she detailed many provisions to strengthen the legislation. In her absence, MP Taylor Bachrach occupied her position as a voting member of the ENVI committee. One strengthened provision was the 2026 progress report, an amendment struck between the NDP and Liberals. MP Bachrach was the only NDP member on the ENVI committee and raised the 2026 “objective” amendment, where it passed 7-4. MP Elizabeth May fiercely advocated to strengthen Bill C-12 both in committee and House Debate. As mentioned above, MP May raised the largest number of amendments during committee; however, without a seat on the ENVI committee, she lacked the positional power necessary to garner votes. The BQ initially took a different approach by proposing their own piece of legislation, Bill C-215, which included binding provisions and closer near-term targets. However, after the failure of this bill, they continued to advocate for similar provisions alongside the Greens and NDP. As Vice-Chair and member of the ENVI committee, Monique Pauzé also proved to be an asset to the passage and strengthening of C-12, as she was positioned as a swing vote similar to MP Bachrach.

In terms of opposition to C-12, there was a diluted attempt from the Conservatives to resist its passage, while the Liberals managed to diffuse the passage of strengthened provisions through Ministerial force. The Conservatives attempted to “kill the bill” through legislative delay tactics, which significantly shortened the ENVI committee amendment process and reduced the citizen

feedback window (Woodside 2021). Further, in House Debate, the Conservative amendment proposals were not substantial, and instead largely focused on adding praise for the energy sector into the preamble of the bill.

The Liberal Party played a key role in shaping C-12. House debate revealed the extent to which this bill was locked-in from the beginning, displaying its top-down, Ministerially-driven nature and relatively hollow committee amendment process. In the second reading, MP May expressed pessimism about the ability to change the bill in committee, as all the significant amendments raised by the Greens, NDP and BQ had been effectively shut down by Minister Wilkinson during discussions outside the House. MP May also raised that before the second reading, Minister Wilkinson had already appointed the 14-member advisory body. The advisory body membership was a key area of debate for parties and advocates, further illustrating the top-down nature of this Bill. The findings in this section demonstrate the importance of positional power, in committee and within the party system, to either improve or enforce limitations on Bill C-12.

Government Institutions

In terms of government institutions and processes, federalism, and the procedural style of the ENVI committee, had a discernible influence over the nature of this bill. Bill C-12 provides a classic example of the limiting effects of federalism on climate policy. A core criticism from WCEL, a leading advocacy group, was that Bill C-12 leaves the question of provincial responsibility and accountability wide open. Essentially, if a province does not act in alignment with the purpose of C-12, the legislation does not establish when the federal government would step in (Woodside 2021). WCEL staff lawyer, Andrew Gage, noted in an interview that considering Canada's decentralized federation, the bill should address the division of responsibility between provinces, and

explored provincial carbon budgets to establish expectations about where the reductions need to come from (Woodside 2021).

The scope of the amendment process was also relatively narrow, making it challenging to significantly amend Bill C-12. In contrast, the UK's Climate Change Act 2008 was frequently referenced by advocates as the "gold standard" of climate accountability legislation, and includes carbon budgets, which was excluded from Bill C-12. WCEL saw provincial carbon budgets as an essential way to circumvent responsibility avoidance and strengthen C-12. However, when the Greens raised this amendment in a ENVI meeting, Liberal chair Francis Scarpaleggia ruled that it was "out of order" because the concept wasn't included in earlier drafts of the bill (Woodside 2021). During earlier stages of the bill's passage through the house, Liberal members urged the House to approve C-12 to committee, so their (Green, NDP, BQ) substantial recommendations could be considered. However, these significant provisions were then denied on the grounds of scope and committee procedure, demonstrating the limiting effects of the ENVI processes.

Discussion and Conclusion

Bill C-12 was both strengthened and constrained by lobby groups, government institutions and MP advocacy. Across interest groups, the ENGO coalition's amendment proposal was the most successful, with three of their 22 amendments directly incorporated into the Act. I argued that this relative success was a product of the ENGO coalition's positioning as climate legislation experts, enabling a greater degree of policy access, which was further facilitated by the tepid lobbying approach from the fossil fuel industry and Conservative Party. While these amendments were positive, many advocates on this file remarked on their disappointment at its end product, which is considered a far weaker piece of legislation than the UK's 2008 Climate Change Act by the Green Party and several ENGOs in the coalition. To explain this

discrepancy between the leading standard and the final version of C-12, I argued that Bill C-12 was constrained by Liberal's ability to dictate and narrow its scope, the norm of cooperative federalism, a lack of public interest, the rushed committee amendment process, and the Liberal-NDP voting alliance in the amendment process. The NDP chose to negotiate with Liberal committee members on amendments, rather than risk being overpowered by significantly weaker Conservative amendments.

The dynamics of C-12 echoes an enduring trend in Canadian politics. In *Passing the Buck*, Harrison (1996, 16) cites Baumgartner and Jones, remarking that politics often exist in a state of 'punctuated equilibria', with public indifference facilitating policy battles between a minority of interest groups and politicians, only broken during flash points of broader engagement that often strengthen policy and redefine issues. In C-12, this dynamic was expressed through its limited public buy-in. It is likely that C-12 failed to capture broader public attention because of the technical emissions target focus of the legislation, and the dominance of other pressing political issues such as the COVID-19 crisis, and systemic racism in colonial institutions such as the police. Simultaneously, there was an absence of concentrated, region-specific benefits and perceived high political costs that contributed to the government's reluctance to strengthen the legislation by differentiating provincial responsibilities (Harrison 1996, 17). This particular policy issue is underscored by the norm of cooperative federalism, where the federal government values national harmony over effectiveness. Climate policy, in particular, often necessitates heavy-handed provincial regulation (Winfield and MacDonald 2020, 388). The Liberals had a tight hold on C-12's amendment process from the outset, and used committee procedure to rule that key provisions, such as provincial carbon budgets, were out of the legislation's scope. According to Harrison (2010, 175), this federalism challenge has only been surmounted by heightened public interest in

environmental issues, which transformed both provincial and federal electoral incentives to act.

This case study of Bill C-12 has revealed the limited extent to which advocacy groups and critical MPs are able to substantially strengthen climate legislation when facing rigid opposition from the Liberals. However, the strengthened provisions still demonstrate that the specific nature and advisory-capacity of coalitions can have a significant impact, particularly in the absence of a robust fossil fuel lobby. The recent 2030 Emissions Reductions Plan, a plan mandated by C-12, relies heavily on unproven, costly Carbon Capture Utilization and Storage (CCUS) technology to cut 13% of the oil and gas sector's emissions. Many environmentalists and academics fear that this approach supports escalating fossil fuel production and "carbon lock-in," raising questions about C-12's ability to help align fossil fuel production levels with a 1.5 degree pathway (Hoicka et al., 2022). C-12's lack of binding accountability measures positions the law as a symbolic measure, but will undoubtedly be used in the future as an advocacy tool to hold the government to account.

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