[DATE]

Deceptive Marketing Practices Directorate

Competition Bureau

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**Subject: Public consultation on the Competition Act’s new greenwashing provisions through Bill C-59**

On behalf of [company name], we appreciate the opportunity to provide feedback on the recent amendments to the Competition Act as included in Bill C-59.

[Optional: brief overview of the company’s operations and where it falls within the energy supply chain.]

We have carefully reviewed the amendments to the Competition Act and wish to express our strong opposition to the changes related to greenwashing, which were hastily added to Bill C-59 late in the legislative process and without adequate consultation. These amendments severely restrict freedom of expression and open debate in Canada, silencing discussion and hindering transparency around all industries’ efforts to reduce emissions. The energy industry, in particular, will feel the brunt of the legislation, as it is a leader amongst Canadian industry in emissions reduction innovation and proudly shares this progress with Canadians and the world.

Specifically, we would like to highlight the following areas of concern:

* **Economic Impact**

The stringent penalties and lack of clarity in compliance with these amendments foster an uncertain business climate, deterring investment in Canada. This uncertainty is particularly concerning for investors wary of potential legal risks created by Bill C-59, which could hamper efforts to attract investment, maintain energy affordability, and create jobs across all Canadian industries. The energy sector, which employs hundreds of thousands of Canadians, is especially vulnerable to these negative impacts given the significant effort, time, and resources put towards emissions reduction and environmental stewardship.

* **Technological Innovation**

The technological advancements necessary to reduce emissions and maintain our standard of living are driven by the energy sector. The amendments restrict communication about these innovations, hindering progress and public awareness, in addition to investment attraction. The amendments to Bill C-59 could stifle research and development by creating a challenging environment for innovation, particularly in hard-to-abate sectors. This directly contradicts the aims of the federal government to foster emissions reduction through innovation, diminishing the positive impact created through federal funding and support.

* **Regulatory Framework**

The absence of clear guidelines on the "internationally recognized methodology" for substantiation adds to the regulatory uncertainty that already complicates major projects in Canada. Including these amendments in an omnibus bill without proper consultation contradicts Canadians' expectations of transparent governance and inclusive policymaking.

The amendments deter responsible businesses from sharing their achievements and goals in emissions reduction and environmental stewardship, which is counterproductive to fostering meaningful public disclosure on environmental performance.

* **Burden of Proof**

The amendments place the burden of proof solely on the accused company, with no accountability for those making unfounded accusations. Companies commenting on crucial public policy topics such as climate and the environment will be required to justify their statements based on an arbitrary “internationally recognized methodology” that fails to account for Canada’s unique energy landscape and economic conditions.

Given the adverse impacts outlined above, we call on the federal government to take the following actions:

* **Immediate Halt of Investigations**

Direct the Competition Bureau not to pursue any investigations related to these amendments and commit to repealing them when the House of Commons resumes sitting this fall.

* **Transparent and Inclusive Policymaking**

Should the federal government determine the need for new regulations in this area, we call on them to do so transparently and thoughtfully, including all sectors of the economy in the discussion and a robust consultation period. Canada should look to the approach taken by the United States as our closest and largest trading partner, as well as our significant competitor in energy development projects.

In conclusion, the amendments to the Competition Act through Bill C-59 unfairly burden the energy industry, place an unfeasible cost on companies seeking to comply, and tangibly damage Canadian industries’ competitiveness compared to our closest trading partners.

We urge the federal government to fully address these concerns before moving forward with the proposed implementation of the amendments to the Competition Act. This delay and further work to consult with industry, leading to significant amendments to the outlined provisions, will be critical to achieving the desired compliance and ensuring a balanced and fair regulatory framework.

The final approach needs to take a more balanced path that supports both environmental and economic sustainability without silencing industry.

Thank you for considering our feedback on this important matter.

Sincerely,

[Your Name]

[Your Position]

[Your Contact Information]