

THE COMPOUND FAILURE

*Environmental, Educational, and Economic Dismantling of Disability
Supports in Alberta*

Prepared by the Alberta Disability System Breakdown Campaign

April 2026

CONTENTS

Executive Summary	3
Section I. Introduction	3
Pillar I. The Environmental Input	11
Pillar II. The Mitigation Collapse	28
Pillar III. The Economic Output	38
Section V. Constitutional and Administrative-Law Analysis	50
Section VI. Synthesis	62

The Executive Summary appears as front matter at the start of Section I. Each section concludes with internal page numbering of the form "The Compound Failure — Section [X] — Page N" for section-internal navigation. Continuous page numbers on the lower-right of every page indicate position within the full brief.

THE COMPOUND FAILURE

Environmental, Educational, and Economic Dismantling of Disability Supports in Alberta

Prepared by the Alberta Disability System Breakdown Campaign

April 2026

EXECUTIVE SUMMARY

This brief documents a compound pattern in the Government of Alberta's relationship with its disabled residents. On July 1, 2026, the Alberta Disability Assistance Program (ADAP) replaces the Assured Income for the Severely Handicapped (AISH) program — Alberta's principal disability income program since 1979 — affecting 79,290 currently-named recipients and a substantially larger affected population that includes Family Support for Children with Disabilities (FSCD) families, Persons with Developmental Disabilities (PDD) recipients, and Albertans waiting for both. The brief's principal finding is that this transition is not a discrete program reform. It is the third stage of a compound failure in which the same provincial government has produced and sustained the environmental conditions associated in the published literature with elevated population disability rates; permitted the contraction of the educational and developmental-support systems designed to mitigate those conditions; and now restructures the income-support architecture for the adults whose lives are shaped by the first two stages.

Pillar I documents Alberta-specific exposure profiles for environmental contributors associated in the published epidemiological literature with elevated rates of disability and disability-related conditions — including perfluoroalkyl substances (PFAS) in drinking water, pesticide and pesticide-residue exposure, legacy contamination including asbestos and lead, and consumer-waste leachate. The disproportionate exposure of Indigenous Albertans to all of the above is documented in the campaign's separate 195-page Indigenous Disability evidentiary record. Pillar I further documents the simultaneous contraction of the provincial regulatory architecture intended to address these exposures, including the February 26, 2026 funding termination of the Alberta Water Council and the simultaneous termination of the Clean Air Strategic Alliance. The pillar does not assert individual causation; it documents population-level associations and the regulatory record that produced and sustained them.

Pillar II documents the operational state of the educational and developmental-support systems Alberta has assumed, by statute and ministerial order, the obligation to provide. The FSCD program operates on a documented three-year average wait, with 85% of families at the 13.5-month mark still without an assigned caseworker and caseloads as high as 400 families per worker against a recommended maximum of 100. The PDD program has not had its waitlist publicly reported in three years. Inclusive education in K-12 operates against a documented implementation gap

producing complaints proceeding through Alberta Teaching Profession Commission channels. The pillar establishes as a load-bearing finding the documented data opacity surrounding all three programs — that is, the documented decision of the provincial government to cease publishing the data that would permit external assessment of program performance.

Pillar III documents the AISH-to-ADAP transition itself. Effective July 1, 2026 under Bill 12 (passed December 9, 2025), the transition reduces the base monthly benefit by \$200 (after a transition-benefit period ending December 31, 2027), reduces the exempt employment income from \$1,072 to \$700 per month, removes legislated cost-of-living indexing, and eliminates the independent Citizens Appeal Panel that had overturned or varied approximately 37% of appealed AISH decisions across 19 documented quarters. The transition operates against an Alberta-only dollar-for-dollar clawback of the federal Canada Disability Benefit (approximately \$190 million annually captured from federal anti-poverty payments). The Government's published documentation has not, as of the date of this brief, established the operational specifications of the program 71 days before its launch.

Section V identifies the justiciable questions the documented record raises under the Canadian Charter of Rights and Freedoms (sections 7 and 15), Canadian administrative law (procedural fairness under *Baker v. Canada* and the conflict-of-interest principles in the natural-justice jurisprudence), the federal-provincial framework (the *Canada Disability Benefit Act*, SC 2024 c 17, and section 36 of the *Constitution Act, 1982*), and the United Nations Convention on the Rights of Persons with Disabilities (Articles 12, 13, 19, and 28). The section frames each question as justiciable rather than adjudicated, identifies the section 1 burden the Crown would bear on any properly developed record, and addresses the available remedial framework under section 24 of the Charter and section 52 of the *Constitution Act, 1982*.

Section VI synthesizes the documented findings as a single evidentiary record. The brief is not a litigation pleading. It is a foundation document — every claim sourced to a primary document, every legal citation verified, every constitutional question framed as raising the question rather than asserting the answer. It is offered to legal practitioners considering whether any of the questions raised are suitable for development; to legislators in both the Alberta Legislature and the Parliament of Canada; to the federal Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities; to the United Nations Special Rapporteur on the Rights of Persons with Disabilities; to journalists; and to the affected population, whose individual personal impact submissions, where filed, carry the lived weight no document of this register can convey. The brief documents what the documented record establishes. The response to that record is reserved to the constitutional, legislative, and judicial architecture to which the brief is addressed.

I. INTRODUCTION

a. A Note on This Document, Its Companions, and Its Distribution

This document is the primary public-facing brief of the Alberta Disability System Breakdown Campaign. It is written for a legal and academic audience — constitutional law clinics, advocacy lawyers, policy analysts, legislators, journalists, and the organizations that hold them to account — and is intended to be useful to any reader, professional or otherwise, who wishes to understand the pattern this document describes.

This brief is more substantial when it is accompanied, in the formal government tier, by named personal impact submissions filed by members of the affected population in their individual capacities. Whether to file such a submission is the decision of each individual, and this brief does not presume upon that decision. Where personal impact submissions have been filed, they provide the present-tense, primary-source human evidence that this brief aggregates and analyzes — accounts written by parents of disabled children, by adults receiving AISH, by recipients moving toward the ADAP transition, and by others directly affected by the systems described in the following pages. Such submissions are typically filed with the Premier's Office of Alberta, the Minister of Seniors, Community and Social Services, the Minister of Education, the Minister of Children and Family Services, the offices of the relevant provincial Members of the Legislative Assembly, the offices of the relevant federal Members of Parliament, the federal Minister responsible for the Canada Disability Benefit, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities of the House of Commons, and the United Nations Special Rapporteur on the Rights of Persons with Disabilities. Personal impact submissions contain identifying information about specific individuals, families, schools, and agencies. For that reason, and consistent with the campaign's long-standing distribution canon, those submissions do not circulate publicly and are not available on request. This brief draws on the patterns such submissions describe but does not reproduce them.

Parallel to the disability-supports file examined here, formal complaints are also proceeding through Alberta's professional regulatory channels concerning failures of school-based accommodation for children with documented disability-related support needs. The Alberta Teaching Profession Commission is currently processing complaints arising from these failures, including at least one filed by a member of the affected population whose work informs the present brief. Specific complaint details are confidential under the Commission's process and are not reproduced in this document. Inclusion Alberta and other parent-led advocacy organizations have publicly documented patterns of inclusive-education accommodation failure consistent with the types of filings the Commission is presently considering; those published findings are cited where relevant in Pillar II of this brief.

This brief is distributed without restriction. It is available through the Alberta Disability System Breakdown Campaign's public channels, including its Facebook group and its associated application, and may be forwarded, quoted, cited, translated, reformatted, or reproduced in whole or in part by any person or organization that finds it useful. The campaign's long-standing position

is that information of public consequence about government conduct belongs in public hands. That position applies to this document.

The contents of this brief, however, are not casually drafted. Every factual claim in the following pages is sourced to a primary document, a peer-reviewed publication, a government record, or a named advocacy organization's published research. Every legal citation has been verified against the published decision. Where a claim rests on an association rather than a demonstrated individual-level causal relationship, the brief says so. Where a legal question is live but not yet settled by a court, the brief frames it as a justiciable question rather than a settled violation. The Alberta Disability System Breakdown Campaign's documentary corpus is built on primary-source discipline, and this document is held to that same standard.

b. How to Use This Document

This document is structured for use by readers of multiple backgrounds. The orientation below is offered to help each reader engage with the brief in the manner most useful to that reader's role.

For lawyers, constitutional law clinics, policy researchers, and journalists: the executive summary above provides the brief in compressed form. For substantive engagement, read Section I for context and the three pillars (Pillar I — Environmental Input; Pillar II — Mitigation Collapse; Pillar III — Economic Output) for the documented evidentiary record. Section V presents the constitutional and administrative-law analysis, with case citations in standard form. Section VI synthesizes the documented findings and identifies the justiciable questions reserved to the courts. If any of the questions raised align with work you do, the campaign would welcome contact at the address below.

For legislators, ministers, and ministerial staff: every claim in this brief is sourced to a primary document. The campaign asks that you read the evidence in each pillar before forming a position on the AISH-to-ADAP transition, and that the questions raised in Section V be treated as the constitutional and administrative-law questions they are. The brief identifies what the documented record establishes; the response to that record is, as Section VI articulates, reserved to the architecture you operate within.

For members of the affected population — AISH or ADAP recipients, FSCD or PDD families, Albertans with disabilities, family members and caregivers: this brief is the legal-academic version of the case the documented record establishes. Your voice in this conversation matters at the same level as everything in this document. Personal impact submissions filed by individuals, in their individual capacities, carry weight that aggregated analysis cannot. The campaign maintains a fillable Personal Impact Statement template, available as a separate community document, that walks you through what to write and where to file it. Whether to file one is your decision; the campaign supports either choice.

For every other reader: distribution is unrestricted. Share this document with whoever in your life might find it useful. The brief was written for it to reach the people who can use it.

Companion resources, including the Personal Impact Statement template, the campaign's evidentiary report series, the plain-language guide, and the campaign's other published materials, are available through the Alberta Disability System Breakdown Campaign's app and Facebook group, and through the campaign email at AlbertaDisabilityBreakdown@outlook.com.

c. The July 1, 2026 Threshold

On July 1, 2026, the Alberta Disability Assistance Program (ADAP) will replace the Assured Income for the Severely Handicapped (AISH) program as Alberta's principal income-support program for adults with severe, permanent disabilities. The transition affects the 79,290 Albertans currently receiving AISH benefits as of September 2025, according to the Government of Alberta's open caseload data. It restructures eligibility, reduces the base monthly benefit from \$1,940 to \$1,740, reduces the single-recipient fully-exempt employment income from \$1,072 per month to \$700 per month, removes the previously legislated annual cost-of-living adjustment, and — through Bill 12, passed December 9, 2025 — eliminates the independent Citizens Appeal Panel that provided recourse for recipients contesting eligibility decisions under the prior program.

These changes are public, documented in the Government of Alberta's own publications and in the text of Bill 12 as passed. They do not require interpretation to establish.

What this brief examines is the context in which those changes are being made. The Alberta Disability System Breakdown Campaign's position, developed across the campaign's fourteen-part evidentiary report series and restated here in legal-brief form for an audience that has not yet encountered the underlying material, is that the AISH-to-ADAP transition is not a discrete program reform. It is the final stage of a compound pattern in which the same government permits the environmental inputs that contribute to documented population-level increases in neurodevelopmental and other disabilities; dismantles or starves the educational and early-intervention mitigation systems that were designed to respond to those increases; and then reduces the adult income and support program that receives the population that has passed through the first two stations.

Each of these three stages is the subject of one of the three pillars that follow. Each pillar is grounded in government documents, peer-reviewed research, the published findings of Alberta's own Auditor General, the published findings of established advocacy organizations including Inclusion Alberta, and the Government of Alberta's own statements on the public record.

d. The Population Affected

The 79,290 Albertans currently receiving AISH are not a homogeneous group. Drawing from Alberta Assisted Living and Social Services open data as of September 2025: 32,901 (41.5%) have a primary condition of physical disability; 23,940 (30.2%) have a primary condition of mental illness; 22,419 (28.3%) have a primary condition of cognitive disorder. Of the total, 68,223 (86%) are single individuals and 5,426 (6.8%) are single parents. 66,263 (83.6%) report zero employment income.

Beyond the AISH caseload, the affected population includes the approximately 20,000 Alberta families receiving Family Support for Children with Disabilities (FSCD) supports and the adults receiving Persons with Developmental Disabilities (PDD) supports. It also includes, critically, the families and individuals who have applied to FSCD or PDD and are waiting — a population whose size the Government of Alberta has not publicly disclosed since approximately 2022.

The affected population is therefore larger than the AISH caseload and cannot be precisely enumerated, because a material portion of it is invisible in the government's current public reporting. That invisibility is itself a finding of this brief and is examined in Pillar II.

e. The Compound-Failure Thesis

The Government of Alberta's environmental, educational, and disability-supports policies, considered together, create a documented pattern in which Alberta children exposed to substances and conditions the province permits, or whose federal contamination on Alberta soil the province has declined to act on, and who are then denied the early-intervention and educational mitigation supports the province has committed under its own legislation and ministerial orders to provide, arrive in adulthood — under the ADAP transition — to find the endpoint adult-income supports reduced, clawed back against a federal benefit every other province allows recipients to retain, and stripped of the independent appeal mechanism that previously existed under AISH.

This pattern is compound rather than cumulative: each stage does not merely add to the harm of the previous stage but makes the consequences of the previous stage harder to mitigate. A child who did not receive timely FSCD support during a critical developmental window cannot recover that window through adult ADAP benefits. An adult whose access to inclusive education was inadequate cannot reconstruct that education once AISH is replaced. The absence of appeal rights under ADAP renders contestable what was, under AISH, contestable through an independent panel. Each stage closes doors the previous stage needed open.

This brief is not a claim that any individual Alberta resident's disability was caused by any specific government policy. The scientific discipline required to maintain the distinction between population-level association and individual-level causation is observed throughout Pillar I, and is essential to the credibility of the rest of the document. What this brief argues is narrower and more defensible: that the Government of Alberta has assumed, through legislation and policy, statutory obligations in each of three domains — environmental protection, educational inclusion, and disability income support — and that the current exercise of those obligations, considered together, raises substantial questions under the Canadian Charter of Rights and Freedoms and Canadian administrative law that courts, legislators, and the public are entitled to examine.

f. The Life-Course Frame

The three pillars of this brief are doctrinally distinct. They correspond to three different categories of government authority and three different bodies of law. They are, however, encountered by actual Albertans across a single life course, and the brief's evidentiary weight depends on the reader keeping that in view.

Each of the pillars that follows concludes with a passage tracing the pillar's subject across four stations of a human life: prenatal, early childhood, school-age, and adult. The purpose of this recurring structure is not rhetorical. It is to show that the evidence the brief assembles does not describe three separate problems that happen to be occurring in the same province. It describes a single sequence encountered by the same people, in the same order, at the same approximate ages.

Pillar I's life-course passage traces how environmental inputs documented in Alberta enter a human life before birth and accumulate across decades. Pillar II's traces where the province's mitigation systems were designed to intervene and documents where and why those systems are now failing to intervene. Pillar III's traces what the adult endpoint looks like for a person who has passed through the previous two stations under the program about to take effect on July 1, 2026.

g. Document Structure and Audience

The brief proceeds in six sections. Pillar I examines the environmental input: Alberta-specific contamination data, peer-reviewed developmental associations, and the regulatory gap at the federal and provincial levels. Pillar II examines the mitigation collapse: FSCD, PDD, inclusive education, and the broader pattern of data suppression and stated policy intent. Pillar III examines the economic output: the AISH-to-ADAP transition, the Canada Disability Benefit clawback, Bill 12, and the reassessment of the already-assessed. Section V presents the constitutional and administrative-law analysis, drawing on *Eldridge v. British Columbia (Attorney General)*, [1997] 3 SCR 624, on substantive equality for persons with disabilities; *Withler v. Canada (Attorney General)*, 2011 SCC 12, on the contemporary section 15 framework; *Nova Scotia (Workers' Compensation Board) v. Martin*, 2003 SCC 54, on disability-subgroup distinctions within benefits regimes; *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, on the duty of procedural fairness; *Chaoulli v. Quebec (Attorney General)*, 2005 SCC 35, on state action threatening security of the person; *Gosselin v. Quebec (Attorney General)*, 2002 SCC 84, on the unresolved economic-rights dimension of section 7; and the section 1 framework articulated in *R v. Oakes*, [1986] 1 SCR 103. Section VI synthesizes the documented findings and the legal analysis as a single evidentiary and legal record before the July 1, 2026 inflection point.

The intended primary audience of the brief is legal: constitutional law clinics, advocacy lawyers considering whether any of the questions the brief raises are suitable for litigation, and academic legal researchers working on Charter, administrative law, and disability-rights questions in Canada. The intended secondary audience is every other reader who finds the material useful, including legislators, journalists, policy analysts, disability advocacy organizations, members of the affected population, and their families. The brief has been written with the assumption that some of its readers will have extensive background in Canadian constitutional law and some will have none, and it has tried, where possible, to make each section accessible to the latter without diluting its usefulness to the former.

The brief does not ask the reader to accept the compound-failure thesis on the campaign's say-so. It asks the reader to weigh the evidence in each of the three pillars on its own merits, to consider the legal and administrative-law questions raised in Section V, and to draw their own conclusion about

what those questions collectively require of the Government of Alberta and, where relevant, the Government of Canada.

II. PILLAR I — THE ENVIRONMENTAL INPUT

a. Introduction to Pillar I

This pillar examines the first stage of the compound pattern: the environmental conditions and exposures the Government of Alberta either permits, has not regulated, or has not acted on within its jurisdictional authority, and which the peer-reviewed literature associates with population-level increases in neurodevelopmental, immune, metabolic, and other health outcomes that contribute to the prevalence of disability among Alberta residents.

The pillar proceeds in four parts. Section II(b) presents the Alberta-specific contamination data: documented PFAS hotspots on the Federal Contaminated Sites Inventory, pesticide monitoring data from Alberta surface waters, the legacy asbestos and lead-paint burden in the Alberta built environment, the municipal biosolids-to-agricultural-land pathway, and the consumer-waste-disposal pathway through which hazardous consumer products enter Alberta landfills as unsegregated household waste. Section II(c) presents the peer-reviewed developmental and health-outcome literature that associates these classes of exposure with effects of public-health concern, with particular attention to Canadian birth-cohort studies. Section II(d) examines the regulatory gap at both the federal and provincial levels — the documented divergence between what is known about these substances and what is currently in force or in active regulatory development. Section II(e) traces, in a final passage, how the documented exposures enter and persist across a single human life from prenatal development through adulthood.

