



CANADIAN INSTITUTE FOR
ENVIRONMENTAL LAW AND POLICY

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Ministry of the Environment
Corporate Management Division
Information Management and Access Branch
Environmental Bill of Rights Office
40 St. Clair Avenue West, 12th floor
Toronto, Ontario M4V 1M2

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Dear Mr. Shaw,

**Re: Multi-section amendments to Ontario Regulation 73/94 under the
*Environmental Bill of Rights, Registry # 010-2308***

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Ministry of the Environment's proposal of multi-section amendments to Ontario Regulation 73/94 under the *Environmental Bill of Rights (EBR)*. CIELAP was founded in 1970, with the mission to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

The multi-section amendments to Ontario Regulation 73/94 are being implemented to expand the list of legislation that is subject to the *EBR* and increase opportunities for the public to become involved in decision-making processes regarding the environment. The amendments allow for the Ministry of Transportation and the Ministry of Health and Long Term Care to be added to the list of ministries subject to the application for review provisions under the *EBR*. As well, housekeeping amendments are proposed to ensure that the *EBR* and its related regulations remain up to date.

CIELAP strongly supports the Ministry's proposal to make amendments that will expand the list of legislation subject to the *EBR* and promote public involvement in the decision-making process. CIELAP commends the Ministry's efforts to ensure that the *EBR* remains current and consistent with new laws and government initiatives.

It is CIELAP's position that the Ministry should continue to evaluate and expand the list of ministries, laws, regulations and instruments prescribed under the *EBR* in order to ensure transparency and accountability in all government decision-making that has an impact on the environment.

Advancing the Environmental Agenda

CIELAP therefore suggests that, in addition to the ministries proposed for addition in the current amendments, the following ministries should be prescribed under the *EBR* due to their potential responsibility for decisions that could have a significant impact on the environment:

- Ministry of Research and Innovation
- Ministry of Education
- Ministry of Aboriginal Affairs
- Ministry of Health Promotion
- Ministry of Public Infrastructure Renewal

While it is important to prescribe all of these ministries, CIELAP has a particular interest in seeing the Ministry of Research and Innovation and the Ministry of Education made subject to the *EBR*.

With respect to the Ministry of Research and Innovation, CIELAP will be releasing a report later this month on the increasingly significant issue of nanotechnology, entitled *Update on a Framework for Canadian Nanotechnology Policy: A Second Discussion Paper*. One of the primary recommendations in this report is that efforts be made to assess and control the risks associated with nanotechnology. CIELAP believes that the transparency and accountability provided through the *EBR* is essential to ensuring that the Ministry of Research and Innovation remains informed of and responsible for potential environmental impacts related to the research and development of nanotechnology innovations.

The Ministry of the Environment has recognized the importance of considering the environment in decision made by the Ministry of Education, by proposing to prescribe it for the purposes of creating and considering a Statement of Environmental Values to guide decisions. CIELAP believes that environmental education is critical to ensuring that the public is aware of environmental issues, and recommends that the Ministry of Education be further prescribed under the *EBR*. For example, the Ministry of Education should be prescribed for the purposes of providing notice and comment on its proposed policies, Acts and regulations impacting on the environment.

CIELAP also strongly encourages the Ministry to prescribe the following statutes, and related instruments, under the *EBR* in order to ensure transparency, accountability and public input in environmental decision-making:

- *Places to Grow Act*
- *Waste Diversion Act, 2002* (with respect to applications for review)
- *Nutrient Management Act* (with respect to applications for investigation, and to designate nutrient management strategies and nutrient management plans for large livestock operations as instruments)
- *Safe Drinking Water Act, 2002* (with respect to applications for review of instruments)
- *Building Code Act*
- *Energy Conservation Leadership Act, 2006*
- *Kawartha Highlands Signature Site Parks Act, 2003*
- *Ontario Heritage Act*
- *Lakes and Rivers Improvement Act*, (with respect to Water Management Plans issued under s. 23.1 of the Act)

Thank you for the opportunity to provide input on these proposed amendments. Please contact me or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely,

A handwritten signature in black ink that reads "Anne Mitchell". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Anne Mitchell
Executive Director

Cc: Hon. John Gerretsen, Minister of the Environment
Gord Miller, Environmental Commissioner of Ontario