

CONCLUSIONS

The June 1995 election has emerged as the most important watershed in environmental protection for Ontario of the post-war era. The four years following the election witnessed a dismantling of environmental laws and institutions without precedent in the province's history.

During this period, major amendments were made to every provincial statute dealing with the environment or natural resources management, with the exception of the *Environmental Bill of Rights*. These changes, often made through omnibus bills that amended dozens of statutes at once, weakened or removed environmental protection requirements, greatly expanded the discretion of ministers and the cabinet in decision-making, removed requirements for public participation in decision-making, and permitted the delegation of decision-making authority over the environment and public resources to private entities and individuals.

At the same time, there were major reductions in budgets of provincial and local agencies charged with protection the environment and managing the province's natural resources. In the case of the Ministry of the Environment, for example, by the end of the 1998/99 fiscal year the Ministry had lost 38% of its operating budget measured against a 1994/95 base year.¹ As of the end of the 1997/98 fiscal year the Ministry had lost 32% of its staff relative to 1994/95.

Many provincial responsibilities related to the environment were downloaded onto municipalities and conservation authorities, ranging from the regulation of septic systems, to the implementation of Remedial Action Plans for heavily degraded Areas of Concern identified in the *Canada-U.S. Great Lakes Water Quality Agreement*, with little or no provision of additional resources. At the same time, ongoing provincial funding for many environmentally important municipal services, such as public transit systems, was largely eliminated.

A wide array of industries previously regulated by the province were moved to self-monitoring and self-regulation systems for some or all of their operations. These include the forestry, aggregates, mining, petroleum, commercial fisheries, and fur sectors. The public safety functions of the Ministry of Consumer and Commercial Relations, dealing with underground storage tanks, pressure vessels, boilers, elevators and a host of other installations, were transferred to a private entity whose board of directors is dominated by representatives of the regulated industries. A similar arrangement was made with respect to the electrical safety functions of Ontario Hydro.

Major intergovernmental commitments were abandoned over the 1995 to 1999 period. The most prominent of these was the July 1994 *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem* (COA). Support for many key COA functions was withdrawn, including the positions of the coordinators for many of the provincially- led Remedial Action Plans. There is no reference to COA or other Great Lakes commitments

in the Ministry of Natural Resources' current Business Plan, even though the agency was a COA signatory. The Ministry also withdrew, on one month's notice, from an agreement with the federal Department of Fisheries and Oceans to enforce the habitat protection provisions of the federal *Fisheries Act*.

Ontario was once a leader in efforts to deal with environmental problems facing the whole of Canada. This position has changed dramatically since 1995. Over the past four years, the province has sought to block, with varying degrees of success, national initiatives on acid rain, smog, the sulphur content of gasoline, and climate change.

Within its own borders, the province seemed to abandon any notion of long-term environmental or ecosystem based planning or management. Major revisions to the land-use planning process were made in March 1996, for example, with little apparent thought to their implications for such things as infrastructure costs or air quality. Similarly, the *Energy Competition Act* has been adopted with no clear indication as to how the province intends to deal with the major increases in air pollution that a competitive electricity market is likely to produce without strong environmental controls.

The 'Common Sense Revolution' and Ontario's Environment - The Beneficiaries

A number of specific economic interests have emerged as the principle beneficiaries of the government of Ontario's environmental and natural resources management policies over the 1995-1999 period. Primary resource extraction industries such as mining, aggregates, forestry, and agri-business figured prominently within this group. Many of these sectors were placed on self-regulation systems or, as was the case with mineral exploration on public lands, regulatory controls were simply removed for certain activities.

Many also benefitted from specific policies adopted by the government. In the case of the aggregates industry, for example, local land-use decisions have been overridden by the provincial government to facilitate aggregates extraction. Similarly, Bill 146, the *Farming and Food Production Protection Act*, appears to have been intended to deal with the concerns of industrial hog producers that municipalities might enact by-laws to control the environmental and health impacts of their operations.²

Homebuilders and developers continue to benefit from policies intended to promote and facilitate new home construction and, by implication, urban sprawl. These policies have included the March 1996 revisions to the land-use planning system, the continuation of the \$20 million/year Land Transfer Tax Rebate program, and the adoption of the *Development Charges Act*.