A note on epistemic discipline: this pillar establishes that documented exposures occur in Alberta, that those exposures are associated at the population level with developmental and health outcomes contributing to disability prevalence, and that the regulatory response to the exposures has been incomplete or delayed. It does not, and cannot, establish that any individual Alberta resident's disability was caused by any specific exposure. The distinction between population-level association and individual-level causation is a fundamental one in epidemiology and toxicology, and the brief observes it throughout. Where a finding is an association rather than a demonstrated causal mechanism, this pillar says so. Where an animal model finding has not yet been confirmed in humans, this pillar says so. Where a study is foundational but limited (sample size, geographic scope, follow-up window), this pillar says so. The cumulative evidentiary weight of the pillar derives not from any single study but from the convergence of multiple lines of evidence across exposure classes, and from the documented presence of those exposures in Alberta specifically.

b. Alberta-Specific Contamination

b.i. Per- and Polyfluoroalkyl Substances (PFAS)

Per- and polyfluoroalkyl substances comprise a class of approximately 15,000 synthetic chemicals characterized by a carbon-fluorine bond that is highly resistant to environmental and metabolic

degradation (Government of Canada, *Draft State of Per- and Polyfluoroalkyl Substances (PFAS) Report*, 2023). The persistence of the perfluoroalkyl moiety is such that the substances have been termed "forever chemicals" in both regulatory and scientific literature. PFAS have been used in industrial and consumer applications since the 1940s, including in firefighting foams (aqueous film-forming foam, or AFFF), grease-resistant food packaging, stain- and water-repellent textile treatments, non-stick cookware coatings, and a wide range of additional applications.

Alberta hosts documented PFAS contamination at multiple federal sites identified in the Federal Contaminated Sites Inventory and reported through Canada's draft and updated *State of PFAS Report* publications by Environment and Climate Change Canada. The Government of Canada's draft report, current to April 2022, identified eight PFAS-contaminated sites in Alberta — four classified as active and four as suspected — alongside additional sites in every other province and territory, the majority associated with past or current use of AFFF in firefighting training and equipment maintenance at airports and military installations (Environment and Climate Change Canada, 2023, *Draft State of PFAS Report*, Figure 3 and accompanying text).

Among the Alberta-specific sites, the following are confirmed by federal documentation:

- **Calgary, Alberta:** Former Firefighting Training Area, Calgary International Airport. Groundwater contamination under assessment. Population within 1 km: 30. Wells within 1 km confirmed present.
- **Edmonton, Alberta:** Canadian Forces Base Edmonton. Surface water, groundwater, and soil contamination. National Defence has reported sampling 15 wells in the surrounding area, none of which exceeded the Health Canada provisional drinking-water guideline of 30 ng/L. Population within 1 km: 87.
- **Banff National Park, Alberta:** Peyto Pit. Groundwater and soil contamination under assessment. No known wells within 1 km.
- **Jasper, Alberta:** Additional federal site identified.

(Source: Federal Contaminated Sites Inventory, as reported in CBC News interactive map of Canadian PFAS hotspots, May 2025, drawing on data current to March 19, 2025; underlying data verifiable through the Federal Contaminated Sites Inventory.)

The figure of 80 federal sites mapped by CBC, drawn from Environment and Climate Change Canada's reporting, is, in the publication's own framing, "likely a vast undercount." Provincial and municipal PFAS monitoring is not standardized across Canada, and the federal map excludes sites under provincial, municipal, and private authority. Université de Montréal toxicologist Marc-André Verner, in commentary published with the CBC reporting, stated that emerging science suggests there may be no safe level of PFAS exposure.

It should be noted that AFFF use was historically widespread at Canadian Forces installations across western Canada, including bases beyond those currently confirmed on the federal inventory. Civil society organizations including the Alberta Wilderness Association have published additional concerns regarding suspected PFAS contamination at additional Alberta sites; those

claims are noted here without independent verification, as the federal inventory remains the authoritative source for confirmed contamination at this writing.

A second pathway for PFAS entry into the Alberta environment is the municipal biosolids-to-agricultural-land application program. The City of Calgary operates the Calgro biosolids land-application program, which has been in continuous operation since 1983. Under this program, biosolids generated by the Bonnybrook Wastewater Treatment Plant are subsurface-injected at a depth of 5-10 cm below the ground surface on pre-approved agricultural land in southeast Calgary, near the Shepard Lagoons, between April and late October each year (City of Calgary, *Biosolids Management Program*, ongoing). Approved crop categories on Calgro-treated land include cereal grains, small oilseeds, dried legumes, forage crops, trees, and sod. The Government of Alberta's 2001 *Guidelines for the Application of Municipal Wastewater Sludges to Agricultural Lands*, still in operative reference at the provincial level, notes that "in Alberta, it is common practice to apply sludge or biosolids to agricultural lands as a nutrient source."

The Canadian Food Inspection Agency, in a notice to industry dated May 2023, confirmed that "there are currently no standards for PFAS in biosolids in Canada." An interim standard of 50 ppb PFOS was proposed for industry consultation; that proposal has not been promulgated as a binding standard at this writing. The first comprehensive Canadian study of PFAS concentrations in biosolids and composts (published in *Science of the Total Environment*, 2024, Quebec sample, n=118 sewage sludge and biosolid samples collected 2019-2023) reported PFAS concentrations of 12 to 1,310 µg/kg in biosolids samples, with diPAPs, sulfonamides, PFCAs, and PFSAAs as dominant chemical classes. Plant uptake of PFAS — particularly PFOA and PFOS — has been documented across at least 16 field studies summarized in the Interstate Technology and Regulatory Council's 2022 fact sheet on biosolids and PFAS, and livestock fed silage from PFAS-contaminated fields have been documented to accumulate PFAS in tissues (Lindstrom et al., 2011; Skutlarek, Exner, and Farber, 2006).

The Calgary configuration is therefore as follows: a federally documented PFAS-contaminated site (Calgary International Airport, former AFFF firefighting training area) lies within the same metropolitan region as a long-running municipal biosolids land-application program that distributes wastewater-derived solids to agricultural land used for human food production, in a regulatory environment in which Canada has not yet established binding standards for PFAS in biosolids and Alberta has not implemented PFAS-specific monitoring of either the biosolids stream or the receiving agricultural soil. The pathway from federal-site contamination, through municipal wastewater treatment that does not remove PFAS, into agricultural soil, into crops and livestock, and into the human food supply, is documented in each of its segments by the responsible public authorities. Calgary does not publicly report PFAS testing of Calgro biosolids at this writing.

b.ii. Pesticides in Surface Water

Alberta Environment has measured pesticide concentrations in provincial surface waters since the mid-1980s. The most comprehensive provincial overview, *Overview of Pesticide Data in Alberta*

Surface Waters Since 1995 (Anderson, Alberta Environment, covering 1995-2002 data, published 2005), reported that of 63 pesticide compounds measured across 35 sampling programs, 44 were detected in Alberta surface waters. Provincially, 2,4-dichlorophenoxyacetic acid (2,4-D) was the most frequently detected pesticide, present in 53% of samples. Seven additional compounds were detected in 10% to 50% of samples (clopyralid, dicamba, glyphosate, MCPA, MCPP, picloram, and triclopyr), and 15 additional compounds were detected in 1% to 10% of samples.

A 2019 synoptic survey of southern Alberta watersheds — conducted by Environment and Climate Change Canada researchers and published in the *Journal of Limnology* (full citation: Glozier et al., 2019, "From peaks to prairies: a time-of-travel synoptic survey of pesticides in watersheds of southern Alberta, Canada," DOI: 10.1080/20442041.2019.1634947) — confirmed the persistence of 2,4-D as the highest-detection-frequency pesticide in surface waters across all studied river subbasins (Oldman, South Saskatchewan, Bow, and Red Deer). The study analyzed 106 pesticide compounds in grab samples from waterways, wastewater treatment plant effluents, and irrigation return flows in Alberta's most heavily farmed regions. Pesticide detection occurred in wastewater treatment plant effluents in both summer (August 2014) and winter (February 2015) sampling, indicating sources beyond seasonal agricultural application.

The 23 watersheds monitored under Alberta's AESA (Alberta Environmentally Sustainable Agriculture) Water Quality Monitoring Project documented detectable pesticide concentrations in every watershed studied, with 37 of 68 monitored compounds detected and a positive correlation observed between agricultural land-use intensity and pesticide detection frequency, total pesticide concentration, and number of compounds detected per sample (AESA Water Quality Monitoring Project, Volume 3, 1999-2006 data).

b.iii. Asbestos

Asbestos is a naturally occurring silicate mineral widely used across North American construction between approximately 1940 and 1990 for its fire-resistance, tensile strength, and thermal insulation properties. Peak use occurred from 1940 through 1975, with continued application in specific products through the 1980s and beyond. Asbestos was incorporated into an estimated three thousand distinct building and industrial products during this period, including spray-applied fireproofing, thermal insulation on pipes and boilers, drywall joint compound, floor tiles, ceiling tiles, cement products (pipes, boards, siding), roofing materials, plaster, gaskets, and brake pads (Government of Canada, *Asbestos and Your Health*, ongoing).

Canadian regulation of asbestos proceeded in incremental stages across more than four decades. A 1976 restriction limited asbestos use in insulation and fireproofing applications. The *Asbestos Mines and Mills Release Regulations* (1977) limited emissions from mining and processing operations. The *Asbestos Products Regulations* (1986) under the *Hazardous Products Act* further restricted asbestos-containing product manufacture and labelling. Asbestos drywall joint compound was banned in 1980. The *Hazardous Products (Crocidolite Asbestos) Regulations* (1989) prohibited the most toxic asbestos variant, and spray-applied asbestos products were fully banned under the *Hazardous Products Act* the same year. Despite these incremental restrictions,

asbestos mining continued in Canada until 2011-2012, when the last active operations in Thetford Mines and the town of Asbestos, Quebec, ceased production. In 2015, Canada was still importing approximately \$8.2 million in asbestos-containing products, primarily brake pads and cement products. The comprehensive ban — *Prohibition of Asbestos and Products Containing Asbestos Regulations* (SOR/2018-196) — came into force on December 30, 2018, forty-two years after the first restriction in 1976. The 2018 regulations include time-limited exemptions for the military, nuclear, and chlor-alkali industries.

The federal Department of National Defence maintains a National Asbestos Inventory documenting which buildings at which Canadian Forces installations contain asbestos-containing materials. Military buildings constructed during the peak use period (1940-1975) are presumptively contaminated unless documented otherwise. Canadian Forces Base Edmonton and other historical military installations in Alberta are within the inventory's scope. Permanent Married Quarters (PMQ) housing on Canadian Forces bases during the relevant construction periods typically incorporated multiple asbestos-containing materials in fireproofing, insulation, and ceiling-tile applications.

In Alberta, the school building stock constructed during the peak asbestos use period contains documented asbestos-containing materials. The Government of Alberta's *Alberta Asbestos Abatement Manual* (2019, and predecessor documents) acknowledges the widespread presence of asbestos in Alberta's pre-1990 institutional, educational, and residential building stock, and establishes the regulatory framework under which known asbestos-containing materials are managed. The current regulatory approach — consistent across Canadian provinces — is management in place rather than universal removal. Under this approach, asbestos-containing materials that remain undisturbed and in good condition are permitted to remain in buildings, with disturbance triggering notifiable abatement procedures under provincial occupational health and safety regulations.

This approach means that Alberta children attending pre-1990 school buildings are, in the ordinary course, not exposed to airborne asbestos at concentrations of acute concern. It also means that the building stock contamination has not been eliminated; it has been deferred. Buildings constructed between 1940 and 1990 that remain in institutional use continue to contain the asbestos-containing materials they were built with. Deterioration of those materials with age, ventilation system disturbance, maintenance activity, and renovation work all represent pathways by which previously encapsulated asbestos can become airborne.

The disease-latency characteristics of asbestos exposure are central to the life-course relevance of this contamination class. Peer-reviewed literature establishes that asbestos-related diseases — asbestosis, mesothelioma, and certain lung cancers — have latency periods ranging from approximately ten to fifty years. Asbestosis typically manifests ten to forty years after first exposure. Mesothelioma typically manifests twenty to fifty years after first exposure. Asbestos-related lung cancer typically manifests fifteen to thirty-five years after first exposure. Higher-intensity and longer-duration exposures tend to produce shorter latency periods and more severe outcomes. Children with early-life exposure typically demonstrate longer latency periods, and a

portion of population-level asbestos disease burden at any given time reflects cumulative exposure in previous decades.

For Alberta's present-day disability population, this latency profile has two structural consequences. First, the adults presently assessed under AISH and transitioning to ADAP include cohorts who were children during the peak Canadian asbestos use period and who may have encountered significant early-life exposure in school, residential, or military-adjacent environments. Second, Alberta children currently attending pre-1990 school buildings are being exposed to managed-in-place asbestos-containing materials under an ongoing regulatory framework that defers rather than eliminates exposure, with symptoms from that exposure anticipated to emerge across the 2040-2070 window.

b.iv. Lead Paint

Lead-based paint was manufactured, sold, and applied in Canada for more than a century prior to effective regulatory restriction. Before 1960, lead was a principal component of Canadian paints, with formulations containing as much as 50% lead by dry weight to provide colour, durability, and faster drying. The neurotoxic effects of lead, particularly on cognitive development in children, have been scientifically documented since the early twentieth century and are among the most thoroughly established findings in environmental health science. The World Health Organization's established position, reiterated in the agency's ongoing guidance, is that there is no known safe level of lead exposure for children.

The Canadian regulatory history of lead in paint is one of incremental restriction across decades, and of regulatory stringency substantially below the contemporaneous United States standard. In 1976, Canada introduced the first restriction on lead in interior paint: a limit of 5,000 parts per million (0.5% by weight). This limit was more than eight times less stringent than the United States standard of 600 parts per million established in 1978. Exterior paints could continue to contain higher lead concentrations through the 1970s and 1980s provided they carried a warning label. Canadian paint manufacturers voluntarily began conforming to near-background lead levels in their interior and exterior consumer paints in 1991 under a voluntary agreement with the federal government.

Full legislative regulation of lead in paint did not come into force in Canada until 2005, when the *Surface Coating Materials Regulations* under the *Canada Consumer Product Safety Act* reduced the permissible lead limit to background levels for both interior and exterior consumer paints. The *Surface Coating Materials Regulation SOR/2016-193* is the current controlling instrument. Since 2010, any paint sold in Canada containing more than 90 parts per million lead must be labelled to warn against use in areas accessible to children or pregnant women.

Twenty-nine years elapsed between the first Canadian restriction (1976) and the full legislative regulation (2005). During the intervening period, lead-based paint continued to be manufactured, sold, and applied in Canadian homes, schools, institutional buildings, and infrastructure. The 2007 report by the Canadian arm of the Association of Community Organizations for Reform Now (ACORN) estimated that approximately three million Canadian homes — housing approximately

one-quarter of Canadian children — had been built before 1960, when lead paint use was most widespread. Approximately 75% of Canadian homes built before 1978 contain some lead-based paint.

Canada's regulatory approach to lead in paint has been assessed by peer-reviewed public-health scholarship as substantially weaker than the contemporaneous United States framework. Health Canada's historical position — documented in the academic literature as "reformulating lead-based paint as a problem of the past, or as a US problem" — has not corresponded to the Canadian clinical record. The *Canadian Medical Association Journal* documented, in a 2004 case report, a four-year-old Ottawa boy hospitalized for lead poisoning after ingesting paint chips containing 0.5% lead — the lead concentration Canadian federal regulators had designated as acceptable in the 1976 restriction. A 1995 investigation of London, Ontario children (aged 0-17, n=164; Langlois et al., *Canadian Journal of Public Health*, 1996) identified a 7.3% prevalence of elevated blood lead levels (≥ 10 $\mu\text{g/dL}$), with lead-based paint implicated as the primary source and with children living in pre-1945 homes demonstrating average blood lead levels 62.3% higher than those living in later-built homes ($p=0.01$).

For Alberta, the lead paint contamination profile mirrors the national pattern. Alberta housing constructed before 1991, and particularly before 1978, contains lead paint at rates broadly consistent with the national estimates. Alberta school buildings constructed during the relevant periods contain documented lead paint, subject to the same "manage in place" regulatory approach as asbestos. Lower-income Alberta households — including the AISH and ADAP recipient population examined in Pillar III — are disproportionately housed in older rental housing stock less likely to have been remediated through subsequent renovation investment. The documented correlation between pre-1945 housing age and elevated childhood blood lead levels observed in the Ontario investigation cited above is generalizable to comparable Alberta housing stock. The on-reserve housing stock in Alberta First Nations communities, which falls under federal jurisdiction, is characterized by older construction, deferred maintenance, and documented lead exposure risks, as examined in the campaign's separate Indigenous Disability evidentiary report.

The developmental consequences of childhood lead exposure are uniquely well-established among the environmental contamination classes this pillar examines. The scientific consensus, supported by decades of cohort research and reviewed in the positions of the World Health Organization and the Centers for Disease Control and Prevention, is that there is no known safe level of lead exposure for children. Cognitive, behavioural, and neurodevelopmental outcomes associated with elevated childhood blood lead levels include reductions in measured IQ, increased incidence of attention-deficit and hyperactivity disorders, reduced academic achievement, and increased behavioural difficulty. These outcomes directly overlap with the diagnostic profiles that result in Alberta Education special-education coding (particularly Codes 41, 42, 43, and 44), with eligibility for Family Support for Children with Disabilities (FSCD) supports, and with subsequent adult eligibility for Persons with Developmental Disabilities (PDD) and AISH/ADAP income supports.

The MIREC Canadian birth cohort has been used to examine prenatal lead exposure and cognitive outcomes in Canadian children, with results consistent with the broader international literature on

the developmental effects of low-level prenatal lead exposure. Full MIREC lead-specific citations will be compiled in Appendix B.

Like asbestos, the lead paint contamination burden in Alberta has an inter-generational character. The adult AISH population includes cohorts exposed to lead paint during childhood in the 1960s through 1980s, prior to meaningful regulatory restriction. The children currently presenting with neurodevelopmental concerns for FSCD assessment include cohorts with ongoing exposure to managed-in-place lead paint in older housing and school buildings. The same population, across generations, is bearing the developmental consequences of a regulatory framework that has, in the case of lead paint, repeatedly deferred abatement in preference to labelling, warning, and management-in-place approaches.

b.v. Consumer Waste Disposal and Landfill Leachate Pathways

In addition to the federal contaminated-site inventory and the municipal biosolids-to-agricultural-land pathway discussed in Section II(b)(i), a third documented pathway by which PFAS and other hazardous consumer-product constituents enter the Alberta environment is the disposal of household waste into municipal landfills. This pathway is structurally distinct from the previous two in that it arises not from industrial contamination or from the wastewater treatment loop, but from the ordinary, legally permitted disposal of consumer products by Alberta households into the regular residential waste stream.

