



CANADIAN INSTITUTE FOR
ENVIRONMENTAL LAW AND POLICY

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July 30, 2010

William Short
Clerk, Standing Committee on Finance and Economic Affairs
Room 1405, Whitney Block
Queen's Park
Toronto Ontario M7A 1A2

Sent by email to william_short@ontla.ola.org

Dear Mr. Short,

Re: Bill 68, *Open for Business Act, 2010*

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments to the Standing Committee on Finance and Economic Affairs on the proposed legislative amendments to Ontario's environmental approvals regime found in Bill 68, the Open for Business Act, 2010. 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.

I am attaching a copy of our April 2010 submission concerning the proposed amendments, co-authored with the Canadian Environmental Law Association and Ecojustice. The concerns and recommendations articulated in these comments still stand largely unaddressed. However, our central concerns about the proposed amendments are the following:

- 1) The proposal to exempt the notice and comment provisions and third party appeals under the *Environmental Bill of Rights, 1993 (EBR)* for activities subject to the registration process. Our recommendation is that the *EBR* should apply to all activities subject to the registration process.
- 2) The potential loss of the public's legal rights to pursue civil remedies in relation to activities subject to the registration system as a result of the defence of statutory authorization and the Crown immunity clause under section 177.1 of the *Environmental Protection Act (EPA)*. Our recommendation is that the legislative framework should include a specific provision that the enactment of regulations for activities subject to the registration system does not provide for the defence of statutory authorization. In addition, the Crown immunity clause under section 177.1 of the *EPA* should not apply to activities subject to the registration system.
- 3) The existing mandatory hearing requirements under the *EPA* for waste and wastewater should not be removed.
- 4) The Ministry of the Environment should establish a legislative framework to ensure that cumulative impacts are considered and assessed when issuing air approvals.

Please refer to our April 2010 submission for further detail on these and other concerns about the proposed amendments.

Thank you for the opportunity to provide input on the proposed amendments to environmental approvals in Ontario. Please contact me if you wish to discuss any of these comments further.

Yours sincerely,

A handwritten signature in black ink that reads "Maureen Carter-Whitney". The signature is written in a cursive style with a long, sweeping flourish at the end of the name.

Maureen Carter-Whitney
Research Director