The waste management industry has benefitted significantly from the changes to the environmental approvals process. Between 1996 and 1999, a number of major undertakings were approved, including the 15 to 20 year expansion of the province's only hazardous waste landfill, without public hearings. The government also failed to apply the *Environmental Assessment Act* to other major projects, such as the establishment of a permanent low level PCB destruction facility. In addition, it used its new powers under the

Bill 76 amendments to the Act to narrow the scope of the review of others, including the Adams Mine Landfill proposal in Northeastern Ontario. Ministry oversight of waste management operations has been significantly reduced as a result of budget cuts, despite a long history of illegal waste storage and disposal operations in the province.

The Decline of Environmental Quality in Ontario

The past two years have seen growing evidence of the impact of these changes to Ontario's environmental laws and institutions on the quality of Ontario's environment, which is beginning to show a measurable decline. Imports of hazardous wastes into the province from the United States, for example, have grown dramatically, rising by a factor of four, from 56,000 tonnes in 1993 to 246,000 tonnes in 1997.³ The quantities of hazardous and liquid industrial wastes being transferred off-site for disposal from Ontario sources have also increased sharply, with a 50% growth reported through the provincial Waste Manifest System, from 1.4 million tonnes, to over 2.1 million tonnes between 1994 and 1997.⁴ Federal National Pollutant Release Inventory (NPRI) data shows a 92% increase in transfers of NPRI reported substances in waste between 1994 and 1996 in Ontario.⁵

Air emissions from Ontario Hydro facilities have risen dramatically in Ontario as a result of increased reliance on coal-fired generation as a replacement for nuclear generating facilities 'laid-up' as part of the utility's Nuclear Asset Optimization Plan (NAOP). Emissions of nitrogen oxides and sulphur dioxide (acid rain and smog precursors), rose 58% and 68% respectively over the period 1996-1998, on an average basis, from Ontario Hydro's coal-fired operations.⁶ Emissions of particulates and heavy metals from Ontario Hydro facilities have likely increased by similar amounts over the same period.⁷

There are other indications of declining air quality as well. The Ministry of the Environment has stated, for example, that: "Improvements in air quality have levelled off and in some areas particulate levels are rising again. Long-standing particulate problems persist in a number of urban centres."⁸ In addition, the Ministry has noted an ongoing increase in ground level ozone,⁹ and a growth in median concentrations of some volatile organic compounds, such as benzene, toluene and xylene, since 1995.¹⁰

The Ontario Medical Association has estimated that there are approximately 1,800 premature deaths in Ontario each year due to poor air quality.¹¹ Other estimates have placed the figure as high as 6,000 premature deaths per year.¹²

Ontario's Environment and the 'Blueprint'

The government of Ontario's June 1999 election platform, entitled the 'Blueprint' contained a few specific commitments with respect to the environment. The most

significant promise was to implement the March 29 'Lands for Life' announcement regarding the creation of new parks and protected areas.¹³ The government also stated that it would introduce the "toughest penalties in the country" for environmental offences and create an "environmental SWAT team" to enforce environmental laws.¹⁴

More ominously, the government's platform stated that the 'Red Tape Commission,' set up in 1995, would continue to function.¹⁵ The 'Blueprint' also stated that the government would combine the province's environmental laws into "one clear, comprehensive and easily enforced set of environmental laws"¹⁶ and pass a "Heritage Hunting and Fishing Act" to "legislate the right to hunt and fish in Ontario."¹⁷ Notably, the 'Blueprint' contained no commitments regarding such major issues as air and water quality or hazardous waste reduction, despite the evidence of growing problems in these areas.

Conclusions

The period between June 1995 and June 1999 witnessed the reversal of two significant long-term trends in the province's history. The first, and most apparent, was the gradual strengthening of the protection of Ontario's environment and the conservation of its natural resources that had taken place over the previous half-century.¹⁸ Instead, the period saw a dismantling of environmental laws and institutions without precedent in the history of the province.