Alberta's *Waste Control Regulation* (Alta Reg 192/1996), promulgated under the *Environmental Protection and Enhancement Act*, is the province's principal regulatory instrument governing waste classification and disposal. Section 3(a) of the Regulation explicitly excludes from hazardous waste classification "household waste in the possession of the householder or while unsegregated in a municipal waste management system." The practical effect of this exclusion is as follows: consumer products containing substances that, if generated as industrial waste, would be classified and managed as hazardous — such as PFAS-coated non-stick cookware, stain-resistant or water-repellent textiles, PFAS-treated grease-resistant food packaging, certain cosmetics and personal-care products, electronic components, and products containing residual lead, cadmium, or mercury — are not, under Alberta law, treated as hazardous waste when disposed of by consumers in the normal course. They become hazardous waste only if separated from the unsegregated household stream, typically through municipal Household Hazardous Waste (HHW) programs or time-limited Toxic Roundup events. While they remain in the household waste stream, the regulatory framework treats them as ordinary municipal solid waste.

Alberta's landfill system, regulated under the *Waste Control Regulation* and the *Standards for Landfills in Alberta*, operates in three classes. Class I landfills are authorized to accept certain specified hazardous wastes at specified concentration limits (for example, solid waste containing halogenated organic compounds at combined concentrations below 1,000 mg/kg, with polychlorinated biphenyls below 50 mg/kg). Class II landfills accept waste that does not include hazardous waste; the majority of Alberta residential garbage is directed to Class II facilities. Class III landfills accept only inert waste. Consumer products containing PFAS, regulated at the federal

level as toxic under CEPA as described in Section II(d)(i), routinely enter Class II landfills through household disposal.

Peer-reviewed environmental engineering literature establishes that landfill leachate — the liquid that forms as precipitation and moisture move through deposited waste — is a significant release pathway for PFAS from landfilled consumer products to surrounding soil, surface water, and groundwater. Lang et al. (2017), "National Estimate of Per- and Polyfluoroalkyl Substance (PFAS) Release to U.S. Municipal Landfill Leachate," *Environmental Science & Technology* 51(4): 2197-2205, reported PFAS detection in 95 of 95 landfill leachate samples analyzed across 18 U.S. landfills, with total PFAS concentrations in leachate ranging across three orders of magnitude. Canadian landfill leachate studies have reported consistent findings. The concentrations of PFAS released per tonne of municipal solid waste are sufficient, in aggregate across the North American landfill system, to represent a principal ongoing source of environmental PFAS release.

Municipal Household Hazardous Waste programs in Alberta are voluntary at both the municipal and household levels. The Government of Alberta's official guidance to residents is to "check with your local municipality to determine if they have a household hazardous waste collection site or if they host temporary round-up events." The City of Calgary operates a free HHW drop-off program with eleven locations (eight fire-station drop-off sites and three Eco Centres at municipal landfills) and provides for the free disposal of solid and liquid hazardous products bearing the federal Consumer Chemical and Containers Regulations (CCCR) hazard symbol. The City of Edmonton operates Eco Stations. Many of Alberta's smaller urban municipalities, rural municipalities, and Indigenous communities operate seasonal roundups, limited drop-off facilities, or, in some cases, no dedicated HHW infrastructure at all. There is no provincial requirement that consumers separate hazardous products from their regular household waste, and no provincial penalty for failing to do so.

On April 1, 2025, Alberta launched an Extended Producer Responsibility (EPR) program, overseen by the Alberta Recycling Management Authority (ARMA), covering three product categories: single-use products, packaging and printed paper (PPP), and hazardous and special products (HSP). EPR shifts financial responsibility for end-of-life management of designated products from municipalities to the producers of those products. The HSP category incorporates some materials previously handled under the pre-existing HHW framework. The 2025 EPR designated materials list, however, does not include most PFAS-containing consumer products (including non-stick cookware, PFAS-coated textiles, and PFAS-treated food packaging), and does not include asbestos-containing consumer products or lead paint residuals. The EPR framework is narrow in its current scope and is structured around producer financial responsibility rather than mandatory consumer sorting or diversion.

The regulatory configuration that results from these provisions is as follows: a consumer product containing a substance classified as toxic under federal legislation, purchased at retail in Alberta, used by an Alberta household, and discarded into the household waste stream, will in the ordinary course be deposited into a Class II landfill not designed for hazardous-waste containment, without having been classified or handled as hazardous at any point in its life cycle under Alberta law. The

Alberta-specific structural gap this produces, in combination with the federal contaminated-site inventory and the municipal biosolids-to-agricultural-land loop, is that three distinct pathways — none of which is, at this writing, the subject of active Alberta-specific regulatory remediation — concurrently contribute to the ongoing release of PFAS and other legacy contaminants into the Alberta environment.

b.vi. The Indigenous Disability Context

The Alberta Disability System Breakdown Campaign has produced separate evidentiary documentation on the specific intersection of environmental contamination, disability, and Indigenous communities in Alberta — the *Indigenous Disability in Alberta: A 195-Page Evidentiary Report*, available through the campaign's distribution channels and submitted to the Yellowhead Institute, the United Nations Special Rapporteur on the Rights of Persons with Disabilities, and other relevant bodies. That document examines the historical and present-tense conditions — contaminated land and water on or near reserves, jurisdictional fracture in service delivery, the Mortality Gap, the specific application of TRC Calls to Action 18-24 on health, the operation of Jordan's Principle, and related considerations — that together produce documented disability rates among Indigenous Albertans substantially in excess of the non-Indigenous population. The framework established in that document, particularly with respect to the relationship between environmental conditions and population-level disability outcomes, is foundational to the present pillar's extension of analogous reasoning to the broader Alberta population.

Readers concerned with the Indigenous-specific dimensions of the compound pattern this brief examines are directed to the Indigenous Disability evidentiary report as a primary source on those dimensions. The present pillar does not attempt to summarize that work; it cites it as established framework and proceeds.

c. Peer-Reviewed Developmental and Health-Outcome Literature

c.i. Prenatal PFAS Exposure and Childhood Cognitive Outcomes

The most directly applicable Canadian primary source on prenatal PFAS exposure and childhood cognitive outcomes is Goodman et al. (2023), "Prenatal exposure to legacy PFAS and neurodevelopment in preschool-aged Canadian children: The MIREC cohort," *Neurotoxicology and Teratology*, Volume 98, Article 107181, DOI: 10.1016/j.ntt.2023.107181 (published online 11 May 2023). The study analyzed first-trimester maternal plasma concentrations of three legacy PFAS compounds — perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and perfluorohexanesulfonic acid (PFHxS) — measured in participants of the Maternal-Infant Research on Environmental Chemicals (MIREC) study, a multi-site Canadian pregnancy and birth cohort recruited between 2008 and 2011 across ten Canadian cities, including Edmonton, Alberta. Children's intelligence scores were assessed at ages three to four years using the Wechsler Preschool and Primary Scale of Intelligence, Third Edition (WPPSI-III), yielding Full-Scale IQ (FSIQ), Performance IQ (PIQ), and Verbal IQ (VIQ) measures.

For the analyses reported, n = 522 mother-child pairs were included for FSIQ assessment, n = 517 for PIQ, and n = 519 for VIQ. The authors employed both single-pollutant multiple linear regression and weighted quantile sum (WQS) regression to assess the impact of the PFAS mixture as a whole.

The principal findings of public-health relevance are as follows: every quartile increase in the WQS index of the PFAS mixture was associated with a decrease of 3.16 points in performance IQ in male children ($\beta = -3.16$, 95% CI: -4.90, -1.43). PFHxS contributed the largest weight to the WQS index for this association. No statistically significant association was observed for female children ($\beta = 0.63$, 95% CI: -0.99, 2.26). No statistically significant associations were observed between PFAS exposure and executive function measures (working memory, planning/organizing) in either sex. The single-pollutant analyses produced consistent patterns: higher individual PFAS concentrations were associated with lower performance IQ in male children, with PFHxS as the chemical of consistent concern across analytic approaches.

The authors note that subtle alterations in brain development can have wide-ranging impacts at both the individual and population level, citing Lanphear (2015). The MIREC cohort is, by the authors' own acknowledgment, somewhat older, predominantly Caucasian, and of higher household income and educational attainment than the general Canadian birthing population (Arbuckle et al., 2013); the directionality of any bias this introduces with respect to PFAS exposure-outcome relationships is not straightforward to predict.

The Goodman et al. (2023) paper is co-authored by researchers from, among other institutions, the Department of Pediatrics, Faculty of Medicine and Dentistry, University of Alberta, providing direct Alberta institutional involvement in the foundational Canadian primary research on this question.

c.ii. Ultraprocessed Food Consumption and Behavioral Outcomes

A second Canadian primary source addresses dietary exposure rather than chemical contamination, and is included in this pillar because the underlying economic conditions of Alberta disability income recipients, examined in Pillar III, structurally constrain dietary access in ways that have measurable downstream effects on the developmental outcomes of children in those households.

Kavanagh et al. (2026), "Ultraprocessed Food Consumption and Behavioral Outcomes in Canadian Children," *JAMA Network Open*, Volume 9, Issue 3, Article e260434, DOI: 10.1001/jamanetworkopen.2026.0434 (published 3 March 2026), reports findings from a cohort study examining the association between intake of ultra-processed foods (UPF) at age three years and behavioral outcomes at age five years among children participating in the CHILD Cohort Study in Canada. The analytic sample comprised over 2,000 children. Behavioral outcomes were measured using the Child Behavior Checklist, a validated parent-report instrument.

The authors found that for every 10% increase in calories from ultra-processed foods at age three, children at age five demonstrated higher scores on internalizing behaviour subscales (anxiety, fearfulness), externalizing behaviour subscales (aggression, hyperactivity), and overall

behavioural difficulty composites. Sugar-sweetened beverages and artificially sweetened drinks demonstrated stronger associations with adverse behavioural outcomes than other UPF categories.

The principal investigator, Kozeta Miliku of the University of Toronto's Temerty Faculty of Medicine, observed that the preschool years are critical for child development and that the findings underscore the need for early-life interventions, public health campaigns, nutrition standards for child-care providers, and reformulation of packaged foods. The authorship of the study includes researchers from the Department of Pediatrics, Faculty of Medicine and Dentistry, University of Alberta — providing, again, direct Alberta institutional involvement in the foundational Canadian primary research on this question.

c.iii. Pesticide Exposure and Childhood Neurodevelopment

The MIREC cohort has also been used to examine prenatal exposure to organophosphate pesticides and IQ scores in Canadian children. Ntantu Nkinsa et al. (2020), "Organophosphate pesticides exposure during fetal development and IQ scores in 3 and 4-year old Canadian children," *Environmental Research*, Volume 190, Article 110023, DOI: 10.1016/j.envres.2020.110023, examined first-trimester maternal urinary metabolites of organophosphate pesticides (three dimethyl alkyl phosphate metabolites and three diethyl alkyl phosphate metabolites) in MIREC participants, with WPPSI-III IQ assessment of children at ages three to four years. Sex-specific analyses were performed in light of prior literature reporting more pronounced cognitive deficits in male children with prenatal organophosphate exposure (Marks et al., 2010; Horton et al., 2012; Liu et al., 2016; Wang et al., 2017).

The MIREC cohort has further been used to examine prenatal lead exposure (Ntantu Nkinsa et al., 2020, *Environmental Research*, Volume 190, Article 110023) and prenatal fluoride exposure (Green et al., 2019, "Association Between Maternal Fluoride Exposure During Pregnancy and IQ Scores in Offspring in Canada," *JAMA Pediatrics*, Volume 173, Issue 10, pages 940-948), with consistent findings of sex-specific cognitive effects in male children at the population level.

The convergence across exposure classes — PFAS, organophosphate pesticides, lead, fluoride — of similar sex-specific findings (greater male susceptibility to prenatal exposure-related cognitive effects) in the same Canadian cohort, using the same standardized cognitive assessment instrument, with overlapping authorship and methodology, strengthens the population-level inference even where any single exposure class would not, on its own, support a categorical claim. The MIREC lead findings are of particular relevance given the ongoing presence of lead-based paint in the Alberta built environment, as examined in Section II(b)(iv) above: residential and institutional lead paint represents a documented, non-dietary, non-occupational source of ongoing childhood lead exposure in the affected population.

c.iv. PFAS Health Effects in the Broader Literature

Beyond the Canadian birth-cohort literature, the broader peer-reviewed literature on PFAS health effects in humans includes documented or strongly suspected associations with: reduced birth weight; reduced vaccine antibody response in children (Grandjean et al., 2012, and subsequent

replications); thyroid disease; hypercholesterolemia; ulcerative colitis; kidney cancer; and testicular cancer. The C8 Health Project — a court-ordered epidemiological study of approximately 69,000 residents of the Mid-Ohio Valley region with documented historical PFOA exposure from a 3M/DuPont manufacturing facility — established what the C8 Science Panel termed "probable links" between PFOA exposure and six health conditions: kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, pregnancy-induced hypertension, and high cholesterol.

PFAS cross the placental barrier; placental transfer is documented and the strength of the maternal-cord blood concentration correlation is well-established in the Canadian literature (Fisher et al., 2016, and subsequent MIREC analyses; in MIREC, the percentage of maternal plasma samples with detectable PFOA, PFOS, and PFHxS was 99.8%, 99.8%, and 95.7% respectively). PFAS are excreted in breast milk and represent a documented exposure pathway from the lactating parent to the nursing infant. PFAS are not effectively metabolized by the human body; serum half-lives for the legacy long-chain PFAS range from approximately three to eight years (Fenton et al., 2021).

A growing body of animal-model literature examines transgenerational and epigenetic effects of PFAS exposure, including effects on germ-cell DNA integrity, transgenerational alterations in gene expression patterns regulating neurodevelopment and thyroid function, and effects on offspring developmental outcomes in animals not directly exposed. A representative recent example is the University of Adelaide research on low-level PFAS exposure in drinking water and embryo development (April 2026). These findings have not at this writing been confirmed in human longitudinal studies; the brief notes them as suggestive and cites them as pointers to further research, not as established findings in human populations.

d. The Regulatory Gap

This section examines the regulatory gap at the federal and provincial levels for the contamination classes introduced in Sections II(b)(i) and II(b)(ii). The regulatory histories of asbestos and lead paint are self-contained within Sections II(b)(iii) and II(b)(iv) above, and the consumer-waste and landfill-leachate regulatory framework is self-contained within Section II(b)(v); these are not duplicated here. The pillar's overall regulatory-gap findings include those subsections' documented histories of decades-long delay between first restriction and full regulation, and the documented provisions of Alberta's current waste-classification regime.

d.i. Federal Regulation of PFAS

The Government of Canada published its draft *State of Per- and Polyfluoroalkyl Substances (PFAS) Report* in May 2023, with an updated version in 2024 and a finalized version in March 2025 (Environment and Climate Change Canada and Health Canada, *Updated Draft State of PFAS Report* and *State of PFAS Report*). The report concluded, on the basis of evidence reviewed, that PFAS as a class meet the criteria for designation as toxic substances under the Canadian Environmental Protection Act, 1999 (CEPA). On the basis of the State of PFAS Report, the federal

government published an associated *Risk Management Approach for Per- and Polyfluoroalkyl Substances (PFAS)* in March 2025 outlining proposed restrictions.

The actual implementation timeline of binding regulations under this approach extends consultation processes into 2027 and beyond, with phased restrictions on PFAS in firefighting foams (the *Prohibition of Certain Toxic Substances Regulations, 2025*, published 31 December 2025, coming into force 30 June 2026 with respect to AFFF specifically), in cosmetics, in food packaging, and in additional consumer-product categories proposed for subsequent stages. The C8 Aqueous Film-Forming Foam category — the legacy long-chain formulation associated with the bulk of historical contamination at federal sites including those documented in Alberta — is subject to time-limited exemptions extending to the end of 2030 to accommodate transition to alternatives.

Canada has, since 2012, listed three PFAS — PFOS, PFOA, and long-chain perfluorocarboxylic acids — as toxic under CEPA, with regulatory restrictions on each. The remaining approximately 15,000 substances in the PFAS class have, until the 2025 risk management approach, been substantially unregulated.

The Canadian Food Inspection Agency confirmed in May 2023 that no Canadian standards exist for PFAS in biosolids used as commercial fertilizer. A proposed interim standard of 50 ppb PFOS has been advanced for stakeholder consultation but has not been promulgated.

d.ii. Provincial Regulation in Alberta

Alberta has not implemented standalone provincial regulations on PFAS in air, water, soil, or biosolids beyond the federal framework. Alberta's *Environmental Protection and Enhancement Act (EPEA)* provides the statutory architecture for provincial environmental regulation, and the *Tier 1 Soil and Groundwater Remediation Guidelines* and *Tier 2 Soil and Groundwater Remediation Guidelines* published by Alberta Environment and Protected Areas establish remediation criteria for contaminated sites. The application of these criteria to PFAS at provincially-regulated sites is an active area of regulatory development at this writing; the brief notes the absence of finalized province-specific PFAS criteria as a regulatory gap rather than asserting a particular criterion has been violated.

Alberta surface water pesticide monitoring, as described in Section II(b)(ii), is conducted under provincial authority. The most recent comprehensive provincial overview of the data covers the period through 2002. More recent and ongoing monitoring exists under various programs (the AESA Water Quality Monitoring Project, the Long Term River Network, and others), but a current, public, provincially-issued comprehensive overview of pesticide data in Alberta surface waters comparable to the 2005 Anderson publication is not, at this writing, in current circulation. Updated provincial reporting on pesticide presence in Alberta surface waters would meaningfully strengthen the public's ability to assess current exposure conditions.

Provincial advisory infrastructure concerning water and air quality has been further reduced in the same fiscal cycle in which this brief is being drafted. On February 26, 2026, the Alberta Water

Council — a multi-stakeholder advisory body established in 2004 to support implementation of the Government of Alberta's Water for Life strategy (first released in 2003) — received a letter from Alberta Environment and Protected Areas notifying the Council that its provincial grant funding would cease May 26, 2026, with the Council given ninety days to wind up operations and return unused funds to the department. The Council's twenty-three members at the time of the notification included representatives of the Canadian Association of Petroleum Producers, Team Alberta Crops, the Environmental Law Centre, and Ducks Unlimited Canada, among other industry and non-governmental organizations. In the same cycle, the Clean Air Strategic Alliance — Alberta's parallel multi-stakeholder air quality advisory body — also received notice of funding termination. A spokesperson for Alberta Environment and Parks stated that the combined funding decision for both councils would produce annual savings of approximately \$1 million and that "ending funding for these councils does not change Alberta's commitment to maintaining the highest environmental and regulatory standards" (Alberta Environment and Parks statement to CBC News, April 20, 2026). The elimination of the province's two principal multi-stakeholder environmental advisory bodies occurs in the same fiscal year as the provincial regulatory gaps in PFAS monitoring, pesticide surface water reporting, and household hazardous waste handling documented in the preceding subsections, and thirty-five days before the AISH-to-ADAP transition examined in Pillar III takes effect.

d.iii. The Federal-Provincial Jurisdictional Configuration

The PFAS contamination documented in Alberta at Calgary International Airport, Canadian Forces Base Edmonton, and other federal sites is contamination on federally-controlled land. Federal jurisdiction governs the contamination source. Provincial jurisdiction governs human-services responses to Alberta residents — including the disability income, health, and educational support programs examined in Pillars II and III of this brief — affected by the downstream consequences of that contamination. Federal jurisdiction governs the Canada Disability Benefit; provincial jurisdiction governs the choice to claw it back, which Alberta has uniquely exercised.

The brief returns to this jurisdictional configuration in Section V's legal analysis. For the present pillar, the configuration produces the following condition: Alberta children whose prenatal and ongoing exposure to substances on the federal contaminated-sites inventory cannot be regulated by the province, who reach adulthood with conditions that render them eligible for the provincial disability income program, will under ADAP find that program reduced, that program's federal complement clawed back by the province, and that program's independent appeal mechanism removed by the province. The harm, in other words, has a federal source, a developmental pathway, and a provincial endpoint. Each level of government has authority over a different segment of the chain. None of the segments, currently, are being executed in a manner that protects the population the chain affects.

e. The Life Course

The evidence assembled in this pillar describes population-level associations and documented exposures. To the reader keeping in view that the pillar's evidentiary weight derives from

convergence across the full life course, the following passage traces how the documented Alberta exposures enter and persist across a single human life.

Prenatal. PFAS cross the placental barrier. In the MIREC Canadian birth cohort, 95.7% to 99.8% of first-trimester maternal plasma samples contained detectable concentrations of the three legacy PFAS measured. Higher prenatal exposure to the PFAS mixture was associated, in the MIREC cohort, with measurable decreases in performance IQ in male children at age three (Goodman et al., 2023). Organophosphate pesticide metabolites in maternal urine were detectable in the same cohort; analogous sex-specific cognitive effects were reported. Maternal fluoride exposure in fluoridated and partially fluoridated Canadian municipalities was associated, in the same cohort, with lower offspring IQ, particularly in male children (Green et al., 2019). The prenatal period, in other words, is one in which Alberta residents — like other Canadians — are documented to have measurable body burdens of multiple substances each independently associated with cognitive outcomes in offspring.

Early childhood. The persistence of legacy PFAS in human tissue (serum half-lives of three to eight years) means that the prenatal body burden is not cleared in early childhood; it accumulates further through ongoing dietary, water, and consumer-product exposures. Breastfeeding — which the evidence overwhelmingly indicates is the developmentally optimal feeding choice — also represents a documented pathway by which PFAS pass from the lactating parent to the nursing infant. Concurrent exposure to ultraprocessed foods, the prevalence of which in low-income Alberta households is structurally driven by the income inadequacy examined in Pillar III, is associated in Canadian preschoolers with measurable increases in behavioural and emotional difficulties at age five (Kavanagh et al., 2026). Dietary access to whole, minimally processed foods is, at current AISH and forthcoming ADAP rates set against current Alberta food costs, mathematically constrained for the majority of recipients — a finding established in the campaign's earlier *Financial Reality Report* and revisited in Pillar III. The early-childhood period is also the period during which symptoms of developmental concern typically become observable to parents and caregivers, triggering the application process to the Family Support for Children with Disabilities (FSCD) program examined in Pillar II. Inclusion Alberta's January 2025 survey research documents waits of up to three years for full FSCD service access following application, during which critical developmental windows close.

School-age. The Alberta school building stock, and Alberta's older residential housing stock, contain documented asbestos-containing materials and lead-based paint, as described at length in Sections II(b)(iii) and II(b)(iv) above. Under the current "manage in place" regulatory approach, Alberta children attending pre-1990 institutional buildings are exposed, at concentrations below thresholds triggering acute concern, to the accumulated environmental contamination of the construction practices of the mid-twentieth century. Lead paint exposure is of particular relevance to this pillar's argument: the neurodevelopmental effects of childhood lead exposure — reductions in IQ, increased attention and behavioural difficulty, and cognitive delay — map directly onto the diagnostic categories that result in Alberta Education special-education coding, Family Support for Children with Disabilities assessment, and subsequent adult eligibility for the disability income supports examined in Pillar III. School-age is also the period in which children diagnosed with

developmental concerns receive Alberta Education special-education coding (Code 41 through 47), the consequences of which for inclusive education access, classroom support, and individual program planning are examined in Pillar II.

Adult. The accumulated body burden of legacy PFAS, organophosphate pesticide exposure, childhood lead-paint exposure where applicable, and other persistent or recurring environmental exposures from the preceding three life stages does not clear in adulthood. For the cohort exposed in childhood to asbestos-containing materials in pre-1990 buildings, the latency window for asbestos-related disease overlaps with the adult life stage — asbestosis, mesothelioma, and asbestos-related lung cancer manifesting decades after first exposure. The documented adult-onset health outcomes associated with elevated PFAS body burden — kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, hypercholesterolemia, and pregnancy-induced hypertension among others — interact with the cognitive and developmental outcomes that may have been established earlier in the life course through prenatal and childhood lead, pesticide, and other exposures. The adult who arrives, in this stage, at the disability income system examined in Pillar III does so with a cumulative exposure history the science of which is documented and the regulatory response to which has, in each of its elements, been incomplete. The endpoint examined in Pillar III is not the only consequence of the exposures this pillar describes. It is the consequence the brief is principally constructed to examine.

III. PILLAR II — THE MITIGATION COLLAPSE

a. Introduction to Pillar II

This pillar examines the second stage of the compound pattern: the educational, early-intervention, and developmental-support systems that the Government of Alberta has assumed, through statute, ministerial order, and program establishment, the obligation to deliver to Alberta children and adults with disabilities, and the documented record of those systems' operational contraction across the period 2019 to 2026.

The pillar proceeds in five parts. Section III(b) examines the Family Support for Children with Disabilities (FSCD) program. Section III(c) examines the Persons with Developmental Disabilities (PDD) program. Section III(d) examines inclusive education in Alberta's K-12 system. Section III(e) treats as a load-bearing finding the data opacity that now characterizes the provincial reporting on all three programs — that is, the provincial government's documented cessation of publicly reporting the waitlist, wait-time, and service-delivery data that would permit external assessment of program performance. Section III(f) examines the documented policy intent arc, assembling in chronological form the government statements, review processes, and policy documents from 2019 through 2026 that place the contractions described in the preceding subsections into a continuous documented policy trajectory. Section III(g) traces, as in Pillar I, how the documented contractions intersect a single human life across the prenatal, early childhood, school-age, and adult stations.

A note on discipline: this pillar reports what Alberta's own Auditor General, established parent-led advocacy organizations with published survey research, the provincial budget documents, and the Government of Alberta's own public statements establish. Where a finding rests on survey-based evidence with defined sample limitations, the pillar says so. Where the government has declined to publish the data required to assess a claim, the pillar records that absence rather than substituting for it. The pillar does not characterize the motives of named officials; it describes documented actions and their documented effects, and permits the reader to draw inferences from the record.

b. Family Support for Children with Disabilities (FSCD)

b.i. Program Purpose and Statutory Basis

The Family Support for Children with Disabilities Act, SA 2003, c F-5.3, establishes FSCD as the Government of Alberta's principal program for supporting families of children under the age of 18 with severe disabilities. The program funds respite services, family support services, specialized-service provision, equipment and modifications, and (in more complex cases) child-focused services including therapy and educational assistant-equivalent home support. For children with autism spectrum disorder, genetic syndromes, intellectual disabilities, and complex developmental profiles, FSCD is the primary publicly-funded provincial support system from early childhood

through age 18, at which point children transition (if eligible) to the Persons with Developmental Disabilities program examined in Section III(c).

b.ii. Documented Program Performance — January 2025 Inclusion Alberta Survey

In October and November 2024, Inclusion Alberta — an established parent-led provincial advocacy organization with a fifty-year history of disability-rights work and a published record of survey-based program evaluation — conducted a survey of FSCD-connected families. The survey received 540 responses from families across 79 of Alberta's 87 electoral districts. The findings, published January 2025 under the title *Experiences with Family Support for Children with Disabilities*, document a program in functional contraction.

The headline findings:

- Average wait for the full range of FSCD services following initial application: three years.
- Proportion of respondent families with only Family Support Services (the minimal, pre-caseworker service tier) still waiting for child-focused services: the survey-reported group waiting at the time of response had been waiting an average of 13.5 months, and 85% of those families had not yet been assigned a caseworker.
- Proportion of respondent families reporting negative effects from the period spent waiting for services: 58%, with effects including job loss, missed developmental intervention windows, and deterioration of family members' physical and mental health.

The survey is, in the authors' own framing, a necessary substitute for government-published waitlist data. It is what Inclusion Alberta produced because the Government of Alberta had ceased publishing the equivalent data in the ordinary course of provincial program reporting. The methodological point is load-bearing: it is not that the Inclusion Alberta survey is the best available source. It is that in the absence of government publication, the survey is a source at all.

b.iii. Auditor General Findings, 2022 and After

The Office of the Auditor General of Alberta published a report on the Family Support for Children with Disabilities program in 2022. The published findings included that caseworker training was not being effectively delivered, that oversight processes of caseworker performance were ineffective, and that specific administrative systems within the program were underperforming against their own stated standards. These findings were delivered to the Government of Alberta in its capacity as the responsible authority.

The government's response, observed in the period 2022 through 2026 and documented across the Inclusion Alberta findings above, the Alberta Union of Provincial Employees (AUPE) reporting on caseworker contract non-renewals (January 2025), and contemporaneous reporting by the independent news outlet Hold My Hand Alberta (September 2024), has been characterized by:

- Increase rather than reduction of caseworker caseloads. One documented caseload reached 400 families per worker (Hold My Hand Alberta, September 2024) against a recommended maximum of 100.
- Non-renewal of seven temporary FSCD caseworker contracts in September 2024 (confirmed by the Ministry of Seniors, Community and Social Services).
- A provincial hiring freeze in the relevant ministry documented by AUPE in January 2025.
- Budget 2025 FSCD increase of 3.61%, against a population-plus-inflation growth rate calculated at 7.3% — a real-terms reduction of approximately 3.69%.

The Auditor General's findings have not been withdrawn. The conditions the findings described have, on the available evidence, intensified rather than improved.

b.iv. The Three-Stage Access Architecture and the Family-Facing Interface

The Government of Alberta restructured FSCD access in 2023 into a three-stage process: (1) application and eligibility adjudication; (2) Family Support Services (a minimal-intensity agreement covering limited respite and basic supports); (3) the full FSCD service agreement. Survey data documents that Stage 1 can take months, Stage 2 is a holding pattern of an average 13.5 months, and Stage 3 is where the three-year average wait time is accrued.

The family-facing communication of this architecture is on the record. When families contact FSCD to request a status update on caseworker assignment, the provincial automated response is as follows: "There are currently delays in caseworker assignment, and we cannot provide any timelines at this time." (FSCD automated email response, posted publicly by Sarah Doll, co-founder of Hold My Hand Alberta, September 2024.)

That response is not a transmission error or a placeholder. It is the operational official response of the program to its documented service population. It is included in this pillar because administrative-law analysis of procedural fairness, undertaken in Section V of this brief, turns in part on the content and operation of the communication mechanisms through which affected persons are informed of government decisions concerning their entitlements.

c. Persons with Developmental Disabilities (PDD)

c.i. Program Purpose and Statutory Basis

The Persons with Developmental Disabilities Services Act, SA 2024, and its predecessor legislation establish PDD as Alberta's principal program for supporting adults aged 18 and older with developmental disabilities that were present before age 18. PDD funds residential support, employment support, community access, individualized care planning, and (where appropriate) behavioural and psychological supports. Approximately 13,000 adults are currently receiving PDD services (Inclusion Alberta, January 2025).

c.ii. Documented Program Performance — January 2025 Inclusion Alberta Survey

Parallel to the FSCD survey described in Section III(b)(ii), Inclusion Alberta (in partnership with ALIGN, a network of Alberta community-based service delivery organizations) conducted a PDD-specific survey over October and November 2024. The survey received 540 responses from PDD-connected individuals and family members. The findings, published January 2025 under the title *PDD Current State: Critical and Urgent: Experiences with Persons with Developmental Disabilities*, document the following:

- 70% of respondents reporting that they still needed to meet with a caseworker to develop their Outcome Plan — the individualized document that governs what supports the recipient actually receives.
- 41% of respondents reporting that the supports they eventually receive are not helping them.
- The Budget 2025 PDD increase of 5.94%, against the same 7.3% population-plus-inflation growth threshold, representing a real-terms reduction of 1.36%.
- The discontinuation of funding, twelve months earlier than contractually anticipated, for three advocacy organizations providing direct support to PDD-connected families (CBC News, January 23, 2025, documenting the defunding of organizations under the Government of Alberta's "merit-based programming" mandate).

c.iii. The FSCD-to-PDD Transition Gap

Children who have been receiving FSCD services lose that eligibility at age 18. They then become eligible (if they qualify) for PDD. The transition is not automatic or seamless. It requires a new application, a new eligibility determination, and — as a requirement of most PDD applications — a new psychoeducational assessment conducted by a registered psychologist. Private psychoeducational assessments in Alberta at the time of this writing cost approximately \$2,000 to \$4,000, of which no portion is provided by the province to the transitioning young adult or their family. School-provided assessments are available in some divisions but not all, and are conducted on school-controlled rather than family-controlled schedules.

The application for PDD can commence at age 16, with services commencing (if approved and a placement is available) at age 18. The interval between the end of FSCD coverage and the commencement of PDD services is not structurally zero. It is, as Inclusion Alberta's January 2025 survey documented, "however long the PDD waitlist takes" — a quantity the provincial government has not publicly reported in three years, as examined in Section III(e) of this pillar.

d. Inclusive Education in the Alberta K-12 System

d.i. The Statutory and Ministerial Framework

Alberta's *Education Act*, SA 2012, c E-0.3, and its predecessor *School Act* established the provincial framework within which public school boards deliver education to Alberta children. The

Act requires school boards to provide a continuum of supports and services for students with disabilities. Alberta Education's Ministerial Orders on student learning, successively issued, have articulated a policy commitment to inclusive education — that is, to the general principle that students with disabilities are educated alongside their non-disabled peers in their neighbourhood school community wherever that placement can meet their educational needs.

The operational implementation of inclusive education in Alberta is primarily funded through Alberta Education's special-education grant architecture, which uses a coding system (Codes 41 through 47) to identify students with disabilities of specific types and severities for funding purposes. The codes most directly relevant to this brief's subject matter are:

- Code 41 (Severe Multiple Disabilities)
- Code 42 (Severe Emotional/Behavioural Disability)
- Code 43 (Severe Physical/Medical Disability, including many students with autism spectrum disorder)
- Code 44 (Severe Physical/Medical Disability, alternative category)
- Codes 45, 46, 47 (Moderate and mild disability codes)

d.ii. The Documented Implementation Gap

The gap between the statutory commitment to inclusive education and its operational implementation in Alberta classrooms is documented in the published research of parent-led advocacy organizations, in school-division-level accountability reporting, and in the record of complaints proceeding through Alberta's professional regulatory channels (see Section V(c) and the cover note of this brief). Inclusion Alberta's published research, its media releases across the 2024-2026 period, and the parallel published research of Alberta's teaching profession and education-support-worker unions document that:

- Classroom complexity — the practical support intensity required by an individual classroom as a function of the number of students with disabilities, their diagnostic profiles, and the availability of educational assistant support — has risen across the period examined without commensurate increases in the classroom support resources provided to teachers.
- Educational assistant hiring has in multiple school divisions been frozen or reduced despite rising enrolment of students with documented disabilities.
- Specific inclusive-education practices including universal design for learning, co-teaching models, behaviour-support consultation, and trauma-informed practice are inconsistently implemented across the province, with implementation quality varying by school division, by school administrative leadership, and by year-specific fiscal conditions.

The result is a system in which the provincial policy commitment to inclusive education is not, on the documented evidence, matched by the operational capacity of the classroom environments in which that commitment is supposed to be operationalized.

d.iii. The Professional-Conduct Complaint Record

The Alberta Teaching Profession Commission (the provincial regulatory body governing the teaching profession since 2023, succeeding the Alberta Teachers' Association's former professional conduct jurisdiction) is currently processing complaints arising from documented failures of school-based accommodation for children with disability-related support needs, as noted in the cover note of this brief. The complaint record — while confidential under the Commission's process and not reproduced here — is a documented institutional response to the implementation gap described in the preceding subsection. Complaints of this type are filed by parents, by former educators, and (in some cases) by students themselves, and they constitute evidence that the implementation gap is not a matter of subjective dissatisfaction but is producing outcomes that meet the regulatory threshold for formal professional-conduct scrutiny.

d.iv. The K-12 Fiscal and Policy Record 2019-2026

The provincial education sector's fiscal and policy record across the period 2019 through 2026 includes, at minimum:

- Fiscal restraint on the Alberta Education budget during the 2019-2022 period resulting in documented per-student funding reductions in real terms (Alberta Teachers' Association and multiple school board financial statements, period 2019-2022).
- Sustained teacher-student ratio increases documented at the school division level across the period.
- Labour dispute and collective bargaining processes across 2024-2026 concerning class size, classroom complexity, and compensation, culminating in job action processes and associated legislative responses.
- The passage of Bill 2 (the *Back to Class (Protection of Education) Act*, 2025) and the provincial government's associated legislative responses to labour disputes in the education sector, including the invocation of notwithstanding-clause mechanisms in related legislation.

The operational conditions under which inclusive education is delivered in Alberta in 2026 are the conditions produced by the fiscal and policy record across the preceding six years.

e. Data Opacity as an Independent Evidentiary Finding

The preceding subsections have, at multiple points, required reference to survey-based evidence produced by parent-led advocacy organizations because the corresponding government-published administrative data is no longer publicly available. This subsection treats that data opacity as an independent finding of Pillar II rather than as a methodological limitation of the preceding subsections.

The documented facts:

The Government of Alberta last publicly reported PDD waitlist numbers — the number of adults eligible for PDD services but not yet receiving them — in 2021 (Inclusion Alberta, *PDD Current State: Critical and Urgent*, January 2025, citing historical government publications). Inclusion Alberta has formally requested updated data and has not received it.

The FSCD waitlist — the number of families who have applied and are awaiting eligibility determination, plus those with eligibility determinations awaiting FSS assignment, plus those with FSS assignments awaiting child-focused services — is not comprehensively published in the ordinary course of provincial program reporting. AUPE, in January 2025 reporting, documented approximately 12,000 families waiting for FSCD services, with some waiting 14 or more months; that figure is AUPE-sourced, not government-sourced.

The proportion of PDD recipients receiving services that meet their documented Outcome Plan requirements is not publicly reported in provincial program performance publications in a manner that would permit external year-over-year assessment.

Inclusive-education classroom-complexity indicators — the caseload and composition data that would permit assessment of whether classroom environments are operationally capable of delivering on the province's inclusive-education commitment — are not consistently collected or published at the provincial level in a form accessible to external researchers or to the affected population.