Secondly, the approach over this period of weakening public safety, health and environmental protection requirements, particularly in relation to primary resource extraction activities, such as mining, forestry, and agriculture, seems likely to deepen the province's economic reliance on these sectors. This is a dependency that previous governments of Ontario, dating from before the time of Confederation, have sought to reverse.¹⁹

A different approach, which emphasizes the importance of the protection of the health and environment of Ontario residents, would not only provide a more sustainable basis for Ontario's economy, but also allow the province to avoid significant costs in the future. Among the most important of these would be health care costs due to pollution. Reductions in emissions of smog precursors in Ontario, for example, have been estimated to be likely to result in health care savings of between \$398 million and \$1.2 billion by 2015.²⁰ The health and environmental savings from a 75% reduction in sulphur dioxide emissions in the United States and Eastern Canada, including Ontario, by the same date, have been placed at between \$900 million and \$8 billion.²¹

Similarly, the promotion of more compact forms of urban development could generate significant long-term savings through reduced costs for infrastructure maintenance, air pollution and losses of ecologically or agriculturally significant lands. It has been conservatively estimated that \$1 billion a year could be saved within the Great Toronto Area alone through the adoption of more compact development patterns typical of those found in older neighbourhoods in every town and city in Ontario.²²

As the 1999 smog season comes to an end, Ontario needs to keep in mind that failure to act on the environmental challenges facing the province may mean between 7,200 and 24,000 premature deaths over the next four years²³. It will also likely mean more disasters like the 1997 Plastimet fire, and a growing reputation as one of North America's leading pollution havens. These are outcomes that no one in Ontario wants to see.

Endnotes

1. In the 1997/98 fiscal year the Ministry's operating expenditures reached a low of \$142 million, a 45% reduction against its operating expenditures for 1994/95.
2. T.Walkom, "The whole hog," The Toronto Star, May 9, 1998.
3. M.Winfield, Environmental Agenda for Ontario Background Paper: Hazardous Wastes and Toxic Substances (Toronto: CIELAP, March 1999).
4. Ibid.
5. Environment Canada, National Pollutant Release Inventory: 1996 Summary Report (Ottawa: July 1996), Table 2.
6. M.Mittelstaedt, "Report blames electric emissions for foul air in southern Ontario" The Globe and Mail April 6, 1999.
7. B.McAndrew, "Hydro's foul air emissions on rise," The Toronto Star, 1999.
8. Ontario Ministry of the Environment, Summary of Compendium of current knowledge on fine particulate matter in Ontario (July 1998), pg.9. See also Ministry of the Environment, Air Quality in Ontario 1996 (Toronto: December 1998), figure 3.1.
9. Federal-Provincial Working Group on Air Quality Objectives and Guidelines, Science Assessment Summary Document, (March 1999), pg.xi.
10. Ministry of the Environment, Air Quality in Ontario 1996: A Concise Report on the State of Air Quality in the Province of Ontario (Toronto: December 1998), figure 6.2.
11. The Health Effects of Ground-Level Ozone, Acid Aerosols and Particulate Matter (Toronto: Ontario Medical Association, May 1998).
12. D.Suzuki et.al., Climate of Change: Taking Our Breath Away (Vancouver: David Suzuki Foundation, 1998).
13. Blueprint: Mike Harris' Plan to Keep Ontario on the Right Track (Toronto: Progressive Conservative Party of Ontario, April 1999), pp.32-33.
14. Ibid., pg.33-34.
15. Ibid., pg.14. The extension of of the 'Red Tape Commission' was announced on July 2, 1999. See Office of the Premier, "Crime Control Commission and Red Tape Commission to Continue their Work," Press Release, July 2, 1999.
16. Ibid., pg.34.
17. Ibid., pg.34.
18. See M.S. Winfield, 'The Ultimate Horizontal Issue: Environmental Policy Experiences of Ontario and Alberta, 1971-1993,' Canadian Journal of Political Science, XXVII:1, March 1994.
19. See H.V. Nelles, The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1941 (Toronto: Macmillan, 1974).
20. Dr. J.Gray, Testimony of the Ontario Medical Association to the Standing Committee on Resource Development Re: Bill 35, the Energy Competition Act, August 19, 1998, pg.2.
21. NAICC Acidifying Emissions Task Group, Towards a National Acid Rain Strategy (Winnipeg: CCME, October 1997), pg.50.
22. P.Blais, The Economics of Urban Form (Toronto: Greater Toronto Area Task Force, 1996).
23. This range (7,200 to 24,000) was developed from two available estimates, the Ontario Medical Association (1,800 x 4) and the Suzuki Foundation (6,000 x 4).