Considered together, the absences above describe a condition in which the government administering the programs has ceased to publish the data that would permit independent assessment of those programs' performance. This is not a methodological inconvenience. It is a substantive finding. A program whose performance data is suppressed cannot be meaningfully held to account by the legislature, by the press, by affected families, or by the courts. The suppression of the data and the degradation of program performance are, on the available evidence, coincident in time. The pillar does not assert that the data suppression caused the performance degradation. The pillar records that the suppression makes the performance degradation systematically harder to challenge, and that the decision to suppress the data is an affirmative government action that bears scrutiny in its own right.

In Section V of this brief, this finding is applied to the administrative-law analysis of procedural fairness. For present purposes, the pillar records the following: where the provincial government has affirmatively chosen not to publish data that the ordinary practice of program accountability would require it to publish, the proper evidentiary response is not to treat the absence of data as a neutral methodological condition. It is to treat the absence as evidence in itself — evidence of the government's position on the visibility of its own programs' operation to the public.

f. The Documented Policy Intent Arc, 2019-2026

The contractions examined in Sections III(b), III(c), and III(d) are not isolated administrative events. They are the outcomes of a documented policy trajectory spanning three successive

premierships (Kenney, 2019-2022; Smith, 2022-present) and multiple cabinet reorganizations. This subsection assembles the trajectory in chronological form.

2019. The Government of Alberta, under Premier Kenney, de-indexed AISH from the Consumer Price Index (Bill 20, 2019). The University of Calgary subsequently calculated that de-indexation cost Alberta's disability-benefit-recipient population approximately \$118.6 million in forgone purchasing power in 2020 alone.

2020. The Kenney government commissioned an external review of AISH and broader Alberta income-support programs. The review's terms of reference, its contracted scope, and its reported direction were the subject of contemporaneous reporting by Alberta media (Alberta Views, CBC News, The Tyee, and others, period 2020-2022). The review is cited in this subsection as a documented policy input; its substantive findings, where publicly available, inform the analysis that follows.

2022. Premier Smith succeeded Kenney. In November 2022, the Smith government announced re-indexation of AISH to the Consumer Price Index, effective January 1, 2023. The University of Calgary-calculated cost of the prior de-indexation to AISH recipients as of that date was not restored; re-indexation applied prospectively.

2023-2024. The Smith government instituted a hiring freeze affecting FSCD caseworkers (see Section III(b)(iii)) and an associated freeze on new AISH applications. The Alberta Union of Provincial Employees publicly documented both in February 2024, with President Sandra Azocar stating that disabled Albertans were waiting more than two years for assessment.

January 2025. Inclusion Alberta's *Experiences with FSCD* and *PDD Current State* surveys were published. Voices of Albertans with Disabilities and the Centre to Empower All Survivors of Exploitation and Trafficking were defunded under the Government of Alberta's "merit-based programming" mandate. CBC News reported the defunding in late January 2025.

February 2025. Alberta Budget 2025 was released. AISH funding was reduced by \$49 million. Homelessness funding was reduced by \$4 million. FSCD increases (3.61%) and PDD increases (5.94%) fell below the population-plus-inflation threshold (7.3%).

July 2025. The Government of Alberta announced that the federal Canada Disability Benefit, scheduled for commencement in July 2025, would be subject to a dollar-for-dollar clawback against AISH benefits. Alberta is the only province or territory to have adopted this position. The estimated annual provincial fiscal effect is approximately \$190 million in provincial retention of federal benefit transfers.

October 2025. The Government of Alberta increased community-housing rents by 63% via Ministerial Order, resulting in a documented \$221-per-month rent increase for AISH recipients in the affected community housing. The increase was not offset by a corresponding increase in the AISH base rate.

November 26, 2025. Inclusion Alberta published a media release titled *Bill 12 erodes rights and deepens poverty for Albertans with disabilities*, opposing Bill 12's proposed elimination of the Citizens Appeal Panel for AISH eligibility determinations.

December 9, 2025. Bill 12 (the *Assured Income for the Severely Handicapped Amendment Act, 2025*) was passed by the Alberta Legislature. Section 12.8 of the amended Act eliminates the Citizens Appeal Panel and designates the Medical Review Panel as the final decision-maker on eligibility and reassessment matters. Independent analysis of Section 12.8 by Zachary Weeks (November 28, 2025) confirms that Bill 12 removes the previous framework's independent appeal pathway and concentrates final adjudicative authority within the ministry's own appointed review panel.

Budget 2026 and forward. Alberta Budget 2026 projects a provincial deficit of approximately \$9.4 billion. AISH budget reductions are projected to continue at \$22 million in 2026-27 and \$6 million in 2027-28. The Heritage Savings Trust Fund stood at approximately \$31.9 billion as of Q3 2025, having grown \$383 million in that quarter alone.

July 1, 2026. The AISH-to-ADAP transition, examined in Pillar III of this brief, takes effect.

The arc above is not a collection of separate events. It is a policy trajectory in which, across seven years and two premierships, the government administering Alberta's disability-support programs has produced a cumulative outcome in which: AISH has been de-indexed and then partially re-indexed; caseworker contracts have been reduced; FSCD and PDD budget increases have fallen below the inflation-plus-population threshold; advocacy organizations serving the affected population have been defunded; federal disability benefits have been clawed back dollar-for-dollar; community-housing rents for the affected population have been increased by ministerial order; the independent appeal mechanism for the disability-income program has been eliminated; and the core program is being restructured into a successor program (ADAP) with reduced base benefit, reduced earned-income exemption, and no legislated cost-of-living adjustment, examined in Pillar III.

Each step in the arc is documented by government publications, legislative records, or credible independent reporting. The arc itself — the aggregation of the steps into a single trajectory — is the finding of this subsection.

g. The Life Course

The mitigation systems examined in this pillar exist to intervene at specific stations of a human life. The following passage traces, across the same four life-course stations used in Pillar I, where each mitigation station was designed to engage and what the pillar's preceding subsections document as the present-day state of that engagement.

Prenatal. Alberta's provincial prenatal-care architecture is not principally the subject of this pillar; prenatal care is delivered through Alberta Health Services and is not a disability-support system in the sense examined here. The relevant mitigation concept at the prenatal station is the identification

of prenatal risk factors documented in Pillar I's peer-reviewed literature — PFAS body burden, pesticide exposure, fluoride exposure, other legacy-contamination exposures — and the provincial regulatory response to those risk factors. That response, examined in Pillar I Section II(d), is currently insufficient at the level of primary prevention. The mitigation station at the prenatal level is therefore not engaged in the form Pillar I's literature would indicate it should be.

Early childhood. The early-childhood mitigation station is the FSCD program examined in Section III(b). FSCD is the system that, by statutory and program design, is supposed to intervene during the early-childhood window when developmental concerns become observable and when early intervention has the highest evidence-based effectiveness. The documented reality is a three-year average wait for full services, an 85% rate of non-assignment to a caseworker at the 13.5-month mark, and an automated government response that no timeline can be provided. The early-childhood station is therefore engaged late, partially, or not at all for the majority of the families whose children require it.

School-age. The school-age mitigation station is the inclusive-education framework examined in Section III(d), operationalized through Alberta Education's Codes 41-47 coding, individual program planning, educational assistant support, and classroom accommodations. The documented reality is a system in which the statutory commitment to inclusive education coexists with a classroom operational capacity that does not, on the available evidence, reliably deliver on that commitment. Professional-conduct complaints documented through the Alberta Teaching Profession Commission represent a subset of the cases in which the implementation gap has produced regulatory-threshold outcomes.

Adult. The adult mitigation station is the PDD program examined in Section III(c), together with the AISH/ADAP income-support program examined in Pillar III. For adults with developmental disabilities requiring support beyond income, PDD is the system that — if functional — would provide the residential, employment, community-access, and individualized-care supports that enable a dignified adult life. The documented reality is a program whose waitlist has not been publicly reported in three years, whose Outcome Plan process has 70% of surveyed recipients still awaiting caseworker engagement, and whose 41% of surveyed recipients report that the supports they eventually receive are not helping them. The adult mitigation station therefore arrives, for the population examined in this pillar, simultaneously with the economic-output contractions examined in Pillar III.

The four stations, taken together, describe a condition in which the province's statutory commitments to intervene at each life-course point have not been operationally fulfilled, and in which the documentary apparatus required to assess that fulfillment has been reduced. The population on whose behalf the commitments were undertaken is not a hypothetical population. It is the population examined in Pillars I and III of this brief.

IV. PILLAR III — THE ECONOMIC OUTPUT

a. Introduction to Pillar III

This pillar examines the third stage of the compound pattern: the income-support and economic-supports architecture that Alberta has historically provided to adults whose permanent disabilities prevent or substantially limit their ability to earn a livelihood, and the documented restructuring of that architecture — to take effect July 1, 2026 — under the Alberta Disability Assistance Program (ADAP) and the legislative framework introduced by Bill 12.

The pillar proceeds in eight parts. Section IV(b) describes the architecture itself: what the Assured Income for the Severely Handicapped (AISH) program is, what ADAP is, and the documented structural changes between them. Section IV(c) examines the program's employment premise against the population data on which the program will operate. Section IV(d) examines the removal of independent appeal rights through Bill 12. Section IV(e) examines Alberta's clawback of the federal Canada Disability Benefit. Section IV(f) examines the administrative-law problem of reversing 79,290 prior governmental findings of permanent disability without new evidence. Section IV(g) returns to the data-opacity framework introduced as a load-bearing finding in Pillar II Section III(e), applying it to the specific opacities surrounding the ADAP transition. Section IV(h) examines the fiscal context within which the transition is presented as a necessity. Section IV(i) traces, as in Pillars I and II, the four life-course stations and where the income-support architecture engages — or fails to engage — at each.

The Pillar II policy-intent arc spanning 2019 through 2026 (Section III(f)) is incorporated by reference and not reproduced. The Charter of Rights and Freedoms analysis arising from the findings of this pillar is examined separately in Section V of this brief and is not advanced as legal conclusion within this pillar; the pillar identifies the justiciable questions and reserves their analysis for Section V.

A note on register and discipline: Pillar III examines a program transition affecting 79,290 currently-named persons. The pillar reports what the Government of Alberta's own published documents, the federal Statistics Canada labour market data, the Office of the Auditor General of Alberta, and credible independent analysis establish. Where the government has declined to publish information that the pillar's analysis requires, the pillar records that absence consistent with the load-bearing finding established in Pillar II.

b. The Architecture: AISH Then, ADAP Now

b.i. What AISH Is

The Assured Income for the Severely Handicapped (AISH) program, established under the *Assured Income for the Severely Handicapped Act*, RSA 2000, c A-45.1 and its subsequent

amendments, has provided income support to Alberta adults with permanent disabilities since 1979. The program's eligibility framework, as articulated in the Act, the AISH General Regulation, and the AISH Policy Manual, requires:

- A permanent medical condition for which no medical treatment, therapy, or training would meaningfully restore the person's ability to work
- A disability that substantially limits the applicant's ability to earn a livelihood
- A physician-completed AISH Part B Medical Report providing clinical documentation
- Adjudication by a trained governmental adjudicator who issues a formal eligibility determination

As of the September 2025 Alberta open data publication, AISH supports 79,290 Alberta adults. The caseload composition documented in the same publication: 41.5% of recipients have a primary medical condition related to physical disability; 30.2% have a primary condition related to mental illness; 28.3% have a primary condition related to cognitive disorder. 86% of recipients are single individuals; 6.8% are single parents. 16,161 recipients (20.4%) also receive Canada Pension Plan Disability income, indicating that a federal disability assessment process — independent from the provincial process — has reached the same conclusion regarding their permanent disability status.

The September 2025 caseload data also documents that 83.6% of AISH recipients had no employment income in the 2023-24 reporting period. This figure is examined in Section IV(c).

The AISH base monthly benefit in 2026 is \$1,940. The exempt employment income threshold under the program as it operated through Q1 2026 is \$1,072 per month (single recipient).

b.ii. What ADAP Is

The Alberta Disability Assistance Program (ADAP) is established by Bill 12 (*the Assured Income for the Severely Handicapped Amendment Act, 2025*), passed by the Alberta Legislature on December 9, 2025. ADAP takes effect July 1, 2026.

The Government of Alberta's published description of ADAP's purpose, on its alberta.ca/alberta-disability-assistance-program page, states that ADAP "is being thoughtfully designed, based on input from Albertans with disabilities" and is intended to provide "supports that meet their unique needs and abilities, rather than the one-size-fits-all approach currently offered by the Assured Income for the Severely Handicapped (AISH) program."

Operationally, ADAP differs from AISH in the following documented respects:

- The base monthly benefit is \$1,740, \$200 below the AISH rate. Existing AISH recipients transitioning to ADAP on July 1, 2026 receive a transition benefit of \$200 per month that maintains the \$1,940 rate through December 31, 2027; that transition benefit then expires and the base \$1,740 rate applies thereafter.
- The exempt employment income threshold is \$700 per month (single recipient), reduced from the \$1,072 figure that has applied under AISH.

- New recipients applying after July 1, 2026 — including young adults aging into the system — receive only the \$1,740 base rate without the transition benefit.
- The program operates on a stated employment premise: ADAP recipients are expected to participate in personalized employment action planning, with the program framed as supporting movement toward financial self-sufficiency through work.
- Cost-of-living indexing — which applied to AISH under legislation enacted following Premier Smith's November 2022 announcement and effective January 1, 2023 — is removed from legislation and becomes a matter of ministerial discretion under ADAP.
- Independent appeal rights, examined in Section IV(d), are removed at two levels: the AISH-to-ADAP transition decision itself cannot be appealed, and the new Medical Review Panel that determines eligibility for the AISH stream within the post-transition framework issues final decisions not subject to appeal.

The detailed employment-income clawback rates that will determine actual ADAP benefit calculations had not been published as of April 21, 2026 — 71 days before the program's July 1, 2026 launch. Minister Jason Nixon's letter to constituent Genevieve Bissonette dated April 3, 2026 confirms that these rates will be set out in a Ministerial Order "later this spring." The practical implication, examined further in Section IV(g), is that the program's operational specifications are not yet public at the time of writing of this brief.

b.iii. The Documented Income Effect

The combined effect of the changes documented in Section IV(b)(ii) on the income of an existing AISH recipient transitioning to ADAP is a function of three timed reductions: the dollar-for-dollar clawback of the federal Canada Disability Benefit (\$200 per month, effective from July 2025); the increase in community-housing rent of \$221 per month resulting from the Order in Council documented in Pillar II (effective October 2025); and the post-transition expiry of the \$200 transition benefit (effective January 1, 2028).

For an AISH recipient in community housing as of January 1, 2028, the cumulative monthly income reduction from these three sources is \$621 against the AISH living allowance of \$1,940. The remaining income, before any expense for food, transportation, medication, clothing, or any other living cost, is \$1,319 per month.

The provincial response to this calculation, where provided, has been that ADAP is designed to enable employment income that supplements the reduced base. The premise on which that response rests is examined in the next subsection.

c. The Employment Premise

ADAP's design rests on the premise that AISH recipients possess employment capacity that the AISH program structure has not enabled them to express. The program's structural changes — reduced employment income exemption, action planning requirements, employment-supportive

framing — are predicated on that premise. This subsection examines the premise against the available data.

c.i. The Caseload Data

The September 2025 Alberta open data publication documents that 83.6% of AISH recipients had no employment income in the 2023-24 reporting period. AISH has not, at any point in its operational history, prohibited employment. Recipients who can work part-time or occasionally have been permitted to do so under the existing \$1,072 employment income exemption. The 83.6% figure therefore does not reflect a prohibition on work; it reflects the population's measured engagement with the labour market under conditions in which work was permitted and incentivized within the exemption ceiling.

The federal Statistics Canada *Labour Market Characteristics of Persons with and without Disabilities, 2024* report (released May 14, 2025) provides the comparative national baseline. The employment rate for persons with more severe disabilities — the population most comparable to AISH eligibility criteria — was 26.4% in 2024. The unemployment rate for persons with disabilities in Alberta specifically was 8.9% in 2024, against 7.9% for non-disabled persons. The employment rate gap between persons with disabilities and persons without was 16.8 percentage points.

The Alberta labour market in early 2026 is documented in the Job Bank Canada Alberta Economic Scan and Alberta Job Market Snapshot publications. The provincial unemployment rate in February 2026 was 6.3%. Full-time employment dropped 17,300 positions in that month alone. Youth unemployment was 14.5%. The number of unemployed Albertans documented for 2024 was 189,400, a 24% year-over-year increase. The employment market into which ADAP is launching is therefore not a market characterized by abundant accommodating positions; it is a market in contraction.

Considered together, the caseload data and the labour market data describe a structural condition: the population subject to ADAP's employment premise has, at a population level, an empirical employment rate substantially below that of the comparison population, in a labour market that is itself contracting. The premise that an employment-supportive program will substantially increase the share of the AISH-eligible population engaged in sustained competitive employment is not, on the available evidence, well-founded.

c.ii. The \$185 Million Investment

Minister Nixon has publicly characterized the \$185 million provincial allocation to ADAP employment supports as "unprecedented" and as a demonstration of provincial commitment to disability employment outcomes. The figure, divided across the 79,290 person caseload to which it will apply, equals approximately \$2,334 per person.

For comparison: a single year of comprehensive supported employment services for a person with a complex disability — including job coaching, employer engagement, transportation support, and

accommodation negotiation — typically costs in the range of \$10,000 to \$50,000 per person depending on the intensity of support required. The Alberta Heritage Savings Trust Fund's investment return in fiscal 2024-25 was approximately \$2.6 billion (9.6% return on the \$27.2 billion fund value), a figure approximately fourteen times the total ADAP employment-supports allocation. The Heritage Fund grew \$383 million in Q3 2025-26 alone — more than twice the entire \$185 million allocation in a single quarter of investment returns.

The financial proportionality of the \$185 million figure to the support requirement of the population it is intended to serve does not, on the available evidence, support the characterization of the investment as commensurate with the program's stated objective.

c.iii. The Independent Modelling

In August 2025, University of Calgary economist Gillian Petit published an analysis of the government's own ADAP Discussion Guide, focusing on the worked example presented as Case Study 1 within that document. Petit's analysis, reported by CBC News on August 21, 2025 and subsequently cited in Inclusion Alberta's October and December 2025 ADAP fact sheets, established that:

- The ADAP recipient profile presented in the government's Case Study 1 — a recipient earning \$1,492 per month in employment income — would receive approximately \$164 per month less under ADAP than that same recipient currently receives under AISH.
- The income threshold at which ADAP benefits would equal current AISH benefits is approximately \$2,114 per month in employment income, equivalent to sustained 33-hour weeks at Alberta's then-current \$15.00/hour minimum wage, without accommodation gaps and without health-related work interruption.

The government's own example, in other words, on the Petit analysis, leaves the example recipient worse off under ADAP than under AISH. The threshold at which ADAP becomes financially equivalent to AISH is one that requires sustained near-full-time employment from a population whose documented employment rate is 26.4%.

c.iv. The Wraparound-Supports Premise

Public communications from the Government of Alberta and from Minister Nixon's office have indicated that ADAP recipients moving toward employment will be supported by wraparound services including child care, transportation, and mental-health supports. The documentary record on each of those wraparound categories establishes:

- Child care: Pillar II Section III(b) of this brief documents that FSCD — the program providing child-related supports for families of children with disabilities — is administered by the same provincial ministry as ADAP, has a three-year average wait for full services, has 85% of FSS-stage families without an assigned caseworker at the 13.5-month mark, and operates an automated response indicating that no caseworker assignment timeline can be provided.

- **Transportation:** Alberta's intercity and disability-accessible transportation infrastructure outside Edmonton and Calgary is sparse to nonexistent in many regions. Provincial documentation of regional transportation access for disabled adults is not available in the form a wraparound-support analysis would require.
- **Mental-health supports:** The Pillar I findings on environmental contributors to the Alberta disability-relevant condition profile and the Pillar II findings on the contraction of educational-support resources are themselves contributors to the conditions under which mental-health supports would need to operate. The Alberta Doctors' Digest November/December 2025 reporting on physician concerns regarding the ADAP transition specifically identifies the lack of consultation with the medical workforce that would be required to support the wraparound model.

The wraparound-supports premise of ADAP rests on a documented infrastructure that the same provincial government has, on the available evidence, not built or maintained at the scale the premise requires.

d. The Removal of Independent Appeal Rights

Bill 12, passed December 9, 2025, restructures the appeal architecture for AISH eligibility and AISH-to-ADAP transition decisions. This subsection documents the prior architecture, the changes effected by Bill 12, and the documented historical performance of the appeal mechanism that the new framework eliminates.

d.i. The Prior Architecture

Under the framework that operated through December 9, 2025, AISH eligibility decisions and program-related administrative decisions were appealable to the Citizens Appeal Panel — an independent body established within the Appeals Secretariat structure, operating outside the AISH administrative chain. The Alberta Ombudsman publicly confirmed the role of the Appeals Secretariat in providing this independent review pathway.

d.ii. The Documented Historical Performance of the Citizens Appeal Panel

The Government of Alberta's own published data on Citizens Appeal Panel performance, examined across the four fiscal years for which complete quarterly data is available (19 consecutive quarters), establishes:

- The Citizens Appeal Panel reviewed AISH decisions across 19 consecutive quarters of operational data.
- The aggregate rate at which the Panel overturned or varied appealed AISH decisions across that period was approximately 37%.
- 1,218 individual decisions were overturned or varied across the documented period.
- In 8 of the 19 quarters, the overturn rate exceeded 40%.

The pattern documented above is not a single anomalous quarter or year. It is a sustained 19-quarter pattern of approximately one in three appealed decisions being incorrect at the initial decision level and being corrected by the independent appeal mechanism. The Panel was, on the documented evidence, performing the corrective function for which it was established.

d.iii. What Bill 12 Changed

Section 12.8 of Bill 12 makes the following operational changes:

- The AISH-to-ADAP transition decision itself — that is, the determination of whether a current AISH recipient will be moved to ADAP or will remain on AISH — is not subject to appeal to any independent body.
- The new Medical Review Panel, which evaluates AISH eligibility under the post-transition framework, issues final decisions that are not appealable to the Citizens Appeal Panel or to any other independent body.
- The Citizens Appeal Panel's jurisdiction over medical eligibility determinations under the AISH framework is eliminated.
- The Bill grants ministerial authority to limit which other categories of decision can be appealed.

This restructuring is confirmed by CBC News reporting (August 21, 2025), Inclusion Alberta's media release of November 26, 2025, and independent legal analysis published by Zachary Weeks (November 28, 2025).

d.iv. The Structural Conflict of Interest

The Medical Review Panel that replaces the Citizens Appeal Panel as the final decision-maker on AISH eligibility is appointed by, and operates within the ministerial structure of, the same provincial ministry that administers and funds AISH. Budget 2025 documents project AISH funding decreases of \$49 million in 2025-26, with further projected decreases of \$22 million in 2026-27 and \$6 million in 2027-28 — totalling \$77 million in projected program reductions over the three-year window. The administrative body now functioning as the final arbiter of who qualifies for the program operates within the same ministry whose budget benefits financially from reduced program enrolment.

This is, on the documented record, a structural arrangement in which the financial beneficiary of a particular adjudicative outcome and the final adjudicator of that outcome operate within the same institutional structure. Whether that arrangement satisfies the procedural-fairness requirements articulated in the administrative-law jurisprudence (*Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, and subsequent cases) is a justiciable question reserved for examination in Section V of this brief.

e. The Canada Disability Benefit Clawback

In July 2025, the Government of Canada commenced payment of the Canada Disability Benefit (CDB) under the *Canada Disability Benefit Act*, SC 2024, c 17. The CDB provides up to \$200 per month (\$2,400 per year) to working-age Canadians with disabilities and is structured as an anti-poverty supplement to provincial disability income programs. The federal government, in its public communications and in the policy documentation accompanying the CDB launch, called on provinces and territories not to reduce their own provincial benefits in response to the federal payment — that is, not to claw back the CDB.

The Government of Alberta's response, announced in July 2025 and operative from September 2025, is to apply a dollar-for-dollar clawback of the CDB against AISH (and prospectively ADAP) benefits. The net benefit to the Alberta recipient is zero. The net effect is that the federal government's anti-poverty transfer, intended for the recipient, is captured by the provincial government as a reduction in its own program expenditure.

Alberta is, as of the time of writing of this brief, the only province or territory in Canada to have adopted this position. Every other provincial and territorial jurisdiction exempts the CDB from clawback against provincial disability income.

The documented annual provincial fiscal effect of the clawback is approximately \$190 million in provincial retention of federal benefit transfers intended for Alberta disabled persons.

The interaction between the CDB clawback and AISH program rules generates a documented procedural circularity. AISH program rules require recipients to apply for any other income or benefit programs to which they may be entitled. The CDB is such a program. AISH recipients are therefore required by provincial program rules to apply for a federal benefit that the provincial government will then withhold from them dollar-for-dollar. The recipient's net financial outcome from the federal benefit is zero. The recipient's procedural obligation to apply, however, is non-zero: it requires completion of the federal Disability Tax Credit (DTC) certification process, a process documented in Government of Canada research as having a 24% completion rate among eligible applicants attempting it without supported assistance.

The structural questions raised by this arrangement — including whether a provincial program rule that requires application for a federal benefit the province will fully recover is consistent with the federal statute under which the benefit is provided — are reserved for Section V of this brief.

f. The Reversal of Prior Findings

Each of the 79,290 individuals currently receiving AISH was, at the point of program admission, the subject of a formal governmental finding of permanent disability that substantially prevents earning a livelihood. The finding was made by a trained provincial adjudicator on the basis of physician-completed medical documentation. The finding was reviewed and renewed across the period of the recipient's continued program participation; for many recipients, that period extends

across more than a decade, with each year's continued benefit constituting an ongoing governmental affirmation of the original finding.

For the 16,161 recipients (20.4% of caseload) who also receive Canada Pension Plan Disability, an independent federal adjudicative process has separately reached the same conclusion: that the recipient is severely and prolongedly disabled within the meaning of the federal disability standard.

The AISH-to-ADAP transition, as constituted, treats the existing 79,290 prior provincial findings of permanent disability as insufficient to maintain AISH-stream placement under the post-transition framework. Recipients who wish to remain on AISH must reapply through the Medical Review Panel process described in Section IV(d). The reapplication requires, among other elements, a new physician-completed Disability Assistance Medical Report. The prior finding does not carry forward.

The administrative-law principle implicated by this arrangement is examined in *Baker v. Canada* and its progeny. The general principle, articulated across that line of cases and the broader procedural-fairness jurisprudence, is that the burden of demonstrating the basis for reversing a formal administrative finding rests on the party seeking the reversal — not on the person whom the finding protects. The Government of Alberta has not, in publicly available documentation, identified the evidentiary basis on which 79,290 prior findings of permanent disability are being treated as insufficient for continued AISH placement. No accuracy review of the prior findings has been published. No new clinical evidence has been identified. No medical advance has been documented that would render the original findings obsolete. The administrative architecture treats the prior findings as if they had not occurred.

Minister Nixon's letter to constituent Genevieve Bissonette of April 3, 2026 articulates the government's position in the form of an instruction to recipients: "If their medical condition progresses to the point that they are unable to work, they can apply for the AISH program." The phrase "if their medical condition progresses" is, on its face, written to a population that has already been formally found to be unable to work as a result of permanent disability. The instruction therefore tells recipients with formally-determined permanent disabilities that they may reapply for the program from which they are being moved if and when their already-permanent condition becomes more severe.

The legal coherence of this arrangement — whether a state can require a person already formally found by the state to be permanently disabled to re-prove that disability under a more restrictive standard, with the original finding not constituting evidence in the new proceeding, while removing the independent appellate mechanism that would have reviewed the new determination — is a justiciable question reserved for Section V.

g. Data Opacity (Reprise)

Pillar II Section III(e) of this brief established as a load-bearing finding the documented opacity of provincial reporting on the FSCD, PDD, and inclusive-education programs. That finding is

incorporated by reference and not reproduced. This subsection records the parallel opacities that characterize the ADAP transition specifically.

As of April 21, 2026 — 71 days before the program's July 1, 2026 launch:

- The Ministerial Order setting the employment-income clawback rates that will determine actual ADAP benefit calculations has not been issued. The criteria on which the calculation will rest are not public.
- The medical criteria that will distinguish AISH-stream eligibility from ADAP-stream eligibility under the Medical Review Panel process have not been published in plain language. The procedural document on which Medical Review Panel determinations will rely, and the standards by which Panel members will assess the evidence before them, are not public.
- The financial modelling underpinning the government's position that ADAP improves financial outcomes for disabled Albertans has not been published. The Petit independent analysis (Section IV(c)(iii)) operated on the worked example the government itself published; comparable analysis at the population level has not been produced by the government for external review.
- The government's "thousands" of consultation participants have not been disaggregated by recipient status, advocacy role, or demographic profile. The Pillar II load-bearing finding on the documented government disengagement from public reporting is reproduced in this domain.
- The list of categories of decision that the Minister, under Bill 12, will subsequently exempt from any appeal pathway has not been published.

The pattern documented in Pillar II — that the absence of data is itself a substantive finding rather than a methodological inconvenience — applies here with particular force, because the population to which the program will apply on July 1, 2026 has, as of the time of writing of this brief, no published documentation of the criteria, calculation methods, or appeal pathways that will govern its administrative existence under the new program.

h. The Fiscal Context

The Government of Alberta's framing of the AISH-to-ADAP transition, and of the associated benefit reductions, is that the changes are required by fiscal circumstances. The contextual record on Alberta's fiscal position across the period during which the changes were designed and enacted is documented in the Government of Alberta's own published budget documents and Treasury Board and Finance quarterly reports, and is summarized below.

Alberta posted four consecutive provincial budget surpluses in fiscal years 2021-22 through 2024-25, totalling more than \$26 billion in cumulative surplus. The 2024-25 fiscal year alone produced an \$8.3 billion surplus. Across this period, \$5.6 billion was deposited into the Alberta Heritage Savings Trust Fund, including \$2.8 billion from the 2024-25 surplus alone.

The Alberta Heritage Savings Trust Fund had a fair value of \$31.9 billion as of December 31, 2025. Q3 2025-26 fund growth alone (a single three-month period) was \$383 million — more than five times the total \$77 million projected three-year reduction in AISH program funding documented in Section IV(b)(ii) and Pillar II Section III(f). The Fund's fiscal 2024-25 investment return was approximately \$2.6 billion (9.6% on the average fund value).

The Heritage Savings Trust Fund Act, 1976, the operative provincial statute governing the Fund, articulates a founding objective: "to improve the quality of life of Albertans." The statute remains in force.

The cumulative annual cost of reversing the documented AISH and ADAP benefit reductions and the CDB clawback — that is, the annual cost of restoring the income position of the affected 79,290 persons to where it was prior to the changes documented in this pillar — is approximately \$260 million per year. This figure is approximately 10% of the Heritage Fund's reported 2024-25 investment return.

The fiscal context within which the AISH-to-ADAP transition is being implemented therefore does not, on the documented record, establish fiscal necessity for the benefit reductions involved. The reductions are taking place in an environment of sustained provincial budget surpluses, a growing Heritage Fund whose founding statute identifies improving Albertans' quality of life as its objective, and an annual cost of full reversal that is approximately 10% of one year's investment returns on the Fund.

The pillar does not characterize the policy choice underlying the documented arrangement; it records the documented arrangement and notes that the framing of fiscal necessity, on the published evidence, is not supported by the published fiscal documents.

i. The Life Course

The economic-output systems examined in this pillar exist to provide income and economic stability across the adult portion of a human life. The following passage traces, across the same four life-course stations used in Pillars I and II, where the income-support architecture engages the life of a person whose adult years occur within the system this pillar examines.

Prenatal. The income-support architecture examined in this pillar does not engage the prenatal station directly. It engages through inheritance: the financial conditions of a household at the moment a child is born are the financial conditions produced by whatever income-support architecture that household's adults occupy. A household in which one or more adults receive AISH or ADAP is a household whose prenatal conditions — housing, nutrition, prenatal care access, stress exposure documented as an environmental contributor in Pillar I — are shaped by the income that program provides. The reduction of that income, and the removal of cost-of-living indexing from the post-transition program, alters the prenatal environment of children not yet born to AISH and ADAP recipients.

Early childhood. The early-childhood station is engaged indirectly: AISH and ADAP recipients who are parents bear their children's developmental and care-related expenses (to the extent these are not covered by FSCD as documented in Pillar II Section III(b)) from the same income examined in this pillar. The policy choice to structurally lower that income (Section IV(b)(iii)) at the same time the FSCD program is operating in functional contraction (Pillar II) means that the early-childhood mitigation station and the early-childhood economic station are being simultaneously reduced. The reduction in either, in isolation, would shape the early-childhood developmental environment for the children of affected households. The simultaneous reduction in both shapes that environment more substantially.

School-age. The school-age station is engaged similarly: the inclusive-education contraction documented in Pillar II Section III(d) and the household income contraction documented in this pillar operate on the same children, in the same school years, simultaneously. The household resources required to compensate for educational-system contraction (private tutoring, private psychoeducational assessments, supplementary therapies) are precisely the resources being structurally reduced for AISH and ADAP recipient households across the same period.

Adult. The adult station is the station that this pillar directly examines. The structural changes documented in Sections IV(b) through IV(h) collectively describe a system in which: (1) income is reduced; (2) employment is presumptively required in conditions where the documented population employment rate is 26.4%; (3) appeal rights against eligibility decisions are removed; (4) federal anti-poverty supplements are clawed back; (5) prior governmental findings of disability are reversed without new evidence; (6) the operational specifications of the system have not been published 71 days before launch; and (7) the fiscal context within which the system is presented as necessary does not, on the published evidence, support a necessity framing.

The four stations, taken together, describe a condition in which the adult who has moved through Pillar I's environmental input, Pillar II's mitigation collapse, and Pillar III's economic restructuring meets each successive stage at the point of contraction rather than at the point of intervention. The compound failure that Pillars I, II, and III collectively document is not a sequential failure of independent systems. It is a simultaneous failure of overlapping systems whose intended interventions were structured to compensate for one another. With each system contracting, the compensation each was designed to provide for the others is unavailable. The population at the receiving end of the compound failure is the population this brief was written about.

The constitutional and administrative-law analysis of the documented findings of all three pillars is examined in Section V.

V. CONSTITUTIONAL AND ADMINISTRATIVE-LAW ANALYSIS

a. Introduction to Section V

The preceding three pillars of this brief have established a documented evidentiary record in three domains: the environmental conditions documented to elevate the population-level rate of disability and disability-related conditions in Alberta (Pillar I); the contraction of the educational, early-intervention, and developmental-support systems that the province has assumed the obligation to provide (Pillar II); and the structural restructuring of the income-support architecture for adults with permanent disabilities through the AISH-to-ADAP transition taking effect July 1, 2026 (Pillar III). Section V examines the constitutional and administrative-law questions that arise from those documented findings, considered both individually and in combination.

Two framing observations must precede the analysis.

First, this section identifies justiciable questions; it does not assert that Charter violations have been adjudicated or that judicial findings of unconstitutionality are foregone. The questions raised below are the questions that the documented evidentiary record places before the courts and before the legal community. Whether the Crown can justify the documented arrangements under section 1 of the Charter, whether the evidentiary record in any particular litigation would prove the alleged infringements on the balance of probabilities, and what remedial relief would be appropriate are determinations reserved to the courts on properly developed records. The function of this section is to identify the questions, not to resolve them.

Second, the analysis below proceeds from the documented findings of Pillars I, II, and III. Where this section refers to the "documented record," it refers to the record assembled in those pillars and incorporated by reference. Where this section identifies an evidentiary element that would require further development in the litigation context, it identifies that element explicitly.

The analysis proceeds in seven parts. Section V(b) examines the procedural fairness framework. Section V(c) examines the section 15 equality analysis. Section V(d) examines the section 7 analysis. Section V(e) examines the federal-provincial dimension arising from the Canada Disability Benefit clawback. Section V(f) examines the international human rights framework under the United Nations Convention on the Rights of Persons with Disabilities. Section V(g) examines the section 1 justification framework that the Crown would bear the burden of satisfying in any litigation arising from the matters identified in subsections V(b) through V(f). Section V(h) examines the available remedial framework. Section V(i) enumerates the justiciable questions raised by the analysis, in summary form.

b. Procedural Fairness

b.i. The Foundational Framework

The duty of procedural fairness in Canadian administrative law is articulated in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, which establishes that the content of the duty is variable and is determined by reference to a series of contextual factors including: (1) the nature of the decision being made and the process followed in making it; (2) the nature of the statutory scheme; (3) the importance of the decision to the individuals affected; (4) the legitimate expectations of those affected; and (5) the choices of procedure made by the decision-maker. The greater the importance of the decision to the affected person's life, the greater the procedural protection the duty requires.

Income security — the ability of a person to afford shelter, food, prescribed medication, and the necessities of daily life — has been recognized in the Canadian administrative-law jurisprudence as among the most fundamental interests a state administrative decision can affect. Decisions that determine, alter, or terminate income security therefore engage the upper range of the *Baker* framework's procedural-protection requirements.

b.ii. Application to the Documented Findings

The AISH-to-ADAP transition examined in Pillar III(b) constitutes an administrative decision affecting the income security of 79,290 Albertans. The procedural-fairness elements engaged by that decision include:

- *Notice*: Affected individuals are entitled to clear, accessible, timely information about the decision being made, the criteria that govern it, and the consequences attached. As of April 21, 2026 — 71 days before the program's July 1 launch — the ADAP eligibility criteria, the employment-income clawback rates, and the operational specifications of the Medical Review Panel process have not been publicly issued (Pillar III(g)). The notice element of the procedural-fairness duty is, on the documented record, not satisfied.
- *Disclosure of criteria*: The criteria by which the post-transition Medical Review Panel will distinguish AISH-stream eligibility from ADAP-stream eligibility are not publicly available in plain language. The Ministerial Order containing the operational specifications of the employment-income calculations is, on the Minister's own April 3, 2026 correspondence, expected "later this spring." Affected individuals cannot prepare for, or evaluate the legitimacy of, decisions made under criteria they have not seen.
- *Opportunity to respond*: An automatic transition to ADAP, followed by a reapplication process for those wishing to remain on AISH, does not constitute a procedurally adequate opportunity to respond to the transition decision itself. The decision is operative; the response mechanism is reactive. Procedural fairness requires the opportunity to address the decision before it takes effect, not only to challenge it after.
- *Impartial decision-maker*: The Medical Review Panel that succeeds the Citizens Appeal Panel under Bill 12 is appointed by, and operates within the ministerial structure of, the same provincial ministry that administers and funds the AISH program (Pillar III(d)(iv)).

The party with the documented financial interest in reduced program enrolment is the same party that controls the final adjudicative body. The structural independence requirement of procedural fairness is, on the documented record, in question.

- *Reasons*: When an administrative decision significantly affects an individual's fundamental interests, the decision-maker is generally required to provide reasons that allow the individual to understand the basis for the decision and, where appropriate, to challenge it. The Government of Alberta has not, in publicly available documentation, provided reasons — for any individual recipient or as a class — for treating 79,290 prior governmental findings of permanent disability as insufficient to maintain AISH-stream placement under the post-transition framework.

b.iii. Conflict of Interest — Nemo Judex in Sua Causa

The common-law principle *nemo judex in sua causa* — no person should be a judge in their own cause — is among the foundational principles of natural justice. Its application to administrative adjudication is well-established: a decision-maker with a direct financial or personal interest in the outcome of a decision is structurally incapable of providing the impartial adjudication that fundamental fairness requires.

The documented arrangement under Bill 12, examined at Pillar III(d)(iv), places the final eligibility-determination authority for AISH in a Medical Review Panel that operates within the ministry whose budget is documented to project \$77 million in cumulative AISH program reductions over three years. The decisional outcome that reduces program enrolment is the decisional outcome that satisfies the funder's documented fiscal projection. The structural conflict between the adjudicator's institutional position and the decisional outcome favoured by the institution is, on the documented record, present.

Whether the conflict, considered in light of the elimination of the prior independent appeal pathway, satisfies the procedural-fairness threshold in Canadian administrative law is a justiciable question.

c. Section 15 — Equality Rights

c.i. The Analytical Framework

Section 15(1) of the *Canadian Charter of Rights and Freedoms* guarantees that "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination," including without discrimination based on "mental or physical disability." The contextual two-part test articulated in *Withler v. Canada (Attorney General)*, 2011 SCC 12, asks (1) whether the impugned law creates a distinction on an enumerated or analogous ground, and (2) whether the distinction creates a disadvantage by perpetuating prejudice or stereotyping.

Andrews v. Law Society of British Columbia, [1989] 1 SCR 143, established that section 15 protects substantive — not merely formal — equality. *Eldridge v. British Columbia (Attorney General)*, [1997] 3 SCR 624, established that the duty to accommodate is inherent in section 15 and

that facially neutral laws producing adverse impact on persons with disabilities may constitute discrimination. *Nova Scotia (Workers' Compensation Board) v. Martin*, 2003 SCC 54, established that differential treatment of disability subgroups within a benefits regime constitutes discrimination on the enumerated ground of physical disability.

c.ii. The First Branch — Distinction on an Enumerated Ground

The ADAP framework documented in Pillar III creates distinctions among Albertans on the basis of disability. The relevant distinctions include:

- The distinction between persons retaining AISH-stream placement (those falling within the documented exemption categories — including persons with severe developmental disabilities, persons in palliative care, persons in continuing care, persons over 60) and persons defaulted to ADAP-stream placement (the remainder of the AISH caseload, including persons with severe physical disabilities, complex mental-health conditions, chronic illnesses, and other documented permanent disabilities not falling within the narrow exemption categories).
- The distinction between persons with disabilities and persons without disabilities in the application of employment-participation requirements, employment-income exemption levels, cost-of-living indexing, and appeal-rights protections.
- The distinction between Alberta disability-benefit recipients (subject to dollar-for-dollar Canada Disability Benefit clawback) and the disability-benefit recipients of every other province and territory in Canada (whose CDB is exempt from clawback).

The first branch of the *Withler* test requires only that the distinction be made on an enumerated or analogous ground. Mental and physical disability are expressly enumerated. The first branch is satisfied on the documented record.

c.iii. The Second Branch — Disadvantage Through Perpetuation of Prejudice or Stereotyping

The second branch examines whether the distinction creates a disadvantage by perpetuating prejudice or stereotyping. The documented record raises the following considerations.

Disadvantage: The financial and procedural-rights disadvantage produced by the distinction is documented in Pillar III. The cumulative income reduction documented at Pillar III(b)(iii) is \$621 per month against the existing AISH living allowance, applied to a population whose eligibility was originally determined precisely on the ground that they were unable to support themselves through employment. The removal of the independent appeal pathway documented at Pillar III(d) is a procedural-rights reduction applied exclusively to the disability-benefit population.

Stereotyping: ADAP's structural premise — that recipients possess employment capacity that AISH has not enabled them to express — is, on the documented record, in tension with the population data. AISH eligibility requires a finding of permanent inability to earn a livelihood. The September 2025 caseload data documents that 83.6% of recipients have zero employment income under a program that has never prohibited work. The Statistics Canada 2024 employment rate for

persons with severe disabilities is 26.4% (Pillar III(c)(i)). The structural premise that an employment-supportive program will substantially convert this population into competitive employment participants is, on the documented record, the imposition of an evidence-unsupported assumption — i.e., a stereotype — at the level of policy design. The Supreme Court has repeatedly held that the imposition of stereotypes about marginalized groups in legislation and policy is precisely what section 15 was enacted to prevent.

Disability subgroup distinction: The two-tier structure described in Section V(c)(ii) — under which some categories of disability remain on AISH while others are defaulted to ADAP — is the structural configuration that *Nova Scotia (WCB) v. Martin* identified as discriminatory in the workers' compensation context. The principle articulated in *Martin* — that differential treatment of disability subgroups within a benefits regime constitutes discrimination on the enumerated ground — is directly applicable to the documented ADAP structure.

c.iv. The Justiciable Question

Whether the documented ADAP framework, considered together with the cumulative documented findings of Pillars I, II, and III, constitutes adverse-effects discrimination on the enumerated ground of mental or physical disability within the meaning of section 15 of the Charter is a justiciable question for which a properly developed evidentiary record would be required and on which the Crown would bear the section 1 burden examined at V(g).

d. Section 7 — Life, Liberty, and Security of the Person

d.i. The Framework

Section 7 of the Charter guarantees the right to "life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." The right to security of the person encompasses both physical and serious psychological integrity (*R v. Morgentaler*, [1988] 1 SCR 30; *Blencoe v. British Columbia (Human Rights Commission)*, 2000 SCC 44). Where state action creates a serious risk to life or security, section 7 is engaged (*Chaoulli v. Quebec (Attorney General)*, 2005 SCC 35).

d.ii. The Engagement of Section 7 Security Interests

The documented record at Pillar III(b)(iii) establishes that the cumulative effect of the AISH-to-ADAP transition, the federal Canada Disability Benefit clawback, and the October 2025 community-housing rent increase reduces the post-rent disposable income of an affected recipient in community housing to \$1,319 per month — the figure available before any expenditure on food, transportation, prescribed medication, clothing, or any other necessity. The pre-transition figure is documented in Pillar III to have already been at or below the poverty line for every major Alberta city (Pillar I and Pillar III financial documentation).

For a recipient whose disability requires ongoing prescribed medication (a substantial portion of the 30.2% of recipients with primary mental-health diagnoses and the 41.5% with primary

physical-disability diagnoses documented at Pillar III(b)(i)), the income reduction directly engages access to medication. For a recipient whose housing cost already exceeds available income, the income reduction directly engages housing security and the foreseeable risk of homelessness. For a recipient whose disability requires specialized food or medical supplies, the income reduction directly engages those expenditures.

The principle established in *Chaoulli v. Quebec* — that state action threatening a person's physical integrity through restriction on access to medical care engages section 7 — applies with structural force where state action threatens physical integrity through restriction on the income required to access shelter, medication, and food. The factual specificity of any individual section 7 claim would require affidavit evidence from individual recipients documenting their specific circumstances, but the pattern documented at the population level establishes the structural engagement of the security interest.

d.iii. The Economic Rights Dimension

The Supreme Court has not definitively resolved whether section 7 creates a freestanding positive right to a minimum income. *Gosselin v. Quebec (Attorney General)*, 2002 SCC 84, declined to find such a right on the record before the Court but expressly left the question open for future cases involving more direct threats to survival. LeBel J in dissent (joined on this point by additional justices) held that government action reducing income to a level incompatible with basic survival needs may establish a section 7 deprivation.

The question Section V raises is not whether section 7 creates a positive obligation on the state to provide a minimum income; it is whether state action that affirmatively reduces existing income, for a population the state has formally found to be unable to earn a livelihood, to a level documented to be incompatible with basic survival needs, engages section 7's negative right against state-imposed deprivation. That is a meaningfully different question from the *Gosselin* majority's holding, and one the *Gosselin* dissent and subsequent jurisprudence (including the recognition in *Chaoulli* that state action threatening physical integrity engages section 7) provide grounding to advance.

d.iv. The Principles of Fundamental Justice

Even where a section 7 deprivation is established, it may be constitutionally permissible if it accords with the principles of fundamental justice. The relevant principles include:

Procedural fairness: The section V(b) analysis is incorporated by reference. The procedural-fairness deficits documented in connection with the ADAP transition implicate the principles of fundamental justice for section 7 purposes.

Non-arbitrariness: A law or policy is arbitrary within the meaning of section 7 jurisprudence where it does not rationally further its stated objective. The Government of Alberta's stated objective for the ADAP transition is to provide supports better calibrated to recipients' "unique needs and abilities" and to enable employment for those who can pursue it. The documented record

at Pillar III(c) — including the 26.4% employment rate for persons with severe disabilities, the 83.6% zero-employment-income figure, the \$2,334 per-person allocation against documented support costs of \$10,000-\$50,000 per person, and the documented contraction of the wraparound-supports infrastructure — raises the question whether the structural means selected (income reduction, employment-participation requirements applied to persons formally found unable to work, removal of independent appeal) rationally further the stated employment-enablement objective.

Non-overbreadth and gross disproportionality: A law that captures conduct or persons beyond what is necessary to achieve its purpose may be overbroad. A law whose effects are grossly disproportionate to its stated objective may be unconstitutional on that ground. The application of employment-participation requirements to a population formally adjudicated as permanently unable to earn a livelihood — without individual reassessment, without new clinical evidence, and with the prior governmental finding treated as carrying no evidentiary weight — raises both overbreadth and gross-disproportionality questions on the documented record.

d.v. The Justiciable Question

Whether the documented AISH-to-ADAP transition, considered in light of the cumulative documented findings of Pillars I, II, and III, constitutes a deprivation of security of the person not in accordance with the principles of fundamental justice within the meaning of section 7 of the Charter is a justiciable question.

e. The Federal-Provincial Dimension — Canada Disability Benefit Clawback

The Canada Disability Benefit, established by the *Canada Disability Benefit Act*, SC 2024, c 17, is a federal anti-poverty supplement to provincial and territorial disability income programs. The federal statute and the policy documentation accompanying its launch articulate the legislative intent that the benefit reach Canadian disabled persons as additional income rather than as an offset to provincial program expenditure.

Alberta's dollar-for-dollar clawback of the CDB against AISH and ADAP benefits, examined at Pillar III(e), produces the documented operational outcome that Alberta CDB recipients receive zero net benefit from the federal payment, while the provincial government captures approximately \$190 million annually that would otherwise reach the affected population. Alberta is, on the documented record, the only province or territory to have adopted this position.

The federal-provincial questions raised by this arrangement include:

Statutory interpretation: Whether the operation of provincial program rules to fully offset a federal benefit payment is consistent with the intent of the federal statute under which the benefit is provided. The federal government has expressed disappointment with the Alberta clawback and has urged reconsideration. A non-binding federal request, however, does not adjudicate the underlying statutory-interpretation question.

Procedural circularity: AISH program rules require recipients to apply for any other income or benefit programs to which they may be entitled. The CDB is such a program. AISH recipients are therefore required by provincial program rules to complete the federal Disability Tax Credit certification process (a process documented as having a 24% completion rate among eligible applicants attempting it without supported assistance) in order to qualify for a federal benefit that the provincial government will then withhold from them dollar-for-dollar. The recipient's documented procedural burden is non-zero. The recipient's documented financial benefit is zero.

Section 36 dimension: Section 36(1) of the *Constitution Act, 1982* commits both federal and provincial governments to "promoting equal opportunities for the well-being of Canadians," "furthering economic development to reduce disparity in opportunities," and "providing essential public services of reasonable quality to all Canadians." While section 36 does not create a directly enforceable individual right, it informs the constitutional context within which provincial program design intersecting with federal anti-poverty policy is to be assessed.

f. The International Human Rights Framework — UNCRPD

Canada ratified the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) on March 11, 2010. The Convention's status in Canadian domestic law is interpretive: in *R v. Hape*, 2007 SCC 26, and subsequent cases, the Supreme Court has recognized the principle that Canadian statutes are presumed to comply with Canada's international obligations and that courts may have regard to international human rights instruments in interpreting domestic law. The Convention's articles relevant to the documented findings of Pillars I, II, and III include the following.

Article 12 — Equal recognition before the law: Article 12 requires that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and that states take appropriate measures to provide access to the support persons with disabilities may require in exercising their legal capacity. The procedural arrangements documented in Pillar III — including the reapplication burden imposed on persons whose qualifying disability may itself impair the capacity to navigate the reapplication process, and the elimination of the independent appeal mechanism — raise Article 12 concerns regarding the support required for persons with disabilities to exercise their legal capacity to maintain the income protection to which they are formally entitled.

Article 13 — Access to justice: Article 13 requires that persons with disabilities have effective access to justice on an equal basis with others, including through procedural and age-appropriate accommodations. The removal of the independent Citizens Appeal Panel for AISH-stream eligibility decisions (Pillar III(d)) and its replacement with a non-independent Medical Review Panel raises Article 13 concerns regarding the availability of effective access to justice for the affected population.

Article 19 — Living independently and being included in the community: Article 19 recognizes the equal right of persons with disabilities to live in the community, with choices equal to others, and

requires effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right. The cumulative documented effect of the income reduction examined in Pillar III(b) (iii), considered against the housing-cost context in Alberta documented in the same pillar, raises Article 19 concerns regarding the maintenance of the financial conditions necessary for community-based independent living.

Article 28 — Adequate standard of living and social protection: Article 28 recognizes the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions. Article 28(2) further requires states to take appropriate steps to safeguard and promote the realization of this right, including by ensuring access to social protection and poverty reduction programs. The documented benefit reductions, the documented CDB clawback, and the documented removal of legislated cost-of-living indexing engage Article 28 directly.

The UN Special Rapporteur on the Rights of Persons with Disabilities, currently Heba Hagrass, has received formal correspondence from this campaign documenting the matters described above and raising the relevant articles for the Special Rapporteur's consideration.

g. The Section 1 Justification Framework

Where a Charter infringement is established, section 1 of the Charter permits the Crown to demonstrate that the infringement is "demonstrably justified in a free and democratic society." The framework for the analysis is articulated in *R v. Oakes*, [1986] 1 SCR 103. The Crown bears the burden on a balance of probabilities and must establish: (1) that the legislative objective is pressing and substantial; (2) that the means adopted are rationally connected to the objective; (3) that the means impair the Charter right as little as reasonably possible; and (4) that the deleterious effects of the means are proportionate to the salutary effects.

If a justiciable Charter question identified above were to be reached on a properly developed record, the Crown would bear the section 1 burden in respect of any established infringement. The documented evidentiary record identified in this brief raises particular questions for the Crown's section 1 case.

Pressing and substantial objective: The Crown's stated objective for the ADAP transition is the better calibration of disability supports to recipients' "unique needs and abilities" and the enablement of employment for those who can pursue it. Whether that articulation, as operationalized in the documented program design, is the actual objective — or whether the actual objective is the documented fiscal-reduction outcome that the documented program design produces — is a question the Crown's section 1 case would need to address.

Rational connection: The documented record at Pillar III(c) raises the question whether the structural means selected (income reduction, employment-participation requirements, removal of appeal rights, dollar-for-dollar federal-benefit clawback) are rationally connected to the

employment-enablement objective the Crown articulates. The evidence base supporting an affirmative answer is, on the documented public record, not yet provided.

Minimal impairment: The minimal-impairment branch requires that the means selected impair the Charter right no more than reasonably necessary to achieve the objective. The documented record establishes that other Canadian provinces and territories have adopted disability-supports frameworks that pursue stated employment objectives without (a) reducing base benefit, (b) clawing back federal anti-poverty supplements, (c) removing independent appeal rights, or (d) reversing prior governmental findings of disability without new evidence. The minimal-impairment burden on the Crown is, on the comparative record, substantial.

Proportionate effects: The section 1 proportionality analysis weighs the documented salutary effects of the impugned measure against its documented deleterious effects. The documented deleterious effects include the financial, procedural, and material consequences identified throughout this brief. The documented salutary effects, on the publicly available record, have not been quantified or publicly substantiated by the Crown.

h. The Remedial Framework

Section 24(1) of the Charter provides that "anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances." Section 52(1) of the *Constitution Act, 1982* provides that any law inconsistent with the Constitution is, to the extent of the inconsistency, of no force or effect.

The available remedial range, in the event a Charter infringement were established on a properly developed record, includes:

Declaratory relief: A declaration that the impugned arrangement is inconsistent with the Charter. This remedy has been used in disability-rights litigation, including in *Eldridge v. British Columbia*, where the Court declared that the failure to fund sign-language interpretation in medical settings violated section 15.

Injunctive relief: An order restraining the operation of the impugned arrangement pending reconsideration or amendment. *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62, established that section 24 remedies are flexible and purposive, and that the courts may craft remedies appropriate to the violation, including structural remedies that engage the political branches in producing a Charter-compliant outcome.

Reading-down or reading-in: Where a statute is overbroad in its constitutional impact but capable of severance, the offending portion may be read down or, in appropriate cases, the statute may be read to include the protection necessary for Charter compliance (*Vriend v. Alberta*, [1998] 1 SCR 493).

Suspended declaration of invalidity: Where the immediate striking down of an unconstitutional provision would create administrative difficulty or unintended harm, the courts have granted suspended declarations of invalidity, providing the legislature a defined period to enact a Charter-compliant replacement.

The selection of an appropriate remedy in any litigation arising from the matters identified in this brief would be a matter for the court on the developed record. The remedial framework above is identified for completeness of the analytic structure, not to predict any particular remedial outcome.

i. Summary of Justiciable Questions

The documented findings of Pillars I, II, and III, considered through the constitutional and administrative-law analysis of this Section V, raise the following justiciable questions, identified in summary form:

First, whether the procedural arrangements governing the AISH-to-ADAP transition — including the documented opacity of eligibility criteria, the documented elimination of independent appeal, and the documented structural conflict of interest in the post-transition adjudicative body — satisfy the duty of procedural fairness articulated in *Baker v. Canada* and the broader Canadian administrative-law jurisprudence.

Second, whether the documented ADAP framework constitutes adverse-effects discrimination on the enumerated ground of mental or physical disability within the meaning of section 15 of the Charter, considered against the *Withler* contextual test and the disability-subgroup-distinction principle articulated in *Martin*.

Third, whether the documented cumulative income reduction, considered against the documented Alberta housing and cost-of-living context, constitutes a deprivation of security of the person not in accordance with the principles of fundamental justice within the meaning of section 7 of the Charter.

Fourth, whether the dollar-for-dollar provincial clawback of a federal anti-poverty benefit explicitly designed to reach Canadian disabled persons is consistent with the legislative intent of the *Canada Disability Benefit Act*, SC 2024, c 17, and with the federal-provincial framework articulated in section 36 of the *Constitution Act, 1982*.

Fifth, whether the documented procedural and substantive arrangements engage the obligations Canada has undertaken under Articles 12, 13, 19, and 28 of the United Nations Convention on the Rights of Persons with Disabilities, and whether the relevant Canadian statutes are properly interpreted in light of the presumption of compliance with Canada's international obligations.

Sixth, in the event that any of the foregoing infringements were established on a properly developed record, whether the Crown could discharge the section 1 burden articulated in *R v.*

Oakes — including the rational connection, minimal impairment, and proportionality requirements — in respect of the established infringement.

Seventh, what remedial framework under section 24 of the Charter and section 52 of the *Constitution Act, 1982* would be appropriate to the established infringement and to the remediation of its documented effects on the affected population.

These are the questions the documented record places before the courts and before the constitutional and administrative-law community. The brief identifies them; their resolution is reserved to the legal process that the affected population, advocacy organizations, and the legal practitioners now engaging with this work may, through that process, bring before the courts.

The synthesis of the brief's documented findings and the analysis above is examined in Section VI.

VI. SYNTHESIS

a. Introduction to Section VI

This section synthesizes the documented findings of the preceding sections of this brief. It introduces no new evidence; every factual proposition restated below has been established in Sections I through V with primary-source citation, and the reader is referred to those sections for the underlying record.

The synthesis proceeds in seven parts. Section VI(b) restates, in compressed form, the central finding of each of the three substantive pillars. Section VI(c) advances the brief's principal thesis — that the three documented patterns are not three independent failures but a single compound failure operating on the same population in the same time frame. Section VI(d) addresses the documented government trajectory across multiple premierships within which the compound pattern has been produced and sustained. Section VI(e) examines the documented data-opacity finding as a thread that runs through all three pillars and that materially affects the capacity of any external party — legislative, judicial, journalistic, or community — to assess the operation of the systems the brief examines. Section VI(f) places Section V's enumerated justiciable questions in the context of the synthesized record. Section VI(g) addresses the specific July 1, 2026 inflection point that this brief was written to address, and what proceeding as designed will produce. Section VI(h) sets out what the brief asks of its readers. Section VI(i) is the closing.

b. What the Three Pillars Have Established

Pillar I — The Environmental Input. Pillar I established, with peer-reviewed and primary-source documentation, that the Alberta population is exposed to a documented profile of environmental contributors associated in the published epidemiological literature with elevated rates of disability and disability-related conditions. The contributors documented include perfluoroalkyl and polyfluoroalkyl substances (PFAS) in drinking-water sources at levels exceeding current Canadian guideline values in identified Alberta communities; pesticide and pesticide-residue exposure patterns documented in the agricultural regions of the province; legacy contamination including asbestos and lead at documented Alberta sites; consumer-waste leachate from landfill systems with documented operational deficiencies; and the disproportionate exposure of Indigenous Albertans to all of the above categories of contaminant, documented in the campaign's separate 195-page Indigenous Disability evidentiary record. Pillar I further established the documented contraction of the regulatory architecture that would, in principle, address these exposures — including the February 26, 2026 funding termination of the Alberta Water Council and the simultaneous termination of the Clean Air Strategic Alliance.

The pillar did not assert individual causation in any specific case. It documented population-level associations between environmental exposures and disability-relevant health outcomes, with the regulatory record that produced and sustained the exposures.

Pillar II — The Mitigation Collapse. Pillar II established that the educational, early-intervention, and developmental-support systems that the Government of Alberta has assumed, through statute and ministerial order, the obligation to provide, are operating in documented contraction. The Family Support for Children with Disabilities (FSCD) program is in functional collapse, with a three-year average wait for full services, an 85% rate of caseworker non-assignment at the 13.5-month mark in surveyed families, caseloads as high as 400 families per worker against a recommended maximum of 100, and an automated governmental response to families seeking status updates that no timeline can be provided. The Persons with Developmental Disabilities (PDD) program has not had its waitlist publicly reported in three years, with 70% of surveyed recipients still awaiting caseworker engagement and 41% reporting that the supports they eventually receive are not helping them. Inclusive education in the K-12 system operates against a documented implementation gap that has produced complaints proceeding through the Alberta Teaching Profession Commission's regulatory process. Each of these contractions is documented against the 2022 Auditor General's findings on FSCD that have not been remediated and against budget allocations falling below the population-plus-inflation growth threshold.

The pillar further established as a load-bearing finding the documented data opacity surrounding all three programs — that is, the documented fact that the provincial government has ceased publishing the waitlist, wait-time, and program-performance data that would permit external assessment of program function.

Pillar III — The Economic Output. Pillar III established that the income-support architecture for adult Alberta residents with permanent disabilities is undergoing documented restructuring through the AISH-to-ADAP transition taking effect July 1, 2026 under the framework of Bill 12 (passed December 9, 2025). The transition: reduces the base monthly benefit by \$200 from the prior AISH rate of \$1,940 (the reduction taking effect after a transition-benefit period ending December 31, 2027); reduces the exempt employment income threshold from \$1,072 to \$700 per month; removes cost-of-living indexing from legislation; eliminates independent appeal rights at two operational levels (the AISH-to-ADAP transition decision itself, and the Medical Review Panel's eligibility determinations); and operates against a Canada Disability Benefit clawback unique to Alberta among Canadian jurisdictions, with documented annual provincial fiscal effect of approximately \$190 million captured from federal anti-poverty payments intended for the affected population.

The pillar further established that the program's stated employment premise rests on a structural assumption (that AISH recipients possess employment capacity that the AISH program structure has not enabled them to express) which is not, on the documented record, supported by either the caseload data (83.6% of recipients with zero employment income under a program that has never prohibited work) or the federal Statistics Canada data (26.4% employment rate for persons with severe disabilities). The \$185 million provincial allocation to ADAP employment supports equates

to approximately \$2,334 per person, against documented per-person support costs of \$10,000 to \$50,000, and against an Alberta Heritage Savings Trust Fund whose Q3 2025-26 single-quarter growth (\$383 million) exceeded twice the entire \$185 million employment allocation, and whose 2024-25 investment return (\$2.6 billion, 9.6% on \$27.2 billion) was approximately fourteen times that allocation. The fiscal context within which the transition is presented as necessary does not, on the documented record, establish necessity.

The pillar further established that the transition reverses 79,290 prior governmental findings of permanent disability without new evidence, without published criteria for the reversal, and (under Bill 12) without the independent appellate mechanism that would have reviewed the new determinations. As of the date of this brief, the operational specifications of the program — including the Ministerial Order setting the actual benefit calculation rates — have not been issued.

c. The Compound Pattern — The Simultaneity Finding

The three pillars collectively document patterns operating on the same population in the same lifetimes through the same provincial governmental ministry structure. This is the brief's principal thesis, and it requires direct articulation.

A child born today in Alberta to a household receiving disability support is born into the conditions Pillar I documents. As that child grows, the developmental and educational supports that would, under the province's stated policy commitments, be available to address any disability profile that emerges are the supports Pillar II documents as in functional contraction. As that child reaches adulthood, the income-support architecture that would, under the program structure that has existed since 1979, provide the basis for an independent adult life is the architecture Pillar III documents as undergoing the most consequential restructuring in its forty-seven-year history.

The same household, in the same year, may simultaneously be: (a) waiting for a FSCD caseworker who has not been assigned at the 13.5-month mark; (b) navigating an inclusive-education classroom whose practical operational capacity does not match the province's policy commitment; (c) receiving an AISH benefit whose buying power has been reduced by the documented combination of the CDB clawback, the community-housing rent increase, and the impending ADAP transition; and (d) preparing, in the parental adult, for a child's transition into a PDD program whose waitlist has not been publicly reported in three years.

These are not four independent administrative experiences. They are four points of contact between the same family and the same provincial government, in the same year, mediated through what is in operational terms the same ministry.

The compound pattern, therefore, cannot be assessed by examining any single program in isolation. The compound pattern is what the three pillars examined together establish. The disability that Pillar I documents at the level of population exposure becomes the disability that Pillar II's mitigation systems are documented as failing to support, becomes the adult condition that Pillar III's income-support restructuring is documented as further reducing the means to manage.

The compensatory architecture that each system was, in policy terms, designed to provide for the failures of the others is documented as unavailable in each. The mathematics of compound failure produces an outcome that is not the sum of the three failures considered separately. It is a multiplicative function of three simultaneous failures operating on the same person, on the same day, with no external system available to compensate for any of them.

This is the structural finding of this brief.

d. The Documented Government Trajectory

The compound pattern is not the consequence of governmental inaction. It is the consequence of documented governmental action across the period from 2019 through 2026. The intent arc set out in Pillar II Section III(f) and incorporated by reference in Pillar III sets out the documented sequence: Premier Kenney's 2019 de-indexation of AISH; the Kenney government's 2020 review of provincial income-support programs; Premier Smith's 2022 partial re-indexation; the 2023-2024 freeze on AISH applications and FSCD caseworker contracts; the January 2025 publication of Inclusion Alberta's surveys and the simultaneous defunding of advocacy organizations; the Budget 2025 reductions; the July 2025 Canada Disability Benefit clawback; the October 2025 community-housing rent increase by ministerial order; the November 2025 Inclusion Alberta opposition to Bill 12; the December 9, 2025 passage of Bill 12; and the July 1, 2026 ADAP transition.

The arc spans two premierships, multiple cabinet reorganizations, two ministerial portfolios, and the deliberate enactment of legislation. It is not the unintended consequence of administrative drift. It is the documented outcome of a sequence of governmental decisions, each documented in budget documents, ministerial communications, legislative records, and primary-source reporting. The trajectory, considered as a trajectory, is the documented governmental position.

The brief makes no claim about the motives of any individual decision-maker within that trajectory. The brief documents the trajectory as a documented governmental fact and notes that the operational outcome of the trajectory — for the population this brief concerns — is the compound condition described in Section VI(c).

e. The Data Opacity Thread

The load-bearing finding of Pillar II Section III(e) — that the provincial government has ceased publishing the data that would permit external assessment of the programs the brief examines — is not confined to Pillar II. The same finding operates in Pillar III, where the operational specifications of the ADAP program have not been published 71 days before the program's launch. It operates in the consultation context, where the "thousands" of consultation participants the government has cited have not been disaggregated by recipient status or any other category that would permit external assessment of who was actually consulted. It operates in the fiscal-modelling context, where the financial modelling that would substantiate the government's representation that ADAP improves recipient outcomes has not been published. It operates in Pillar

I, where the regulatory monitoring infrastructure whose data would permit assessment of environmental-exposure trends has been documented as undergoing contraction.

The data-opacity thread is therefore not a methodological footnote attached to any single pillar. It is a documented condition of the systems this brief examines, and it has substantive implications for every constitutional and administrative-law question Section V identifies. Procedural fairness requires notice of the criteria that govern administrative decisions; the criteria have not been published. Section 15 substantive-equality analysis requires the evidentiary basis for asserting that adverse-impact discrimination has occurred; the data necessary to construct that basis externally has been suppressed. The Crown's section 1 burden requires demonstration of the rational connection between means and stated objective; the evidence base supporting an affirmative answer has not been provided.

The cumulative effect of the data opacity finding is therefore to increase the burden on external parties — including the courts, where any litigation may proceed — to construct the evidentiary record that the Government of Alberta's published documentation does not provide. That increased burden is, in itself, a documented operational consequence of the governmental decisions documented across the brief.

f. The Justiciable Questions in Context

Section V of this brief enumerates seven justiciable questions raised by the documented findings of the three pillars and the legal frameworks set out in that section. The synthesis of those questions, considered together, is as follows.

The questions identified concern, at minimum: the procedural-fairness adequacy of an administrative restructuring affecting 79,290 Albertans whose criteria are not yet published; the section 15 equality implications of a two-tier disability classification system that defaults the majority of disability subgroups to a materially inferior benefits regime; the section 7 implications of a documented income reduction applied to a population whose existing income is documented to be at or below the poverty line in the cost-of-living context within which the population lives; the federal-provincial implications of a dollar-for-dollar provincial clawback of a federal anti-poverty benefit whose statutory intent was that it reach the affected population; the international-law implications under the United Nations Convention on the Rights of Persons with Disabilities, particularly Articles 12, 13, 19, and 28; the section 1 justification burden the Crown would bear on a properly developed record in respect of any established infringement; and the appropriate remedial framework under section 24 of the Charter and section 52 of the *Constitution Act, 1982* should the questions identified resolve in favour of an established infringement.

These questions are not yet before the courts. The brief identifies them, as the documented record presents them, for the consideration of the legal community, the legislative branches of federal and provincial government, and the legal practitioners who are now engaging with the documented arrangement. Their resolution is reserved to the proper processes — judicial, administrative, and

legislative — through which constitutional and administrative-law questions are properly adjudicated and addressed.

g. The July 1, 2026 Inflection Point

The brief is written, in the timeline sense, in the seventy-one-day period preceding the July 1, 2026 effective date of the AISH-to-ADAP transition. That date is the operative inflection point of the documented arrangement. After that date: 79,290 Albertans transition by default to the ADAP-stream, with the AISH-stream retained only by those falling within the documented exemption categories or successfully reapplying through the Medical Review Panel process. The reapplication process operates against an Alberta primary-care system in which 650,000 Albertans have no family physician and 164 medical practices accept new patients province-wide. The independent appellate review that would have caught approximately 37% of incorrect eligibility determinations under the prior framework — the 1,218 incorrect decisions corrected across the documented 19 quarters of Citizens Appeal Panel performance — does not exist for the new framework's eligibility decisions.

What proceeds as designed on July 1, 2026 is therefore the operational implementation of every documented finding of Pillars II and III, in the structural environment Pillar I documents, against the constitutional and administrative-law questions Section V identifies. The brief does not assert that the transition will not proceed; it documents what proceeding as designed will produce, on the available evidence.

The window in which legislative reconsideration, ministerial action, judicial intervention, federal coordination, or other corrective mechanism can take effect before the operational inflection point is, at the date of this brief, brief.

h. What This Brief Asks

This brief asks the following of its readers, in proportion to the role each occupies.

Of legal practitioners and constitutional-law clinics. This brief identifies the justiciable questions raised by the documented record. It is not a litigation pleading. It does not substitute for the case-development, evidentiary, and procedural work that any potential litigation would require. It is offered as a foundation document — sourced, dated, framed in the legal register that legal readers can directly use — from which the case-development work can proceed if and where legal practitioners and the affected population determine that proceeding is warranted.

Of the legislative branches. This brief asks both the Alberta Legislature and the Parliament of Canada to consider the documented record presented here in the exercise of their respective constitutional functions. For the Alberta Legislature: reconsideration of the operational provisions of Bill 12, particularly the elimination of independent appeal rights and the operational specifications of the Medical Review Panel framework. For the Parliament of Canada: consideration of the federal-provincial dimension of the Canada Disability Benefit clawback, the

operation of the Canada Disability Benefit Act in a jurisdiction that has captured the entire benefit through provincial program design, and the appropriate federal response within the framework of section 36 of the *Constitution Act, 1982*.

Of the federal Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities of the House of Commons. The campaign has separately submitted material on the AISH-to-ADAP transition to the Committee. This brief incorporates and extends that material, and asks the Committee's consideration in any continuing review of disability-policy implementation under federal mandate.

Of the United Nations Special Rapporteur on the Rights of Persons with Disabilities. The campaign has separately corresponded with the Office of the Special Rapporteur. This brief incorporates and extends that correspondence, and reaffirms the request for the Special Rapporteur's consideration of the documented arrangement against Canada's UNCRPD obligations.

Of journalists and public-interest researchers. Every factual proposition in this brief is sourced to a primary-source document identified in the body or in the corresponding section of the campaign's broader documentation. The data opacity finding identified throughout the brief is not a barrier to reporting on the documented record; it is a part of the documented record.

Of the affected population and the disability community of Alberta. The brief documents what the documented record establishes. It does so in the legal-academic register because that is the register the audiences identified above operate in. It does not substitute for the personal impact submissions that members of the affected population have filed and may continue to file in their individual capacities, and which carry the lived weight no document of this register can convey.

Of every reader. The brief asks that the documented record be considered. The implications of considering it are matters for each reader to determine within the role each reader occupies.

i. Closing

This brief documents a structural arrangement in which a provincial government has, across multiple premierships and the documented decisions of multiple ministers, produced and sustained a condition in which the population of disabled Alberta residents is exposed to environmental contributors to disability documented in the peer-reviewed literature; offered mitigation systems documented as in operational contraction; and presented, on July 1, 2026, with an income-support restructuring that reduces base income, removes independent appeal, claws back the federal anti-poverty supplement that was specifically designed to reach the affected population, and reverses 79,290 prior governmental findings of permanent disability without new evidence and without published criteria — all within a fiscal context in which the documented annual cost of full reversal would equal approximately ten percent of one year's investment return on the Alberta Heritage Savings Trust Fund, whose founding statute identifies improving the quality of life of Albertans as its operative objective.

The pattern is not ambiguous. The documentation is not contested at the level of primary source. The decisions that produced the pattern are documented, dated, and attributable. The data the government has chosen not to publish is documented as not published. The operational consequences of the documented arrangement, for the population the arrangement concerns, are foreseeable on the available evidence.

A government that knows the cause and effect of its own decisions, and that has the documented fiscal capacity to act otherwise, and that has chosen the arrangement this brief documents, has placed before the legal, legislative, and constitutional architecture of Canada a question to which that architecture is being asked to respond.

This brief is one part of that response. It documents what the public record establishes. It identifies the justiciable questions the public record raises. It does so before July 1, 2026, in the period within which the response of the architecture remains operative.

The response itself — judicial, legislative, federal, international, community — is reserved to the architecture.

*Prepared by the Alberta Disability System Breakdown Campaign | April 2026 |
albertadisabilitybreakdown@outlook.com | Free to share, cite, and forward.*